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13 September 2017

Upper Hutt City Council
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Attention: Helen Ellams

By email: helen.ellams@uhcc.govt.nz

**RE: HEARING STATEMENT ON BEHALF OF POWERCO LIMITED ON PROPOSED PLAN CHANGE 42 –
MANGAROA AND PINEHAVEN FLOOD HAZARD EXTENTS**

1. INTRODUCTION

- 1.1 We refer to the abovementioned matter set down for hearing commencing on the 27th of September 2017. Powerco Limited (*Powerco*) will not be attending the hearing as it is generally in agreement with the recommendations set out in the Section 42A Report prepared with respect to Proposed Plan Change 42 (*PC42*).
- 1.2 This statement has been prepared on behalf of Powerco and represents its views. The statement relates to the submission and further submissions by Powerco, including how they have been addressed in the Section 42A reports. Powerco was allocated submitter number 7.
- 1.3 It would be appreciated if this statement could be tabled before the Hearings Committee.

2. POWERCO'S SUBMISSION

- 2.1 Powerco supplies gas to Upper Hutt City and has an extensive network of infrastructure within the Pinehaven Flood Hazard Extent identified in PC42. Powerco's submission generally supported the intent of PC42 but sought some amendments to ensure that the construction, operation, maintenance, minor upgrading, and replacement of network utilities, including necessary earthworks, can be undertaken as a permitted activity within flood hazard extents,

particularly where these activities can be undertaken in a manner that will not adversely affect flood hazards in a material way.

- 2.2 Powerco participated in pre-hearing discussions with the Council to address the matters raised in Powerco's submission. These discussions were very positive and constructive and resulted in Powerco's concerns largely being addressed in the recommendations of the Section 42A Report. The process pursued by Council is supported and to be commended. This hearing statement therefore specifically addresses those matters that Powerco considers have not been fully resolved by the recommendations in the Section 42A Report. For completeness, a table identifying Powerco's response to the recommendations in the Section 42A Report to each of Powerco's submission points has been included as **Attachment 1**.

Network Utilities Provisions To Take Precedence

- 2.3 In particular, Powerco supports the recommendation of the reporting planner that the Network Utilities provisions in Chapters 16, 23 and 30 take precedence over all other provisions in other chapters. To avoid misinterpretation, however, Powerco considers that this must be clearly communicated in the plan. Paragraph 321 of the Section 42A Report recommends including the following note at the bottom of Table 33.1:

Note:

Network Utility Structures are addressed through the provisions within Chapter 16 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent subject to the provisions of Chapter 16 and 30, will prevail over the provisions of Chapter 14 and 33.

- 2.4 Powerco supports the inclusion of an advice note to that effect. However, Powerco queries why Chapter 23 (Rules for Earthworks) is not also mentioned, given that Table 23.1 within Chapter 23 contains provisions which specifically relate to Network Utilities (refer paragraph 2.10 below). It is considered that the advice note should be included in an amended form to provide greater certainty, as follows (additions in underline):

Note:

Network Utility Structures are addressed through the provisions within Chapters 16, 23 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent subject to the provisions of Chapters 16, 23 and 30, will prevail over the provisions of Chapter 14 and 33.

Policy 14.4.5

- 2.5 Powerco, in its submission, sought an amendment to Policy 14.4.5 as follows:

Policy 14.4.5: Enable planned flood mitigation works within identified Flood Hazard Extents that decrease the flood risk to people and property or maintain the function of the floodplain, whilst managing adverse effects on existing infrastructure.

- 2.6 The rationale of the submission is to protect network utility infrastructure from potential damage during flood mitigation works. In other jurisdictions, Powerco has faced situations where Councils have not consulted Powerco prior to undertaking works, and have consequently uncovered Powerco's underground assets during earthworks. Such events are dangerous and threaten both worker and public health and safety and the district's supply of gas and electricity. The amendment sought by Powerco is consistent with the position already taken in the District Plan to protect network utilities (i.e, Objectives 16.3.1 and 16.3.3, and Policy 16.4.3).
- 2.7 During pre-hearing discussions between the Council and Powerco, the Council stated that it would not support the amendment sought by Powerco because the need to consult with network utility operators is addressed through other regulations outside of the district plan processes. This recommendation was carried through in the Section 42A Report (paragraph 249).
- 2.8 At the time of discussions, Powerco agreed that it would not pursue the issue further. However, on reflection Powerco considers it important to point out in this hearing statement that the recommendation in the Section 42A Report is contrary to the approach taken by the Council elsewhere in the district plan. For instance, Policy 16.4.17 seeks to "*Encourage network utility providers to consult with local communities on the appropriate placement, location and design of new network utilities.*" If the Council places such expectations on others, then the Council should also meet these (similar) expectations by consulting with network utility operators prior to undertaking flood mitigation works. A consistent approach is appropriate, and better seeks to achieve the purpose of the RMA, including by managing the use, development and protection of resources in a way which enables people and communities to provide for their social and economic well-being and for their health and safety.
- 2.9 In light of the above, Powerco asks the Hearings Committee to adopt the amendment sought by Powerco in its submission, as identified in Paragraph 2.5 of this hearing statement.

