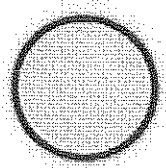


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POWERCO

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SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 15 (FLOOD AND EROSION HAZARD AREAS) TO THE UPPER HUTT DISTRICT PLAN

9 November 2012

TO: Upper Hutt City Council
Private Bag 907
Upper Hutt

Via email: askus@uhcc.govt.nz

FROM: Powerco Limited ("Powerco")
Private Bag 2061
NEW PLYMOUTH 4342

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
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AUCKLAND 0740

Attention: Kathryn Lacey

Phone: (09) 917 4302
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1. INTRODUCTION

- 1.1 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, which represents 46% of the gas connections and sixteen per cent of the electricity connections in New Zealand. These consumers are served through Powerco assets including nearly 8,500 kilometres of electricity lines (including overhead lines and cables) and 850 kilometres of gas pipelines. Powerco distributes gas to the Upper Hutt District.

- 1.2 Powerco has strategic assets located within the proposed flood hazard zone identified in Proposed Plan Change 15 (the Plan Change) which include an Intermediate Pressure (IP) Pipeline and three District Regulator Stations (DRS). The IP pipeline follows the eastern Hutt Road up to Fergusson Drive and then follows the River bank and later River Road up to where River Road meets Fergusson Drive. There are 3 DRS in the flood hazard zone or in close proximity to it. One is located (approximately) opposite 3 Mcloed Street, 1 is located adjacent to 1123 Fergusson Drive and the other opposite 1/1240 Fergusson Drive. Powerco can provide the Council with detailed plans showing the location of its entire gas network in the Upper Hutt District if required.

2. GENERAL DISCUSSION

- 2.1 Proposed Plan Change 15 ("the Plan Change") seeks to introduce flood and erosion hazard information for the Mangaroa River, and to update and expand flood hazard information and add erosion hazard information for the Hutt River, within the Upper Hutt City Council District Plan ("the District Plan"). New rules and standards will be included within the flood hazard area and sub-areas.

- 2.2 The proposed changes to the network utilities section of the District Plan seek to provide for the construction, operation, maintenance, minor upgrading, replacement and refurbishment of transformers, water and wastewater pumping stations, telecommunication and radiocommunication facilities (excluding cables and lines) in the flood hazard area as a discretionary activity. Furthermore any Buildings and structures to be erected within the 'Ponding Area' would be considered a discretionary activity and any earthworks within a flood hazard area would be a restricted discretionary activity.

- 2.3 Powerco generally supports the intent of the proposed Plan Change but seeks some amendments to the Plan Change to ensure that the construction, operation, maintenance, minor upgrading (including earthworks), replacement and refurbishment of pipes for the distribution of natural or manufactured gas and necessary incidental equipment and compressor stations are provided for as a permitted activity in the flood hazard zone.

- 2.3 In summary, The Plan Change does not make any changes to the rules relating to the construction, operation, maintenance, minor upgrading, replacement and refurbishment of pipes for the distribution of natural or manufactured gas and necessary incidental equipment and compressor stations. Such activities will continue to be a permitted activity in Chapter 30 – Rules for network utilities.
- 2.4 However, Powerco is concerned that earthworks associated with the installation of new gas pipelines or the maintenance and upgrading of existing pipelines would be required to obtain resource consent pursuant to Rule 23.7. This may pose unnecessary costs and time restraints on Powerco.
- 2.5 Powerco is also concerned that network utilities could be considered as a structure for the purposes to the Rule in Chapter 33 despite the network utilities chapter explicitly identifying those specific network utilities that would require consent in a flood hazard area as amended by the Plan Change. As a consequence of this Powerco would be required to obtain resource consent for any new and/or replacement gas pipelines and associated equipment in a flood hazard area.
- 2.6 These issues are discussed in further detail below.

3. PROVISION FOR NEW GAS INFRASTRUCTURE AS A PERMITTED ACTIVITY

- 3.1 The Plan Change does not make any changes to the rules relating to the construction, operation, maintenance, minor upgrading, replacement and refurbishment of pipes for the distribution of natural or manufactured gas and necessary incidental equipment and compressor stations. Such activities will continue to be a permitted activity in Chapter 30 – Rules for network utilities and this is supported by Powerco.
- 3.2 The Plan Change makes changes to Chapter 30 (Rules for network utilities) of the District Plan to explicitly identify those network utilities that would require resource consent as a discretionary activity to locate within a flood hazard area (e.g transformers, water and waste water pumping stations, telecommunication and radio communication facilities). Powerco assumes then that such changes indicate that network utilities chapter is a standalone chapter and the provisions of Chapter 33 (Rules for Flooding and Fault Band Hazards) do not apply. However this is contrary to the advice Powerco has received from Council staff.
- 3.3 It is noted that network utilities are not included in the definition of building in the District Plan as follows:

any structure whether temporary or permanent, movable or immovable, which, in addition to its ordinary and usual meaning, includes the following:

- Any structure of over 5m² in area with a height of more than 1.2m.
- Any fence or wall with a height of more than 2m.

- Any retaining wall with a height of more than 1.5m above the finished ground level.
- Any tank or pool, and any structural support:
 - (i) Which has a capacity of not less than 25,000 litres and is supported directly by the ground.
 - (ii) Which has a capacity of 2,000 litres or more and is supported at a height of more than 2.0 metres from the base of its structure.
 - (iii) Which has a capacity of 500 litres or more and is supported at a height of more than 4.0 metres from the base of its supporting structure.

