

# DECISION REPORT



**TO:** Chief Executive  
**FROM:** Planning & Regulatory Manager  
**DATE:** 15 June 2009  
**SUBJECT: DISTRICT PLAN DECISIONS PART V  
NETWORK UTILITIES**

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File Ref 18270

## 1. **PURPOSE OF REPORT**

This report is to provide recommendations for Council on the submissions made in respect of network utilities.

Further decision reports will cover the various remaining subject areas submitted on in respect of the Proposed Stratford District Plan (the Plan) and the few remaining submissions in the Proposed Plan Change 15, relating principally to impermeable surfaces, transportation and amenity. The complete set of recommendations on all of the submissions will then be released to allow the adoption of the Stratford District Plan 2009.

## 2. **EXECUTIVE SUMMARY**

Submissions were received from many network utility operators. Submissions seeking conformance with the National Policy Statement on Energy Transmission and acknowledgement of the Section 7 matters under the Act have to a large extent been recommended for adoption whilst noting that the issues of climate change and energy efficiency in particular require further review.

The rules and standards around telecommunications in particular have been rationalised with consideration of the submissions. In many other instances the various submitters have sought minor changes to ensure that the operation, maintenance and development of network utilities is not subject to undue hindrance. The most significant of these changes are:

- Allowances for the upgrading of network utilities
- Recognition of the specific needs of telecommunication facilities, especially in regard to antennas and aerials
- Adoption of the 2008 national noise standards
- Allowing flexibility in the taking of financial contributions

## 3. **BACKGROUND**

Although no changes from the operative District Plan were proposed in respect of network utilities there were a number of submissions received concerning renewable energy, energy efficiency, electricity and gas transmission and telecommunication facilities.

#### 4. **CONSULTATIVE PROCESS**

##### 4.1 **Public Consultation**

There is no requirement for further consultation on the submissions received. In drafting the recommendations, however, all of the submitters and cross submitters have been further consulted with.

##### 4.2 **Maori Consultation**

There is no requirement for further consultation with Iwi on the submissions received.

#### 5. **RISK ANALYSIS**

Please refer to the Consequence and Impact Guidelines at the front of the reports in this agenda.

5.1 The risks associated with the decisions to be made in terms of financial, human resources, political and business risks are minor.

5.2 The major risk with the decisions is that any of the submitters may appeal the decision on their submission to the Environment Court. Council must be clear as to what the decision being made is and what the reasons for that decision are.

#### 6. **DECISION MAKING PROCESS**

Category	Factors to Consider
Direction	<ul style="list-style-type: none"><li>• Is there a strong link to Council's strategic direction, LTCCP/District Plan.</li><li>• Is there a strong link to identified community outcomes.</li></ul>
Data	<ul style="list-style-type: none"><li>• Do we have complete data on the proposal(s).</li><li>• Do we have reasonably reliable data on the proposals.</li><li>• What assumptions have had to be built in.</li></ul>
Significance	<ul style="list-style-type: none"><li>• Significance policy.</li><li>• Whether this affects a strategic asset.</li></ul>
Choices	<ul style="list-style-type: none"><li>• What options or choices are available.</li><li>• Are the choices fully costed.</li><li>• What interdependencies exist.</li><li>• What are the disadvantages and advantages of each option?</li><li>• Any legal/policy issues.</li></ul>
Prioritisation & Trade-off	<ul style="list-style-type: none"><li>• Impact on funding and debt levels.</li><li>• Council's capacity to deliver.</li><li>• Contractor capacity to deliver.</li><li>• Consequence of deferral.</li><li>• Impact on community (four well beings).</li></ul>
Specify nature of decision required	

## 6.1 **Direction**

The consideration of submissions is, with the exception of any appeals to the environment Court, the final part of the process of reviewing the operative Stratford District Plan (the Plan).

The decisions will assist Council in meeting the following identified community outcome:

*“A region that appreciates its natural environment and its physical and human resources in planning, delivery and protection”* by ensuring that *“sustainable development is encouraged”*.

The decisions will also assist Council in meeting the following identified community priority:

*“Sustainable development”*.

## 6.2 **Choices**

Council may uphold or decline any submissions or cross submissions made and may make any consequential changes which arise from those decisions. Where the intent of the submissions may be met more appropriately in a matter other than as outlined by the submitter, then Council may make those changes should it be deemed necessary.

## 6.3 **Data**

Almost all of the submissions and cross submissions were received on the third notification involving the entire proposed Stratford District Plan. A limited number were received on proposed Plan Change 15 and are italicised. Cross submissions received are indented beneath the reference submitted on and the position of the cross submission with regard to the original submission is stated.

### GENERAL DISTRICT PLAN APPROACH

#### Submissions

AMEND - TrustPower Ltd  
EECA - Support  
Telecom NZ Ltd  
TrustPower Ltd - Amend  
Kordia Ltd - Support  
Kordia Ltd

#### Commentary on Submissions

TrustPower, supported by EECA, submit that the District Plan is deficient in not referencing energy efficiency, renewable energy and climate change, all of which are Section 7 matters under the Act. The District Plan review had purposefully focussed on those issues which were creating issues for the Stratford District community. The resultant deficiency is noted and does require addressing.

The submitter also opposes the lack of specific reference to energy generation and associated infrastructure within the District Plan, with the exception of the Scheduled Area provisions relating to the Stratford Power Station site.

Taken together, these deficiencies are of sufficient magnitude to be considered in a separate review process. It is possible to incorporate words around the issues in all of the relevant parts of the Plan, but at best this would have a piecemeal outcome. A review of the energy and network utility issue areas is more likely to provide an integrated outcome and it is proposed to conduct such a review as the first part of the Stratford District Council rolling review.

Telecom and Kordia object to the structure of the District Plan in its management of network utilities. Telecom requests a structure where the policies etc., rules and standards relating network utilities are located in one chapter. Kordia support this but also suggest just the combining of the rules around network utilities. The District Plan structure, with separate parts of the plan around the policies etc., then the rules and finally the standards was retained as it has a history of use for the most part without difficulty. This also applies to the use of activity lists which have been found to be appropriate for the level of development which occurs in the Stratford District. Kordia has suggested a suite of rules which is considered in the discussion relating to the network utility rules.

It is acknowledged, however, that there are difficulties with the rules and standards in their application to network utilities. To some extent those difficulties can be mitigated through consideration of the various submissions on specific conditions and terms of the Plan. There remains the need to review the entire subject area, however, and to also take into account the matters raised by TrustPower.

*RECOMMENDED*

234. The submissions and cross submissions from TrustPower Ltd., Telecom NZ Ltd., Kordia Ltd., and EECA be upheld in part.

235. The intention of the Stratford District Council to review the energy and network utility issues as the first issue in the Stratford District Plan Rolling Review be confirmed.

*NOTE: This review will be in conjunction with that on Indigenous Forest.*

*Recommended Reason*

234-235 The deficiencies in the District Plan are noted but are more appropriately considered as a separate review to allow completeness of analysis of the issues.

PART E DEFINITIONS

**Part E Definition - Network Utility**

Proposal

““Network utility”

*means any component of a network that is operated by a network utility operator as defined in Section 166 of the Resource Management Act.”*

## Submissions

AMEND - TrustPower Ltd

### Commentary on Submissions

TrustPower seeks to have electricity generation and associated infrastructure added to the definition as these are not included in the Act definition of “network utility”. The District Plan follows the Act definition of network utility and this is considered to be appropriate. It may be that this requires further review at such time as the Proposed National Policy Statement on renewable energy is promulgated.

### **RECOMMENDED**

236. The submission from TrustPower Ltd be declined.

### *Recommended Reason*

236. The submission would take the definition outside of the Act.

## **Part E Definition - Upgrading**

### Proposal

“”*Upgrading*”

*in relation to upgrading existing electricity lines and support structures as provided for in Rule B1.1.1(a) of the General Rules, means an increase in the carrying capacity of, or security of, the line (for example, such as adding additional circuits, reconductoring with heavier conductors, longer insulators, the addition of earthwires) utilising the existing support structures where the structures are located in the same place.”*

### Submission

AMEND - Transpower (NZ) Ltd

### Commentary on Submission

Transpower requests amendments to specify the upgrading work which may be carried out within that definition and therefore be a permitted activity. With two exceptions, however, the list of works is already included in the definition. The two exceptions are the addition of electrical fittings and an increase in tower height to achieve compliance with the code of practice for safe electrical distances.

The addition of electrical fittings can be accommodated by adding a “catch all” phrase to the definition. This is necessary in any event as otherwise the definition excludes any other work not listed even if that work was of similar (lack of) effect. The increase in tower height must relate back to the permitted activity standards and this would need to be clarified in the rule itself and is included in the discussion of that rule below.

### **RECOMMENDED**

237. The submission from Transpower be upheld in part.

238. That the Part E definition of “Upgrading” be amended to state:

“”*Upgrading*”

*in relation to upgrading existing electricity lines and support structures as provided for in Rule B1.1.1(a) of the General Rules, means an increase in the carrying capacity of, or security of, the line (for example, such as adding additional circuits, reconductoring with*

*heavier conductors, longer insulators, the addition of earthwires or any other electrical work of a similar nature in terms of effect) utilising the existing support structures where the structures are located in the same place.”*

*Recommended Reason*

237-238 The amended definition allows for work of a similar level of effect to be carried out as a permitted activity.

A13 NETWORK UTILITIES ISSUES OBJECTIVES, METHODS & POLICIES

**A13.1 Issues**

Submissions

IN SUPPORT - Contact Energy  
TrustPower Ltd - Support  
TrustPower Ltd

AMEND - Transpower (NZ) Ltd  
TrustPower Ltd - Support  
EECA - Support  
Vector Ltd - Support  
Telecom NZ Ltd - Support

Commentary on Submissions

The submissions seeking amendment of the Issue Statement are requesting that the discussion reference the National Policy Statement on Electricity Transmission (NPSET). This is required under the Act as a result of promulgation of the NPSET in March 2008.

The wording submitted is largely accepted except that it is noted that some of the proposed wording is not fully aligned with the NPSET, particularly in regard to sensitive activities. In addition the changes sought to the last paragraph of the Issue Overview, are redundant. The words “network utilities” in the paragraph are not limited in any way and must be taken to include all network utilities defined as such under the Act.

Transpower also request that the paragraphs relating to the definitions of “network utility” and “network utility operator” be deleted from the Issues Statement as these are provided in Part E. Although this is true, the definitions are significant in defining exactly what the issue pertains to and should therefore be left.

In addition Transpower, supported by TrustPower have suggested minor wording changes to the issue statement to clarify the intent of the District Plan.

*RECOMMENDED*

239. The submissions and cross submission in support received from Contact Energy and TrustPower Ltd be accepted.

240. The submission from Transpower (NZ) Ltd and the cross submissions from TrustPower Ltd., EECA, Vector Ltd and Telecom NZ Ltd be upheld in part.

