

Annexure 7

Statutory and Planning Assessment



Statutory Assessment

- 7.1 This section assesses the proposal against the statutory matters set out in section 171. This assessment relies on the information discussed in the consideration of environmental effects.

Section 171(1)(a)(i) – National Policy Statement

- 7.2 A national policy statement on electricity transmission has been developed. This NPS applies to the “National Grid” which is defined in the national policy statement as meaning, “the assets used or owned by Transpower NZ Limited”.
- 7.3 While the substation will not be used or owned by Transpower, Policy 9 of the NPS provides relevant guidance on the consideration of electric and magnetic fields, which states:

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection Guidelines [ICNIRP] for limiting exposure to time varying electric magnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph Environment Health Criteria (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

- 7.4 This policy signals that human exposure to electric and magnetic fields should be addressed and that the ICNIRP guidelines are the appropriate standard for addressing this matter.

Section 171(1)(a)(ii) – New Zealand Coastal Policy Statement

- 7.5 The New Zealand Coastal Policy Statement is not relevant to this proposal as the proposed site is not located in a Coastal Marine Area.

Section 171(1)(a)(iii) – Waikato Regional Policy Statement

- 7.6 The Operative Waikato Regional Policy Statement 2000 (RPS) provides an overview of the significant resource management issues for the Waikato Region and sets out objectives, policies and methods to achieve integrated management of the region’s natural and physical resources. A number of issues contained within the RPS are relevant to the proposed substation. These include:

- a) Treaty of Waitangi and Iwi consultation;
- b) Accelerated erosion;
- c) Soil contamination;
- d) Hazardous substances;
- e) Energy and efficient energy use;
- f) Infrastructure; and
- g) Heritage and Maori Heritage



7.7 The matters covered in the regional policy statement have been discussed in the consideration of the environmental effects and it is considered that the proposal is either consistent with or not inconsistent with these objectives and policies.

7.8 A detailed assessment of the relevant objectives and policies is provided in Appendix 9 of this document.

Section 171(1)(a)(iv) – Plans and Proposed Plans

Waikato Regional Plan

7.9 The Waikato Regional Plan is partly operative and is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region.

7.10 The proposal is a permitted activity under the Plan (see Appendix 8). WEL is currently consulting with Environment Waikato as part of the NoR process to determine whether there are any other significant issues.

7.11 The relevant provisions of the regional plan focus on the following matters:

- a) Tangata Whenua and Iwi;
- b) Water discharges;
- c) Land and soil accelerated erosion; and
- d) Contaminated land.

7.12 The matters covered in the regional plan have been discussed in the consideration of the environmental effects and it is considered that the proposal is either consistent or not inconsistent with these objectives and policies.

7.13 A detailed assessment of the relevant objectives and policies is provided in Appendix 9 of this document.

Proposed Hamilton City District Plan

7.14 The Proposed Hamilton City District Plan is updated as at November 2001. The proposed plan is recognised as the relevant planning document for the district.

7.15 The land surrounding the substation is zoned Residential (high density) and the proposal has been assessed as a discretionary activity (see Appendix 8).

7.16 The relevant provisions of the district plan that relate to the proposed substation focus on the following matters:

- a) Maintaining and improving urban tree resources;
- b) Encouraging developments that maintain urban tree resources;
- c) Mitigating the effects of development on amenity and ecosystems;



- d) Maintaining a safe and efficient transport network;
- e) Facilitating the reticulation of network utilities within the transport network;
- f) Ensuring the location and distribution of access points does not adversely effect the transport network;
- g) To ensure efficient and accessible off street parking;
- h) To avoid adverse effects on traffic flows and public safety;
- i) Ensuring access points do not detract from amenity or create a nuisance;
- j) To accommodate network utilities throughout the city while minimising adverse effects;
- k) Managing network utilities that generate electro and magnetic radiation;
- l) Ensure the visual effects of networks utilities are no more than minor;
- m) To maintain and enhance character and amenity values;
- n) Encourage the retention of significant vegetation and trees;
- o) To enable a range of non-residential activities while ensuring they do not detract from amenity values;
- p) Control non residential activities so that noise, odour, dust, vibration, glare or danger do not affect health of occupants;
- q) Control activities using hazardous substances and ensuring effects are avoided, remedied or mitigated;
- r) To avoid effects of glare and lighting;
- s) Ensure that noise emissions received at the boundary of residential properties are consistent with the existing ambient noise environment; and
- t) Encourage mitigation of noise emanating from construction.

