

Submitter 600 / Further Submitter 1132

Proposed Queenstown Lakes District Plan

Chapters 30, 35 and 36: Energy & Utilities, Temporary Activities and Noise

Hearing Statement on behalf of Federated Farmers of New Zealand

I. INTRODUCTION

1. My name is David Cooper. I am a Senior Policy Advisor for Federated Farmers of New Zealand. I have represented the needs and interests of our farming members across the South Island for the past eight years in a policy role.
2. I commenced my current role, as a Senior Policy Advisor at Federated Farmers, in 2012. In this position, I provide advice on local government and RMA planning and policy issues to Federated Farmers provincial committees and members across the South Island in the context of farming related issues. This role involves regular and close interaction with a wide cross section of the farming community, often in the context of discussing how resource management policies and rules affect farming enterprises and the rural community, and assessing the impacts of proposed provisions on the economic viability of primary production and the broader socio-economic impacts on rural communities.

II. ENERGY AND UTILITIES

3. In respect to energy and utilities, my role involves providing support and guidance to farmers in two capacities. The first is to provide general guidance and support to farmers in relation to their interaction with network utility providers, particularly in relation to the construction and maintenance of network utility infrastructure on private land. This role includes providing general advice to farmers throughout Notice of Requirement and Designation processes to clarify exactly what restrictions on landowners farming businesses are likely to accompany the installation of any network utility assets, and also to ensure there are no issues with safety.

4. The second general component of this role has focussed specifically on ensuring any district plan changes in relation to network utilities consider the impact on other land uses, particularly farming, and the protection afforded to network utilities does not go beyond what is required or is reasonable.
5. In relation to energy network infrastructure specifically, Federated Farmers has taken a keen interest on the implementation of the National Policy Statement on Electricity Transmission (NPSET), where we have submitted to a number of district planning processes across the country to ensure: :
 - a. The relevant provisions are consistent with the intent behind the NPSET: that being that sensitive activities such as schools, hospitals and residential buildings require appropriate buffer corridors under Policy 11; while for non-sensitive activities such as farming, that Policy 10 only requires to the extent reasonably possible, the management of activities to avoid reverse sensitivity effects on the network, and to ensure the operation, maintenance, upgrading and development of the network isn't compromised;
 - b. That the provisions are appropriately effects based and do not unnecessarily restrict legitimate existing activities on privately owned land;
 - c. That the plan does not go beyond what is appropriate and necessary to ensure sufficient safety standards are met and the transmission network provided with necessary protection;
 - d. Does not contradict or unnecessarily duplicate existing roles and responsibilities provided for within the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).
6. Aside from those considerations provided through the NPSET, energy and network utilities are not otherwise afforded a higher status under the Resource Management Act. Federated Farmers understands and recognises that the operation and maintenance of energy and utility infrastructure is important for the wellbeing of our communities, and we support the appropriate provision of these activities through the

district plan. However, the development, operation and maintenance of energy and utility networks can create adverse effects to public health and safety, the amenity and natural character of the environment, and can also create adverse effects on the efficient use of land for primary production purposes. As a result Federated Farmers considers that energy and utilities should also be required to avoid, remedy or mitigate their adverse effects.

7. In terms of primary production specifically, energy and utility networks have the potential to encroach upon, and constrain, the existing legitimately established land uses that surround the energy and utility network infrastructure. New or major upgrades to this infrastructure could occur at any scale and in any zone and across private land. These impacts include both the direct loss of primary production land on which the infrastructure is sited and also the reduced productive feasibility of surrounding land. At the lighter end of the scale, these latter impacts can include, for example, a farmer having to site irrigation infrastructure or fencing to 'work around' telecommunications and electricity transmission infrastructure, or having to site farm buildings or machinery in such a way that increases the net transport costs for that farm. These costs may be significant, particularly over time.
8. More generally, it should also be acknowledged that energy and utility network operators are themselves corporate entities. It is important that the district planning process does not undermine the ability for private landowners to negotiate or address the adverse effects of network utilities, particularly the development of those utilities, on private property. An upgrade to existing energy or utility network infrastructure may increase the 'footprint' of that utility on the private landowner, and therefore the cost to that landowner.
9. In these instances we are keen to ensure that the individual landowner's interests and rights in negotiating with that utility infrastructure owner are not impeded by the proposed district planning provisions. This latter concern is why Federated Farmers is keen to ensure that the district plan appropriately distinguishes between the *maintenance and operation* of a network utility and an *upgrade* of that utility.