241. That Issue Statement Summary under A13.1 be amended to state:

- “• *Management of the actual or potential adverse effects of network utility operations on the environment.*
- *Management of the actual or potential adverse effects of other activities on network utilities.*
- *Recognition of the benefits of regionally and nationally significant infrastructure and the need for efficient network utility operations.”*

242. That A13.1 Overview of Issues be amended as follows:

- The following 2<sup>nd</sup> paragraph be added:  
*“In particular, the National Policy Statement on Electricity Transmission 2008 (NPSET) recognises the national significance of the electricity transmission network, commonly known as the National Grid, and requires Council to consider the national significance of a reliable and secure electricity supply and to recognise the benefits of electricity transmission. It also confirms the responsibilities of the network owner in relation to environmental management.”*
- The following words be added to the 3<sup>rd</sup> paragraph following “adverse effects of these “network utilities”:  
*“Notwithstanding this, technical and operational requirements associated with such networks can limit the extent to which it is feasible to avoid or mitigate all associated environmental effects. The extent to which this is necessary shall be determined having regard to the significance of the utility, the overall effect of the route proposed and the technical and operational constraints that apply. This issue is addressed in Policy 3 of the NPSET.”*
- The following 4<sup>th</sup> paragraph be inserted:  
*“The route of an aboveground network utility, such as overhead lines and their support structures, has the potential to have effects on sensitive areas and activities. In such cases the routing and other features of the transmission system should seek to minimise adverse effects on urban amenity and avoid adverse effects on significant natural areas, outstanding natural features or landscapes, existing sensitive activities and areas of high recreational or amenity value. This issue is addressed by Policies 7 and 8 of the NPSET.”*
- The following paragraph be inserted following the paragraph commencing “Adverse effects associated with network utilities....”:  
*“A “utility corridor” refers to an identified area of land and air space surrounding transmission lines in which certain activities are restricted because of the risk potentially posed to the utility, the activity or to public safety. Recognition of existing utility corridors within the Stratford District will help to ensure that incompatible land uses and potential adverse effects are avoided, remedied or mitigated, thereby ensuring that the corridors can continue to meet the ongoing needs of the community. This will ensure that the any adverse effects of the utilities are avoided, remedied or mitigated and that reverse sensitivity effects are*

*managed as much as is reasonable possible. This issue is addressed in Policies 10 and 11 of the NPSET.”*

- The paragraph commencing “*For example when the route of an above-ground.....*” be deleted.

#### *Recommended Reasons*

239. The submissions are in support of the proposal.

240-242 The suggested wording was incomplete in its recognition of the NPSET in regard to sensitive activities and areas; additional wording sought is redundant; the inclusion of the definitions clarifies the scope of the issue.

#### **A13.2.1 Objective**

Proposal (amended by previous decision)

*“The efficient and effective development and safe operation of network utilities in the District is provided for in a manner that avoids, remedies or mitigates as far as practicable any actual or potential adverse effects on the environment, community, and adjoining land uses.”*

#### Submissions

SUPPORT - Contact Energy Ltd  
TrustPower Ltd - Amend

AMEND - Telecom NZ Ltd  
TrustPower Ltd - Amend  
Transpower (NZ) Ltd - Support  
Trustpower Ltd

#### Commentary on Submissions

The amendment sought by Telecom is that the technical and operational constraints on network utilities be recognised in the objective. This reflects the NPSET.

TrustPower seek a more wide ranging change of the objective to include the establishment, upgrade and maintenance of infrastructure. This also further reflects the NPSET.

Additional reference is sought by TrustPower to specifically reference energy generation as an alternative to changing the definition of network utilities and network utility operators. This was discussed in reference to the Part E submission above.

TrustPower also seek reference to the community significance of network utilities. This is referenced in Policy A13.3.1 which then assists in meeting this Objective A13.2.1 by becoming part of the measure of what is practicable.

#### **RECOMMENDED**

243. The submission from Contact Energy Ltd is accepted.

244. The submission from Telecom NZ Ltd and the cross submission from Transpower (NZ) Ltd are upheld

245. The submission and cross submissions from TrustPower Ltd are upheld in part.
246. That Objective A13.2.1 be further amended to state:  
*“The efficient and effective establishment, development, upgrade, maintenance and safe operation of network utilities in the District is provided for in a manner that avoids, remedies or mitigates as far as practicable any actual or potential adverse effects on the environment, community, and adjoining land uses, while recognising the particular technical and operational constraints and requirements of network utilities.”*

*Recommended Reason*

243. The submission is in support of the proposal.

244-246 The amended objective reflects the NPSET and the Act.

**A13.2.2 Objective**

Proposal

*“Protection of network utilities from any adverse effects of adjoining land use, development, or subdivision.”*

Submissions

SUPPORT - Contact Energy Ltd  
TrustPower Ltd  
TrustPower Ltd

*RECOMMENDED*

247. The submissions and cross submission from Contact Energy Ltd and TrustPower Ltd be accepted.

*Recommended Reason*

247. The submissions are in support of the proposal.

**A13.3.1**

Proposal

*“To recognise the importance of existing network utilities to the health, safety and well-being of the community and the efficient functioning of the District.”*

Submissions

SUPPORT - Contact Energy Ltd  
TrustPower Ltd

AMEND - Vodafone NZ Ltd  
TrustPower Ltd - Support  
Transpower (NZ) Ltd - Support  
Kordia Ltd - Support  
Vector Gas Ltd - Support  
Telecom NZ Ltd - Support  
*Powerco Ltd*

Commentary on Submissions

The submitters seek to have the policy apply to future network utilities as well as existing ones. The reasons given for the policies also clearly and explicitly anticipate the expansion and growth of network utilities.

Powerco submitted that an additional policy be included to “take future network utility infrastructure into account in the residential, business and rural development of the District’s land and resources” in line with the additional policy included under the transportation issue. The transportation policy was included to provide policy backing to the indicative road proposal. It is considered that widening the scope of the presently considered policy will satisfy the intention of the submitter’s request.

*RECOMMENDED*

248. The submissions from Vodafone NZ Ltd and Powerco Ltd and the cross submissions from TrustPower Ltd., Transpower (NZ) Ltd., Kordia Ltd., Vector Gas Ltd., and Telecom NZ Ltd be upheld.

249. That Policy A13.3.1 be amended to state:  
*“To recognise the importance network utilities have for the health, safety and well-being of the community and the efficient functioning of the District.”*

*Recommended Reason*

248-249 The amended wording is consistent with the reasons given for the policy.

**A13.3.2 Policy**

Proposal

*“To avoid, remedy or mitigate any actual or potential adverse effects on the environment, community, and adjoining land uses from the development and operation of network utilities in the District.”*

Submissions

AMEND - TrustPower Ltd  
Telecom NZ Ltd - Support  
Transpower Ltd  
TrustPower Ltd - Support  
EECA - Support

Commentary on Submissions

TrustPower seeks the inclusion of the functioning of network utilities in the policy. The functioning of network utilities is, however, implicit in their operation and therefore the request is redundant.

The Telecom cross submission is in support of the inclusion of the words “as far as practicable” which is appropriate.

The remaining submissions require the caveat of significance to be applied to the adverse effects. The TrustPower wording is preferred to maintain the wording used elsewhere in the Plan. The assessment of that practicality is clearly stated in the objectives as amended.

*RECOMMENDED*

250. The submission from TrustPower Ltd be upheld in part and the cross submission from Telecom Ltd be upheld.

251. The submission from TransPower NZ Ltd and the cross submissions from TrustPower Ltd and EECA be declined.
252. That Policy A13.3.2 be amended to state:  
*“To avoid, remedy or mitigate as far as is practicable any actual or potential adverse effects on the environment, community, and adjoining land uses from the development and operation of network utilities in the District.”*

*Recommended Reason*

248-250 The policy wording as amended reflects the NPSET.

**A13.3.3 Policy**

Proposal

*“To avoid, remedy or mitigate any actual or potential adverse effects of land use, development, or subdivision on the development or operation of network utilities.”*

Submissions

SUPPORT - Contact Energy Ltd

AMEND - Transpower (NZ) Ltd  
TrustPower Ltd - Support  
EECA - Support  
Vector Gas Ltd - Support

Commentary on Submissions

The submitters seek to have the words *“thus ensuring the operation, upgrading and development of network utilities is not compromised”* added to the policy. The submitters contend that this clarifies exactly what the policy is attempting to achieve.

It is noted that the word “maintenance” has been omitted from the request although it is clear that the ability to maintain an asset should not be compromised by other activities. In addition it is noted that the intent of the policy is to ensure that any other activity is conducted in a manner such that it does not affect in any way, other than *de minimus*, the development or operation of network utilities. The policy is therefore directed at other activities rather than at network utilities. The requested addition could be problematic as it does not qualify in any way the degree of compromise c.f., the submitters’ other submissions requesting a caveat of “as far as is practicable” be applied to their own activities.

The wording can be expanded to include the maintenance and upgrading of network utilities as stated in the NPSET without compromising the District Plan, although it could also be argued that this policy does not fall within the framework of the NPSET.

**RECOMMENDED**

253. The submission from Contact Energy be accepted.
254. The submission from Transpower (NZ) Ltd and the cross submissions from TrustPower Ltd, EECA and Vector Gas Ltd be upheld in part.

255. That Policy A13.3.3 be amended to state:  
*“To avoid, remedy or mitigate any actual or potential adverse effects of land use, development, or subdivision on the operation, maintenance, upgrading and development of network utilities.”*

*Recommended Reasons*

253. The submission is in support of the proposal.

254-255 The amended wording includes the remaining elements referred to in the NPSET.

**A13.3 Policies**

Submissions

AMEND - Telecom NZ Ltd  
Kordia Ltd - Support  
Kordia Ltd

Commentary on Submissions

Telecom seeks a new policy to take the technical and operational requirements of network utilities into account in assessing consent applications for network utilities. Kordia seeks a new policy encouraging the co-location of services at sites or on structures.

The Telecom wording has been included in the relevant objective and should be included in Policy A13.3.2 rather than adding a new policy.

The Kordia suggestion has merit and would lead to consideration of co-location when considering alternatives in the consenting process. It is noted that this is covered by Method A13.4.2 and there should be a policy covering the matter.

**RECOMMENDED**

256. The submissions and cross submission from Telecom NZ Ltd and Kordia Ltd be upheld except that an existing policy is amended as appropriate.

257. That Policy A13.3.2 be further amended to state:  
*“To avoid, remedy or mitigate as far as is practicable any actual or potential adverse effects on the environment, community, and adjoining land uses from the development and operation of network utilities in the District, while recognising the particular technical and operational constraints and requirements of network utilities.”*

258. That Policy A13.3.4 be added:  
*“The co-location of network utility services on one site and/or the use of existing buildings and structures as mounting infrastructure for the services is encouraged to mitigate cumulative visual effects, while recognising the particular technical and operational constraints and requirements of network utilities.”*

*Recommended Reasons*

256-257 The amended policy wording is consistent with the NPSET.

256, 258 The new policy is required to provide for the existing Method A13.4.2.

### **A13.4.2 Method**

#### Proposal

*“To encourage the voluntary -*

- *co-siting or sharing of sites; and/or*
- *location underground; and/or*
- *location in visually relatively unobtrusive positions of network utilities.”*

#### Submissions

AMEND - Vodafone NZ Ltd  
Transpower NZ Ltd - Oppose  
Kordia Ltd - Support  
Vector Gas Ltd - Support  
Telecom NZ Ltd - Support

#### Commentary on Submissions

The submissions relate to the final bullet point and suggest an alternative wording which provides greater clarity than “visually relatively unobtrusive”. The opposition from Transpower is due to their objection to the requirement as it is not feasible to locate the National Grid in relatively unobtrusive locations.

The Transpower cross submission misses the point that the method applies to all network utilities and the suggested alternative wording incorporates practicability.

