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The District Plan Hearings Administrator

Waikato District Council

Private Bag 544

**Ngaruawahia 3742**

Email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Attention: Fletcher Bell

### **Proposed Waikato District Plan – Stage 1 – Hearing 22, Infrastructure**

Powerco Limited (Powerco) will not be attending Stage 1 – Hearing 22, Infrastructure. However, Powerco would like the following letter tabled with the Hearing Commissioners.

#### **Definition – Minor Infrastructure Structure**

Powerco submitted (836.11) on the proposed plan's "Minor Infrastructure Structure" definition and sought to amend the definition as follows (proposed text in underline):

Means any above-ground box-like structure or enclosure associated with infrastructure or that receives or transmits to or from any part of an infrastructure network, which includes: (a) electricity junction pillars (b) transformers (including pole mounted transformers); (c) regulator stations; (d) compressor stations; and (e) pumping stations.

Powerco sought the amendments to the definition to provide more clarity around rules that apply to these network utilities. Pole mounted transformers are a type of transformer that are mounted on an electrical power pole (wood or concrete) and are usually at the level of the overhead cables. They are common transformers used for stepping distribution voltages down to lower voltages where there is overhead network. The transformers usually service urban and rural residential and commercial loads. Powerco was concerned that by just including "transformer" may inadvertently exclude a normal and abundant network asset, pole mounted transformers.

Waikato District Council's s42 hearing report recommends no amendments to the definition. However, Powerco would like the Hearings Commissioners to reconsider the inclusion of regulator stations (voltage regulators) and pole mounted transformers within the definition to provide more clarity that is needed around the definition.

#### **Permitted Activity Rule 14.2.1.1 and 14.2.1.1(2)**

Powerco submitted (836.12) to retain rule 14.2.1.1 and amend rule 14.2.1.1(2) Permitted Activities relating to P1 New Infrastructure (or alternative wording or planning approach to address the issues raised) as follows (proposed text in underline):

(2) The conditions in Rule 14.2.1.1(1) do not apply to:

...

(e) Support structures for the distribution of electricity.

Powerco sought the amendment to rule 14.2.1.1(2) as the proposed plan sought to include support structures in the definition of “infrastructure”. Under rule 14.2.1.1(1)(b)(c) and (d) all new infrastructure, as per the plan definition, is required to comply with height to boundary rules within the various zones and be under 2.5m in height. Powerco submitted that it is not practical, due to the locational requirements of support structures and their minimum required height to achieve safe separation distances between conductors, the public, traffic and buildings. Powerco therefore sought a further exemption to rule 14.2.1.1(2) for support structures.

Powerco’s s42 hearing report recommends to delete the 10m2 and 2.5m in height from 14.2.1.1(1). Powerco supports this recommendation. However, Powerco still would like the new clause 14.2.1.12(e) to be inserted as without the amendment where existing overhead network (say in the residential zone) needs further support structures, these should be permitted. To require resource consents in such a situation is onerous.

In addition, Powerco was also a further submitter in support of Spark’s submission (644.32) to provide an exemption for service connections including any associated support poles from all height in relation to boundary rules in 14.2.1.1(1). Powerco supports Waikato District Council’s s42 recommendation to accept Spark’s relief and provide the following exemption (proposed text in underline):

(e) Support poles associated with service connections are exempt from height in relation to boundary rules.

In summary, Powerco therefore supports the following amendments to rule 14.2.1.1(2) (proposed text in underline):

(2) The conditions in Rule 14.2.1.1(1) do not apply to:

...

(e) Support structures for the distribution of electricity;

(f) Support poles associated with service connections are exempt from height in relation to boundary rules.

### **Permitted Activity 14.3.1. P5**

Powerco submitted (836.17) in support of permitted activity specific conditions 14.3.1.4 Permitted Activities relating to P5, except for the following amendments requiring tree work in close proximity to electricity assets to be undertaken by a “Utilities Approved Arborist” as follows (amendments sought in underline):

14.3.1.4 Permitted Activities relating to P5 as follows: (1) Any trimming, maintenance or removal of vegetation or trees associated with infrastructure that meet all of the following conditions: (a) No tree identified in Schedule 30.2 is removed; (b) Any required trimming of a tree identified in Schedule 30.2 is either: (i) To remove dead, dying or diseased branches and the tree work is undertaken by a works and Utilities Approved arborist and/; or ... Note: Trees in and around electrical assets are required to be in accordance with the Electricity (Hazards from Trees) Regulations 2003 and be undertaken by a Utilities Approved Arborist.

Waikato District Council’s s42 hearing report rejected Powerco’s relief. However, Powerco supports the recommendation in the s42 report that the term should be “works arborist”.

