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The District Plan Hearings Administrator
Waikato District Council
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Attention: Fletcher Bell

Proposed Waikato District Plan – Stage 2 – Hearing 27 Natural Hazards and Climate Change (formerly known as Stage 2 of the Proposed District Plan)

Powerco Limited (Powerco) will not be attending Stage 2 – Hearing 27 Natural Hazards and Climate Change. However, Powerco would like the following letter tabled with the Hearing Commissioners.

Hearing 27B - Objectives, Policies, and General Submissions

Further Submission FS3007.2

Powerco made a further submission (FS3007.2) in support of Transpower's submission 2101.4. Transpower sought to retain Objective 15.2.1. WDC's s42A report recommendation accepted in part Transpower's submission and sought to make the following amendment to Objective 15.2.1:

Objective 15.2.1 – Resilience to natural hazard risk:

A resilient community where the risks from natural hazards on to people, property, infrastructure and the environment from subdivision, use and development of land are avoided, or ~~appropriately~~ mitigated to acceptable levels.

Powerco supports the s42A report recommendation.

Further Submission FS3007.5

Powerco made a further submission (FS3007.5) in support of Mercury NZ Limited's submission 2053.24. Mercury sought amendment to Policy 15.2.1.4(a)(ii) by deletion of the words "to the extent practicable" from paragraph (ii) as follows:

15.2.1.4(a) Enable the construction of new infrastructure and utilities in areas of significant risk from natural hazards, including High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) areas only where:

...

(ii) any increased risks to people, property and the environment are mitigated ~~to the extent practicable~~; and

...

WDC's s42A report recommendation sought to reject Mercury's relief as removing text would be less effective in implementing the objective.

Powerco opposes the s42A report recommendation, as at times mitigation measures may be available, but not practical to implement.

Further Submission

Powerco made a further submission (FS3007.6) in support of Genesis Limited's submission 2104.3. Genesis sought amendment of Policy 15.2.1.4(a) with the additional words "including any ancillary activities" as follows:

Policy 15.2.1.4 – New infrastructure and utilities in areas subject to significant risk from natural hazards is:

(a) Enable the construction of new infrastructure and utilities, including any ancillary activities, in areas at significant risk from natural hazards, including High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) areas only where:

(i) the infrastructure and utilities are technically, functionally or operationally required to locate in areas subject to natural hazards, or it is not reasonable practicable to be located elsewhere; and

(ii) any increased risks to people, property and the environment are mitigated to the extent practicable; and

(iii) the infrastructure and utilities are designed, maintained and managed, including provision of hazard mitigation works where appropriate, to function to the extent practicable during and after natural hazard events.

WDC's s42A report recommendation sought to reject Genesis' submission as "ancillary activities" as defined in the National Planning Standard "means any activity that supports and is subsidiary to a primary activity". The s42A report goes on to say that the definition is very broad and adding this to the policy could have unintended consequences, and that resilience of the community is promoted by locating ancillary activities away from an area of risk associated with natural hazards.

At times new infrastructure and utilities will be technically, functionally or operationally required to locate in areas or traverse through areas subject to natural hazards. It is appropriate that this enabling policy be retained and that allowance is made for ancillary activities to be included within the policy to provide certainty.

Powerco opposes the s42A report recommendation.

Further Submission FS3007.8

Powerco made a further submission (FS3007.8) in support of WEL Networks Limited's submission 2106.2. WEL Networks sought amendment to Policy 15.2.1.5(a) to refer to upgrading as well and minor upgrading of existing infrastructure and utilities as follows:

Policy 15.2.1.5 – Existing infrastructure and utilities in all areas subject to natural hazards is:

(a) Provide for the operation, maintenance and minor upgrading and upgrading of existing infrastructure and utilities in all areas subject to natural hazards.

The s42A report acknowledges the need for a provision for upgrading of existing infrastructure that is not minor upgrading and that there is a policy gap. While the s42A report recommendation rejects the relief sought, the relief has been provided by amending rule 15.2.1.4.

Therefore, Powerco supports the s42A report recommendation.