#### *RECOMMENDED*

259. The submission from Vodafone NZ Ltd and the cross submissions from Kordia Ltd, Vector Gas Ltd and Telecom NZ Ltd be upheld and the cross submission from Transpower NZ Ltd be declined.

260. That Method A13.4.2 be amended to state:

*“To encourage the voluntary -*

- *co-siting or sharing of sites; and/or*
- *location underground; and/or*
- *establishment of network utilities in appropriate locations that are visually as unobtrusive as practicable.”*

#### *Recommended Reason*

259-260 The amended wording affords improved clarity of the method.

### **A13.4 Methods**

#### Submissions

AMEND - Transpower (NZ) Ltd  
Transpower (NZ) Ltd  
EECA - Support

#### Commentary on Submissions

The submitters are seeking an additional method to identify the National Grid transmission lines on the planning maps to give effect to the NPSET.

Such a method is appropriate, although it does not require the expansive wording provided and should be consistent with wording used elsewhere in the District Plan.

*RECOMMENDED*

261. The submission from Transpower (NZ) Ltd and the cross submission from EECA be upheld in part.

262. That Method A13.4.2 be inserted as follows and the remaining methods be renumbered as appropriate:

*“To include as information concerning the location of high voltage electricity transmission lines and gas pipeline corridors by identification on:*

- *District Plan maps*
- *Project Information Memoranda (PIMs) under the Building Act 2004*
- *Land Information Memoranda (LIMs) under the Local Government Official Information & Meetings Act 1987*

*and to use this information in relation to the evaluation of planning resource consents under the Resource Management Act 1991 and building consents under the Building Act 2004.”*

*Recommended Reason*

261-262 The suggested method is appropriate albeit with wording consistent with the District Plan.

**A13.6.2 Anticipated Environmental Result**

Proposal

*“Adverse effects from the development and operation of network utilities on the environment, community, and adjoining land uses are avoided, remedied or mitigated.”*

Submissions

AMEND - TrustPower Ltd  
Transpower (NZ) Ltd - Support  
Telecom NZ Ltd - Support

Commentary on Submissions

The submitters seek the addition of the words “*as far as is practicable*” to the AER. The AER is the goal of the implementation of the District Plan. AERs need to be SMART (simple, measurable, achievable, relevant and time benchmarked). While the AERs in the Plan have not always been worded as well as they could have been, the decision was made to leave them at this stage as Council is developing a history of their use.

To add a caveat of “*as far as is practicable*” to this, and in effect every other AER, will also add significantly to the ability to assess the achievement or otherwise of the AERs and detract markedly from their simplicity.

*RECOMMENDED*

263. The submission from TrustPower Ltd and the cross submissions from Transpower (NZ) Ltd and Telecom NZ Ltd be declined.

*Recommended Reason*

263. The suggested addition adds undesirable complexity to the AER.

B1 NETWORK UTILITY RULES (Telecommunications)

**B1.1.1(a) General Rule - Permitted Activities**

Proposal

“(a) *The following network utilities:*

- *The operation (including maintenance and repair) of existing network utilities*
- *The operation (including maintenance, repair and “upgrading”, as defined in Part E, Definition of Terms) of existing electricity lines including support structures. Upgrading of lines shall be limited to the following circumstances:*
  - *where existing lines are at a voltage up to and including 110kV with a design capacity up to and including 100MVA per circuit, the upgrading shall not result in an addition to this capacity;*
  - *where the existing lines are at a voltage up to and including 220kV the upgrading shall not result in an addition to this voltage.*
- .....
- *New lines, or additions to lines, and supporting structures on road reserve for conveying electricity at a voltage up to and including 110kV with a design capacity up to and including 100MVA per circuit.*
- .....
- *Telecommunications facilities above ground (including lines as defined by section 2(1A) of the Telecommunications Act 1987) and situated on road reserve that:-*
  - *are overhead lines with support structures; or*
  - *are microwave dishes or antennas of a diameter not exceeding 5m, and their supporting structures; or*
  - *are masts, poles, antennas and aerials and their associated cabinets and equipment shelters.*
- *Underground telecommunications facilities such as underground lines.*
- *Radio telephone facilities (including support structures), cellular base stations and broadcasting transmitters that are able to comply with the height, bulk and location requirements of the particular zone in which the activity is located.”*

Submissions

SUPPORT - TrustPower Ltd

AMEND - Vodafone NZ Ltd  
Federated Farmers - Amend  
Kordia Ltd - Amend  
Telecom NZ Ltd  
Federated Farmers - Amend  
Kordia Ltd - Support  
*Transpower (NZ) Ltd*

**B1.1.3 General Rule - Controlled Activities**

### Proposal

- “• *The following types of subdivision:*
  - *subdivision of land to contain a network utility or for a “special public purpose” (as defined in Part E, Definition of Terms); or*  
.....
- *Any above ground network utility structures located outside road reserve which do not exceed 1.5m in height and 5m<sup>2</sup> in area.”*

### Submissions

SUPPORT - TrustPower Ltd

AMEND - Vodafone NZ Ltd  
Federated Farmers - Oppose  
Kordia Ltd - Support  
Telecom NZ Ltd

### **B1.1.3.1 Matters over which Control is Reserved**

#### Proposal

- “(d) *For the above ground network utility structures specified in Rule B.1.1.3 above:*
- *landscaping;*
  - *cumulative effects;*
  - *location of structures relative to site boundaries and existing buildings; and*
  - *clearance of indigenous vegetation; and*
  - *financial contributions;*
  - *payment of administrative charges.”*

### Submissions

Nil

### **B1.1.4 General Rule - Limited Discretionary Activities**

#### Proposal

- “• *telecommunications facilities as located and described in Rule B.1.1.1(a) and aboveground network utility structures described in Rule B1.1.3 which are unable to comply with the standards, conditions and terms in Part B.2 relevant to the zone in which the activity is to be undertaken.*
- *Above ground lines and supporting structures not provided for as a permitted activity in Rule B1.1.1(a).”*

### Submissions

SUPPORT - Transpower (NZ) Ltd

### **B1.1.4.1 Matters over which Discretion is Reserved (changed by submission)**

#### Proposal

- “(f) *For telecommunication facilities identified in Rule B1.1.4:*
- *Conditions relating to compliance with the relevant standards, conditions and terms in B.2; and*
  - *Visual impacts and amenity values with regard to:*

- *Route selection; and*
- *Cumulative effects; and*
- *Bulk, height and location of structures; and*
- *Significant views; and*
- *Location of structures relative to site boundaries, existing buildings;*  
*and*
- *Payment of administrative charges; and*
- *The requirement of financial contributions.”*

### Submissions

AMEND - Vodafone NZ Ltd  
Kordia Ltd - Support  
Kordia Ltd  
Telecom NZ Ltd  
Transpower (NZ) Ltd

### **B1.1.5 General Rule - Discretionary Activities**

#### Proposal

- “• *Any network utility either not provided for as a permitted, controlled or limited discretionary activity (excluding underground pipeline operations for the transmission of natural or manufactured gas, petroleum or geothermal energy over a gauge pressure of 2,000 kilopascals - in this case, see requirements for each zone.)”*

### Submissions

Nil

#### Commentary on Submissions

The TrustPower support is for the first bullet point of the permitted activity rule, relating to the operation of existing network utilities, and the subdivision allowance for network utilities in the controlled activity rule. The Transpower support relates to the above ground lines provision in the limited discretionary rule.

#### HEIGHT

Vodafone seeks an increase in the permitted height limit for telecommunication facilities above the general maximum building height to allow for effective operation of the facilities. Federated Farmers prefers that the relevant standard be amended instead.

It is more appropriate that the height limit be dealt with by an appropriate exemption to the height standard. This is due to the plan structure being to contain the details which allow for compliance with a rule to be in the standards with as few exceptions to this approach as possible.

#### APPLICATION OF RULES

##### Submissions

##### ***Permitted Activity Rule***

Kordia has a wider issue with the application of the rule as the proposed permitted activity rule does not explicitly allow for general telecommunications facilities unless they are on road reserve. It only allows for cellular base stations and (associated?) broadcasting transmitters. Telecom and Vodafone have also noted this issue and suggest that telecommunication facilities, as already defined in the plan, be included in the rule.

Telecom highlights three further deficiencies with the permitted activity rule. Firstly, the zone standards do not apply to road reserves which gives rise to some vagueness as to what the requirements are for facilities on road reserve. The submitter suggests that the National Environmental Standard is appropriate.

Secondly, the bullet point relating to telecommunications facilities on road reserve does not explicitly allow for equipment cabinets except by way of a liberal interpretation of the words “associated with” in their context.

Thirdly, the permitted activity rule for telecommunication masts on road reserve is negated by the controlled activity rule which allows for masts up to 1.5m in height (of which there aren't any). It is noted, however, that the controlled activity rule applies only to structures outside of road reserve. However the limited discretionary rule is also relevant and refers to compliance with the relevant zone standards.

Federated Farmers object to submissions calling for network utility structures on private land to be permitted activities and caution that an allowance of 5.0m above permitted heights for each zone may give rise to undesirable amenity effects and suggest a height allowance of 2.0m as being more appropriate. As discussed above, this will be considered in the discussion on the appropriate standards.

Transpower object to the inclusion of limitations on the apparent power (capacity) of the transmission lines byway of the 100MVA limit. The consequence of this is that it potentially limits the upgrading of transmission lines to take more power when such an upgrade does not necessarily require any physical changes to the lines. The only effect is the increase in electrical and magnetic field strengths which may occur, noting that there are reverse sensitivity standards in place for these and that field strengths are subject to industry exposure standards. Although Transpower have requested that these guidelines be referenced in the permitted activity rule, it is noted that the necessity for this is debatable given the adoption of the reverse sensitivity standards.

The Transpower submission relating to the definition of “upgrading” raised the matter of being able to increase the height of transmission towers. It is noted that this is clearly able to be done as a permitted activity under the rule provided that the standards of the Plan are complied with. There is a minor change required to the height standard to accommodate this and is discussed below.

#### ***Controlled Activity Rule***

Telecom has drawn attention to the new cabinets being 1.8 - 2.0m high and therefore not assessed as a controlled activity when on land which is not road reserve. Both Vodafone and Telecom have submitted that these should in fact be permitted.

The Federated Farmers objection to this is that such structures may be on private land and therefore have affected persons which should be taken into account. It is noted, however, that such structures are considerably smaller than what is already permitted by the Plan for other types of buildings and that

any occupation of land by a network utility is also subject to controls beyond the Act insofar as agreement with the landowner is concerned.

#### ***Limited Discretionary Rule***

The submissions received were concerned with the specific matters over which discretion is reserved rather than the rule itself. Vodafone, supported by Kordia, seeks the removal of administration charges and financial contributions. Kordia's submission was in regard to providing an all inclusive network utilities chapter as discussed above.

The inclusion of administration charges is common to all matters over which either control or discretion is reserved and is to clarify that Council will impose consent conditions relating to any such charges. The lack of liability for network utilities which are controlled or limited discretionary activities for financial contributions is, however, noted.

A further point noted is that, as written, the matters over which discretion is reserved omits to include above ground lines and supporting structures although it is clear from the list under telecommunication facilities that this was to include above ground lines. This point was noted by Transpower who request that the route of the lines and the siting of support structures be considered.