Permitted Activities

- 2.10 Powerco particularly supports the recommendations in the Section 42A Report for the following activities to be undertaken as permitted, in recognition that they are reasonably necessary and unlikely to materially adversely affect flood hazards:
- Thrusting and directional drilling techniques to install utilities beneath streams and rivers within the road reserve (Table 23.1 and Standard 23.17);
 - Earthworks for network utilities within the road reserve provided the ground is reinstated to its original level upon completion of works (including where the stream/river corridor is technically within the road reserve) (Table 23.1 and Standard 23.17); and

- Network utilities crossing a stream or river which are underground or attached to an existing structure such as a bridge, and provided that the utilities do not hang beneath the lowest level of the existing structure (Rule 30.8(a)).

3. OVERALL RECOMMENDATION

- 3.1 Powerco recommends that the Hearings Committee adopt the recommendations set out in the Section 42A Report, subject to the amendments sought in paragraphs 2.4 and 2.9 of this hearing statement.
- 3.2 Thank you for your time and acknowledgement of the issues raised in Powerco's submission. Please do not hesitate to contact the writer on (09) 917 4302 should you wish to seek any clarification as to the above.

Yours sincerely,

BURTON PLANNING CONSULTANTS LIMITED



Kahlia Thomas
Graduate Planner

Attachment 1: Table Identifying Powerco's Submission Points and the Associated Section 42A Recommendations on UHCC PC42

