

WELLINGTON CITY DISTRICT PLAN – DPC77

Submission form on publicly notified Proposed District Plan Change 77

Curtis Street Business Area

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE

Posted to	District Plan Team Wellington City Council PO Box 2199 Wellington 6011
Delivered to	Ground floor reception Civic Square/101 Wakefield Street Wellington
Faxed to	801 3165 (if you fax your submission, please post or deliver a copy to one of the above addresses) Please use additional sheets if necessary.
Emailed to	district.plan@wcc.govt.nz
We need to receive your submission by 5pm, Monday 11 March 2013.	

YOUR NAME AND CONTACT DETAILS

Full name: Transpower New Zealand Limited		
Full address: PO Box 1021, Wellington 6140		
Address for service of person making submission Transpower New Zealand Limited, Attn: Mike Hurley, PO Box 1021, Wellington 6140		
Email mike.hurley@transpower.co.nz	Phone 04 590 7244	Fax 04 495 6968

TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<input checked="" type="checkbox"/> I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that: (a) adversely effects the environment, and (b) does not relate to the trade competition or the effects of trade competitions. Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED DISTRICT PLAN CHANGE 77 THAT MY SUBMISSION RELATES TO ARE AS FOLLOWS *(Please continue on separate sheet(s) if necessary.)*

See full submission attached

MY SUBMISSION IS THAT

(You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)

See full submission attached

WE SEEK THE FOLLOWING DECISION FROM THE COUNCIL. *(Please give precise details.)*

See full submission attached

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

- I wish to speak at the hearing in support of my submissions.
- I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

- | | |
|--|--|
| <input checked="" type="checkbox"/> Yes, I have attached extra sheets. | <input type="checkbox"/> No, I have not attached extra sheets. |
|--|--|

SIGNATURE OF SUBMITTER

*(or person authorised to sign on behalf of submitter)
A signature is not required if you make your submission by electronic means.*

Signature	Date 11 March 2013
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Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Wellington City Council, with submitters having the right to access and correct personal information.

Submission by Transpower New Zealand Limited on Plan Change 77 Curtis Street Business Area to the Wellington District Plan

11th March 2013

Keeping the energy flowing



ADDRESS FOR SERVICE
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**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED ON PLAN
CHANGE 77 CURTIS STREET BUSINESS AREA TO THE WELLINGTON
DISTRICT PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE
OF THE RESOURCE MANAGEMENT ACT 1991**

1.0 INTRODUCTION

- 1.1 Transpower is the State Owned Enterprise that plans, builds, maintains and operates New Zealand's high voltage transmission network – the National Grid – which links generators to distribution companies and major industrial users. The Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.
- 1.2 The National Grid comprises some 12,000 km of transmission lines and over 170 substations. The control centres (located in Wellington and Hamilton) operate a network of some 300 telecommunication sites that link together the components that make up the National Grid.
- 1.3 The Central Park – Wilton A (CPK – WIL A) 110 kV National Grid transmission line traverses the proposed Curtis Street Business Area. The site of the proposed development is located about mid-span between Tower 11 (which is about 157 metres to the north and opposite No. 5 Seaforth Terrace) and Tower 12 (which is about 153 metres to the south and in the property at No. 32 Curtis Street).

2.0 THE STATUTORY CONTEXT

National Policy Statement on Electricity Transmission 2008 (NPSET)

- 2.1 Under the Resource Management Act 1991 (*RMA*) Transpower's electricity infrastructure is a significant physical resource that must be sustainably managed, and adverse effects on that infrastructure must be avoided, remedied or mitigated. The NPSET confirms the national significance of the

Grid and the need to appropriately manage both the transmission network and activities and development close to it.

2.2 The objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

2.3 The potential for the activities of other parties to adversely affect the transmission network has been recognised in the NPSET, most specifically in policies 10 and 11. These policies provide the primary guidance to the management of the adverse effects of other parties on the transmission network.

2.4 Policy 10 requires decision makers, to the extent reasonably possible and for the purpose of promoting sustainable management, to manage activities to avoid reverse sensitivity effects on the transmission network and to ensure that the operation, maintenance, upgrading and development of the network is not compromised.

2.5 Policy 11 requires local authorities to consult with Transpower to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent.