7.17 The matters covered in the district plan have been discussed in the consideration of the environmental effects and it is considered that the proposal is either consistent or not inconsistent with these objectives and policies.

7.18 A detailed assessment of the relevant objectives and policies is provided in Appendix 9 of this document.

Section 171(1)(d) – Any Other Matter

7.19 Section 171(1)(d) allows the territorial authority to consider an other matters reasonably necessary in order to make a recommendation on the requirement.

7.20 Because the Cobham Drive Substation is a high profile site within Hamilton City it is considered that *Vista: Hamilton City's Design Guide* could potentially be considered a relevant matter to give consideration when making a recommendation on the requirement.

7.21 *Vista: Hamilton City's Design Guide* outlines Hamilton's expectations for better designed environments and considers the following matters:

- a) Buildings and spaces being appropriate for their purpose and setting;



- b) Development articulating a clear and integrated concept or vision;
- c) Encouraging the scale of buildings to consider the surrounding environment;
- d) Encouraging development to respond to local context;
- e) Encouraging corner sites to provide landmarks and distinctiveness;
- f) Encouraging pedestrian circulation;
- g) Integrating vehicles access so public spaces are not compromised; and
- h) Encouraging buildings to incorporate low impact urban design practices.

7.22 The matters identified in *Vista: Hamilton City Design Guide* have been assessed in detail in Appendix 10 and it is considered that the proposal is consistent with the expectations in the design guide.



Part 2 Matters

7.23 The relevant Part 2 matters are identified and assessed below.

Section 7

7.24 Section 7(b) – The efficient use and development of natural and physical resources: It is considered that the proposal will result in the efficient use and development of natural and physical resources. The proposal will allow the development of an existing switching station and facilitate the distribution of electricity.

7.25 Section 7(c) – The maintenance and enhancement of amenity values: The design of the substation has given particular regard to the surrounding environment. Noise emissions and visual amenity have been addressed by the design and as such it is considered that the proposal will meet the requirements of section 7(c).

7.26 Section 7(f) – Maintenance and enhancement of the quality of the environment: The proposal will enhance the existing switching station site and the security of the electricity supply to the Hamilton area. The mitigation measures and proposed designation conditions will avoid, remedy and mitigate any adverse effects on the environment. Therefore it is considered that the proposal will meet the requirements of section 7(f).

Section 6

7.27 Section 6(e) – The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The site is not known to have significance to Maori. WEL Networks are consulting with the relevant iwi group over the proposed development. As such it is considered that the proposal will meet the requirements of section 6(e).

Section 5

7.28 Section 5(2): The distribution of electricity to the Hamilton area and particularly the Hospital will clearly enable people and communities to provide for their social, economic and cultural well being and their health and safety in all areas of their lives.

7.29 Section 5(2)(a): The distribution of electricity will help to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, in particular the existing distribution network in Hamilton City.

7.30 Section 5(2)(b): The mitigation measures and the proposed designation conditions detailed in the consideration of environmental effects will safe guard the life supporting capacity of ecosystems and soil.

7.31 Section 5(2)(c): Taking into account the mitigation measures and proposed designation conditions, the consideration of environmental effects concludes



that the work will be conducted in a manner that effectively avoids, remedies and mitigates and adverse effects on the environment.

- 7.32 The provision of electricity to the Hamilton area and particularly the Hospital is a development which will enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety to meet the foreseeable needs of future generations. The avoidance, mitigation and remediation measures associated with the proposal will safeguard the life-supporting capacity of air, water, soil, and ecosystems (section 5(2)).