

**IN THE MATTER**

of the Resource Management Act  
1991 ('the Act')

**AND**

**IN THE MATTER**

of an appeal pursuant to clause  
14 of Schedule 1 to the Act

**BETWEEN**

**POWERCO LIMITED**  
(ENV-2011-AKL-000094)

Appellant

**AND**

**TAURANGA CITY COUNCIL**

Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge Smith sitting alone under section 279 of the Act

**IN CHAMBERS** at Auckland

**CONSENT ORDER**

**Introduction**

1. The Court has read and considered the appeal and the memorandum of the parties dated 8 February 2012.
2. The New Zealand Transport Agency has given notice of an intention to become a party under section 274 of the Act and has signed the memorandum setting out the relief sought.
3. No other person has given notice of an intention to become a party under section 274.
4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:



- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

5. Therefore, the Court orders, by consent, that the proposed Tauranga City Plan be amended as follows (with additions shown in underlining and deletions shown in ~~strikethrough~~):

- (a) Amend Rule 10A.5.1 Overriding Provisions of the Network Utilities Rules as follows:

10A.5.1 Overriding Provisions of the Network Utilities Rules

- a) The provisions of any Zone where an activity is proposed to be located shall not apply to ~~establishment of~~ Network Utilities, unless otherwise stated. Where it is stated that any activity must comply with a rule in an underlying zone, any non-compliance with that Rule shall be assessed in accordance with the Rule requirements of that Zone.
- b) For the purpose of clarity, the relevant provisions of Chapter 4 through 12 shall apply to ~~the establishment of~~ Network Utilities and shall be assessed in accordance with these Rule requirements.

- (b) Amend Rule 12G.3.1 Minimum Service Requirements by inserting the following advice note at the end:

Advice Note: In relation to 12G.3.1 (e) Minimum Service Requirements, this will require confirmation from the relevant service provider.

- (c) Amend 12G.1.1.1 Policy – Services as follows:

12G.1.1.1 Policy – Services and Infrastructure

Ensuring that the subdivision, use and development of land will provide for a level of on-site services and infrastructure that:

- a) Connects to a Council owned system where appropriate;
- b) Avoids generating an unanticipated level of demand on infrastructure or service capacity that is not ~~able to be remedied~~ or mitigated;



- c) Do not compromise existing service or infrastructure supply in the broader area; and  
 e)d) ~~Is~~Are consistent with the purpose of the underlying zone.

- (d) Amend the Note under Rule 10A.4.1 Activities Throughout the City as follows:

10A.4.1 Activities Throughout the City

All activities in all zones shall have the status identified in *Table 10A.1*. Symbols used in *Table 10A.1* have the meaning described in *Table 1A.2: Activity Status*.

---

*Note: While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to ~~these~~ all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electric lines. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.*

---

- (e) Amend the Note under Rule 10B.2.1 Activities within the High-Voltage Transmission Plan Area as follows:

---

*Note: While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to ~~these~~ all electric lines can be dangerous. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.*

---

- (f) Amend the Note under Rule 4C.2 Permitted Activity Rules as follows:

---

*Note: While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to ~~these~~ all electric lines can be dangerous. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.*

---



- (g) Amend the "Utilities" Note on the Planning Maps Key (sheet 2 of 2) as follows:

---

*Note: While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to ~~these~~ all electric lines can be dangerous. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.*

---

- (h) Insert the following additional paragraph to Rule 9A.3.4 Spill Containment System:

d) Alternative Means of Compliance: Ground and pole mounted electrical transformers and/or switchgear containing less than 1,500 litres of transformer oil within the equipment that comply with the relevant industry standards (including the requirements for on-going maintenance and monitoring) are exempt from Rule 9A.3.4a) and Rule 9A.3.4b). One means of achieving this is through compliance with Powerco's Standards 393S030 Distribution Transformers – Specification – DOT and DUT or 393S066 Ground Mounted Switchgear – Distribution Standard and 393S106 Electricity Maintenance Standards – Overarching Structure AEN.

6. There shall be no order as to costs.

7. This appeal is otherwise dismissed.

DATED this

21<sup>ST</sup>

day of

February

2012

\_\_\_\_\_  
 J A Smith  
 Environment Court Judge