<p>Submission / Further Submission</p>	<p>Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in striketrough)</p>	<p>Powerco's Response</p>
<p>Retain Objective 16.3.5.</p> <p><i>[Objective] To ensure the continued operation of network utilities in flood hazard extents and to maintain the function of the floodplain to convey flood waters.</i></p> <p><i>[Explanation] Network utilities have the potential to impede or block water during a flood event and increase the risk to surrounding people and properties. This is particularly so, when linear structures cross a river or stream corridor and have not been designed to take into account the 1:100 year flood height. Network utilities play a critical role in the functioning of community. Network utilities that are damaged or destroyed during flood event may slow the ability for the community to recover or worsen the effects from flooding (for example sewerage in floodwaters).</i></p>	<p>Accept (Para. 105, p. 22)</p> <p>No changes proposed.</p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>
<p>Retain Policy 14.4.4.</p> <p><i>[Policy] To control development (including buildings) within the lower hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas by requiring mitigation to minimise the risk to people and property.</i></p> <p><i>[Explanation] The policy recognises that there are lower hazard areas within the identified Flood Hazard Extent and some parts of the Erosion Hazard Areas. The lower hazard areas are characterised by still or slowly moving water and a lower risk of erosion. As such, development</i></p>	<p>Accept (Para. 105, p. 22)</p> <p>No changes proposed.</p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
<p><i>within these lower hazard areas can be appropriate provided measures are incorporated to mitigate the risk.</i></p>		
<p>Retain Policy 16.4.18.</p> <p><i>[Policy] Network utility structures crossing streams within identified Flood Hazard Extents must be installed in a way to avoid contributing to blockages or restricting flood flows or compromising flood mitigation works.</i></p> <p><i>[Explanation] This policy ensures that network utility structures that cross river and stream corridors do not contribute to blockages or exacerbate the effects from flooding on people or property. This policy also recognises the need for Network Utility Structures to be designed in a manner that does not compromise flood mitigation works. This is to ensure that the installation of Network Utility Structures does not inadvertently increase the risk to the local community by lowering an existing level of protection that may be provided by the flood mitigation works.</i></p>	<p>Accept (Para. 105, p. 22)</p> <p>Note that additional wording has been added to provide consistency in response to other accepted submissions by Powerco.</p> <p><i>[Policy] Network utility structures crossing streams within identified Flood Hazard Extents must be installed in a way to avoid contributing to blockages or restricting flood flows or compromising flood mitigation works.</i></p> <p><i>[Explanation] This policy ensures that network utility structures that cross river and stream corridors do not contribute to blockages or exacerbate the effects from flooding on people or property. This policy also recognises the need for Network Utility Structures to be designed in a manner that does not compromise flood mitigation works. This is to ensure that the installation of Network Utility Structures does not inadvertently increase the risk to the local community by lowering an existing level of protection that may be provided by the flood mitigation works.</i></p> <p><u><i>It is also recognised that attaching Network Utility Structures to existing lawfully established structures crossing a stream or river will not increase the effect on flooding as long as the Network Utility Structure is not positioned any closer to the stream or river than the existing structure.</i></u></p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
<p>Amend paragraph 10 of the Background of Chapter 16 as follows:</p> <p><i>16. 1 ... The provisions in this Chapter apply to network utilities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to earthworks, notable trees, flooding and fault band hazards, the Southern Hills Overlay and Protected Ridgelines, historic heritage and hazardous substances will still apply. <u>However, the rules relating to network utilities in identified flood extents are contained in this Chapter and will prevail over those in Chapter 33 Flooding and Fault Band Hazards...</u></i></p>	<p>Reject (Para. 200, p. 32)</p> <p>The current structure of the District Plan ensures that all provisions pertaining to network utilities are considered through either Chapters 16, 23 (Earthworks) and 30. The proposed Plan Change does not seek to change this structure of the District Plan. However, it is acknowledged that as the plan is currently drafted this is not clear and is best addressed through a change to the proposed rule table (Chapter 33.1) as opposed to changing the background contained in Chapter 16.</p> <p>33.1 Activities ...</p> <p><u>Note:</u> <u>Network Utility Structures are addressed through the provisions within Chapter 16 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent in accordance with the provisions of Chapter 16 and 30, will prevail over the provisions of Chapter 33.</u></p>	<p>Refer to paragraphs 2.3-2.4 of the Hearings Statement.</p> <p>The Hearings Committee should adopt the advice note in an amended form to recognise (as acknowledged by the Reporting Planner) that the network utilities provisions within Table 23.1 in Chapter 23 also apply, as follows:</p> <p><i>Note:</i> <i>Network Utility Structures are addressed through the provisions within Chapters 16, 23 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent in accordance with the provisions of Chapters 16, 23 and 30, will prevail over the provisions of Chapter 33.</i></p>
<p>Question the definition of river corridor and the jurisdiction of UHCC to impose controls within the bed of a river, on the basis that this is a function of regional councils.</p> <p>Powerco also lodged a further submission (PC01) in support of Alan Jefferies' (23) concern on the same issue.</p>	<p>Reject (Para. 213, P. 34)</p> <p>Council has obtained a legal opinion which confirms that it is possible for a district plan to control earthworks within the bed of a stream or river. This is because a river or stream bed falls within the wider definition of "land" within the RMA, which is the same definition as that within the District Plan.</p>	<p>Accept the Officer's Recommendation</p> <p>Because of other recommended amendments, it is considered that Powerco is no longer directly affected by this matter. Powerco can undertake the following activities as permitted: thrusting utilities beneath streams and rivers within the road</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
		<p>reserve, earthworks for network utilities within the road reserve provided the ground is reinstated to its original level upon completion of works (even where the stream corridor is technically within the road reserve), and network utilities crossing a stream or river which are underground or attached to an existing structure such as a bridge (and provided that the utilities do not hang beneath the lowest level of the existing structure).</p> <p>As such it is not considered that Powerco is affected by the extent to which UHCC has jurisdiction within a river bed.</p>
<p>Amend the proposed definition of "stream corridor" within the plan change to clarify the extent of the stream corridor and distinguish between the open stream channel and sections that are piped or culverted. Failure to draw such a distinction will result in uncertainty around the extent of the area subject to the proposed rules.</p>	<p>Accept in part (Para. 216, P. 35)</p> <p>Amend the definition for "stream corridor" to provide clarity and ensure the high hazard area is appropriately identified as that shown on the proposed Hazard Maps, as follows:</p> <p><i>The area defined on the District Plan Part 5 Hazard Maps including the open stream channel.</i></p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>
<p>Amend the explanation to Proposed Objective 9.3.3 as follows::</p>	<p>Accept (Para. 227, P. 36)</p>	<p>Accept the Officer's Recommendation</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
<p><i>...the natural hazard constraints should be considered and areas subject to high hazards are avoided <u>or earthworks managed to protect the integrity of the high hazard area.</u></i></p>	<p>While earthworks are generally discouraged in high-hazard areas, the proposed rule framework does not prohibit the undertaking of earthworks. It is considered that the suggested amendment provides greater clarity around the parameters that must be met for earthworks to be undertaken in the high-hazard areas. Amend the explanation of Objective 9.3.3 as sought:</p> <p><i>...the natural hazard constraints should be considered and areas subject to high hazards are avoided <u>or earthworks managed to protect the integrity of the high hazard area.</u></i></p>	<p>Powerco's submission has been given effect to.</p>
<p>Amend the explanation to Proposed Policy 9.4.6 as follows:</p> <p><i>Earthworks in high hazard areas are <u>generally</u> inappropriate and can result in the diversion of flood waters, blocking of water flow, or reduce bank stability...</i></p>	<p>Accept (Para. 240, P. 38)</p> <p>While earthworks are generally discouraged in high-hazard areas, the proposed rule framework does not prohibit the undertaking of earthworks. It is considered that the suggested amendment provides greater clarity around the parameters that must be met for earthworks to be undertaken in the high-hazard areas. Amend the explanation of Policy 9.4.6 as sought:</p> <p><i>Earthworks in high hazard areas are <u>generally</u> inappropriate and can result in the diversion of flood waters, blocking of water flow, or reduce bank stability...</i></p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>
<p>Amend Policy 14.4.3 and its associated explanation as follows:</p> <p><i>Policy 14.4.3: <u>Avoid, to the extent practicable,</u></i></p>	<p>Reject (Para. 245, P. 39)</p> <p>The proposed changes to the policy and explanation</p>	<p>Accept the Officer's Recommendation</p> <p>The Reporting Planner has clarified</p>

