



TRANSPOWER

Keeping the energy flowing

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15 September 2022

Proposed Plan Change 5 to the Hamilton City District Plan Hearing Panel
Hamilton City Council
Independent Hearing Panel

By email steve@riceres.co.nz

To: Hearing Administrator, Mr Steve Rice

Dear Steve

Proposed Plan Change 5 to the Hamilton City District Plan: Hearing Statement for Transpower New Zealand Limited (submitter reference 21)

Transpower New Zealand Limited ("Transpower") writes in relation to the hearing for Proposed Plan Change 5 to the Hamilton City District Plan ("PC5").

There are a limited number of submission points of relevance to Transpower (given Transpower's interest in PC5 is confined to its communications site) and the s42A has responded to the concerns raised, with the recommendations supported by Transpower. On that basis, Transpower has not requested to be heard or filed evidence. That said, Transpower is available to respond to any questions the Hearings Panel may have.

The following provides an overview of Transpower submission and response to the officer recommendations.

At the outset we wish to acknowledge the efforts made by Council and reporting officers to consider the concerns raised in Transpower's submission, and to provide for these through the recommendations made in the Section 42A Report.

Transpower's position in relation to each of its submission points is recorded in **Attachment 1** to this letter. Of note, all but one of the recommendations are supported (or accepted) on the basis they address the substantive relief sought by Transpower. The one recommendation not accepted is in relation to policy DEV01-PSP:P68, for the reasons outlined in Attachment 1. It is further noted that while the recommendation on submission point 21.4 is to amend the permitted development rule, this is not reflected in the recommendation's version of the Medium Density Residential Zone chapter (Chapter 4A). Transpower understands this is an oversight and supports the recommendation.

Transpower respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

The National Grid and Transpower’s Assets within the Peacocke Structure Plan Area

Transpower owns and operates the National Grid – or high voltage transmission network – that carries electricity around the country. Under its function as “system operator”, Transpower is responsible for managing the real-time power system and operating the wholesale electricity market.

Transpower owns and operates a National Control Centre (“NCC”) on a 1.85 hectare site located at 25 Hall Road, within the Peacocke Structure Plan area. Refer Figure 1. The NCC is critical to the New Zealand electricity system as it effectively operates the entire power system and energy flow throughout New Zealand. The Hamilton NCC is one of two such centres in New Zealand. Both centres are constantly manned and operate 24 hours a day, with control of the power system switching between the two centres on three-hour cycles. The site was chosen because of its rural location, given its security requirements and need to operate in an unconstrained manner. The site has been in operation for 30 years, with resource consent granted in 1991 for its establishment. While the site operates under its existing consent, any expansion of the building or activities on site would be subject to the provisions of PC5.

The NCC site includes the following features:

- A dedicated control room and administration/office building with associated infrastructure (such as telecommunications masts and cooling towers);
- A vehicle parking area, which is accessed from Hall Road;
- A generator, to ensure continued operation during power outages;
- Security fencing;
- Security lighting (which operates over night).

A fibreoptic cable that connects the NCC to the rest of the National Grid runs underground along Hall Road, following SH3 to the Karapiro Substation.

Extensive vegetation at the site boundary screens the site and buildings from Hall Road and adjoining properties. The vegetation requires maintenance to ensure security is not compromised, visibility is maintained within the site, and the existing building, ancillary structures, vehicle access and parking remain operational. Refer Figure 2.

