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Horowhenua District Council

Private Bag 4002

LEVIN 5540

Attention: Project Manager (District Plan Review)

Via email: districtplan@horowhenua.govt.nz

Dear Sir/Madam

**RE: HEARING STATEMENT ON BEHALF OF TRANSPOWER NEW ZEALAND LIMITED
ON PROPOSED PLAN CHANGE 22 TO THE HOROWHENUA DISTRICT PLAN**

1. INTRODUCTION

I refer to the abovementioned matter set down for hearing commencing on 14th November 2011. Transpower New Zealand Limited ("Transpower") is not attending this hearing as it is generally in agreement with the recommendations in the Planner's Report and as a consequence of the review of the Outstanding Natural Landscape and Features Transpower's assets now only traverse a small part of these areas. It would therefore be appreciated if this statement could be tabled before the Committee at the hearing.

Kathryn Lacey of Burton Planning Consultants Limited has prepared this statement, in respect of the relevant submissions and further submissions by Transpower on Proposed Plan Change 22 (Outstanding Natural Landscapes and Features) to the Horowhenua District Plan and following review of the staff recommendations in relation to the hearing. Transpower was allocated submission number 027.

2. SCOPE OF THE OUTSTANDING NATURAL LANDSCAPES AND FEATURES

In the notified version of the Plan Change, Transpower's high voltage transmission lines traversed the Tararua Range and Foxton Dunefield Outstanding Natural Landscapes and the Coastal environment, Manakau Downlands, Hill County and the Coastal Lakes High Amenity Landscapes.

The Council have undertaken a peer review on the Outstanding Natural Landscape and Features (ONLF) in the District and as a result of this review there have been a number of changes to the extent of such areas. Of particular relevance to Transpower is the reduction in the Tararua Ranges ONLF and the removal of the Foxton Dunefield ONLF which were traversed by high voltage transmission lines.

Consequently, Transpower's transmission lines now only traverse the following ONLFs; the Hokia Stream (part of the Lake Horowhenua ONLF) and the Waiwiri Stream (part of the Lake Papaitonga ONLF). Transpower supports the reduction in the Tararua Ranges ONLF and the removal of the Foxton Dunefield ONLF and commends these changes to the Hearings Committee.

Areas of the District that were considered high amenity landscapes have also been reviewed and confirmed as the Hill Country, Manakau Downlands, Coastal Lakes and Coastal Environment landscape domains. Transpower's high voltage transmission lines traverse the Foxton Dunefield, the Coastal Lakes, the Moutoa-Opiki Plains and the Tararua Terraces Domains. The Coastal Lakes and Coastal Environment domains have been recognised as having a high level of landscape amenity. The National Environmental Standards for Electricity Transmission Activities (discussed in more detail on page 8) will apply to the operation, maintenance and upgrading of the existing transmission lines in these areas.

Recommendation to the Committee: Adopt the extent of the Outstanding Natural Landscapes and Features as outlined on Planning Maps 32-33 and 38 in the Section 42A Hearing Report and the retention of the High Voltage Transmission lines on these maps.

3. ISSUE 4.3 (SUBMISSION 27B)

Transpower sought to incorporate into Issue 4.3 the full range of factors affecting ONLF, including the existing physical and cultural environment. The Reporting Planner has acknowledged that this issue has been addressed through the peer review (which considered the landscapes attributes associated with the spiritual, cultural and social

associations) and this is acknowledged in the text following Issue 4.3. The Reporting Planner has also recommended changes to the text after issue 4.3 which recognise that inappropriately sited structures (such as transmission pylons) may not be appropriate in ONLF where their specific location and design prevents them from adequately avoiding, remedying or mitigating their effects.

Recommendation to the Committee: Adopt the changes to the text under Issue 4.3 recommended by the Reporting Planner in the Section 42A Report as follows:

The landscapes of the District have been assessed to bring the Plan in line with the Regional Policy Statement (One Plan) ease-law and to apply a consistent landscape evaluation methodology. The aim of this has been to identify robustly the outstanding natural features and landscapes ~~and features~~ of the district and also other landscapes that are of high amenity to the community.