#### **Intent of Suite of Rules as Proposed**

The start point is the definition of telecommunication facilities which is defined in a very specific and limiting way as:

*“Equipment and structures associated with the operation of a telecommunications system and includes microwave stations, radio stations, cell sites, telephone exchanges, towers, masts, aerials, antennas, cables, lines, equipment shelters, cabinets, radio links, and satellite dishes.”*

The next point is that all road reserve is designated and the adjoining zoning applies to all road reserve except State Highway.

The intent of the rules in regard to telecommunication facilities is:

1. On road reserve only:
  - Telecommunication facilities (but not including radio and cellular stations, telephone exchanges, towers, radio links and satellite dishes and any other type of facility not listed in the definition) are permitted. The standards for the adjoining zone apply.
  - Any telecommunication facility of a type listed as permitted activity which cannot comply with the standards is a limited discretionary activity.
2. On land other than road reserve:
  - Radio stations, cellular sites and broadcasting transmitters which comply with the standards are permitted.
  - Any other telecommunication facility which is less than 1.5m in height and less than 5.0m<sup>2</sup> in area is a controlled activity.
  - Any telecommunication facility which is less than 1.5m in height and less than 5.0m<sup>2</sup> in area but fails to meet any other standard (typically yard setbacks) is a limited discretionary activity.

- Telephone exchanges, towers and satellite dishes and any other type of facility not listed in the definition are discretionary activities.

#### Identified Deficiencies in Rules

The following points are noted:

- The wording of the permitted activity rule facility types do not match those within the definition of telecommunication facilities
- It is not clear as to why radio and cellular communications have been differentiated from other telecommunications when often these are more appropriately located on road reserve.
- The words “equipment and structure associated with” have not been used in the permitted activity rule, with the consequence that while facilities may be permitted, their support structures etc are not.
- The District Plan standards which apply to structures and telecommunication facilities may not necessarily be appropriate.
- The matters over which discretion is exercised are incomplete.
- Financial contributions are not appropriate when considering network utilities which are controlled or limited discretionary activities.
- The District Plan provisions do not take account of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. In any event these take precedence over the District Plan.
- There is no rationale for the limitations on the carrying capacity of transmission lines.

Telecom and Vodafone request that all telecommunication facilities be allowed for as permitted activities. This is appropriate, provided that they comply with the relevant standards, noting that the standards themselves require some amendment. The Federated Farmers concern is noted, although if a facility complies with the District Plan standards then it is essentially similar to any other structure which may be permitted on a similar basis. Where the standards are not met then telecommunication facilities should be subject to the same defaults as for other activities, i.e., limited discretionary and then discretionary activities.

In conjunction with this, Telecom are seeking a definition for the word “Cabinet” to be inserted into Part E. This is not considered to be necessary given the recommended approach to managing cabinets which will essentially be permitted activities in road reserve, subject to compliance with the National Environmental Standard. If not on road reserve they are treated as any other telecommunications structure.

#### *RECOMMENDED*

264. The submissions in support from TrustPower Ltd and Transpower (NZ) Ltd be accepted.
265. The submissions from Vodafone NZ Ltd., Telecom NZ Ltd., Kordia Ltd and Transpower (NZ) Ltd and the cross submissions from Federated Farmers, Kordia Ltd and Telecom NZ Ltd be upheld in part.
266. That Rule B1.1.1(a) Permitted Activities Bullet Points 2, 6, 9, 10 and 11 be amended to state:  
*“(a) The following network utilities:*

.....

- *The operation (including maintenance, repair and “upgrading”, as defined in Part E, Definition of Terms) of existing electricity lines including support structures. Upgrading of lines shall be limited to the following circumstances:*
  - *where existing lines are at a voltage up to and including 220kV and there is no increase in the voltage of a line unless the line was constructed to operate at a higher voltage but has been operating at a lower voltage, and there is no physical change to the line;*

.....

- *New lines, or additions to lines, and supporting structures on road reserve for conveying electricity at a voltage up to and including 110kV.*

.....

- *Telecommunications facilities above ground (including lines as defined by Section 2(1A) of the Telecommunications Act 1987) and situated on road reserve that:-*
  - *are overhead lines and their support structures; or*
  - *are microwave dishes or antennas of a diameter not exceeding 5m, and their support structures; or*
  - *are masts, poles, antennas and aerials and associated equipment and their support structures; or*
  - *cabinets and equipment shelters.*

*provided that any antenna or cabinet complies in all respects with the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.*
- *Underground telecommunications facilities such as underground lines.*
- *Telecommunication facilities which are not situated on road reserve that are able to comply with the height, bulk and location requirements of the particular zone in which the activity is located.”*

267. That Rule B1.1.3 Controlled Activities Bullet Point 4 be deleted.
268. That Rule B1.1.3.1(d) Matters over which Control is Reserved be deleted.
269. That Rule B1.1.4 Limited Discretionary Activities Bullet Point 5 be amended to state:
- *“telecommunications facilities located on road reserve as described in Rule B.1.1.1(a) which are unable to comply with the standards, conditions and terms in Part B.2 relevant to the zone in which the activity is to be undertaken.”*
270. That Rule B1.1.4.1(f) Matters over which Discretion is Limited be amended to state:
- “(f) For telecommunication facilities and above ground lines, and their supporting structures, identified in Rule B1.1.4:*
- *Conditions relating to compliance with the relevant standards, conditions and terms in B.2; and*

- *Visual impacts and amenity values with regard to:*
  - *Route selection; and*
  - *Cumulative effects; and*
  - *Bulk, height and location of structures; and*
  - *Significant views; and*
  - *Location of structures relative to site boundaries, existing buildings;*  
*and*
- *Payment of administrative charges.”*

*Recommended Reasons*

264. The submissions are in support of the proposal.

265-266 The amended wording clarifies the application of the permitted activity rules and the confirmation of compliance with the relevant National Environmental Standard as being appropriate for a permitted activity status where applicable.

265, 267-269 The controlled activity status for the structures referred to is not appropriate

265, 270 The amended wording includes the previously omitted activity and acknowledges that financial contributions are not appropriate.

B1 NETWORK UTILITY RULES

**B1.1.1(c) General Rule - Permitted Activities**

Proposal

“(c) *The following activities involving hazardous substances:*

- *Any hazardous facility involving a hazardous substance/s that equals or falls below the Effects Ratio (R) specified for the relevant zone in the Activity Matrix of the HFSP (APPENDIX 3: HAZARDOUS FACILITIES SCREENING PROCEDURE), of this Plan, except that service stations will be exempt from this rule where the following applies:*
  - *the retail sale of petrol, up to a storage of 100,000 litres of petrol in underground storage tanks and up to 50,000 litres of diesel, provided that the “Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems”, published by the Department of Labour OSH, is adhered to;*
  - *retail LPG outlets with a storage of up to 6 tonnes (single vessel storage) of LPG, provided that the “Australian/New Zealand Standard AS/NZS 1596:1997 - Storage and Handling of LPG Gas” is adhered to.*
- *Any use or storage of radioactive materials with an activity below that specified as an exempt activity in the Radiation Protection Regulations 1982.*
- *The clean-up and rehabilitation of contaminated sites by or under the control and direction of the Taranaki or Horizons Manawatu-Wanganui Regional Council, or which is undertaken in accordance with the “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992 -*

*Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council)”.  
The co-disposal of a hazardous substance/s to a landfill operation only where the landfill is operating under a resource consent or a requirement that provides for the disposal of hazardous substances and the disposal is undertaken and completed in accordance with the conditions controlling the landfill operation.”*

- *The co-disposal of a hazardous substance/s to a landfill operation only where the landfill is operating under a resource consent or a requirement that provides for the disposal of hazardous substances and the disposal is undertaken and completed in accordance with the conditions controlling the landfill operation.”*

#### Submission

AMEND - Transpower (NZ) Ltd

#### Commentary on Submissions

Transpower requests that the situations where the Hazardous Facilities Screening Procedure (HFSP) is not approved for use, as listed in Appendix 3.2.12 of the Plan, be included along with the exemptions provided in the rule.

The wording of Appendix 3.2.12 is very clear in that the situations described do involve hazardous substances but that the effects of these cannot be quantified by using the HFSP. It does not mean that because they cannot be quantified by that method that the situations should then be permitted as of right. For most of the situations identified hazardous substances are not in volumes and/or container sizes which warrant their separate consideration in the Plan. For others, such as trade waste, sewer treatment/disposal and gas pipelines other Plan provisions are required for control.

Further correspondence from the submitter has clarified that it is the oil in electrical cabinets which they are seeking to have exempted. Given a Class 3c UN classification for these oils and the limited quantities that are present in the cabinets, the oil will not trigger the HFSP except when located within 30m of a waterway. It is appropriate that consents are taken for hazardous substance storage in proximity to sensitive environments such as water bodies.

#### *RECOMMENDED*

271. The submission from Transpower (NZ) Ltd be declined.

#### *Recommended Reason*

271. The fact that the HFSP is not applicable to certain situations which may involve hazardous substances does not mean that those situations should then be permitted with no consideration of effects and electrical cabinets in other than sensitive environments will not trigger the HFSP.

#### **B1.1.1(d) General Rule - Permitted Activities**

##### Proposal

*“(d) The following management of notable trees identified for protection:*

- *Trees listed in the schedule of Appendix 4: Notable Trees Identified For Protection of this Plan may only be trimmed, pruned, or otherwise maintained where -*
  - *the trimming, pruning or other maintenance of these trees as required to maintain these trees in a healthy state and which does not alter the form or height of the trees; or*

- *where an emergency requires power and/or communication links to be restored immediately.”*

### Submission

AMEND - *Transpower (NZ) Ltd*

### Commentary on Submission

Transpower seek the ability for protected trees to be pruned to maintain compliance with the Tree Regulations 2003 relating to distances from the transmission lines. Almost all of the trees identified for protection in the Stratford District are within the urban areas and are on public land, i.e., not in any area where the transmission lines are located. Council maintains the trees and obtains the necessary consents to ensure that the form and amenity of the trees is protected. In that sense there is no cost to other parties and the “paper trail” exists to ensure accountability for the trees.

### *RECOMMENDED*

272. The submission from Transpower (NZ) Ltd be declined.

### *Recommended Reason*

272. The requiring of consent for work as detailed in the submission ensures that the form and amenity of the protected trees is maintained, noting that in almost all cases the costs of consenting and maintenance lies with the Consent Authority.

### **B1.1.1(e) General Rule - Permitted Activities**

#### Proposal

“(e) *The following types of signs:*

- *All signs that comply with the Standards, Conditions, and Terms in Part B.2, except for -*
  - *signs using light, including illuminated signs, neon lights, flashing or revolving lights (see Rule B1.1.4); and*
  - *signs to be sited on land adjacent to either State Highway 3 or State Highway 43 where a speed restriction of greater than 70 km/hr applies (see Rule B1.1.4).*
- *All official signs irrespective of whether they comply with standards, conditions and terms in Part B.2 (see Part E for the definition of an “Official Sign”).”*

### Submission

AMEND - *Transpower (NZ) Ltd*  
*Vector Gas Ltd - Support*

### Commentary on Submissions

The submitters point out that the permitted activity rule does not include signs such as health and safety or directional signs required in addition to “official signs”.

The definition of “Official Sign” includes only signs on road reserve. Clearly there are many other warning signs which are required to be in workplaces and other environments which should be permitted. The most efficient way of achieving this is to amend the definition by deleting the reference to road

reserve and adding to the explanation for the definition. This does not affect any other rules or standards of the Plan.