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<p><i>development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.</i></p> <p><i>Policy 14.4.3 Explanation: ... The policy provides directive for careful consideration of development within the high hazard areas, with a strong directive to avoid development in these high hazard area. <u>However, it is recognised that due to the functional and operational constraints and requirements of infrastructure, there may be some situations in which network utilities are required to traverse high hazard areas.</u></i></p>	<p>would have wider implications, as they are not network utility specific and could imply that development other than infrastructure works are appropriate in the high-hazard areas of the Flood Hazard Extent. On this basis, it is considered that the proposed change to the policy wording and explanation of Policy 14.4.3 would have potential unintended consequences by potentially enabling some forms of development in the high-hazard areas. As such, the requested amendment is not supported. Rather it is considered that the proposed objectives, policies and rules of Chapters 16, 23, and 30 are appropriate to ensure that the relevant effects from, and on, network utilities from flooding are considered and addressed.</p> <p>No changes proposed.</p>	<p>that the objectives, policies and rules of Chapters 16, 23 and 30, which directly relate to network utilities, take precedence over other provisions in other chapters, including Policy 14.4.3. Therefore it is considered that the intent of Powerco's submission and further submission has been given effect to.</p>
<p>Further submission – support</p> <p>Transpower: Amend Policy 14.4.3 as follows:</p> <p><i>Avoid <u>inappropriate</u> development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.</i></p> <p><i>The high hazard areas present a threat to people and property as they can contain both fast and deep flowing water in a 1 in 100-year flood event, or are at risk of bank collapse which has the potential to damage buildings and threaten lives.</i></p> <p><i>The policy provides directive for careful consideration of development within the high hazard areas, with a strong directive to avoid <u>inappropriate</u> development in these high hazard areas.</i></p>		
<p>Amend Policy 14.4.5 as follows:</p>	<p>Reject (Para. 249, P. 39)</p>	<p>Refer to paragraphs 2.5-2.9 of the Hearings Statement.</p>