Further submission FS3007.11

Powerco made a further submission (FS3007.11) in support of Waikato Regional Council's submission 2102.30. Waikato Regional Council sought to amend Policy 15.2.1.4(a)(ii) by adding the words "other infrastructure and utilities" as follows:

(ii) any increased risk to people, property, other infrastructure and utilities and the environment are mitigated to the extent practicable; and

WDC's s42A report recommendation rejects the relief sought.

Powerco opposes the s42A report recommendation as it is important that effects on existing infrastructure and utilities are considered when installing new infrastructure in areas subject to significant risk from hazards.

Further submission FS3007.12

Powerco made a further submission (FS3007.12) in support of Waikato Regional Council's submission 2102.33. Waikato Regional Council sought to add a new Policy 15.2.1.5A as follows:

Policy 15.2.1.5A – New infrastructure and utilities in all areas subject to natural hazards

(a) Provide for new infrastructure and utilities in all areas subject to natural hazards, provided that the hazard is not exacerbated or risks increased to other properties.

WDC's s42 report recommendation rejects the relief sought.

Powerco opposes the s42A report recommendation as a policy that enables new infrastructure and utilities in all areas subject to natural hazards is needed as there appears to be a policy gap.

Hearing 27C - Flood Hazards, and Defended Areas

Submission 2100.3

Powerco sought to retain permitted activity Rule 15.4.1 P5. The Waikato District Council's (WDC) s42A report recommendation accepted Powerco's submission, recommending that no amendments be made to P5.

Powerco supports the recommendation.

Submission 2100.4

Powerco sought to add a new clause (3) to permitted activity Rule 15.5.1 P1 as follows:

(3) New electricity lines, poles, transformers and associated equipment.

The WDC's s42A report accepted Powerco's submission but recommended that the drafting be amended to read:

"3. Construction, replacement or upgrading of electricity lines, poles, cabinets, and supporting structures."

The s42A report recommendation clearly sets out the permitted activity rules into minor upgrading; and upgrading and construction of new electricity lines.

Powerco supports the recommendation.

Further Submission FS3007.1

Powerco made a further submission (FS3007.1) in support of Transpower's submission 2101.3. Transpower sought to amend section 15.1(1) to recognise new infrastructure with the following additional text: "and in some circumstances new infrastructure development in natural areas may be required."

WDC's s42A report recommendation sought to accept in part Transpower's submission by the addition of the following additional text: "and that in some circumstances new infrastructure development in natural hazard areas may be appropriate where the criteria in the plan are met".

Powerco supports the s42A report recommendation.

Further Submission FS3007.7

Powerco made a further submission (FS3007.7) in support of Genesis Limited's submission 2104.8. Genesis sought amendment of Rule 15.5.1 P1(1) and add new (3) as follows:

(1) Repair, maintenance, or minor upgrading, or rehabilitation of existing infrastructure, utilities, and their ancillary activities.

(2)

(3) Earthworks associated with activities under (1) and (2) or rehabilitation of the site occupied by the infrastructure, utilities or ancillary activities.

WDC's s42A report recommended to reject Genesis' submission as earthworks associated with construction, upgrading and minor upgrading of existing infrastructure is included in Rule 15.4.1 P6. Accordingly as earthworks have their own rule, Powerco supports the s42A report recommendation.

Further Submission FS3007.9

Powerco made a further submission (FS3007.9) in support of WEL Networks Limited's submission 2106.9. WEL Networks sought to retain Rule 15.4.1 P6. WDC's s42A report recommendation accepts WEL Network's submission.

Powerco supports the s42A report recommendation.

Further Submission FS3007.10

Powerco made a further submission (FS3007.10) in support of WEL Networks Limited's submission 2106.11. WEL Networks sought to amend Rule 15.5.1 P1 as follows:

(1) Repair, maintenance or minor upgrading of existing utilities and associated earthworks.

(2) New telecommunication and electricity lines, poles, cabinets and masts/poles supporting antennas and associated earthworks.

WDC's s42A report recommendation accepted the relief in part as it is referred to elsewhere (i.e. the related earthworks permitted activity Rule 15.4.1 P6), and amended the rule by adding a further row to deal with the construction, replacement or upgrading of electricity lines.

Powerco supports the s42A report recommendation.

Yours sincerely



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