The assessment has taken into account the landscape attributes associated with the,

- Biophysical features, patterns and processes including:
 - Representativeness
 - Research and education
 - Rarity
 - Ecosystem functioning
 - Natural science features,
- Sensory and perceptual qualities including Aesthetic values
 - Coherence
 - Vividness
 - Naturalness,
 - Expressiveness
 - Transient values
- Spiritual, cultural and social associations including:Expressiveness;
 - Recognised values
 - Tangata whenua values
 - Historical association
 - ~~Transient values,~~
- ~~Shared and recognised values;~~
- ~~Value to tangata whenua, and~~
- ~~Historical associations.~~

The assessment has concluded that the Outstanding Natural Features and Landscapes (ONLFs) of the District are as follows:

The Tararua Ranges

Lake Horowhenua, Moutere Hill and the Hokio Stream

Lake Papaitonga and the Waiwiri Stream

The Manawatu River Estuary

The Coast including the foredunes and adjacent dunelands

- ~~1. The Coastal Landscape is a High Amenity Landscape within which are a number of Outstanding Natural Features including the foredunes and estuaries.~~
- ~~2. The Coastal Lakes domain is a High Amenity Landscape within which are Outstanding Natural Features including Lake Papaitonga, Lake Horowhenua and the Hekio Stream, and Moutere Hill.~~
- ~~3. The Foxton Dunefields domain is an Outstanding Natural Landscape based around the dune landforms.~~
- ~~4. The Tararua Ranges above the native bush line is an Outstanding Natural Landscape.~~
- ~~5. The Tararua foothills and the Manakau Downlands are High Amenity Landscapes.~~
- ~~6. The Manawatu, Ohau and Tokomaru Rivers and the Mangaore and Waikawa Streams and their respective margins are all High Amenity Landscapes.~~

.....

In addition further assessment has identified that the the following landscape domains have a high level of landscape amenity.

Hill Country

Manakau Downland

Coastal Lakes

Coastal Environment

Development facilitated by subdivision

Large buildings or inappropriately designed and sited buildings in each landscape type.

Inappropriately sited sStructures such as transmission pylons, telecommunication towers and wind farm turbines.

Earthworks for developments and access.

Removal of native vegetation

Policies and methods for the wider management of the coastal environment will be reviewed as part of the overall review of this Plan. This will focus on achieving integration of policy relating to the natural character of the coast and the outstanding landscape values. ~~In the interim a conservative approach has been adopted to define the coastal foredunes outstanding natural feature. This focuses on the steeper coastal dune areas with dune vegetation and largely excludes areas of forestry and pasture which form part of the coastal high amenity landscape~~

4. OBJECTIVE 4.3 (SUBMISSION 027C)

Transpower sought that Objective 4.3 be amended to clarify that it is the values attributed to the Amenity Outstanding Natural Landscapes and High Amenity Landscapes, rather than the areas themselves that need to be managed. The changes Transpower sought were as follows:

Ensure that subdivision, use and development does not adversely affect the values of outstanding natural landscapes and features and also has regard to the values of high amenity landscapes.

The Reporting Planner has made the following statement with respect to Transpower's submission "the ONLFs have been identified after careful consideration of their characteristic and values and therefore it does not seem necessary to insert these words".

Notwithstanding this the Reporting Planner has recommended the following changes to Objective 4.3:

Objective 4.3

Ensure that the District's Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision, use and development does not adversely affect outstanding natural landscapes and features and that also has regard is had to other landscapes having high amenity landscapes.

I disagree with the Reporting Planner as in my opinion, given that the values of the ONLFs have been considered in determining such areas and this should be recognised in the District Plan Objectives. It is also important to recognise that is, that it is not the outstanding natural landscapes and high amenity landscapes per se that need to be protected from adverse effects, but rather the values of those areas. Especially given the fact that the existing environment is already modified and that will continue change and be changed over time.

Recommendation to the Committee: Adopt the following changes to Objective 4.3 including those recommended by the Reporting Planner.

