



**SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 43
(INTRODUCTORY CHAPTERS) TO THE UPPER HUTT DISTRICT PLAN**

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File ref: 17/028

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. These consumers are served through Powerco assets including over 30,000 kilometres of electricity lines (including overhead lines and underground cables) and over 6,200 kilometres of gas pipelines.
2. Within Upper Hutt City, Powerco operates a gas distribution network, which distributes natural gas to households, businesses and industries throughout the district. Powerco, therefore, has an interest in Proposed Plan Change 43: Introductory Chapters (PC 43). The map in **Attachment A** shows the Powerco Gas Footprint for Upper Hutt City.
3. Powerco does not have any electricity networks within the Upper Hutt City district.

B. GENERAL COMMENTS ON PROPOSED PLAN CHANGE 43:

4. Reliable and constant energy supply is critical to sustaining New Zealand's economy, population and way of life as the demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of energy (both gas and electricity) to meet increasing demand and population growth.
5. Under the Resource Management Act 1991 (*RMA*), Powerco's gas distribution infrastructure is a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.
6. In addition, Powerco's gas network is identified as regionally significant infrastructure in the Operative Wellington Regional Policy Statement 2013 (*the RPS*). It is therefore appropriate, given the local and regional significance of Powerco's gas distribution network, that its management is comprehensively addressed in the Upper Hutt City District Plan, including by way of PC43.

7. In a general sense, Powerco seeks to ensure that PC43 is drafted to ensure:
- (i) Appropriate recognition of and provision for the ongoing operation, maintenance, upgrade and development of Powerco's gas distribution networks;
 - (ii) Effect is given to the objectives and policies of the RPS;
 - (iii) The sustainable management of Powerco's assets as a physical resource, in accordance with section 5 of the RMA;
 - (iv) The statutory tests in section 32 and the requirements in the First Schedule RMA are implemented;
 - (v) The relevant statutory functions of the Council, including achieving the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district are addressed; and
 - (vi) The considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law) are addressed.

C. THE SPECIFIC PROVISIONS OF THE PLAN CHANGE THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

8. The submission relates specifically to the following parts of PC43:
- Chapter 1 – Information requirements for resource consents
 - Chapter 3 – Proposed deletion of Chapter 3
 - Plan Structure – Utilities chapter
9. The specific provisions submitted on, the rationale for Powerco's submission on each of these matters, and the relief sought is contained in the following schedules:
- Schedule 1 – Chapter 1 Information Requirements
 - Schedule 2 – Deletion of Chapter 3; and
 - Schedule 3 – Plan Structure – Utilities Chapter

D. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

- E. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

- F. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

- G. POWERCO IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—
 - (i) ADVERSELY AFFECTS THE ENVIRONMENT; AND
 - (ii) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Signature of person authorised to sign on behalf of Powerco Limited



Georgina McPherson
Principal Planner

Dated this 16th day of May 2017

SCHEDULE 1 – CHAPTER 1 INFORMATION REQUIREMENTS**A. The specific part of the Plan Change that is subject of Schedule 1 of this submission is:**

- Chapter 1 – information requirements for resource consents, which are supported.

B. Reason for Submission:

- 1.1 PC43 proposes to combine Chapters 1 (Introduction to the Plan) and 2 (General Procedures) into a single Chapter and to simplify the wording.
- 1.2 The information requirements for resource consent applications are currently set out in Chapter 2 of the operative District Plan and have been incorporated, with some minor amendments, into the combined new Chapter 1.
- 1.3 Powerco supports the information requirements and in particular those clauses which require applicants to identify the location of all existing and proposed infrastructure and easements on application plans. This assists all parties, including applicants, Council and utility providers, to acknowledge and consider the effects of subdivision, land use and development on network utilities, including in terms of location and the availability of supply, and these provisions should be retained.

