

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of
Schedule 1 to the Act

BETWEEN TRANSPOWER NEW ZEALAND
LIMITED

(ENV-2015-WLG-000072)

Appellant

AND HASTINGS DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the parties' memoranda received 8 August and 5 September 2016.

[2] Horticulture New Zealand, Federated Farmers of New Zealand (Hawke's Bay Branch) and Hawke's Bay Fruitgrowers each gave notice of an intention to become a party under s 274 of the Act, and have signed the memorandum setting out the relief sought.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



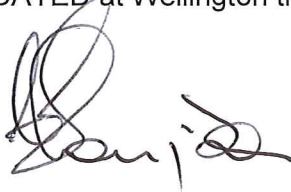
Order

[4] The Court orders, by consent, that the proposed Hastings District Plan is amended as set out in Annexure A to this order, with additions shown in underline and deletions shown in strike-through.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 19th day of September 2016



C J Thompson
Environment Judge



Annexure A – Changes to Hastings District Plan required by Consent Order

- (a) Amend Section 17.1.6 – Assessment Criteria 4(g), as follows:

Consider the benefits any proposed Network Utility may bring to the community and beyond;

- (b) Amend Section 22.1 – Network Utilities District Wide Activity – Policy NUP6 as follows:

The reverse sensitivity effects generated by subdivision and land development on the safe, effective, secure and efficient operation, maintenance, upgrading and development of the Network National Grid and the safety and amenity values of the community are managed by ensuring that:

...

- (c) Subdivision is managed within National Grid Corridor to avoid subsequent sensitive land use from compromising the operation, maintenance, upgrading and development of the National Grid.

...

- (c) Amend Section 22.1 – Network Utilities District Wide Activity – Policy NUP7 as follows:

Recognise the national significance and national, regional and local importance and benefits of sustainable, secure and efficient provision of infrastructure associated with the operation, maintenance, and upgrade and development of the National Grid.

- (d) Amend Section 22.1 – National Utilities District Wide Activity – Rule NU6(B):

Rule	Activity	Activity Status
NU6	<p>Within any part of the National Grid Yard the following activities:</p> <p>Under the National Grid Conductors (wires):</p> <p>A. For urban sites that existed prior to notification of the proposed District Plan, any accessory building that is not associated with sensitive activities.</p> <p>B. In all zones the following buildings and structures more than 12m from a National Grid support structure foundation or stay wire:</p> <p>(i) Fences less than 2.5m high:</p>	P



(ii) Alterations and additions to existing buildings for sensitive activities that do not involve an increase in the building envelope or floor space.

(iii) Uninhabitable farm buildings and structures for farming activities excluding milking sheds (accessory structures are permitted) and buildings and structures for intensive rural production activities.

(iv) Uninhabitable Horticultural buildings and artificial crop protection devices structures and crop support structures excluding intensive rural production activities, commercial greenhouses, and PSA structures.

Activities around National Grid support structures:

C. Buildings and structures within 12m from a National Grid support structure:

(i) Network utilities within a transport corridor or any part of electricity infrastructure and/ or ancillary structures for production and/ or connection to the National Grid.

(ii) Fences less than 2.5m in height and more than 5m from the nearest support structure.

(iii) Artificial crop protection devices structures and crop support structures between 8m and 12m from a pole support structure that:

a) Meet the requirements of New Zealand Electricity Code of Practice for Electricity Safe Distances (NZECP 34:2001) ~~of 10m from a 110KV structure and 8m from a 110KV single pole.~~

b) Are no more than 2.5m in height.

c) Are removable or temporary, to allow a clear working space 12m from the pole when necessary for maintenance purposes; and

d) Allow all weather access to the pole and a sufficient area for maintenance equipment, including crane.

(iv) Artificial crop protection structures and crop support structures located within 12m of a tower where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.



- (e) Amend Section 33.1 – Definition of National Grid Transmission Yard as follows:

National Grid Transmission Yard: means (shown in red in the diagram in Appendix 68, Figure 8) means:

- The area located 12 metres in any direction from the outer edge of a National Grid support structure foundation; or
- The area located 10 metres either side of the centreline of an overhead 110kV National Grid line on single poles; or
- The area located 12 metres either side of the centreline of an overhead electricity transmission line National Grid line on towers.

- (f) Amend Section 22.1 – Specific Performance Standards and Terms – Standard 22.1.7B, as follows:

22.1.7B EARTHWORKS WITHIN ANY NATIONAL GRID YARD

Anywhere within the National Grid Yard

- (a) Be no deeper than 300mm within 12m of any National Grid support structure foundation. Provided that the following are exempt from point (a) above:
- Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, or for electricity infrastructure; or
 - Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing or a road, footpath, driveway, or farm track.
 - Vertical holes not exceeding 500mm in diameter are exempt provided they:
 - (i) are more than 1.5m from the outer edge of a pole support structure or stay wire; or
 - (ii) are a post hole for a farm fence or artificial crop protection and crop support structures and more than 6m from the visible outer edge of a tower support structure foundation.

~~Vertical holes not exceeding 500mm in diameter are exempt provided they:~~

- (b) Shall not compromise the stability of a national grid support structure; and
- (c) Shall not result in a reduction in the ground to conductor clearance distances of less than: 6.5m (measured vertically) from a 110Kv National Grid transmission line; or 7.5m (measured vertically) from a 220±Kv National Grid transmission line.



~~Buildings and Structures within any National Grid Yard~~

22.1.7BA BUILDINGS AND STRUCTURES WITHIN ANY NATIONAL GRID YARD

...

(g) Amend Section 30.1 – Subdivision and Land Development as follows:

(i) Add new subdivision rule SLD 28 to Rule Table 30.1.5:

Rule	Activity	Activity Status
SLD28	<u>Any subdivision where a building platform is proposed within the National Grid Transmission Yard</u>	NC

(ii) Delete Rule 30.1.8.2.13(b)(ii):

~~Any identified building platform within 12m of the centre line of the National Grid Corridor.~~

(iii) Add new assessment criteria to 30.1.8.1.9:

- The ability for continued access to National Grid Transmission Lines for maintenance, inspection and upgrading.
- The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid Transmission Lines.
- any technical advice provided by the National Grid Transmission Line Operator relating to safe electrical clearance distances in NZECP34:2001.

(h) Amend Appendix 68, Figure 8 as follows:

Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated. The measurement of setback distances shall be taken from the centreline of the National Grid line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

(i) Amend The Legend of the Proposed Plan maps as follows:

(i) Replace 'transmission line' with 'National Grid Line;



(ii) Replace 'transmission structure' with 'National Grid Structure'; and

(iii) Remove reference to the 'Transmission Line Red Zone - 12 buffer'.