10. In short Federated Farmers considers that the adverse effects of network utilities on farming need to be managed and that landowners must be acknowledged as enablers of public infrastructure by providing land as the platform for a significant proportion of transmission infrastructure in particular. We have sought that these issues are appropriately considered through the Energy and Utilities Chapter.
11. Policy 30.2.6.4 – The Officer’s report discusses submissions to this policy at pages 20 to 22. In our submission we have sought that this policy relates only to the National Grid, or assets owned by Transpower, not distribution lines (or local lines). Our fundamental argument is that while distribution lines also provide benefit to the community, only the National Grid is specified within the NPSET. In short, we consider that if the intention was to include similar protections around electricity transmission infrastructure that is not part of the National Grid, this would have been addressed through the NPSET. While all electricity transmission infrastructure is of importance, only a proportion of that network is sufficiently important to provide specific protection. We are of the view that the NPSET specifies the National Grid and excludes distribution lines or local lines for this reason.
12. If electricity distribution companies consider the same level of protection as that afforded to the National Grid NPSET is required for their assets, this should be addressed at a national level, either through an amendment to the current NPSET or through a specific NPS. It is inefficient for local councils to fund and manage this process, in a piecemeal way across the country. This leads to the potential for uncertainty, contradiction and inconsistencies between council approaches.
13. The Officer’s report considers submissions from other parties, including a submission from Aurora Energy Limited, and discusses the distinction between transmission lines (the National Grid), sub-transmission networks, and local distribution networks. The Officer’s report reaches a conclusion at paragraph 8.6 that “*sub-transmission networks are significant to the District, but local distribution networks are not*”.

14. As a consequence the Officer's report recommends a consequent new policy at 30.2.6.6 and rule at 30.5.10 to address the submission of Aurora Energy, to distinguish between Providing this distinction between transmission lines (National Grid) and sub-transmission networks, and to afford what is considered within the Officer's report to be sufficient protection to the sub-transmission network. We will address those proposed changes shortly. There is also a change proposed to notified Policy 30.2.6.4, in that the Officer's report recommends that the controls around the proximity of buildings, structures and vegetation to existing transmission corridors, is expanded to include "*buffer distances for managing subdivision and land use development near the National grid*".
15. Federated Farmers is opposed to these additional controls. We consider that the inclusion of subdivision and land use development are not matters that should be included in this policy. In particular, subdivision in the rural zones will not always be because the landowner is seeking to establish a building platform and will often be for farming reasons only. There is some risk that those who do subdivide in proximity to the National Grid may do so without realising there are rules restricting potential for development in proximity to the National Grid. However, this is a private concern and is best addressed between Transpower and landowners, through education, information sharing and interaction. In our view it is better to ensure that the rules and responsibilities around building of structures and the specific types of development which pose a threat to the operation of the National Grid are clear rather than attempting to address the concerns through controls on subdivision or potential development through the district plan. As a consequence we oppose the proposed amendments to the definition of National Grid Corridor to include subdivision.
16. Proposed new Policy 30.2.6.6 and Proposed new Rule 30.5.10 – Federated Farmers recognises that the sub-transmission network is of importance to the District, and we broadly agree with the discussion at paragraph 8.6 of the Officer's report around the relative importance of the sub-transmission network, relative to the local distribution network. We also support the proposed new definition of sub-transmission network, as opposed to other definitions sought covering the same infrastructure. We agree

the term best captures the infrastructure and its relative importance. However, our question is whether this importance is sufficient to require specific protection under the proposed district plan. We consider that the answer is that it is not sufficiently important to require such protection. Again, we consider if this was the intention of the NPSET then this would have been stated within that document. Instead, the NPSET refers only to the National Grid.

17. As a first preference, our position would be that Policy 30.2.6.4 and indeed any protection should apply only to the National Grid. However, as a second preference, we support the tiered approach recommended by the Officer's report. Our concern then turns to what is addressed through proposed new policy 30.2.6.6 and proposed new rule 30.5.10.
18. In terms of proposed new policy 30.2.6.6, our concerns relate to the inclusion of the word 'upgrading'. As stated in the introduction to this hearing statement, it is important that the District Plan does not undermine the importance or viability of other legitimate and important land uses in attempting to afford some protection to electricity transmission network. Federated Farmers considers there is a very important distinction to be made between the *maintenance and operation* of the sub-transmission network and the potential for *upgrading*. Where the sub-transmission network may require an upgrade, this may increase the adverse impact of that infrastructure on neighbouring land use. This may in turn increase the adverse impact on that surrounding land use from the network infrastructure. In this instance Federated Farmers considers it entirely reasonable that these impacts are considered and weighted, rather than being provided for as of right through the District Plan.
19. The Officer's report outlines proposed changes to a proposed definition: Minor Upgrading. We agree that the impacts of upgrades along the lines included in this definition on adjoining land are likely to be minor or insignificant. Therefore we consider the reference to 'upgrading' in proposed new Policy 30.2.6.6 should be amended to stipulate 'minor upgrading' as defined within this policy.