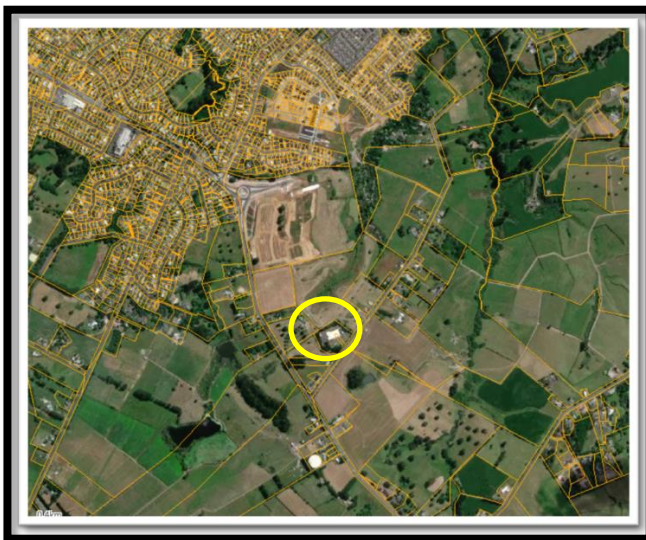


Figure 1. Hall Road Transpower NCC site – refer yellow circle.



Figure 2. Aerial image of Transpower NCC site

National Direction relevant to the National Grid

National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 (‘RMA’). Of particular relevance to PC5 and Transpower’s submission is the National Policy Statement on Electricity Transmission 2008 (“NPSET”). The NPSET directs the management of the electricity transmission network under the RMA.

The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it. The NCC is considered part of the National grid and the electricity transmission network for the purposes of applying the NPSET.

The sole objective of the NPSET is as follows:

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

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

The NPSET policies give direction on how to achieve the objective, including recognising and providing for the benefits of electricity transmission and managing the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers and Transpower itself.

Policies of specific relevance to the Hall Road site are Policies 1 to 5, and Policy 10.

Policy 1 specifies that decision-makers **must recognise and provide for** the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation, in managing the effects of climate change.

Recognition of the development of the National Grid is required by Policy 2, which states: *In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

Policies 3 to 5 contain matters to which decision-makers must consider or have regard to, including:

- The constraints imposed on avoiding, remedying or mitigating adverse effects by the technical and operational requirements of the network;
- The role of the route, site and method selection process in avoiding, remedying or mitigating adverse effects for new or major upgrades of transmission infrastructure; and
- The enablement of the reasonable operational, maintenance, and minor upgrade requirements of established electricity transmission assets.

Policy 10 provides important direction on the management of adverse effects of subdivision, land use and development activities on the transmission network. Policy 10 is as follows:

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Transpower's position is that, with the exception of the recommendation related to submission point 21.1 (relating to DEV01-PSP:P68), the recommendations on Transpower's submissions contained in the S42A Report align with the provisions of the NPSET.

Transpower's Submission on PC5

Transpower's submission on PC5 was generally supportive of the need to update the Peacocke Structure Plan to better reflect the outcomes sought for the development of the area. Through its submission, Transpower sought to ensure that the NCC site was recognised and provided for as a key component of the National Grid.

Transpower's submission included seven submission points that covered the following matters:

- **Reverse sensitivity** (submission point 21.1): Transpower supported the proposed policy that required sensitive land uses to avoid adverse effects on and from regionally significant infrastructure.
- **An enabling framework for the NCC site** (submission points 21.2 to 21.4): Transpower sought that the ongoing use and development of the NCC site was recognised and provided for through rezoning and/or an enabling rule framework.

- **Significant bat habitat** (submission points 21.5 to 21.6): Transpower opposed the identification of an SNA and significant bat habitat area on the NCC site, in part due to the constraints that this may place on the ongoing use and development of the site.
- **Proposed stopping of Hall Road** (submission point 21.7): Transpower supported the proposed stopping of Hall Road on the basis that safe and convenient access will continue to be provided between the NCC site and SH3.

The table contained in **Attachment 1** identifies the relief sought by Transpower in relation to each of its submission points.

Transpower's Position of the S42A Report Recommendations

While Transpower is generally supportive of the relief proposed, it does hold concerns in relation to submission point 21.1. relating to policy DEV01-PSP:P68 Transpower respectfully requests that the panel give the concerns due consideration. Transpower's position in relation to each of its submission points is recorded in **Attachment 1** to this letter.

Should you require clarification of any matter, please contact Trudi Burney at Transpower (03 590 7126), or on the following email: Environment.Policy@transpower.co.nz

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Trudi Burney', is positioned above the typed name.