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<p><i>Policy 14.4.5: Enable planned flood mitigation works with identified Flood Hazard Extents that decrease the flood risk to people and property or maintain the function of the floodplain, whilst managing adverse effects on existing infrastructure.</i></p>	<p>Policy 14.4.5 seeks to enable flood mitigation works, as it recognises the benefits that these works provide. It is expected that when these works are undertaken, consultation would be undertaken with parties whose assets are affected by the work, including infrastructure providers. It is considered that it is not the District Plan's role to ensure that these discussions are undertaken, and that appropriate measures are agreed. As such, it is considered that the proposed requested change to Policy 14.4.5 is not appropriate.</p> <p>No changes proposed.</p>	<p>The Hearings Committee should adopt the amendment sought by Powerco in its submission.</p> <p>Powerco's submission has not been given effect to. The recommended approach in the s 42A Report is contrary to Council's approach elsewhere in the Plan, including in Policy 16.4.17. The amendment sought by Powerco would help protect network utilities from potential damage during flood mitigation works and is consistent with Objectives 16.3.1 and 16.3.3, and Policy 16.4.3.</p>
<p>Amend policy 14.4.8 as follows:</p> <p><i>Policy 14.4.8: Within the Mangaroa River Flood Hazard Extent enable access <u>to dwellings</u> above 1:100 year level where located within the lower hazard areas and avoid access <u>to dwellings</u> when located in high hazard areas.</i></p>	<p>Accept in part (Para. 252-253, P. 39)</p> <p>The proposed change to provide clarity is supported, although simply adding "dwellings" could still result in confusion over the focus of the policy intent (which is the height of the access, not the dwelling). Therefore in order to provide greater clarity for the same purpose as sought by the submitter, the following wording is proposed:</p> <p><i>Policy 14.4.8: Within the Mangaroa River Flood Hazard Extent enable <u>accesses positioned to dwellings</u> above 1:100 year level <u>to serve dwellings</u> where located within the lower hazard areas and avoid <u>locating accesses to dwellings</u> when located within high hazard areas <u>to</u></i></p>	<p>Accept the Officer's Recommendation</p> <p>The intent of Powerco's submission has been given effect to.</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
	<u>serve dwellings.</u>	
<p>Amend proposed Policy 16.4.19 as follows:</p> <p><i>Policy 16.4.19: To control<u>manage</u> the <u>design and location of network utilities in identified Flood Hazard Extents to ensure their resilience to the effects of operation is not compromised during a flood events</u></i></p>	<p>Accept (Para. 257, P. 40)</p> <p>It is recognised that it is not always possible to locate infrastructure outside of the Flood Hazard Extents. The proposed amendments provide clarification that both the location and design of infrastructure are appropriate responses to ensuring its on-going functionality after a flood event. Amend Policy 16.4.19 as sought:</p> <p><i>To control<u>manage</u> the <u>design and location of network utilities in identified Flood Hazard Extents to ensure their resilience to the effects of operation is not compromised during a flood events</u></i></p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>
<p>Make one of the following changes to the proposed earthworks provisions in Chapter 23 of the District Plan:</p> <p>EITHER</p> <p><i>Earthworks within the Pinehaven Flood Hazard Extent</i> <i>Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works, which are within the overflow path or stream corridor. – NC</i></p> <p><i>Earthworks within the Mangaroa Flood Hazard Area</i> <i>Earthworks within the River Corridor of the Mangaroa Flood Hazard Extent – NC</i></p>	<p>Accept (Para. 294, P. 47)</p> <p>Following the receipt of the submissions, it is now recognised that some earthworks associated with infrastructure are appropriate in the Flood Hazard Extent, provided they do not increase the risk from flooding. This is particularly relevant for Pinehaven, where the road corridor passes over the stream, yet is identified as being within the "Stream Corridor". In that case such earthworks would be non-complying activities. On this basis, the proposed amendments suggested by Powerco are considered the most appropriate and transparent way of defining the appropriate permitted earthworks within all aspects of the identified Flood</p>	<p>Accept the Officer's Recommendation, subject to making the two required grammatical corrections identified in the previous column.</p> <p>Powerco's submission has been given effect to.</p>

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<p>OR</p> <p><i><u>Earthworks within the Pinehaven Flood Hazard Extent</u></i> <i><u>Earthworks for the maintenance, upgrading of existing network utilities, and earthworks for the installation of new network utilities in the Pinehaven Flood Hazard Extent and Overflow Paths, which meet the standards under Rule 23.12 – P</u></i></p> <p><i><u>Earthworks within the Mangaroa Flood Hazard Area</u></i> <i><u>Earthworks for the maintenance, upgrading of existing network utilities, and earthworks for the installation of new network utilities in the Mangaroa Flood Hazard Extent and Overflow Paths, which meet the standards under Rule 23.12 – P</u></i></p> <p><i><u>23.12: The ground must be reinstated to its original ground-level upon completing earthworks for the maintenance, upgrading and installing network utilities within Flood Hazard Extents.</u></i></p> <p>OR</p> <p><i><u>Earthworks within the Pinehaven Flood Hazard Extent</u></i> <i><u>Earthworks associated with the maintenance, upgrade or installation of network utilities within the overflow path and stream corridor of the Pinehaven Flood Hazard Extent where:</u></i> a) <i><u>Earthworks are located within the road corridor and ground levels are reinstated to those existing prior to the works; or</u></i></p>	<p>Hazard Extents.</p> <p>Amend Table 23.1 and standard 23.17 as follows:</p> <p><i><u>Earthworks within the Pinehaven Flood Hazard Extent</u></i> <i><u>Earthworks associated with the maintenance, upgrade or installation of network utilities within the ponding area, overflow path, or river corridor of the Pinehaven Flood Hazard Extent where earthworks are located within the legal road reserve, and complies [sic – should be comply] with standards under Rule 23.17. – P</u></i></p> <p><i><u>Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works and network utilities that are otherwise provided for as permitted activities), which are within the overflow path or stream corridor. – NC</u></i></p> <p><i><u>Earthworks within the Mangaroa Flood Hazard Area</u></i> <i><u>Earthworks associated with the maintenance, upgrade or installation of network utilities within the overflow path or river corridor of the Mangaroa Flood Hazard Extent where earthworks are located within the legal road reserve, and complies [sic – should be comply] with the standards under Rule 23.17. – P</u></i></p> <p><i><u>Earthworks within the River Corridor of the Mangaroa Flood Hazard Extent (excluding those associated with network utilities that are otherwise provided for as permitted activities) – NC</u></i></p> <p><u>Rule 23.17</u></p>	

