

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER

of Chapter 30: Energy and
Utilities

MINUTE CONCERNING TRANSPower'S MEMORANDUM

dated 16 September 2016

1. On 16 September 2016 the Hearing Panel received a memorandum from counsel for Transpower (Submitter #805) proposing a controlled activity rule applying to certain activities within 45m of Transpower's Frankton substation. This rule was drafted at the request of the Hearing Panel after hearing the evidence in support of Transpower's submission. The memorandum also submitted that the relevant rule could be better applied within the relevant zones' (Rural Zone, Medium Density Residential Zone and Frankton Flat Special Zone) rules.
2. On 19 September 2016 the Hearing Panel received a memorandum from counsel for P R and M M Arnott suggesting that there is no jurisdiction for the Hearing Panel to consider the rules proposed in the Transpower memorandum as there was no submission or further submission seeking such rules.
3. I have examined the Transpower submission and note it sought a new Rule 30.5.14 which would make a restricted discretionary activity:

Any building, sensitive activity, hazardous facility or intensive development within 150m of the designated boundary (or secured yard) of a National Grid substation, with matters of discretion restricted to:

- a) *The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.*
- b) *The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.*

- c) *The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.*
 - d) *Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.*
 - e) *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
4. Rather than unnecessarily lengthen this Minute by setting out the law on the scope of submissions, I will summarise it as allowing for amendments to relief sought that have a reduced areal effect and a lesser regulatory effect, as in this instance. I am satisfied that the revised rule provided by counsel for Transpower is within the scope of the original submission. I am also satisfied that it is within scope to locate the same rule within another chapter so long as the effect of the rule is unaltered. I do note that the Frankton Flats Special Zone is not at present within the Proposed District Plan so there is no jurisdiction at present to include the rule in that zone.
5. I note that I was unable to find a further submission from the Arnotts in relation to Transpower's original submission.

For the Hearing Panel



Denis Nugent (Chair)

20 September 2016