### **Permitted Activity 14.5.1.3(a)(ii) P5**

Powerco was a further submitter in support of Counties Power’s submission (405.54) on the addition of reference to NZCEP34:2001 as follows (amendments sought in underline):

Construction or alteration of ANY building within the vicinity of overhead lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34:2001)

Waikato District Council’s s42 hearings report rejected Counties Power’s relief.

To increase knowledge and safety requirements of building in close proximity to power lines, Powerco supports the referencing of NZCEP34:2001 in the proposed plan. As an alternative, Waikato District Council could consider referencing NZCEP34:2001 in an advice note at the beginning of the infrastructure chapter and other relevant chapters where building work could occur around electricity assets to ensure prescribed safety requirements are met.

### **Rule 14.5.2 RD2**

Powerco submitted (836.20) on 14.5.2 RD2 Construction or alteration of a building for a sensitive land use and add a new non-complying activity rule as follows (amendments sought in underline):

14.5.4 Non-Complying Activities - The activities listed below are non-complying activities: NC1 Construction or alteration of a building for a sensitive land use that does not comply with Rule 14.5.1.3 (a).

Powerco sought to delete rule 14.5.2 RD2 Restricted Discretionary Activities and make construction or alteration of a building for a sensitive land use that does not comply with the permitted activity standards a non-complying activity instead to ensure such building activities are discouraged. The Waikato District Council's s42 hearing report rejected Powerco's relief.

In the s42 hearing report, under Rule 14.5.2 RD2 has been amended so that the construction or alteration of a building for a sensitive land use within 10m from the centre of line of any electrical distribution or transmission line, is a restricted discretionary activity. Powerco is supportive of the recommendation of the 10m setback and any infringement of this rule triggering resource consent. However, in the interests of safety Powerco now seeks the following further amendment to 14.5.2 RD2 to read (amendments sought in underline):

"RD2 activities shall comply with the following standards and terms:

(a) A qualified electrical engineer shall prepare an engineering assessment for resource consent for the building in proximity to the electrical assets.

(b) A qualified electrical engineer shall prepare an engineering assessment which shall be included in the application for resource consent for the building in close proximity to the electrical assets which shall identify compliance with the New Zealand Electrical Code of Practice 2001:34 (NZECP 24:2001).

The new amendment adding to the matters of discretion requires a qualified electrical engineer to provide an engineering assessment for any resource consent for a building in close proximity to electricity assets. This ensures that the requirements of NZECP34:2001 are met when consent applications are considering new buildings or alterations to buildings 10 metres or closer to electricity assets.

### **6.1.6 Objective – Reverse Sensitivity**

Powerco submitted (836.42) to retain Objective 6.1.6 Reverse Sensitivity, except sought the following amendments (amendment sought as underlined):

Amend Objective 6.1.6 Reverse Sensitivity as follows: (a) Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid and regionally significant infrastructure) is not compromised.

The Waikato District Council's s42 hearings report rejected the relief sought. Powerco accepts the hearings report recommendation stating that all infrastructure and the National Grid are included within the objective.

### **6.1.9 Policy**

Powerco made a submission (836.43) on 6.1.9 Policy seeking to retain the policy and amend it by adding the words "significant" and "as far as reasonably practicable" as follows (amendments sought in underline):

Retain Policy 6.1.9- Environmental effects, community health, safety and amenity, except for the amendments sought below AND Amend Policy 6.1.9 Environmental effects, community health, safety and amenity as follows: (a) Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate significant adverse effects as far as reasonably practicable, on the environment, community health, safety and amenity

The Waikato District Council's s42 hearings report rejected the relief sought.

Policy 6.1.9 relates to retaining values, qualities and characteristics of identified areas when proposing new infrastructure and taking into account the qualities and characteristics of surrounding environments. Given the lineal nature of electricity infrastructure, it may often have to traverse sensitive landscapes and multiple zones and overlays, as a result adverse effects cannot always be avoided. The policies need to take this into account when considering upgrading or installing new infrastructure. The form and function of utilities is generally consistent irrespective of the zone in which they are located. This is especially true of lineal network utilities, which traverse multiple zones. As such it is difficult to meet the objective and policies requiring the consideration of the qualities and characteristics of surrounding environments.

Powerco would like to see recognition that network utilities cannot always be located to avoid all adverse effects on communities, by focussing on avoiding significant adverse effects as well as what is reasonably practicable to achieve.

Powerco would therefore like the hearings committee reconsider its recommendation and accept Powerco's relief sought.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Scholfield".

Gary Scholfield

**Environmental Planner**