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<p>b) <u>Earthworks are associated with the installation of underground utilities using directional drilling or thrusting techniques.</u> -P</p> <p>Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works and network utilities that are otherwise provided for), which are within the overflow path or stream corridor. – NC</p> <p>Earthworks within the Mangaroo Flood Hazard Area <u>Earthworks associated with the maintenance, upgrade or installation of network utilities within the overflow path and stream corridor of the Mangaroo River Flood Hazard Extent where:</u></p> <p>c) <u>Earthworks are located within the road corridor and ground levels are reinstated to those existing prior to the works; or</u></p> <p>d) <u>Earthworks are associated with the installation of underground utilities using directional drilling or thrusting techniques.</u> -P</p> <p>Earthworks within the River Corridor of the Mangaroo Flood Hazard Extent (excluding those associated with network utilities that are otherwise provided) – NC</p>	<p><u>Earthworks associated with the maintenance, upgrade or installation of network utilities within the identified Pinehaven and Mangaroo Flood Hazard Extents where earthworks are located within the legal road reserve; Standards</u></p> <ul style="list-style-type: none"> - <u>Ground levels are reinstated to those existing prior to the works; or</u> - <u>Earthworks are associated with the installation of underground utilities using directional drilling or thrusting techniques.</u> 	
<p>Amend proposed rule 30.8(a) as follows:</p> <p><u>Network utility structures (excluding cabinets and electricity support structures) crossing a stream or river within an identified flood hazard area must be</u></p>	<p>Accept in part (Para. 304, P. 49)</p> <p>The views of Powerco are supported insofar as in addition to the matters identified in proposed Rule</p>	<p>Accept the Officer's Recommendation</p> <p>The intent of Powerco's submission has been given effect to. Council has</p>

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<p><i>underground, <u>attached to an existing river crossing</u> or positioned above the 1 in 100-year flood level.</i></p>	<p>30.8(a) as notified, there is the ability to install infrastructure on existing crossings, providing the installed infrastructure is not closer to the stream level and does not increase the flood hazard when compared to the existing situation.</p> <p>Powerco sought that its electricity cabinets be excluded in the same way as telecommunication cabinets are. Under the National Environmental Standard for Telecommunication Facilities 2016, Councils are unable to impose rules that limit the location of telecommunication cabinets in natural hazard zones (Regulation 57). This restriction only applies to telecommunication cabinets and not any other above ground infrastructure.</p> <p>Given the uncertainty associated with the size of potential future electricity cabinets, and the potential for these structures to block or impede flood flows, it is considered that it is not appropriate for these structures to also be a permitted activity. While the exclusion is therefore not supported, the rule should be amended to clarify that network utility structures can be attached to existing structures.</p> <p>Amend Rule 30.8(a) as follows:</p> <p><u>Network utility structures (excluding cabinets) that:</u></p> <ul style="list-style-type: none"> - <u>cross a stream or river; and,</u> - <u>are within an identified flood hazard area;</u> <p><u>must either;</u></p> <ul style="list-style-type: none"> - <u>be located underground; or, positioned above the 1 in 100-year flood level (except when attached to existing lawfully established crossing structures such as bridges in which case the Network Utility Structure must not be fixed or positioned any closer</u> 	<p>provided clarification that the rule only applies to structures located within a stream or river. Therefore, electricity cabinets and support structures may be permitted outside of a stream or river (even if lines cross a stream).</p>