*RECOMMENDED*

273. The submission from Transpower (NZ) Ltd and the cross submission from Vector Gas Ltd be upheld.

274. That the Part E definition of “Official Sign” be amended to state:

“**Official Sign**”

means all regulatory traffic and official signs approved by a road controlling authority, an administration body for a protected area or as are mandatory under any legislation.

Note: (Not part of the Definition of “Official Sign”) Official signs are part of road operations, traffic guidance and the safe use of other sites. In addition, official signs are intended for the guidance and direction of persons using a road, motorway or other area. They are made of standard design, colour, shape etc. and convey instructions of warning or advice as to road conditions, destinations, traffic control and other information relative to the use of the road, including tourist, motorist services “Welcome To” and Information Kiosks. They are also used to convey health, safety and directional messages in workplace yard areas, work places, reserves etc.”

*Recommended Reason*

273-274 Official signs should include all signs mandated by other legislation.

**B1.1.2(a) General Rules - Notification**

Proposal

*“Stratford District Council has the power to deal with a resource consent application as either a “notified” application or a “non-notified” application in terms of Sections 93 and 94 of the Resource Management Act 1991. The following sets out the requirements for applications to be considered as non notified:*

*(a) Controlled Activities:*

- *Resource consent applications for subdivisions that are a controlled activity need not be notified; and*
- *applications for resource consents for other types of controlled activities need not be notified if -*
  - *the written approval has been obtained from every person who, in the opinion of the District Council, may be adversely affected by the granting of the resource consent;*
  - or*
  - *it is considered unreasonable in the circumstances, in the opinion of the District Council, to require the obtaining of every such approval; or*
  - *a rule in the District Plan states that such written approval of affected parties may not need to be obtained.”*

Submissions

AMEND - Vodafone NZ Ltd  
Federated Farmers - Oppose  
TrustPower Ltd - Support  
Kordia Ltd - Support

Commentary on Submissions

Vodafone, supported by TrustPower and Kordia submits that the controlled activity notification provision is in conflict with Section 93(1) of the Act. Federated Farmers submits that this interpretation of the Act is incorrect.

In fact the Act in Section 93 starts from a presumption to notify all consents. It then states that a consent authority need not notify either controlled activities or where any effects are considered to be minor. Equally, however, an application for a controlled activity may be notified - it just does not have to be so. Rule B1.1.2(a) clarifies under what circumstances controlled activities shall be notified.

Transpower conversely requires all subdivisions which are controlled activities to be notified to ensure that they are involved as affected persons. Federated Farmers opposes this as the Act requirement to involve Transpower only applies to development and not to subdivision. On this point, the regulation is directed at all applications, be they subdivision or development, but only where notification is required under Section 93(2) (presumption to notify unless a controlled activity) or 94(c) (special circumstances) of the Act. If notification is not required, then the regulation does not apply.

The Transpower submission is linked to its submission on B1.1.4, considered under Reverse Sensitivity, when they sought to have subdivision included as a limited discretionary activity when it occurs within 32m of a national grid transmission line. The analysis of that submission resulted in the declining of the request.

Controlled activity subdivision occurs when there is no associated building activity and all of the District Plan standards are met. It is appropriate under such circumstances that the activity is non-notified as it cannot affect the operation, maintenance and development of the National Grid, or indeed anyone else, and there is no associated development. The only effect identified by the submitter in consideration of the reverse sensitivity submission was access which is clearly covered by Section 23 of the Electricity Act 1992 in respect of the operation and maintenance of the National Grid.

*RECOMMENDED*

275. The submissions from Vodafone NZ Ltd and Transpower (NZ) Ltd and the cross submissions from TrustPower Ltd and Kordia Ltd be declined and the cross submissions from Federated Farmers be upheld.

*Recommended Reason*

275. The submissions are based on incorrect interpretation of the Act and the relevant regulation.

**B1.2.1.1 Rural Zone Rules - Permitted Activities**

Proposal (as changed by submission)

***“The following are permitted activities throughout the Rural Zone subject to compliance with the Standards, Conditions and Terms in Part B.2:***

.....

- *“the removal or trimming of vegetation as required for:
 
  - (a) *actions necessary for the avoidance of imminent danger to human life*
  - (b) *the current operation and maintenance of existing infrastructure, including roads, stream or river access, fire water points, utilities and the upgrading of utilities, structures and fence lines to a maximum distance of 3 metres from the infrastructure, road, access, fire water point, utility, structure or fence or, in the case of any electricity line, such distance as is prescribed by the Electricity (Hazards from Trees) Regulations 2003 to a maximum distance of 4 metres.*
  - (c) *the collection of material for scientific purposes or propagation*
  - (d) *the collection of material by tangata whenua for maintaining non-commercial traditional practices of ronga (medical purposes), raranga (weaving) and mahhi whakairo (carving)*
  - (e) *the disturbance of vegetation which is not included in the definition of the term “indigenous forest”.*”*

.....

- *Clearance of regenerating manuka up to 3m in height.”*

Submission

SUPPORT - TrustPower Ltd

*RECOMMENDED*

276. The submission from TrustPower Ltd be accepted.

*Recommended Reason*

276. The submission is in support of the proposals.

**B1.5.1, B1.5.2 Protected Area Zone Rules**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on submission

The submitter seeks an exemption from the standards of the Plan for the National Grid where it crosses any protected areas. The submitter cites the lack of exemption as being inconsistent with policies 2, 3 and 5 of the NPSET. It is noted, however, that Policies 6, 7 and 8 of the NPSET require Transpower to avoid adverse effects on such areas and to reduce them where possible when upgrading existing infrastructure. Given that, it is appropriate that the National Grid complies with the Protected Area rules without exemption.

*RECOMMENDED*

277. The submission from Transpower (NZ) Ltd be declined.

*Recommended Reason*

277. The rules are consistent with Policies 6, 7 and 8 of the NPSET.

B2 NETWORK UTILITY STANDARDS

**B2.1.4(f) Maximum Height Exemptions**

Proposal

*“(f) Exemptions:*

- *The activities described in Rule B1.1.1(a) as the operation (including maintenance, repair and “upgrading” as defined in Part E, Definition of Terms) of existing electricity lines including support structures are exempt the above maximum height requirements where:*
  - *these activities relate to existing electricity lines and existing support structures only; and*
  - *except for the installation of earth wires up to 4.5m in height above the existing structure, the height of any existing support structure is not being increased.*
- *All temporary structures in the rural zone (ie. occur for one period of less than four consecutive months at any site)*
- *Aerials and lightning rods no greater than 20 mm in diameter which do not exceed the height of the building or support structure (such as masts and poles) to which they are attached by greater than 4.5 metres.”*

### Submission

AMEND - Transpower (NZ) Ltd  
 Telecom NZ Ltd  
           Kordia Ltd - Amend  
           Federated Farmers - Oppose  
 Vodafone NZ Ltd  
 Kordia Ltd  
           Telecom NZ Ltd - Support

### Commentary on Submissions

Transpower are seeking that the current exemption which allows earthwires to be added provided that there is no increase in height of the existing structure be amended to comply with the Proposed National Environmental Standards for Electricity Transmission (NESET). Transpower suggest a limitation of a maximum of 15% of the existing height be applied to allow the increase in height of all electricity lines and their support structures, deleting the exemption relating to earth wires.

There are two concerns with this approach: the height increase provisions of the proposed NESET were submitted against and the approach allows for an incremental increase without limit. In favour of the approach is the fact that it does encourage the use of existing facilities in providing additional services or upgrades.

Telecom request that the maximum height for masts and antennas be increased to 20m in the rural and business zones (10m and 5m extensions respectively). Kordia also seeks an additional increase in the permitted height in residential areas to 12m (a 2m extension).

Vodafone, in their submission on the suite of rules, also requested the ability to extend masts and aerials to 20m and 15m in the business and rural zones respectively. These are 5m extensions above the permitted heights.

Federated Farmers express the view that a 2m extension is more appropriate.

The reason for seeking the increased height is to facilitate telecommunication transmission and reception where it may be blocked by buildings. The increase

in height in rural areas is to allow transmission over a wider area than is required in urban areas. Although there is an exemption for telecommunication aerials in the Plan this has become inappropriate due to technology changes. These changes include the wider use of panel antennas and increased demand for cellular services.

As with the Transpower request, an allowance to go beyond the otherwise permitted height does encourage co-location and the use of existing structures.

**RECOMMENDED**

278. The submission from Transpower (NZ) Ltd be upheld in part.

279. The submissions from Telecom NZ Ltd., Kordia Ltd and Vodafone NZ Ltd and the cross submissions from Telecom NZ Ltd and Kordia Ltd and Federated Farmers be upheld in part.

280. That B2.1.4(f) be amended to state:

**“(f) Network Utility Exemptions:**

- *The activities described in Rule B1.1.1(a) as the operation (including maintenance, repair and “upgrading” as defined in Part E, Definition of Terms) of existing electricity lines including support structures are exempt the above maximum height requirements where:*
  - *these activities relate to existing electricity lines and existing support structures only; and*
  - *the height of any existing support structure for electricity lines at a voltage up to and including 110kV is not being increased either by more than 2.0m or up to the maximum permitted height for the zone in which the structure is located, whichever is the lesser; and*
  - *the height of any existing support structure for electricity lines at a voltage over 110kV and up to and including 220kV is not being increased by either more than 5.0m or to a maximum height of 40m, whichever is the lesser.*
- *Aerials and lightning rods no greater than 20 mm in diameter which do not exceed the height of the building or support structure (such as masts or poles) to which they are attached by greater than 4.5 metres.*
- *Antennas, and support structures (such as masts or poles) which do not exceed the following maximum antenna heights and maximum diameters (or maximum width if antenna is a panel type):*
  - *Rural Zone:                   Height - 20m  
  Diameter - 1.5m  
  Width - 5.0m*
  - *Business Zone:               Height - 20m  
  Diameter - 1.0m  
  Width - 2.0m*
  - *Residential Zone:           Height - 12m  
  Diameter/Width - 0.5m”*

281. That B2.1.4(g) be added to state:

**“(g) Other Exemptions:**

- *All temporary structures in the rural zone (i.e., occur for one period of less than four consecutive months at any site)”*

#### *Recommended Reasons*

278-281 The increased range of exemptions allows for more efficient operation and development of network utilities and the co-location of services while ensuring the avoidance or mitigation of potential effects.

### **B2.1.13 Lot/Site Design and Land Development**

#### Submissions

SUPPORT - Transpower (NZ) Ltd  
Vector Gas Ltd - Amend

AMEND - Transpower (NZ) Ltd  
Vector Gas Ltd  
Transpower (NZ) Ltd

#### Commentary on Submissions

The Transpower support relates to the guideline note on network utilities. Vector Gas requests that the guidance note be expanded to include consultation.

Transpower also submit that the NZ Electrical Code of Practice 34:2001 should be referenced as having to be complied with. This was also raised by Transpower in respect of the reverse sensitivity standards and yard distances. As stated in that report, the Code is a highly technical document and not one which Council are resourced or should be expected to interpret. However, the implementation of the reverse sensitivity consultation requirements and the adoption of the Vector Gas submission will ensure that Transpower, and any other relevant network utility operators, are consulted with in respect of subdivision or development which may potentially affect their assets.

