

riceres/steve

From: Jane Macartney [Jane_Macartney@franklin.govt.nz]
Sent: Thursday, 11 June 2009 3:21 p.m.
To: tpcallin@riceres.co.nz
Subject: Comments from Franklin District Council on BoI Draft Decision - Transpower
Attachments: img-6111517-0001.pdf

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Hi Steve,

How are you doing? What a massive job this has been. Please find attached Franklin District Council's comments on the BoI's draft decision for the Transpower project. Could you kindly confirm receipt.

Many thanks
Jane

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APPENDIX OF AMENDMENTS/CLARIFICATIONS

1. Requirement for Outline Plan of Works

An Outline Plan of Works (OPW) provides Council with the ability to review the conditions of any designated work through the provisions of section 176A of the Resource Management Act and to ensure that works are in accordance with the designation. This process also enables Council to recover fair and reasonable costs for the review of works under an OPW.

The draft conditions do not include any provision for Transpower to provide an OPW to Council for its review. It is recommended that this comment be conveyed to the Board of Inquiry as an OPW condition would provide a more balanced assessment of the proposed works.

2. Council Involvement in Appointment of Qualified Experts

A number of conditions do not provide for the Council to be involved in the appointment of qualified experts and the approval process for landscaping and ecological plans and hazard identification. It is considered that Council should be involved in the appointment of suitably qualified persons as set out in draft conditions 13, 17 and 24 to ensure that there is a balanced assessment without bias to any party.

3. Transpower's Commitments in Writing

Where there is a requirement for Transpower to advise any party (whether Council or individual landowner) of the outcome of a process, such advice should be in writing. This safeguard has not been included within condition 24(b) and therefore the Board is requested to rectify this.

4. Clarification of Condition 29

It would appear that Condition 29 makes an incorrect reference to Condition 25 and the Board is requested to clarify this matter.

5. Clarification of Conditions 31 and 32

Condition 31 makes reference to 'the plan', however it is unclear as to what type of plan is being referred to and the Board is requested to clarify this matter. Condition 32 only refers to actions that follow a positive response from Council in respect to a landscaping mitigation plan for public lands. It would appear that this condition is not explicit as to the procedure to be followed if Council has a negative response and the Board is requested to also clarify this matter.

6. Landscaping Mitigation within Public Land

There is no specific requirement in Condition 35 for Transpower to effect landscape mitigation within public lands and it would appear that while Transpower bears the cost of this work, the implementation of this work is left to Council. It is considered fair and reasonable that Transpower, as the developer, be required to effect this work to the satisfaction of the Group Manager: Environmental Services.

7. Absence of Arbitration Process

A number of conditions require either Council or individual approval of plans, but there is no mechanism stated to deal with any dispute that may arise where there is no outcome of resolution. It is recommended that this matter be drawn to the Board's attention.

8. Commissioning Date for Overhead Lines

The draft conditions make a number of references to actions that must be undertaken prior to the commissioning of the overhead lines. For the Council to have certainty as to when this event will occur and to ensure the ease of administration of the conditions, it is recommended that, prior to the lines being commissioned within Franklin District, Transpower provide Council with specific dates in writing as to when this event will occur.

9. Reference to Council Officer Approval

All references to approvals by 'Council's Consents Officer' (condition 38) and 'Council's Consents Manager' (condition 42) should be replaced with 'Group Manager: Environmental Services'.

10. Council Response to Construction Management Plan

Condition 38 specifies a timeframe of 15 working days for Council to respond to Transpower's Construction Management Plan. This timeframe is considered to be onerous on the Council given the nature of the assessment required and it is recommended that this timeframe be doubled.

11. Construction of Paper Roads and Vehicle Entrances

If Transpower intends to use any paper road for access and maintenance of pylons and overhead lines, then Transpower be required to form the paper road and vehicle entrances to Council's standards as appropriate for the location and type of access. This aspect could be included as part of the Construction Management Plan so that clause (f) in Condition 38 reads as follows:

“Construction Management Plan (CMP)

- (g) traffic/access management and including the formation of paper roads and vehicle entrances to Franklin District Council’s standards where such are required by Transpower for access to and maintenance of pylons and overhead lines.”*

12. Construction Management Plan

It would appear that Condition 38 (j) makes an incorrect reference to Conditions 25-28 and the Board is requested to amend this condition to reflect the correct conditions (Conditions 39-42).

13. Interpretation of Term

Condition 41 uses the subjective word ‘significant’ when referring to construction work commencing. To remove any doubt as to what constitutes a ‘significant’ work, the Board is requested that this term be deleted.

14. Clarification of Condition 44 (Aviation)

Condition 44 requires that Transpower inform the New Zealand Agricultural Aviation Authority, the Civil Aviation Authority and Ardmore Airport Limited where the construction and conducting of towers are controlled by Ardmore’s Aerodrome Protection Measures and there is reference in this condition to the Manukau Operative District Plan. This condition does not appear to have any relevance to Franklin District and it is therefore recommended that the Board clarify the application of condition 44 and delete if appropriate with a renumbering of the balance conditions.

15. Advice Note for Traffic Management Plans

It is recommended that an advice note be added immediately after clause (g) in Condition 49 which relates to Traffic Management Plans (TMP) for road crossings and local roads:

“If temporary road closure is required, additional time may be necessary to allow the Road Controlling Authority to complete the consultation and give the public notices required under section 342 and schedule 10 of the Local Government Act 1974.”

16. Interpretation of ‘Immediate Vicinity’ and ‘Vicinity’

Conditions 50 and 51 include the terms ‘immediate vicinity’ and ‘vicinity’ when referring to Transpower’s construction of entranceways off public roads. The Board is requested to clarify what these terms mean.