Submission / Further Submission	Officer Recommendation (changes identified as additions <u>underlined</u> and deletions in strike through)	Powerco's Response
	<u>to the stream bed or river bed than the lowest point of the existing crossing structure).</u>	
<p>Amend the matters of discretion under Rule 30.13(a) as follows:</p> <p><u>Except in the case of cabinets, and electricity support structures where located within an identified Flood Hazard Extent:</u></p> <ul style="list-style-type: none"> - Whether <u>The extent to which the utility or network utility structure will be adversely impacted during a flood event;</u> - <u>Where proposed to cross a river or stream, the extent to which whether the Network Utility Structure will adversely contribute to blockages or obstructing flood flows;</u> - Whether <u>The extent to which the utility will adversely impact the flood hazard area, exacerbating the effect on people and property on adjacent sites and/or adversely affect the function of the flood hazard extent.</u> 	<p>Accept (Para. 313, P. 50)</p> <p><u>Except in the case of cabinets, and electricity support structures where located within an identified Flood Hazard Extent:</u></p> <ul style="list-style-type: none"> - Whether <u>The extent to which the utility or network utility structure will be adversely impacted during a flood event;</u> - <u>Where proposed to cross a river or stream, the extent to which whether the Network Utility Structure will adversely contribute to blockages or obstructing flood flows;</u> - Whether <u>The extent to which the utility will adversely impact the flood hazard area, exacerbating the effect on people and property on adjacent sites and/or adversely affect the function of the flood hazard extent.</u> - <u>The extent to which locating the Network Utility Structure within the Flood Hazard Extent will provide and</u> [sic] <u>local, regional or national benefit.</u> 	<p>Accept the Officer's Recommendation, subject to making the required grammatical correction identified in the previous column.</p> <p>Powerco's submission and further submission have been given effect to.</p>
<p>Further Submission supporting in part a submission by Transpower to add the following matter of discretion to Rule 30.13(a), as follows:</p> <ul style="list-style-type: none"> - <u>Whether locating the Network Utility Structure within the Flood Hazard Extent will provide any local, regional or national benefit.</u> <p>Powerco supports the intent of the submission as benefits should be taken into consideration. However, Powerco seeks that the point be adopted in an amended form as consistent with Powerco's own submission, to read "The</p>		

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extent to which..."		
<p>Amend rule in Table 33.1 as follows:</p> <p><i>Any building, structure or fence (excluding network utilities) within the stream corridor of the Pinehaven Flood Hazard Extent (except where provided for under the rule for driveways and bridges as a Controlled Activity). - NC</i></p> <p>315. PowerCo also seeks the following change to the provisions under Chapter 30.1A: <i>Chapter 23 - Earthworks and Indigenous Vegetation Clearance</i> <i>Chapter 26 - Heritage Features</i> <i>Chapter 27 - Notable Trees</i> <i>Chapter 28 - Southern Hills Overlay Area and Protected Ridgelines</i> <i>Chapter 32 - Noise and Vibration</i> <i>Chapter 33 - Flooding and Fault Band Hazards</i> <i>Chapter 34 - Hazardous Substances and Contaminated Land</i></p>	<p>Accept in part (Para. 321, P. 52)</p> <p>The current structure of the District Plan ensures that all provisions pertaining to network utilities are considered through either Chapters 16 (Network Utilities Objectives and Policies), 23 (Earthworks – where network utilities are specifically referred to) and 30 (Network Utilities Rules). The proposed Plan Change does not seek to change this structure of the District Plan. However, it is acknowledged that as the Plan is currently drafted this is not clear. To address this matter it is recommended to add the following note to the bottom of Table 33.1:</p> <p><u>Note:</u> <u>Network Utility Structures are addressed through the provisions within Chapter 16 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent subject to the provisions of Chapter 16 and 30, will prevail over the provisions of Chapter 14 and 33.</u></p>	<p>Refer to paragraphs 2.3-2.4 of the Hearings Statement.</p> <p>The Hearings Committee should adopt the advice note in an amended form to recognise (as acknowledged by the Reporting Planner) that the network utilities provisions within Table 23.1 in Chapter 23 also apply, as follows:</p> <p><i>Note:</i> <i>Network Utility Structures are addressed through the provisions within Chapters 16, 23 and 30. For the avoidance of doubt any Network Utility Structure activity undertaken by a network utility operator within the Flood Hazard Extent in accordance with the provisions of Chapters 16, 23 and 30, will prevail over the provisions of Chapter 33.</i></p>
<p>Amend Anticipated Environmental Result 16.6 as follows:</p> <p><i>The avoidance of the potential for network utilities to increase increasing flood hazard risk or impacting on flood hazard structures.</i></p>	<p>Accept (Para. 325, P. 52)</p> <p>It is intended that the proposed Anticipated Environmental Result applies to the consideration of new network utilities (not existing). It is considered that the proposed amendment provides this clarification. Amend AER 16.6 as sought:</p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's submission has been given effect to.</p>