The final point made by Transpower is that the standards under lot/site design and land development are not appropriate for network utilities. This may be the case for the provision of telecommunications, as it is for some other types of development or subdivision, and it is noted that there is already an exemption for network utilities from the requirement to connect to a sewerage system. In regard to the other requirements and restrictions:

- Notable tree restrictions apply to all development
- Land stability applies to all development
- Heritage resource restrictions apply to all development
- Survey monument or beacon restrictions apply to all development
- The need for a building platform applies to all development
- The bulk and location requirements apply to all development, noting the exemptions available for network utilities within the relevant standards
- Stormwater disposal applies to all development.

#### **RECOMMENDED**

282. The submission in support from Transpower (NZ) Ltd be accepted.

283. The submission and cross submissions from Vector Gas Ltd and the cross submission from Transpower (NZ) Ltd be upheld.

284. The submission from Transpower (NZ) Ltd be declined.
285. The final bullet point of B2.1.13 be amended to state:
- *Lots or sites must provide for telecommunications facilities from existing services (except network utility operations). Where the land is crossed by existing telecommunication lines provision shall be made for the undergrounding of such lines. (Note: the developer shall negotiate and create all necessary easements.)*
286. That the Network Utilities Guideline under B2.1.13 be amended to state:
- “Network utilities*  
*When planning and designing a land use, development or subdivision, landowners and developers should take into account the actual or potential effects their land use, development or subdivision may have on the presence of network utilities above or below ground. Planning and designing should include consultation with the network utility operators or managers to ascertain possible effects on the operation, maintenance or development of the network utilities. Landowners and developers should take care to avoid, remedy or mitigate any such actual or potential effects - see also Policy A13.3.3 of this District Plan.”*

*Recommended reasons*

282. The submission is in support of the proposal.
- 283, 286 Consultation with affected network utility operators is appropriate.
- 284-285 The remaining requirements and restrictions in B2.1.13 are appropriate for all development.

**B2.6 Network Utility Standards**

Proposal

***“In addition to any relevant rule or any other applicable Standard, Condition, or Term in this Plan, all network utilities that are permitted activities in terms of Rule B1.1.1 shall comply with the following:***

- *Where new network utility lines for conveying electricity are proposed these shall be placed underground where they are located on or within -*
  - *1km west of State Highway 3 (alternatively, re-located to the eastern side of State Highway 3); and*
  - *20m of Pembroke Rd (west) from Hunt Rd up to Egmont National Park boundary; and*
  - *1km north of Opunake Rd, west of Stratford Township (alternatively, re-located to the south of Opunake Rd); and*
  - *20m either side of Upper Manaia Rd, from Opunake Rd up to Egmont National Park boundary; and*
  - *400m of the summit of Sangsters Hill, and 1km of the summits of Strathmore, Pohokura, Whangamomona, and Tahora saddles on State Highway 43.”*

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

The submitter seeks an exemption to this standard for the National Grid. The standard allows for a permitted activity status for network utilities in such landscapes. Where the standard cannot be met then consent is required. Policy 8 of the NPSET requires effects from the National Grid on outstanding natural landscapes to be avoided and the consent process ensures that this happens.

*RECOMMENDED*

287. The submission from Transpower (NZ) Ltd be declined.

*Recommended reason*

287. The consent requirement aligns with the National Policy Statement on Electricity Transmission Policy 8.

SCHEDULED AREAS

**B4 Scheduled Areas**

Submission

SUPPORT - Contact Energy Ltd

*RECOMMENDED*

288. The submission from Contact Energy Ltd be accepted.

*Recommended reason*

288. The submission is in support of the proposals.

**B4.2 Description of Scheduled Areas**

Submission

SUPPORT - Contact Energy Ltd

*RECOMMENDED*

289. The submission from Contact Energy Ltd be accepted.

*Recommended reason*

289. The submission is in support of the proposals.

**B4.3 Scheduled Area Rules**

Submissions

SUPPORT - Contact Energy Ltd  
Transpower (NZ) Ltd

*RECOMMENDED*

290. The submissions from Contact Energy Ltd and Transpower (NZ) Ltd be accepted.

*Recommended reason*

290. The submissions are in support of the proposals.

**B4.4 Scheduled Area Standards, Conditions and Terms**

Submission

SUPPORT - Contact Energy Ltd

*RECOMMENDED*

291. The submission from Contact Energy Ltd be accepted.

*Recommended Reason*

291. The submission is in general support of the proposals.

#### **B4.4.1.2 Minimum Yard Requirements Exemptions**

##### Proposal

“• *Exemptions:*

- *structures for the abstraction, treatment, or discharge of water.*
- *fences with a maximum height of 2.0m.”*

##### Submission

AMEND - Transpower (NZ) Ltd

##### Commentary on Submission

Transpower seeks an exemption for transmission lines and their support structures. The submitter also raised this point in regard to the yard requirements under B2.1.6 which was upheld in the consideration of reverse sensitivity issues, except that the exemption requested did not include the support structures. As the supports are not a lineal asset they should not be included in the exemption, although it is noted that existing support structures need to be referenced due to the need to be able to maintain and upgrade them.

It is further noted that the yard exemption also was confirmed for gas transmission pipelines which is also appropriate here.

##### *RECOMMENDED*

292. The submission from Transpower (NZ) Ltd be upheld in part.

293. That the exemptions under B4.4.1.2 be amended to state:

“• *Exemptions:*

- *structures for the abstraction, treatment, or discharge of water.*
- *fences with a maximum height of 2.0m.*
- *Electricity transmission lines and their support structures (but excluding any new support structures*
- *Gas transmission pipelines operations (except buildings)”*

##### *Recommended Reasons*

292- 293 The additional exemptions are appropriate for lineal structures.

#### **B1.1.1 Permitted Activity Rules**

#### **B2.1.8 Noise and Vibration**

#### **B4.4.1.3 Noise and Vibration**

##### Note

These parts of the plan go beyond network utilities but are being considered together as they all relate to the technical measurement and assessment of sound.

The NZ Fire Service Commission also made submissions on the noise provisions. These will be considered separately as they are an amenity issue rather than a technical issue in that they are seeking changes to the permitted noise levels rather than the way in which measurements and assessments are carried out.

##### Submissions

AMEND - Contact Energy Ltd

## Ministry of Health

### Commentary on Submissions

Contact Energy Ltd is seeking the replacement of the referenced 1991 noise standards with the relevant 2008 standards, these being:

- NZS 6801:2008 Acoustics - Measurement of Environmental Sound
- NZS 6802:2008 Acoustics - Environmental Noise

The Ministry of Health is seeking the replacement of the referenced construction noise standard with:

- NZS 6803:1999 Acoustics - Construction Noise

The Ministry of Health has requested some additional minor technical changes relating to blasting noise in particular.

The 1991 standards were kept in the District Plan following the review of the national noise standards in 1999. The resultant standards were deficient in terms of a lack of ability to average noise levels which is essential particularly for the assessment of fluctuating noise levels over time. The construction noise standard was not affected to the same extent but was not adopted at that time as it would have been incompatible with the earlier standards. The deficiency has been corrected in the 2008 revision of the standards.

The major change in the 1999 review, which has been carried through to the 2008 review, was a shift from an L10 to an Leq basis for measuring and assessing noise.

By way of explanation, an Leq is the equivalent continuous, energy-averaged, sound pressure level over a specified time period which includes all sporadic or transient events that occur during that time. The Leq is a calculated steady state sound level which has the same energy content as the varying sound level which is being measured, i.e., the area under a graph plot of sound level measurements. An L10 is a statistical value which is the sound pressure level equalled or exceeded for 10 per cent of the time interval, i.e., the actual points on the same plot.

The Leq is more useful for deriving other information, such as health effects, and is a measure of what is actually received by way of sound energy rather than just sound level. The L10, in contrast, equates subjectively to the way in which sound is perceived by the listener but is less useful in terms of either deriving health information or relating back to specific design criteria for industrial equipment.

In terms of effect, when the sound levels in the Plan, which are L10 based, are shifted to an Leq basis, the resultant sound levels which comply are almost equivalent except where the sound is variable. In these instances the permitted levels will be between 3dB(A) and 5dB(A) lower than under the operative standards. In the Stratford District this is of minimal consequence as the dominant noise in terms of effect on background sound levels is traffic with very few point sources of noise. The Combined Cycle Power Station is the largest single noise source and the generated noise is predominantly steady state rather than variable.

*RECOMMENDED*

294. The submissions from Contact Energy Ltd and the Ministry of Health be upheld.
295. That the following standards replace the referenced 1991 noise measurement, noise assessment and construction noise standards and the 1976 blasting noise standard in B2.1.8 and B4.4.1.3:
- NZS 6801:2008 Acoustics - Measurement of Environmental Sound
  - NZS 6802:2008 Acoustics - Environmental Noise
  - NZS 6803:1999 Acoustics - Construction Noise
  - AS 2187.2-1993 Explosives - Storage, Transport and use, Part 2 Use of Explosives
296. That all references to “L10” in B2.1.8 and Appendix 2 Figure 2 be replaced with “Leq”.
297. That Rule B1.1.1(h) be amended to state:
- (h) *Temporary military training activities and public pyrotechnic displays, subject to the following:*
- *the written consent of the landowner is obtained; and*
  - *the activity does not require the construction of permanent structures; and*
  - *the activity does not require excavation (permanent or mechanical) unless provided for in this Plan; and*
  - *flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority; and*
  - *the activity is limited to a period not exceeding 31 days; and*
  - *Any temporary military training activity or public pyrotechnic display in the district shall be conducted so as to ensure the noise limits below are not exceeded at any point within the notional boundary of any dwelling, residential institution, or educational facility within the District, or at any point within any site where this site adjoins a residential site:*

*Limits for Temporary Military Training Facilities*

<b>Time</b> <i>(Any Day)</i>	<b>Levels (dB(A))</b>	
	<i>Leq</i>	<i>Lmax</i>
<i>0630-0730</i>	<i>60</i>	<i>70</i>
<i>0730-1800</i>	<i>75</i>	<i>90</i>
<i>1800-2000</i>	<i>70</i>	<i>85</i>
<i>2000-0630</i>	<i>55</i>	

*Provided the limits for impulsive noise arising from any use of explosives, explosive simulators, munitions, ammunition, or pyrotechnics at any time shall not exceed 122 dB(C) peak.*

**Note:** *The term “dB(C) (peak)” means the peak C- frequency weighted sound level. “Peak” is a non-rms value and differs from Lmax cited elsewhere in this plan.*

*Sound shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound.*

*Exemption*

The above noise limits shall not apply on not more than four occasions in any period of up to 12 months where any exhibition or demonstration of military activities or pyrotechnics is open to the public and held between the hours of 10:00am and 5:00pm.

298. That Standard B2.1.8(c) be deleted and replaced with the following:

“(c) **Construction Noise:**

- Construction noise from activities on the site shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise and subject to the proviso following the table, shall not exceed the noise limits for the relevant time-frame stated in the Table below.

**Noise limits for construction noise**

Time of week	Time period	Duration of work*					
		Typical duration dBA		Short-term duration dBA		Long-term duration dBA	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90-	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

\* “Duration of work”- In this table;

- “short-term” means construction work at any one location for up to 14 calendar days;
- “typical duration” means construction work at any one location for more than 14 calendar days but less than 20 weeks; and
- “long-term” means construction work at any one location with a duration exceeding 20 weeks.