RELIEF SOUGHT – CHAPTER 1 INFORMATION REQUIREMENTS

- 1.1 Retain Section 1.8 Information required with applications for resource consents and, in particular, those clauses which require applicants to identify the location of all existing and proposed infrastructure and easements on application plans.**

SCHEDULE 2 – DELETION OF CHAPTER 3**A. The specific part of the Plan Change that is subject of Schedule 2 of this submission is:**

- The proposed deletion of Chapter 3 Zoning, which is supported.

B. Reason for Submission:

2.1 PC43 proposes to delete Chapter 3 Zoning in its entirety as the chapter is considered to be non-directive and to emphasise principles already contained within the RMA. Deletion of the chapter will result in the deletion of an issue, objective and two policies, which generally seek to manage development differently in different zones in recognition of the specific environmental qualities of each area.

2.2 Powerco agrees that the chapter is unnecessary and supports its deletion. Further, the provisions in this chapter do not recognise the need for some activities, such as utilities, to be managed on a comprehensive and consistent basis, irrespective of the zone in which they are located. While Powerco considers this is appropriately recognised by the existing policy framework in Chapter 16 Network Utilities of the Plan it supports deletion of Chapter 3 Zoning, as it will avoid the potential and inappropriate need to balance the zoning policies in Chapter 3 against the Chapter 16 Network Utilities policies.

RELIEF SOUGHT – DELETION OF CHAPTER 3

2.1 Delete Chapter 3 in its entirety, as proposed by PC43.

<p>SCHEDULE 3 – DISTRICT PLAN STRUCTURE</p>
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A. The specific part of the Plan Change that is subject of Schedule 3 of this submission is:

- District Plan Structure, which is generally supported.

B. Reason for Submission:

3.1 As part of PC43, the Council has identified a new District Plan structure and format that it intends to adopt as it progresses through its rolling review of the District Plan. This is summarised in the proposed new Chapter 1 Introduction to the Plan.

3.2 The proposed new structure involves combining the objectives, policies and rules for each zone or city wide issue into a single chapter rather than continuing the current District Plan format, which divides objectives & policies and rules over two separate chapters. Powerco supports the intent of the approach and notes that it appears to be consistent with the preferred option (Option 2: Combination zone and topic-based plan with integrated objectives, policies and rules) identified by the Ministry for the Environment (**MfE**) in its Discussion Paper B District Plan Structure that is currently available for comment as part of the first set of National Planning Standards¹.

3.3 The Council has not specifically identified what matters will be addressed through city wide provisions. However, some examples of matters relevant across the district appear to be given at Section 1.4.1 of the consolidated Chapter 1, which states:

Issues may be specific to zones, or may be found across the District and therefore are relevant for multiple zones. For example, issues associated with earthworks, natural hazards, heritage, landscape and ecology.

3.4 Powerco notes that ‘network utilities’ are not specifically identified within the examples. However, it expects the Council will continue to address network utilities as a city-wide issue, in a stand-alone chapter, as per the approach taken in the Operative District Plan. Powerco

¹ <http://www.mfe.govt.nz/node/23087>

would strongly oppose an approach that sought to incorporate network utility provisions within each of the individual zone chapters. In Powerco's experience, plans that separate utility provisions into the zone chapters can result in an inconsistent and uncertain approach to network utilities across the plan and a document that is difficult to interpret and implement, particularly when seeking to manage linear network utilities that traverse multiple zones.

RELIEF SOUGHT – DISTRICT PLAN STRUCTURE

3.1 Amend the structure of the district plan consistent with the approach identified in Section 1.4 for the Structure of the Proposed 2017 District Plan, provided that network utilities continue to be addressed as a city-wide issue, and subject to any further guidance / direction issued by MfE on district plan structure under the new National Planning Standards.

3.2 Amend the following statement at Section 1.4.1 of the consolidated Chapter 1 to clarify that the matters listed are examples of issues found across the district (deletions in strike through, additions underlined):

Issues may be specific to zones, or may be found across the District and therefore are relevant for multiple zones. ~~For e~~ Examples of the latter issues are those associated with earthworks, natural hazards, heritage, landscape and ecology.