This definition does not apply to utilities as defined in this chapter

- 3.4 But could be captured under the definition of structure in the RMA (there is no definition of structure in the District Plan) as follows:

structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft

- 3.5 For new gas infrastructure, a careful route or site selection process is used to determine the best route in environmental and development cost terms. The route/site selection process is the best way to minimise, avoid, remedy or mitigate the potential adverse effects of new network utilities. However, because of the scale and nature of the linear network the best environmental route or the route required to supply a particular area with gas, may need to traverse flood hazard zones.
- 3.6 Powerco's gas pipelines are located underground and would not be protected by floodwaters and any above ground structures can be designed to tolerate minor levels of inundation. It is recognised that prolonged submergence Powerco's above ground assets (DRSs) may inhibit Powerco's ability to supply gas to various areas in the Upper Hutt District. While this would not pose an immanent safety risk, it does pose reliability and supply risk which will impact on residential, commercial and light industrial users of gas. Powerco are likely to be able to re-commission any affected plant after inspection and corrective maintenance. Powerco will endeavour to avoid locating above ground structures in flood hazard areas, but in some causes it may not be possible to avoid areas where the assets are required to supply an area with gas.
- 3.7 For the avoidance of doubt, Powerco requests that an exemption be included from the Rules in Chapter 33 either for all network utilities that are otherwise provided for as a permitted activity in Chapter 30 or alternatively an exemption specifically for pipes for the distribution of gas and their incidental equipment). This is an issue as new assets, or replacement of existing assets, may be required to be constructed in these areas to meet ensure a reliable and consistent supply of gas.

4. MAINTENANCE AND MINOR UPGRADING OF GAS INFRASTRUCTURE

- 4.1 All of Powerco's assets are inspected regularly to ascertain any potential hazards (i.e. risk to safety of supply or access to assets) posed to gas distribution assets and routine maintenance of the assets may be required. Therefore it is important the Plan Change continues to provide for the routine maintenance of such activities as a permitted activity, even if such activities are located in a flood hazard zone.
- 4.2 There are no provisions relating to earthworks associated with Network Utilities in Chapter 30, therefore it is assumed that Chapter 23 (Rules for Earthworks and Vegetation Clearance) would be applicable to all earthworks associated with the construction, operation, maintenances and minor upgrading of earthworks. Rule 23.7 and 23.12 (Section 23) of the Plan Change provides for any earthworks within a flood hazard area as a restricted discretionary activity.
- 4.3 This is of concern to Powerco as it may be required to undertake earthworks to access its pipelines for routine maintenance works and for the construction of new gas infrastructure. To require resource consent for such works could result in time delays meaning there may be a threat the supply of gas or public safety. This is an issue when urgent maintenance works are required to ensure a reliable supply of gas to consumers.
- 4.4 Therefore, Powerco requests that an exemption be included from Rule 23.7 either for all network utilities that are otherwise provided for as a permitted activity in Chapter 30 or alternatively an exemption specifically for pipes for the distribution of gas and their incidental equipment).

5. RELIEF SOUGHT

(Additions requested by Powerco are underlined>)

- 5.1 Provide for earthworks associated with the construction, operation, maintenance, minor upgrading, replacement and refurbishment of pipes and incidental equipment for the distribution of gas provided for in Chapter 30 as a permitted activity. This can be achieved by making the following amendments to Rule 23.7:

Either,

Earthworks shall not be undertaken within:

- *10m of any water body (measured from the bank of the water body),*
- *Within the Flood Hazard Area as depicted on the Planning Maps.*

Exemptions:

- *Flood mitigation works undertaken by a local authority on community flood protection grounds.*

- Works within the Flood Hazard Area that have consent from the Greater Wellington Regional Council, including gravel extraction.
- Any earthworks required for network utilities that are otherwise provided for as a permitted activity in Chapter 30.

Or,

Earthworks shall not be undertaken within:

- 10m of any water body (measured from the bank of the water body),
- Within the Flood Hazard Area as depicted on the Planning Maps.

Exemptions:

- Flood mitigation works undertaken by a local authority on community flood protection grounds.
- Works within the Flood Hazard Area that have consent from the Greater Wellington Regional Council, including gravel extraction.
- Any earthworks required for the construction, operation, maintenance, minor upgrading, replacement and refurbishment of Pipes for distribution of natural or manufactured gas and necessary incidental equipment and compressor stations.

5.2 Provide for structures associated with pipes and incidental equipment for the distribution of natural gas (which is provided for in Chapter 30) as a permitted activity. This can be achieved by making the following amendments to Table 33.1:

Either,

<i>Buildings and structures (other than those otherwise provided for in this table <u>and network utilities otherwise provided for as a permitted activity in Chapter 30</u>) to be erected within the Ponding Area, as shown on the Hazard Maps in Part 5 of the District Plan.</i>	D
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Or,

<i>Buildings and structures (other than those otherwise provided for in this table <u>and as required for the construction, operation, maintenance, minor upgrading, replacement and refurbishment of Pipes for distribution of natural or manufactured gas and necessary incidental equipment and compressor stations</u>) to be erected within the Ponding Area, as shown on the Hazard Maps in Part 5 of the District Plan.</i>	D
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5.3 Retain without Modification the following permitted activities in Table 30.1:

<i>The construction, operation, maintenance, minor upgrading, replacement and refurbishment of:</i>	P
.....	
<ul style="list-style-type: none"> • <i>Connections from allotments to gas, water, drainage and sewer pipes.</i> • <i>Pipes for distribution of natural or manufactured gas and necessary incidental equipment and compressor stations.</i> 	
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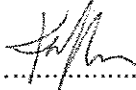
5.4 Any other relief and/or consequential amendments to give effect to this submission.

POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

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

Dated at TAKAPUNA this 9th day of November 2012

Signature for and on behalf of
Powerco Limited:


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Kathryn Lacey

Address for service: (as per cover sheet)

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