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	<p><i>The avoidance of <u>the potential for network utilities to increase-increasing</u> flood hazard risk or <u>impacting on flood hazard structures</u>.</i></p>	
<p>Further submission in support of a primary submission by Transpower seeking clarification that the Network Utility Structure Definition is not included in the Definitions Chapter of the PPC42 because it is that provided in Plan Change 38.</p> <p>Powerco supports the submission. The Council appears to have used an older version of the Chapter 35 Definitions as the baseline document for PPC42 meaning a number of definitions that now appear in the operative DP, including the definition of 'network utility structure' included as part of PC38, are not recorded in the PPC42 documents. This is confusing and potentially misleading if any definitions relevant to PPC42 have been amended through PCs 38, 40 or 41 but not clearly recorded in the PPC42 documents.</p>	<p>Accept (Para. 220, P. 35)</p> <p>The definitions chapter that was notified was slightly outdated and was missing the definitions that were inserted as part of Plan Change 38. This was an unintended change and has been rectified.</p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's further submission has been given effect to.</p>
<p>Further submission supporting in part a submission by Transpower seeking to amend Objective 16.3.4 as follows, but noting that the changes sought to Objective 16.3.4 are likely to be outside of the scope of the Plan Change:</p> <p><i>To manage any adverse effects on the environment resulting from the design, location, construction, operation, upgrading and maintenance of network utilities. This Objective recognises that the construction,</i></p>	<p>Accept (Para. 235, P. 37)</p> <p>It is considered that changing Objective 16.3.5 results in a more explicit and clear outcome, as opposed to changing the explanation under Objective 16.3.4, and therefore that relief is supported by the Reporting Planner. It is for this reason the requested change to Objective 16.3.5 is supported. As such, the new suggested wording for Objective 16.3.5 is as follows:</p>	<p>Accept the Officer's Recommendation</p> <p>Powerco's further submission has been given effect to.</p>

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<p><i>operation, upgrade and maintenance of network utilities can adversely affect the environment and amenity, and seeks to manage potential adverse effects, particularly through design and location. This recognises that some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. They may also have adverse effects on public health and safety, <u>as well as flood hazard considerations</u>. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and / or upgrade works. For new lineal infrastructure, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there may be some level of residual adverse effect on the surrounding environment. In such circumstances, there is a need to consider both the benefits the network utility will provide and the significance of the adverse effects on the surrounding environment.</i></p> <p>OR Amend Objective 16.3.5 as follows:</p> <p><i><u>To ensure the continued operation of network utilities, and the development and operation of new network utilities, in flood hazard extents and to maintain the function of the floodplain to convey flood waters.</u></i></p> <p>Powerco supports the changes sought to Objective 16.3.5 as it is important to provide for the development of new utilities in flood hazard extents.</p>	<p><i>Objective 16.3.5: To ensure the continued operation of network utilities, <u>and the development and operation of new network utilities</u> in flood hazard extents and to maintain the function of the floodplain to convey flood waters.</i></p>	

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<p>Powerco also supports the intent of the changes sought to Objective 16.3.4 but does not consider them to be critical as consideration of effects on flood hazard will form part of a broader assessment of effects.</p>		
<p>Further submission supporting a submission by Transpower seeking to amend paragraph 2 of the explanation to Objective 14.3.2 as follows:</p> <p><i>High hazard areas within the Flood Hazard Extent comprise the stream and river corridor, overflow paths and the Erosion Hazard Area. These are characterised by areas of moving flood water which may also be deep or fast and includes areas most at risk to erosion during a flood event. These are identified on the Hazard Maps. Subdivision and <u>inappropriate</u> development within high hazard areas should be avoided given the threat these areas represent to people and property.</i></p>	<p>Reject (Para. 235, P. 37)</p> <p>The suggested change to the explanation of Objective 14.3.2 is to recognise that not all development in the flood hazard extents is inappropriate. In particular, the submitters seeks recognition that network utility structures which may need to be located in the flood hazard extent for operational reasons may not have a detrimental effect on the function of the floodplain. The current structure of the District Plan ensures that all provisions pertaining to network utilities are considered through Chapters 16 (Network Utilities - Policies), 23 (Earthworks - Rules), and 30 (Network Utilities - Rules). The proposed Plan Change does not seek to change this structure of the District Plan.</p> <p>However, the proposed change to the explanation (of 14.3.2) would have wider implications, as it is not limited to just network utility activities and thus it could result in a wider range of development, beyond just infrastructure works, also being considered appropriate in the flood hazard extents.</p> <p>No changes proposed.</p>	<p>Accept the Officer's Recommendation</p> <p>The objectives, policies and rules of Chapters 16, 23 and 30 which directly relate to network utilities take precedence over other provisions in other chapters, including Objective 14.3.2. Therefore it is considered that the intent of Powerco's submission and further submission has been given effect to.</p>