*Provided that the provisions of the Standard related to the duration of construction events and the more or less stringent noise limits in the above Table which are applicable in such circumstances shall apply.”*

299. That Standard B2.1.8(d) be deleted and replaced with the following:

“(d) **Blasting Noise:**

- “Airblast overpressure from use of explosives shall not exceed a peak sound pressure level of 120 dB (Peak) at any point within the notional boundary of any dwelling, homestay residential unit or healthcare or educational facility, hospital or resthome.

- *Except as elsewhere provided in this plan, all use of explosives on any site shall be in accordance with Australian Standard AS 2187.2–1993 Explosives – Storage, Transport and Use, Part 2 Use of Explosives.*
- *Airblast shall be measured in accordance with the provisions of NZS 6801:2008 and assessed in accordance with the provisions of AS 2187.2–1993 Explosives – Storage, Transport and Use, Part 2 Use of Explosives.”*

300. That Standard B2.1.8(e) be deleted and replaced with the following:

“(e) **Vibration:**

*Except as provided in NZS 6803:1999, activities causing vibration shall not exceed the acceptable vibration levels for human comfort provided in Sections 2.3 and 2.4, and shall be measured and assessed in accordance with the provisions of “Assessing Vibration: A Technical Guideline”, Department of Environment and Conservation, New South Wales, Feb 2006, ISBN 1 74137 812 5*

*<http://www.environment.nsw.gov.au/resources/noise/vibrationguide0643.pdf>”*

301. That Standard B4.4.1.3 Bullet points 4, 5 and 6 be deleted and replaced with:

- *“Construction, blasting and vibration activities on the Scheduled area for Electricity Generation purposes shall comply with the requirements of B2.1.8 (c), (d) and (e).”*

#### *Recommended Reasons*

294-301 The updated references to the noise standards reflect nationally applied standards and have minimal effect on the noise levels permitted under the Plan.

#### **B4.4.1.4 Landscape Design**

##### Submission

AMEND - Transpower (NZ) Ltd

##### Commentary on Submission

The submitter seeks the addition of two further clauses relating to the setback of trees from the transmission lines. It is noted, however, that the Electricity (Hazards from Trees) Regulations 2003 do not require the Act for implementation and are made under the Electricity Act 1992. As such they contain their own processes for dealing with situations in contravention of the regulations.

#### *RECOMMENDED*

302. The submission from Transpower (NZ) Ltd be upheld in part.

303. The following bullet point be added to Standard B4.4.1.4:

- *“All newly planted trees or vegetation, which exceed a maximum height of 2.0m at full maturity) shall be set back by a horizontal distance of a minimum of 12m from the centre line of National Grid transmission lines.”*

#### *Recommended Reason*

302-303 The requested setback is appropriate but it is not appropriate for Council to become an enforcement agency for regulations made under the Electricity Act 1992.

## **Appendix 2 Scheduled Areas**

### Submission

SUPPORT - Contact Energy Ltd

AMEND - Contact Energy Ltd

### Commentary on Submission

Contact Energy makes two suggestions for improvements to the maps showing the noise contours and the monitoring points.

The Plan map for the noise contours is based on the relevant topographic map, whereas the submitter's suggestion is to use the land parcel map instead. This does give more clarity to the contours.

The monitoring locations initially agreed were based on proximity to nearby dwellings and related to the early consultation for the area. Now that there is a history of use of the Combined Cycle Power Station it is more appropriate that the monitoring locations be shifted to points corresponding with the contours but on public rather than private land. It is noted that the traffic flows along the adjacent State Highway are sufficiently low so as not to interfere unduly with noise measurements.

### *RECOMMENDED*

304. The submissions from Contact Energy Ltd be upheld.

305. That Figure 2 of Appendix 2 be amended by:

- adding the DCDB Land Parcel layer to the image, and
- marking monitoring locations at those points along State Highway 43 where the northern side of the road reserve intersects with the noise contours and a further monitoring point at the location shown as "A" on Figure 3 of Appendix 2.

306. That Figure 3 of Appendix 2 be deleted.

307. That Standard B4.4.1.4 Bullet Point 12 be amended to state:

- *"Suggested measurement locations are shown on Figure 2 Appendix 2 of this Plan."*

### *Recommended Reason*

304-307 The amended maps and monitoring locations are an improvement on the current maps.

## ASSESSMENT CRITERIA FOR DISCRETIONARY & NON-COMPLYING ACTIVITIES

### **B5.1 General Assessment Criteria**

#### Proposal

- *consideration of the actual or potential adverse effects on -*
  - *the amenity of the relevant street, neighbourhood, area or zone, and on the amenity of neighbouring areas or zones; and*
  - *on the service infrastructure; and*

- *people and communities; and*
- *the environment and natural and physical resources, including (but not limited to) the margins of rivers and streams, wetland areas, and indigenous forest and habitats of indigenous flora and fauna;*
- *heritage resources, including (but not limited to) historic buildings or places, waahi tapu, pa, urupa, and other taonga; and*
- *outstanding natural features and landscapes; and*
- *notable trees; and*
- *protected areas; and”*

Submission

AMEND - Transpower (NZ) Ltd  
 Vector Gas Ltd - Support  
 TrustPower Ltd - Support

Commentary on Submissions

The submitters seek the addition of network utilities in the list of those matters of which the consideration of effects on are taken. The list does include the service infrastructure which should include network utilities, but the latter can be specifically referenced without compromising the Plan and giving better clarity.

*RECOMMENDED*

308. The submission from Transpower (NZ) Ltd and the cross submissions from Vector Gas Ltd and TrustPower Ltd be upheld.

309. The third bullet point of B5.1 be amended to state:

- “• *consideration of the actual or potential adverse effects on -*
- *the amenity of the relevant street, neighbourhood, area or zone, and on the amenity of neighbouring areas or zones; and*
- *on the service infrastructure; and*
- *network utilities; and*
- *people and communities; and*
- *the environment and natural and physical resources, including (but not limited to) the margins of rivers and streams, wetland areas, and indigenous forest and habitats of indigenous flora and fauna;*
- *heritage resources, including (but not limited to) historic buildings or places, waahi tapu, pa, urupa, and other taonga; and*
- *outstanding natural features and landscapes; and*
- *notable trees; and*
- *protected areas; and”*

*Recommended Reason*

308-309 The amendment clarifies the inclusion of network utilities in the matters to be considered.

**B5.3 Subdivision Assessment Criteria**

Submissions

AMEND - Transpower (NZ) Ltd  
 EECA - Support  
 Federated Farmers - Oppose

### Commentary on Submissions

Transpower, supported by EECA seeks the addition of network utilities in the list of those matters of which the consideration of effects on are taken, including reverse sensitivity effects. Federated Farmers object to this. Although no reason is given for the objection it is assumed that it related to their other submissions that subdivision in itself has no effect on network utilities as it is the later development which may do so.

The subdivision rules are structured in each zone so that where either all of the building work is either complete or has the necessary consents or the land is vacant and all standards are met then the subdivision is a controlled activity. Where the standards are not met then those types of subdivision are limited discretionary activities. These two activity types account for almost all subdivision. Discretionary activity subdivision occurs only where buildings are proposed as a part of the subdivision process but do not have the necessary consents.

Therefore, for discretionary activity subdivision it is possible that there will be effects on network utilities and this should be included, although it is only in respect of proposed buildings. As such the additional matter should follow on from the existing criterion: *“the ability of any existing or proposed building to comply with the Standards, Conditions, and Terms of this Plan; and”*.

### *RECOMMENDED*

310. The submission from Transpower (NZ) Ltd and EECA be upheld and the cross submission from Federated Farmers be declined.

311. Bullet Point 6 be inserted to state:

*“Measures to avoid, remedy or mitigate any actual or potential effects of proposed buildings on existing network utilities, including reverse sensitivity effects; and”*

### *Recommended Reason*

310-311 The amendment clarifies the inclusion of network utilities in the matters to be considered.

## **B5.4 Network Utilities Assessment Criteria**

### Submissions

AMEND - TrustPower Ltd  
Transpower (NZ) Ltd  
Vector Gas Ltd - Support

### Commentary on Submissions

TrustPower seeks the inclusion of the benefits of energy generation and renewable energy in the assessment criteria. This is to allow the assessment of both costs and benefits in the consideration of sustainable management. This is appropriate.

Transpower, supported by Vector Gas, seeks additional matters relating to compliance with the NZ Electrical Code of Practice and the routing of National Grid transmission lines in line with their other submissions requiring the NPSET to be taken into consideration. As discussed previously, the NZ Electrical Code of Practice is a highly technical document which is inappropriate as tool for assessment by Council, although it would obviously

be used by Transpower in forming an Assessment of Effects in relation to any application for consent. The submitter's proposal concerning the routing of lines can, however, be included in the existing criteria relating to the consideration of alternatives, noting that the technical and operational constraints on network utilities are already specifically accounted for in the criteria.

*RECOMMENDED*

312. The submission from TrustPower Ltd be upheld.

313. The submission from Transpower (NZ) Ltd and the cross submission from Vector Gas Ltd be upheld in part.

314. That B5.4 Bullet Point 6 be inserted to state:

*“The benefits of renewable energy, energy generation and associated critical infrastructure, including the social, economic and environmental benefits.”*

315. That B5.4 Bullet Point 3 be amended to state:

*“the extent to which the proposal contains provisions for, or has evaluated possibilities for -*

- undergrounding; and/or*
- screening with appropriate vegetation, or screening by other landscape design work; and/or*
- relocating to less visually obtrusive sites; and/or*
- co-siting with existing facilities; and*
- in relation to overhead National Grid transmission lines, the minimisation, as far as practicable, of both the degree of change from existing lines and the extent of effects on the landscape; and”*

*Recommended Reasons*

312, 314 The amendment clarifies the consideration of renewable energy and the positive effects of energy generation are to be considered.

313. The reference to the NZ Electrical Code of Practice is not appropriate due to the technical nature of the document.

315. The amendment clarifies the need to balance the effects of existing National Grid overhead transmission lines with the practicality of altering the route.

**B5.5 Indigenous Forest Clearance Assessment Criteria**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

The submitter requests that the reason for the proposal be included in the assessment criteria. The purpose for which consent is required is clearly stated in the information requirements. The submitter asks that it also be included in the criteria for assessment as work may be required to facilitate security of power supply, public safety or maintenance.

The Rural Zone Permitted Activity Rule, B1.2.1.1, as changed by submission, does allow the trimming or removal of indigenous vegetation within four

metres of a transmission line for the purposes set out by Transpower. A discretionary activity consent would be required should the applicant need to go beyond four metres, although it is also noted that the submitter did not raise this as an issue in their submissions on the rules. The assessment, therefore, is not so much on the fact that essential work is required to be undertaken but as to why that work should go beyond the permitted activity rule.

The assessment criteria do include an assessment of how a proposal meets the objectives and policies of the Plan. It is noted that the Policy A13.3.2, as amended by submissions, is one which would be directly applicable to the type of situation envisaged by the submitter. The practicability must be taken into account and where it can be demonstrated that other regulation requires the work and there is no suitable alternative then consent should be granted.

*RECOMMENDED*

316. The submission from Transpower (NZ) Ltd be declined.

*Recommended Reason*

316. The requested amendment fails to take the existing permitted activity rule and policies of the Plan into account.

**B5.9 Notable Trees Assessment Criteria**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

This submission mirrors the previous one.