Objective 4.3

Ensure that the values of the District's Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision, use and development and that regard is had to the values of other landscapes having high amenity.

5. POLICIES 4.12-4.14E (SUBMISSIONS 027E, G, H, I)

Transpower requested that the following policy and explanation be included in the District Plan to specifically recognise the presence of transmission infrastructure within the Outstanding Natural Landscapes or High Amenity Areas (Submissions 027D and H).

- 4.14(x) *Have regard to the locational and operational requirements of regionally significant infrastructure located or proposed within an Outstanding Natural Landscape or High Amenity Area.*

Explanation and Principle reasons:

.....

For example some existing coastal forestry areas close to existing settlements may have potential for other more sensitive land uses. Furthermore, the policies recognise that existing regionally significant infrastructure can be located in areas of Outstanding Natural Landscapes and High Amenity Areas and are already an established part of these existing environments.

Transpower considers that that there is no adequate provision in the policy framework of the Plan Changes that provides for the establishment of new high voltage transmission lines within Outstanding Landscapes and Landscapes of High Amenity Value. This is important as there may be cases where new transmission lines are required to traverse existing regional parks or significant landscapes, for example to connect to new energy generation projects and/or where the new line route would result in less significant adverse effects on the wider environment than an alternate route.

When a new line is proposed, a careful route selection process is used to determine the best route in environmental and development cost terms. The route selection process is the best way to minimise, avoid, remedy or mitigate the potential adverse effects of new transmission lines. However, because of the scale of the linear network there can still be considerable difficulty in achieving this. For example, it may be more appropriate for new transmission lines to traverse part of a significant landscape, if that would result in less significant overall adverse effects.

This is consistent with Policy 4 of the NPSET which requires decision makers to have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection when considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure. Therefore, it is important that the District Plan acknowledges this and provides an appropriate framework for considering new transmissions lines if they are required.

It is also inconsistent with Chapter Three of the One Plan which details how activities involving infrastructure (and also renewable energy, waste, hazardous substances and contaminated land) will be addressed. This Chapter recognises that some infrastructure is regionally and nationally important and that there can be logistical or technical constraints on where infrastructure must be located to serve communities and operate efficiently. The One Plan seek to ensure the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision making process. This Chapter also contains a number of provisions providing for regionally significant infrastructure (which includes the National Grid) and specifically the need to provide for its continued safe and efficient establishment, operation, protection, maintenance and upgrading.

Transpower also requested that Policy 4.14 be deleted and replaced with the following policy (Submission 027G):

~~4.14 Avoid the development of large buildings on outstanding natural landscapes and outstanding natural features.~~

4.14 Avoid the development of buildings where they will adversely affect the values of Outstanding Natural Landscapes and Outstanding Natural Features.

The Reporting Planner has recommended that Transpower's submission be accepted and I support that recommendation.

Transpower sought that Policy 4.14C be retained without modification. In response to other submissions, the Reporting Planner has recommended the following changes:

~~Have regard to the ability of existing land uses within landscapes areas to absorb appropriate accommodate subdivision, use and development which includes existing land uses, and also topography and vegetation without adverse landscape effects.~~

The proposed changes to Policy 4.14C not affect the outcome sought in Transpower's submission and thus are supported.

Recommendation to the committee:

Include the following Policy to recognise and provide for regionally significant infrastructure in accordance with Policy 4 of the NPSET:

4.14(x) Have regard to the locational and operational requirements of regionally significant infrastructure located or proposed within an Outstanding Natural Landscape or High Amenity Area.

Make the following changes to Explanation and Principal Reasons (Amendment 13) as follows:

~~..... For example some existing coastal forestry areas close to existing settlements may have potential for other more sensitive land uses. Furthermore, the policies recognise that existing regionally significant infrastructure can be located in areas of Outstanding Natural Landscapes and High Amenity Areas and are already an established part of these existing environments.~~

Adopt the changes to Policy 4.14 as recommended by the Reporting Planner as follows:

4.14 Avoid the development of buildings where they will adversely affect the values of Outstanding Natural Landscapes and Outstanding Natural Features.