20. In terms of Proposed new Rule 30.5.10, while we reiterate our position that this is not the intent of the NPSET and that the sub-transmission network does not require specific provision through the district plan, we agree that the wording of the rule should be focussed on providing protections from what are considered to be activities which pose a risk to the electricity transmission infrastructure, and the matters covered by the proposed rule are relative to the threat posed by those activities.
21. Proposed new definition: Regionally Significant Infrastructure – In our further submissions we have opposed the introduction of a new definition: Regionally Significant Infrastructure, on the basis that we perceived no need for an additional definition covering such a wide range of varying types of infrastructure. The Officer's report discusses the drivers for distinguishing infrastructure of this type at paragraphs 9.2 to 9.6. We agree on the basis of that discussion that there is value in defining infrastructure which, if it failed, would have district wide impacts rather than localised impacts. However, as is the case in respect to the adverse impacts of infrastructure more generally, we are keen to ensure that Regionally Significant Infrastructure is not consequently afforded protections which do not recognise the potential for adverse impact on other legitimate land use, particularly where this infrastructure is located on or adjacent to private land.
22. In that respect we again distinguish between providing for the operation and maintenance of this infrastructure, and the potential for upgrading of Regionally Significant Infrastructure. As a consequence we ask that Policy 30.2.6.1 and any subsequent rules are amended to remove reference to 'upgrading'. As an alternative, we ask that Policy 30.2.6.1 is amended to stipulate that the intent is to capture 'minor upgrades of the transmission infrastructure network. We consider that there is a significant difference between transmission infrastructure and other infrastructure defined as Regionally Significant, given that a significant proportion of transmission infrastructure is situated on private land which is not owned by the infrastructure owner. Comparatively, the majority of land occupied by other infrastructure deemed

as Regionally Significant is located either on public property or on land owned by the infrastructure owner.

23. Rules 30.5.11.8 (Earthworks undertaken as part of agricultural activities or domestic gardening) and 30.5.11.9 (Repair sealing, resealing of an existing road, footpath, farm track or driveway) – We strongly support the Officer’s report recommendation at paragraph 9.32 that these permitted activity rules are retained as notified. We do not consider that the activities permitted under these rules pose any risk to the National Grid. These are commonplace, everyday farming activities for which farmers should not be required to seek consent. Consequently, providing for these low risk activities is appropriate and reasonable, and helps to a small extent to mitigate the costs associated with housing transmission infrastructure on private land.

III. TEMPORARY ACTIVITIES

24. Overall we support the intention behind the proposed provisions relating to temporary activities in the District. This is, as outlined in the Officer’s report, to enable a more permissive approach to temporary activities with an acceptable level of effects and to avoid duplication of regulatory processes.
25. We have submitted on three provisions within this chapter; Policy 35.2.5.1, Policy 35.2.5.2, and Rule 35.4.4. We have submitted that the proposed provisions are adopted as proposed in all three instances.
26. I note that the Officer’s report recommends that all of our submissions are rejected; however in relation to Policy 35.2.5.1 and Policy 35.2.5.2 there is no change recommended to these policies within Appendix 1 of the Officer’s report. We would appreciate some clarification around whether the Planner recommendation in relation to Policy 35.2.5.1 and Policy 35.2.5.2 are that these be rejected as noted in Appendix 2 of the Officer’s report, or whether the Officer’s recommendation has erroneously been noted as that these submissions be rejected.
27. In any respect, we support proposed Policy 35.2.5.1, which seeks to permit temporary storage related to farming activity. As we have submitted, there are many

examples of the need for temporary storage for farming activities where the requirement for storage is either unavoidable or it is unfeasible to take an alternative approach, and these instances are to be expected as part of everyday farming practice in the rural area. Farming is zone specific, and so any temporary farming activities will be situated in the rural area. As these are compatible and expected activities within the rural area with no significant adverse effects, we consider these should be permitted.

28. We also support Policy 35.2.5.2, which seeks to ensure that temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located. We support the proposal to permit temporary activities relating to farming, and realise that as a consequence Council will want some control over other temporary activities which are not specific to the rural area.
29. The Officer's report recommends that proposed Rule 35.4.4 Relocated Building in a Rural Zone is deleted on the basis that this can be incorporated under a redrafted Rule 35.4.2, ensuring a consistent management approach across both rural and residential zones. We supported Rule 35.4.4 as proposed in our initial submission, but we have no objections to this proposed amendment and that relocated buildings in the rural area will now be addressed through amended rule 35.4.2.
30. Thank you for the opportunity to be heard in respect to our submission.

David Cooper BCom (Economics), MA (Politics)
Senior Policy Advisor
Federated Farmers of New Zealand