Trudi Burney
Senior Environmental Planner

Attachment 1: Transpower's position in response to s42A Report recommendations

Sub Ref	Provision Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
21.1	Chapter 3A - Peacocke Structure Plan: DEV01-PSP: P68	Retain as notified.	Accept in part and support is noted. Changes have been made to these provisions through other submissions.	<p>Transpower does not support the recommended amendment to the policy and continues to seek that the policy is retained as notified.</p> <p>The following amendment (shown green) to the policy are recommended by the s42A report:</p> <p><i><u>Sensitive land uses avoid adverse effects on and from regionally significant infrastructure and regionally significant industry. Where sensitive activities are in zone and located in close proximity to regionally significant infrastructure, the mitigation of effects will be apportioned between the infrastructure operator and the develop/landowner (55.100)</u></i></p> <p>Transpower does not support the amendment because:</p> <ul style="list-style-type: none"> • It is inconsistent for a policy that requires sensitive land uses to avoid adverse effects on regionally significant infrastructure to then go on to provide for those effects to be mitigated through apportionment between the infrastructure provider and developers/landowners. A policy that requires effects to be avoided cannot also provide for those same effects to be mitigated. • Policy 10 of the NPSET requires that reverse sensitivity effects on the electricity transmission network (including the NCC) are avoided where possible, not mitigated. • Given the higher-order policy context, it is not reasonable to require existing established regionally significant infrastructure, such as the National Communications Centre (NCC), to contribute to the mitigation of reverse sensitivity

Sub Ref	Provision Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
				<p>effects associated with new sensitive activities being established around it.</p> <ul style="list-style-type: none"> • The policy does not recognise existing lawfully established infrastructure. • The policy does not give effect to the Waikato RPS¹, specifically (Part B, Chapter 6) objective 3.12 and policies 6.3 and 6.6. Policy 6.3 expands on the relationship of the built environment with infrastructure by directing that new development maintains the operational effectiveness, viability and safety of existing and planned infrastructure, and that investment in existing infrastructure is protected. Clause c) requires that the efficient and effective functioning of infrastructure is maintained, as well as the ability to maintain and upgrade that infrastructure. <p>Policy 6.6 also relates to management of the built environment with a focus on regionally significant infrastructure. As with Policy 6.3, there is a clear policy directive to manage the built environment having particular regard to ensuring the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected, the benefits of Regionally significant infrastructure ("RSI") and electricity transmission, and the technical and operational constraints of the electricity transmission network.</p> <p>It is noted that the recommendations version of the plan change (Appendix B of the S42A Report) refers to this provision as DEV01-PSP: P52.</p>
21.2	Appendix 17 – Planning Maps: Natural	Remove the proposed Natural Open Space Zone and	Reject. A portion of the National Communications Centre site is zoned as Natural Open Space in recognition that this extent is within the Significant Bat Habitat Area shown on Figure 2-3 Natural	Transpower accepts the proposed extent of the Natural Open Space Zone recommended in the amendments to the planning maps contained in Appendix B to the S42A