2.6 Policy 11 mandates buffer corridors for sensitive activities. The definition of “sensitive activities” in the NPSET is not exhaustive. It specifically refers to schools, residential buildings and hospitals. The definition in the NPSET lacks specificity, especially given that non sensitive activities are not defined. A more explicit definition is required if the phrase is to be included in the Plan Change. A more appropriate definition would be:

Sensitive activities, *Activities sensitive to the risks associated with high voltage transmission lines and associated adverse effects, because of either the period of exposure to the risk or the vulnerability of the population that is exposed to the risk. Such activities includes residential activities, educational facilities, resthomes, hospitals or other buildings occupied by people for 20 hours a week or more.*

- 2.7 Policy 11 states that sensitive activities should generally not be provided for in plans or granted resource consent. The establishment of sensitive activities in a transmission corridor should therefore be an exception and, as required by Policy 11, generally not be provided for.
- 2.8 Transpower accepts that the extent to which buffer corridors can provide for upgrading will depend upon a range of factors, including the effects, certainty and timing of the upgrade. It is expected that any upgrade would easily be accommodated, due to the elevated location of the line above the plan change site.
- 2.9 In addition, Policy 12 requires territorial authorities to identify the transmission network on their Planning Maps.

3.0 SPECIFIC COMMENTS ON THE PLAN CHANGE

- 3.1 Transpower acknowledges and appreciates the consultation that the Council has undertaken prior to the notification of the Proposed Plan Change. Transpower supports the rezoning of the land away from residential.
- 3.2 Transpower recognises that the plan change applies to a discrete area of land within the City that has unique characteristics. Transpower's line is elevated above the site. Transpower has made specific comments in this submission that are applicable to the area of land that is subject to the plan change. While these comments are generally consistent with Transpower's approach to NPSET implementation across the entire City. However, they differ to the extent that this is a site that is located within a valley with no support structures.

- 3.3 Transpower seeks that sensitive activities are excluded from the area within 12m either side of the centreline of the transmission line; a map showing the extend of a 12m corridor is included as Attachment 1. Transpower recognises that this does not reflect the maximum swing of the conductors but will reflect where the conductors will be on most days. Transpower considers that this is a prudent management approach to manage sensitive activities in this location.
- 3.4 As discussed above, the definition of sensitive activities in the NPSET is inclusive. Transpower's considers that people can be equally at risk to a low probability high impact event at work as they are at home. On this basis Transpower considers that any workplace or area where large numbers of people congregate is also captured by the definition of sensitive activity. For clarity, within the District Plan Transpower has sought to amend to the definition of sensitive activities to reflect this.
- 3.5 The site has large vertical clearance distances from the conductors of the transmission line. Further, given the location and layout of the site (and its history), it is unlikely that business activities could locate away from the 12m corridor proposed (either side of the centreline). On this basis Transpower can, in this instance, accept non-sensitive activities being located underneath the conductors. The preference from Transpower's perspective is that these activities should not involve large numbers of people being located under the conductors for any significant period of time. It may be possible to layout the development of the site accordingly; e.g., provide the carparking, loading spaces, or storage areas under the transmission lines.
- 3.6 Many retail activities can be considered to be sensitive activities in relation to electricity transmission lines. As stated above Transpower does not support activities that include the congregation of large numbers of people under the Transmission Lines from establishing on greenfield sites. On this basis the definitions of retailing activities in the proposed plan change can be used to encourage only those less sensitive activities from establishing directly beneath the transmission lines. The more sensitive activities should not be provided for within 12m from the centreline of the transmission line.

- 3.7 If buildings and/or structures are constructed beneath the transmission lines they must be designed and constructed to maintain safe separation distances from the conductors of the transmission lines under all operating conditions. Transpower is seeking an additional performance standard in rule 36.6(b) to ensure that this is clearly recognised. This standard will ensure that the buildings are safely constructed even where earthworks raise the level of the site. Transpower considers that it should be identified as an affected party if this standard is not complied with. It is noted that earthworks above 1.5m fill will require a resource consent. Transpower would expect to be notified and/or served notice of any earthworks consents that significantly raised the ground levels under any transmission lines.
- 3.8 The establishment of significant volumes of hazardous substances on the Curtis Street Business Area is not supported by Transpower and it is considered that this should be a non-complying activity. The establishment of hazardous substances under the transmission lines can compromise the operation of the transmission lines. While this may be a low probability event it is a risk to the transmission lines that should be avoided. It is noted that the plan change proposes that utility lifelines are discretionary on the site yet hazardous substance activities are only controlled activity under an existing utility lifeline. This approach is opposed by Transpower.
- 3.9 Transpower seeks that any subdivision around the transmission lines is a restricted discretionary activity. This is to ensure that any subdivision layout achieves a good outcome for the subsequent development of the site in relation to the location of the transmission lines.
- 3.10 Transpower supports that the objective and policy framework has identified the electricity transmission network and the need to ensure that the ongoing operation and maintenance is not compromised. Transpower is seeking minor changes to reflect that development around the transmission lines can have adverse effects other than just reverse sensitivity effects on the lines.
- 3.11 There are different ways of defining what a high voltage electricity line is. For reasons of clarity Transpower is seeking that the national grid lines are referred

to as either the 'National Grid transmission lines' or 'Electricity Transmission lines'.