The General Permitted Activity Rule, B1.1.1, does allow the trimming or pruning of protected trees where such work is required for the restoration of power or communication links. Where trimming or pruning is required to allow for transmission line maintenance and operation, however, a consent as a discretionary activity is required.

In this case, therefore, as the permitted activity rules do not allow for the required work on protected trees in relation to transmission lines, the assessment criteria should include reference to the need to balance the purpose of the work against the amenity effects on the tree(s).

*RECOMMENDED*

317. The submission from Transpower (NZ) Ltd be upheld.

318. That the following bullet point be added to B5.9

- *“The reason for the works proposed.”*

*Recommended Reason*

317-318 The requested amendment clarifies the need to balance the purpose of the work against the amenity effects.

INFORMATION REQUIREMENTS

**B6.1 General Information Requirements for Controlled & Limited Discretionary Activities**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

The submitter points out an error in the text where limited discretionary activities are omitted.

*RECOMMENDED*

319. The submission from Transpower (NZ) Ltd be upheld.

320. The words “*or a limited discretionary activity*” be inserted directly after the words “*controlled activity*”.

*Recommended Reason*

319-320 The amendment corrects a text error.

**B6.1.4 General Information Requirements for Controlled & Limited Discretionary Activities**

**B6.2.4 General Information Requirements for Discretionary & Non-Complying Activities**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

The submitter seeks the inclusion of the location of high voltage transmission lines and their support structures as required information. With the exceptions of subdivision and goat farming, the range of activities included as controlled or limited discretionary activities should take into account the locations of all network utilities rather than just the National Grid.

The same applies to discretionary and non-complying activities.

The plan does allow for network utilities to be taken into consideration through the consideration of the standards in Part B2 of the Plan for controlled and limited discretionary activities.

*RECOMMENDED*

321. The submission from Transpower (NZ) Ltd be upheld.

322. The words “*locations of any network utilities*” be inserted into B6.1.4 and B6.2.4.

*Recommended Reason*

321-322 The amendment clarifies that network utility information is required in relation to applications for consent.

**B7 Cross Boundary Processes**

Submission

AMEND - Transpower (NZ) Ltd

Commentary on Submission

The submitter requests that consultation with the owner of the National Grid be included in the cross boundary processes.

Firstly it is noted that the legislation reference in the section is in error and should read as “*Section 75(2)(f)*”.

Part B7 is included in the Plan to allow for linkages between the consenting authorities, those being the Taranaki Regional Council, Horizons and the four neighbouring district councils where activities cross boundaries. Consultation with a large number of bodies, including iwi, landowners, the Department of Conservation, network utility operators etc may well be required in respect of any particular development - but this occurs when assessing that particular development. This section then details how that will be managed.

To list such further consultation within this section is, however, not appropriate.

*RECOMMENDED*

323. The submission from Transpower (NZ) Ltd be declined.

324. That the legislation reference of “*Section 75(1)(h)*” be replaced with “*Section 75(2)(f)*”.

*Recommended Reasons*

323. The section deals particularly with the relationships between consenting authorities when approaching proposals adjacent to or across boundaries.

324. The amendment corrects a text error.

FINANCIAL CONTRIBUTIONS

**C Financial Contributions - General**

Submission

AMEND - TrustPower Ltd

Commentary on Submission

The submitter requests that the section be amended to exclude “works” as a consequence of the Resource Management Amendment Act 2003 which removed these from consideration.

The financial contributions as detailed all refer to the maximum contribution as being the actual cost to meet the specified purpose. C2.1, however, does still contain the words “*and the completion of works and services that may be imposed*” which should be removed.

*RECOMMENDED*

325. The submission from TrustPower NZ Ltd be upheld.

326. That the words “*and the completion of works and services that may be imposed*” be deleted from the paragraph directly under C2.1 Purpose, Circumstances and Maximum Amount.

*Recommended Reason*

325-326 The requirement to take works and services would be in conflict with Section 108 of the Resource Management Act 1991.

**C Financial Contributions - Network Utilities**

Submissions

Commentary on Submissions

The submitters seek clarification that network utilities, including energy generation, are not subject to financial contributions. The request relating to energy generation is linked to the earlier considered submission to have energy generation included as a network utility which was recommended as being declined (Recommendation 235 above).

B1.1.4.1, “Matters over which Discretion is Reserved”, has been recommended for amendment to clarify that limited discretionary activities which are network utilities are not subject to financial contributions (Recommendation 268 above). Permitted activities are not subject to financial contributions unless the development has a value of over \$500,000. Therefore, as proposed, the Plan requires network utilities to provide financial contributions only either when the value of the work triggers the requirement or the activity is a discretionary activity.

Electricity generation is not a network utility operation and therefore does trigger the requirement for financial contributions. Such activities are assessed as being discretionary within the Stratford District.

TrustPower suggest as an alternative that some mechanism for rebating the financial contributions be adopted and this is considered below.

*RECOMMENDED*

327. The submission from TrustPower NZ Ltd and the cross submission from Telecom NZ Ltd be declined.

*Recommended Reason*

327. The District Plan rules already exempt network utilities from financial contributions unless the activity is of sufficiently high financial value or is assessed as a discretionary activity.

**C1.2.1 Amount of Contribution - Financial Contributions for Permitted Activities**

**C2.1.17 Provision of Land for Open space, public recreation, community or other purposes, and Provision for Community Facilities**

Proposals

*“C1.2.1 The owner of any land in the district which is developed for administrative, commercial or industrial purposes (excluding farming), or any two or more such purposes, shall pay to the Council, at the time of receiving building consent (pursuant to Section 45 of the Building Act 2004), a financial contribution, in cash, of 0.5% of the assessed value of the above types of developments in excess of \$500,000. The value of any of the above types of developments will be independently assessed at the expense of the developer.”*

*“C2.1.17(b) Amount of Contribution:*

- A contribution in cash or land or both equivalent to 7.5% of the value of each new allotment of less than 2,000 m<sup>2</sup>. (The contribution to be assessed on the additional allotments*

- created in excess of those that existed prior to the subdivision); or*
- *a contribution of cash or land or both equal to 7.5% of the value of land for every additional dwelling or dwelling unit; or*
  - *a contribution of cash, or land equivalent to 0.5% of the value of commercial and industrial developments in excess of \$500,000;*
- including the cost of any necessary valuations, to be independently assessed at the expense of the landowner or developer.”*

#### Submission

AMEND - TrustPower Ltd

#### Commentary on Submission

The submitter suggests that this imposition leads to unduly onerous amounts being demanded from, particularly, one-off large scale energy projects and requests a means of varying the amount. Whether the 0.5% is onerous or not is a subjective point, but it is noted that the contribution required from developments such as Waihapa Production Station and the Stratford Power Station are substantial in amount in comparison to other financial contributions received by Council.

Council has put in place a rate remission policy which effectively discounts the financial contribution amount from the rates due where certain circumstances are met pertaining to community economic development opportunities from the development. There is, however nothing in place for other types of development such as TrustPower are referring to.

With large scale developments the dollar amount of the contribution is not so much the issue as is the lack of return on the investment by the developer. As TrustPower points out there are usually very confined effects on community infrastructure from network utility and energy developments and therefore any contribution is not being necessarily used to improve infrastructure which is being impacted by the development. One way around this is to allow such development the opportunity to have an equivalent positive effect in the community and thereby potentially gain some return from it.

#### *RECOMMENDED*

328. The submission from TrustPower NZ Ltd be upheld.

329. That the following paragraph be added to C1.1 Purpose and Circumstances:

- “C1.1.3 In setting financial contributions, the following matters shall, where discretion is indicated, be considered:*
- *Any positive effects of the activity on the Stratford District, including but not being limited to the provision of community utilities and services; and*
  - *the extent to which any adverse effects are avoided, remedied or mitigated”*

330. That C1.2.1 Amount of Contribution be amended to state:

*“C1.2.1 The owner of any land in the district which is developed for administrative, commercial or industrial purposes (excluding farming), or any two or more such purposes, shall pay to the Council, at the time of receiving building consent (pursuant to Section 45 of the Building Act 2004), a maximum financial contribution, in cash, of 0.5% of the assessed value of the above types of developments in excess of \$500,000. The value of any of the above types of developments will be independently assessed at the expense of the developer.”*

331. That the following bullet point be added to C2.1.17(a):

- *“In setting financial contributions, the following matters shall, where discretion is indicated, be considered:
  - Any positive effects of the activity on the Stratford District, including but not being limited to the provision of community utilities and services; and
  - the extent to which any adverse effects are avoided, remedied or mitigated”*

332. That C2.1.17(b) be amended to state:

*“(b) Amount of Contribution:*

- *A contribution in cash or land or both equivalent to 7.5% of the value of each new allotment of less than 2,000 m<sup>2</sup>. (The contribution to be assessed on the additional allotments created in excess of those that existed prior to the subdivision); or*
- *a contribution of cash or land or both equal to 7.5% of the value of land for every additional dwelling or dwelling unit; or*
- *a maximum contribution of cash, or land equivalent to 0.5% of the value of commercial and industrial developments in excess of \$500,000; including the cost of any necessary valuations, to be independently assessed at the expense of the landowner or developer.”*

#### *Recommended Reason*

328-332 The amended financial contribution provisions provide for compliance with the Resource Management Act 1991 and flexibility in their application.

#### **C2.1.10 Financial Contributions - Water Supply**

#### **C2.1.11 Financial Contributions - Sewage Disposal Systems**

#### **C2.1.12 Financial Contributions - Stormwater Control & Disposal System**

#### Submission

AMEND - TrustPower Ltd

#### Commentary on Submission

The submitter is seeking the application of these requirements to alternative systems and ensuring that they do not apply to any extension of existing reticulation. The requirements do in fact refer to the provision of either a new system or an alternative, including the increase in capacity of the existing

systems should this be necessary. This is clearly and explicitly stated in the “Maximum Amount of Contribution” clause of each section. The amount payable is also covered by case law and is dependant on the proportional liability of the developer for the reticulation extension if required, i.e., must take into account the number of other future connections which could be made by other persons to that extension. The same applies to roading extensions.

*RECOMMENDED*

333. The submission from TrustPower Ltd be declined

*Recommended Reason*

333. The application of the financial contributions to necessary extensions to reticulation systems is appropriate and the apportioning of costs is adequately covered by case law.

**Significance**

The decisions on submissions are significant in terms of the Policy on Significance in that they potentially affect the community at large through the District Plan. In turn, these decisions can affect the ability and cost to Council of being able to carry out its resource management responsibilities.

The review of the District Plan has been subject to consultation as required by the Act.

6.5 **Prioritisation & Trade-off**

The consideration of this report has no direct impact on Council’s ability to deliver its services or on its funding ability. The decisions, as noted, are part of the review process which must be released by Council within two years of notifying the proposals to meet the time restrictions of the Act.

6.6 **Specify Nature of Decision Required**

Council is required to make its decisions on the submissions received and to provide reasons for those decisions. The release of the decisions will be deferred until all of the submissions made have been considered.

6.7 **Sustainability**

*“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.*

The administration of the Stratford District Plan is a primary means of ensuring the encouragement and regulation of sustainable development within the district.

7. **RECOMMENDATIONS**

THAT recommendations 234 to 333, as contained within this report, be approved.

**Recommended Reason**

The reasons for each recommendation are provided within this report.

M R Avery  
**PLANNING & REGULATORY MANAGER**

Approved by  
M R Freeman  
**CHIEF EXECUTIVE**

**DATE**