Adopt the changes to Policy 4.14C as recommended by the Reporting Planner as follows:

Have regard to the ability of existing ~~land-uses within landscapes~~ areas to absorb appropriate accommodate subdivision, use and development which includes existing land uses, and also topography and vegetation.~~without adverse landscape effects.~~

6. RURAL ZONE PROVISIONS (SUBMISSION 27J, K)

Transpower sought a number of changes to the Rural Zone provisions to ensure that the operation, maintenance and upgrading of existing transmission lines (including associated earthworks) in ONLF areas was unfettered. This submission was made prior to the National Environment Standards for Electricity Transmission Activities 2009 (NESETA) coming into effect on 14 January 2010.

The NESETA:

- specifies that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- specifies resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NESETA applies to existing (as at 14 January 2010) high voltage transmission lines owned and operated by Transpower (i.e. existing National Grid transmission lines). The standards in the NESETA recognise and provide for the operation, maintenance, upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NESETA does not apply to substations, new lines or lines that are not owned and operated by Transpower.

Consequently, the provisions of the District Plan relating to the maintenance, replacement or upgrading of existing network utilities no longer apply. Thus Transpower no longer wishes to pursue its submissions relating to the earthworks provisions in Rule 19.5(c) and (d) (Submission 027J).

Transpower sought that Rules 19.6(b), 19.9.3, 22.1.7, 22.1.10 (Submission 027K) be amended to explicitly recognise that they do not apply to existing network utilities. I note that

the NESETA provides for the operation, maintenance and upgrading of existing transmission lines and therefore this submission point is no longer relevant.

As part of the overriding relief, Transpower sought that the Plan Change gave appropriate effect to the NPSET and also made appropriate provision for the planning and development of new transmission lines (refer page 8 of Transpower's submission). On this basis, and as a result of the changes arising from the implementation of the NPSET and the One Plan, I do not support the non-complying activity status for new transmission lines exceeding 7m in height within an ONLF.

The Reporting Planner has recommended the following changes to Rule 19.7 and Rule 19.9.3

Rule 19.7 Discretionary Activities

*(b) Any building or network utility with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33
~~Network utilities with a height of more than 8 metres located on a High Amenity Landscape.~~*

(c) ~~Network utilities with a height of more than 8 metres located within the Foxton Dunefields Outstanding Natural Landscape on land that is not a dune.~~

19.9 Non-complying Activities

19.9.3 Outstanding Natural Landscapes and Features

Any building or network utility with a height of more than 73 metres, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape or ~~Outstanding Natural Feature on Planning Maps 32 and 33, except for land within the Foxton Dunefields Outstanding Natural Landscape that is not a dune.~~

I oppose these changes on the basis that any new transmission lines traversing an ONLF would be a non-complying activity. I believe that it is more appropriate to provide for such activities as Discretionary Activities as, in meeting the definition of network utility, it is assumed that they fit in with the intent of the plan, and this should be reflected in the activity status. This is an important part in recognising the importance and significant of regionally and nationally important infrastructure as required by the NPSET. Furthermore, as a result of the bundling of resource consent applications, a new transmission line would be considered a non-complying activity even if it only traverses a very small part of an ONLF. The non-complying activity status is also inconsistent with the Chapter three of the One Plan (as discussed earlier) in that the activity status cannot be considered to be recognising the importance of such infrastructure or its benefits in accordance with Policy 3-1 of the One Plan as follows:

Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance

- (a) *The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:*
- (i) *facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks*
 - (ia) *the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity*

.....