RELIEF SOUGHT:

4.1 That the provisions of the Plan Change 77 are amended to ensure:

- Within the bounds of the plan change, that the National Policy Statement on Electricity Transmission 2008 is given effect to;
- The protection of the existing network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate transmission corridors based on the characteristics of the transmission line;
- The on-going operation, maintenance, upgrading and development of the existing transmission line is provided for.

One way of achieving this outcome would be to adopt the balance of the relief sought in this submission

4.2 Amend Objective 35.2.6 as follows:

Manage ~~reverse sensitivity~~ the effects associated with the development and use of the Curtis Street Business Area

4.3 Amend Policy 35.2.6.2 as follows:

Discourage sensitive activities from establishing in the Curtis Street Business Area to avoid conflicts with the electricity transmission line and the commercial activities encouraged for the area and only allow these to establish where reverse sensitivity effects can be properly avoided, remedied or mitigated.

4.4 Retain policy 35.2.6.3 with only the grammatical change identified below:

Ensure activities, development and vegetation planting in the Curtis Street Business Area ~~does~~ not compromise the operation, maintenance and upgrading of the high voltage transmission lines traversing the area.

4.5 Retain the explanation to objective and policies below objective 35.2.6 as notified

4.6 Retain objective 35.2.10 as notified

4.7 Retain policy 35.2.10.1 as notified.

4.8 Amend bullet point (e) in Rule 36.1 as follows:

(e) Trade Supply Retail and Yard Based Retail activities

4.9 Delete Rule 36.2 (a) Subdivision

4.10 Delete Rule 36.2 (b) Hazardous substance activities

4.11 Amend the notification statement related to Transpower in Rule 36.3 as follows:

Transpower New Zealand Ltd may be considered to be an affected party to an application for the construction of, or addition to, buildings and structures in respect of infringements to the building height and footprint standards in Section 36.6(a) and (b).

4.12 Amend Rule 36.3 to include subdivision as a restricted discretionary activity as follows:

(x). Subdivision

Discretion: In assessing subdivision under Rule 36.3(x) Council's discretion will be limited to stormwater, sewerage and water supply servicing; provision of legal and practical physical access to every unit or lot; the allocation of accessory units to principal units; the allocation of covenant areas to lease areas to ensure compliance with servicing rules; and subdivision layout.

4.13 Amend Rule 36.4 (b) as follows

Sensitive Activities and uses beyond 12m from the centreline of any electricity transmission line

4.14 Amend Rule 36.5 as Follows:

36.5 Non-Complying Activities

(a) The following are non-complying activities within 12m of the centreline of any electricity transmission line:

(i) Sensitive activities and uses.

(ii) Offices

(iii) Retail Activities other than trade supply or yard based retail activities

(iv) Places of assembly

(b) Hazardous substance activities

(c) Activities not provided for as permitted, controlled, restricted discretionary or discretionary activities.

4.15 Amend the definition of sensitive activities as follows:

SENSITIVE ACTIVITIES AND USES: means those activities and uses which are:

- schools, kindergarten or child care centres
- homes for the elderly, hospitals, residential care facilities, premises with high density, low mobility uses
- facilities critical to emergency response and utility lifelines
- transport corridors to emergency services
- residential activities (applies only in Central Area, Centres and Business Areas)
- In the Curtis Street Business Area also includes those activities which are sensitive to the risks associated with high voltage transmission lines and associated adverse effects, because of either the period of exposure to the risk or the vulnerability of the population that is exposed to the risk. Such activities include those activities listed in bullet points 1, 2 & 5 above or other buildings occupied by people for 20 hours a week or more.

4.16 Include a new activity standard in in 36.6(b) as follows:

- iii. All buildings and structures are designed and constructed to maintain a minimum clearance of 6m from the electricity transmission line conductors at all times and under all transmission line operating conditions.

4.17 Retain the location of the Electricity Transmission Line on the Planning maps

4.18 Amend any reference to high voltage transmission line to either 'electricity transmission line' or 'national grid transmission line'

4.19 Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission

4.0 TRANSPOWER WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

5.0 IF OTHERS MAKE A SIMILAR SUBMISSION, TRANSPOWER WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

6.0 TRANSPOWER COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

7.0 TRANSPOWER IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND

(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Dated this 13th day of March 2013

A handwritten signature in black ink, appearing to read "m Hurley".

Mike Hurley

Environmental Advisor – Policy

Transpower New Zealand Limited