¹ <https://eplan.waikatoregion.govt.nz/eplan/#Rules/0/0/0/0/0>

Sub Ref	Provision Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
	Open Space Zone	re-zone the NCC site to Business 1 – Commercial Fringe. And any consequential amendments.	Environment and Heritage. This is consistent with the remainder of the Peacocke Structure Plan Area with the Natural Open Space Zone covering all Significant Bat Habitat Areas. The submitter's concern regarding the statutory impact of both the Natural Open Space Zone and the Significant Bat Habitat Area overlay is acknowledged given the significance of the site to Transpower's national operations. The site has been visited by a Council ecologist at the submitter's request, but this confirmed the significance of the habitat values within the site.	Report (Appendix 17A Peacocke Precinct Planning Maps).
21.3	Appendix 17 – Planning Maps: Medium Density Residential Zone	Remove the proposed Medium Density Residential Zone and re-zone the NCC site to Business 1 – Commercial Fringe. And any consequential amendments.	Reject. It is acknowledged that the National Control Centre is not a residential land use and is a long-standing land use having been established on the site since the early 1990s. However, the distribution of proposed neighbourhood centres as shown on Figure 2-1 is carefully considered to provide a suitable distribution of centres for different locations within Peacocke, and there are already neighbourhood centres planned to the north and south-east in relatively close proximity. Re-zoning the land to Business 1 - Commercial Fringe is not supported as this could become a de-facto 'neighbourhood centre' in future should the Transpower operation shift elsewhere.	Transpower accepts the recommendation based on the relief provided under submission point 21.4 below.
21.4	Chapter 4A - Peacocke Medium Density Residential Zone: Peacocke Medium Density Residential Zone	Although not Transpower's preference, should the proposed Medium Density Residential Zone – Peacocke Precinct not be removed from the NCC site,	Accept. Making explicit provision for the National Control Centre site (as indicated with the 'Transpower - Hamilton Communication Centre' notation on Figures 2-1, 2-2 and 2-3) as a permitted activity is appropriate to provide for ongoing alterations, additions, maintenance and future expansion within the submitter's site. This is in recognition that altering the site's zoning is opposed, but that the site is critical national infrastructure and therefore requires an enabling framework as sought by the submitter to avoid unnecessarily restricting	Transpower accepts the recommendation, as this generally provides for the relief sought. However, Transpower notes that the recommendations version of the Medium Density Residential Zone chapter (Chapter 4A) does not include relief recommended in paragraph 7.131 of the S42A Report (a permitted activity rule for development at the NCC site). Transpower requests that the chapter is amended to provide the relief recommended by the S42A Report, by including the following permitted activity rule (with