- (b) *The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (aa), have regard to the benefits derived from those activities.*

Policy 3-3 is also relevant which is as follows:

Policy 3-3: Adverse effects[^] of infrastructure[^] and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects[^] arising from the establishment, operation^{}, maintenance^{*} and upgrading^{*} of infrastructure[^] or other physical resources of regional or national importance, the Regional Council and Territorial Authorities[^] must:*

allow the operation^{}, maintenance^{*} and upgrading^{*} of all such activities once they have been established, no matter where they are located, allow minor adverse effects[^] arising from the establishment of new infrastructure[^] and physical resources of regional or national importance, and avoid, remedy or mitigate more than minor adverse effects[^] arising from the establishment of new infrastructure[^] and other physical resources of regional or national importance, taking into account:*

- i. the need for the infrastructure[^] or other physical resources of regional or national importance,*
- ii. any functional, operational or technical constraints that require infrastructure[^] or other physical resources of regional or national importance to be located or designed in the manner proposed,*
- iii. whether there are any reasonably practicable alternative locations or designs, and*
- iv. whether any more than minor adverse effects[^] that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.*

A discretionary activity would clearly signal that such activities are anticipated in the Plan and would, in my opinion, satisfy the intent of the NPSET and One Plan frameworks.

Recommendation to the committee: Make the following changes to Rules 19.7(b) and 19.9.3:

Rule 19.7 Discretionary Activities

(b) *Any building with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33*

(c) *Any new network utility with a height of more than 3 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33*

19.9 Non-complying Activities

19.9.3 Outstanding Natural Landscapes and Features

Any building or network utility with a height of more than 7 metres, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33.

The changes requested by Transpower to Rules 22.1.7 and 22.1.10 would no longer be required with the inclusion of these changes.

7. RULE 22.1.5

Transpower sought that Rule 22.1.5 be amended to explicitly exclude electricity transmission lines as follows:

In areas of Outstanding Natural Landscapes, Outstanding Natural Features and High Amenity Landscapes specified or identified on Planning Maps 32 and 33 and any Significant Natural Area, new electricity reticulation lines and telecommunications and cable television supply lines shall be reticulated underground ~~where this will not adversely affect effect the values of the natural area.~~

The Reporting Planner has not made any recommendation with respect to this submission point, however it is noted that changes (or their intent) sought by Transpower have not been included in the redline version of the Plan Change. This is a particular concern for Transpower as in many cases it is not technically or economically feasible to locate transmission lines underground.

Recommendation to the Committee: Make the following changes to Rule 22.1.5 including those changes recommended by the Reporting Planner:

In the Coastal Environment, Coastal Lakes, Manakau Downlands, and Hill Country Landscape Domains including all areas of Outstanding Natural Landscapes, and Features and High Amenity Landscapes specified or identified on Planning Maps 32 and 33 and any Significant Natural Area, new electricity reticulation lines and telecommunications and cable television supply lines shall be reticulated underground ~~where this will not adversely affect the values of the natural area.~~

8. ASSESSMENT CRITERIA (SUBMISSION 027M)

Transpower sought that Assessment Criteria 24A.2(i) be retained as this requires the Policies of the NPSET to be considered. The Reporting Planner has recommended that Transpower's submission be accepted and I commend that recommendation to the Hearings Committee.

Recommendation to the Committee: Retain without modification Assessment Criteria 24A.2(i) as follows:

The extent to which the proposal is consistent with any relevant provisions in National Policy Statements, Regional Policy Statements and objectives and policies of the District Plan.

9. PLANNING MAPS (SUBMISSIONS 27N and 27O)

Transpower sought that the High Voltage Transmission Lines were retained on Planning Maps 32 and 33. Transpower also sought that reference to the High Voltage Electricity Transmission Lines were included in the title of the relevant Planning Maps. The Reporting Planner has recommended that Transpower's submissions be accepted and I commend that recommendation to the Hearings Committee.

Recommendation to the Committee: Retain the High Voltage Power Transmission Lines on Planning Maps 32 and 33 and the reference to the High Voltage Electricity Transmission Lines in the title of the relevant Planning Maps.

10. CONCLUSION

Thank you for your time and acknowledgement of the concerns raised in Transpower's Submission. Please do not hesitate to contact the writer on (09) 917-4302 should you wish to clarify any matter addressed herein.

Yours sincerely

BURTON PLANNING CONSULTANTS LIMITED



Kathryn Lacey

Planner