Sub Ref	Provision Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations						
	MRZ - PREC1-PSP: R30 Chapter 15 Rule 15.3(II) Offices	any expansion to existing activities, structures or buildings at the NCC has a number of permitted activity standards and an activity status no more restrictive than controlled, and the Medium Density Residential Zone – Peacocke Precinct be applied to the entire site. And any consequential amendments.	operations and expansion to existing activities on the site. An additional permitted activity rule is recommended subject to compliance with development standards (for building coverage, permeable surfaces, building height, setbacks and height in relation to boundary). These standards include a 5 metre building setback from the Significant Bat Habitat Area within the site which remains unchanged. A consequential amendment is also required to the maximum building coverage standard (R36) to make explicit a 60% building coverage applies to the site (as otherwise the standard does not set a coverage standard for non-residential activities).	<p>consequential amendments to standards numbering and standard R36)</p> <table border="1" data-bbox="1375 387 2031 986"> <tr> <td data-bbox="1375 387 1509 539">MRZ - PREC1-PSP: RXX</td> <td colspan="2" data-bbox="1509 387 2031 539"><u>Alterations and additions to existing buildings, and new buildings for the purpose of operating the National Communications Centre, within the Transpower – Hamilton Communication Centre site shown on Figure 2-1 (Volume 2, Appendix 2 Structure Plans)</u></td> </tr> <tr> <td data-bbox="1375 539 1509 986">Medium density residential zone – Peacocke Precinct</td> <td data-bbox="1509 539 1832 986"> Activity Status: Permitted Where the following are complied with: PER-1 1. <u>PREC1-P R36 – Maximum Building Coverage</u> 2. <u>PREC1-P R37 – Permeable Surfaces</u> 3. <u>PREC1-P R38 – Building Heights</u> 4. <u>PREC1-P R39 – Setbacks</u> 5. <u>PREC1-P R40 – Height in Relation to Boundary</u> </td> <td data-bbox="1832 539 2031 986"> Activity Status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. <u>A - General</u> </td> </tr> </table>	MRZ - PREC1-PSP: RXX	<u>Alterations and additions to existing buildings, and new buildings for the purpose of operating the National Communications Centre, within the Transpower – Hamilton Communication Centre site shown on Figure 2-1 (Volume 2, Appendix 2 Structure Plans)</u>		Medium density residential zone – Peacocke Precinct	Activity Status: Permitted Where the following are complied with: PER-1 1. <u>PREC1-P R36 – Maximum Building Coverage</u> 2. <u>PREC1-P R37 – Permeable Surfaces</u> 3. <u>PREC1-P R38 – Building Heights</u> 4. <u>PREC1-P R39 – Setbacks</u> 5. <u>PREC1-P R40 – Height in Relation to Boundary</u>	Activity Status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. <u>A - General</u>
MRZ - PREC1-PSP: RXX	<u>Alterations and additions to existing buildings, and new buildings for the purpose of operating the National Communications Centre, within the Transpower – Hamilton Communication Centre site shown on Figure 2-1 (Volume 2, Appendix 2 Structure Plans)</u>									
Medium density residential zone – Peacocke Precinct	Activity Status: Permitted Where the following are complied with: PER-1 1. <u>PREC1-P R36 – Maximum Building Coverage</u> 2. <u>PREC1-P R37 – Permeable Surfaces</u> 3. <u>PREC1-P R38 – Building Heights</u> 4. <u>PREC1-P R39 – Setbacks</u> 5. <u>PREC1-P R40 – Height in Relation to Boundary</u>	Activity Status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. <u>A - General</u>								
21.5	Appendix 9 – Natural Environments: SNA 60, Hall Road Peacocke	Remove proposed significant natural area 60 from 25 Hall Road, and any consequential amendments.	Reject. The SNA within the Transpower site is based on previous ecological work that identified a known bat roost tree. Recent fieldwork by an HCC ecologist has confirmed the validity of the habitat values. Removal of the SNA is not considered an appropriate outcome for this reason. The submitter should also be aware that Plan Change 9 is amending SNA vegetation removal provisions affecting all SNA's within the city.	<p>Transpower accepts the recommendation, based on the revised extent of the SNA recommended in the amendments to the planning maps contained in Appendix B to the S42A Report (Appendix 17A Peacocke Precinct Planning Maps).</p> <p>Transpower recognises that the revised extent of the SNA recommended in the S42A Report has been informed by further ecology fieldwork undertaken by the Council.</p>						
21.6	Appendix 17 – Planning Maps:	Remove or relocate the Significant Bat Habitat Area	Reject. A portion of the National Communications Centre site is zoned as Natural Open Space in recognition that this extent is within the Significant Bat Habitat Area shown on Figure 2-3 Natural	Transpower accepts the recommendation, based on the revised extent of the Significant Bat Habitat Area recommended in the amendments to the planning maps						

Sub Ref	Provision Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
	Significant Bat Habitat Area, as it relates to 25 Hall Road	feature from the Transpower site at 25 Hall Road. And any consequential amendments including deletion of any lighting and vegetation works standards/rules as they apply to the site.	Environment and Heritage. This is consistent with the remainder of the Peacocke Structure Plan Area with the Natural Open Space Zone covering all Significant Bat Habitat Areas. The submitter's concern regarding the statutory impact of both the Natural Open Space Zone and the Significant Bat Habitat Area overlay is acknowledged given the significance of the site to Transpower's national operations. The site has been visited by a Council ecologist at the submitter's request, but this confirmed the significance of the habitat values within the site.	<p>contained in Appendix B to the S42A Report (Appendix 17A Peacocke Precinct Planning Maps).</p> <p>Transpower recognises that the revised extent of the Significant Bat Habitat Area recommended in the S42A Report has been informed by further ecology fieldwork undertaken by the Council.</p>
21.7	Appendix 2 – Structure Plans: Peacocke Structure Plan – Proposed Road Stopping on Hall Road.	Ensure 24-hour vehicle access is maintained to 25 Hall Road with safe and convenient connection to the SH3. And any consequential amendments.	Accept , although there is no amendment to PC5 provisions required in response. The proposed road closure of Hall Road as indicated on Figures 2-1 and 2-2 can only be implemented pursuant to the Local Government Act process once an alternative public road access to all existing Hall Road properties has been provided.	Transpower accepts the recommendation, on the basis that local road access to the NCC site has been identified in Figure 2-1 and any road closure would follow due process.