

**WELLINGTON CITY COUNCIL
REPORT OF THE HEARING COMMITTEE**

SUBJECT:

PROPOSED DISTRICT PLAN CHANGE 47:TAKAPU ISLAND REZONING

COMMITTEE MEMBERS:

CRS Foster (Chair)
McKinnon
Pepperell

DATE OF HEARING:

15,16,23, & 24 MAY 2007

1. INTRODUCTION

DPC47 relates to a request from Takapu Island Developments Limited to re-zone land known as Takapu Island from Outer Residential Area to Suburban Centre (refer to Appendix 1).

DPC47 was notified on 20th October 2006 at the same time as District Plan Change 52 – Suburban Centre Rules (DPC52).

Both district plan changes were heard together as they require consideration of Suburban Centre retailing impacts. The hearing was conducted over four days on 15th and 16th May, and 23rd and 24th May 2007. A separate decision has been issued for DPC52.

The District Plan Hearing Committee comprised Councillor Foster (chairperson), Councillor McKinnon and Councillor Pepperell.

1.1 Site and proposal

Takapu Island Developments Ltd (TIDL) has requested a private plan change for the re-zoning of 6.16 hectares of ‘undeveloped’ land zoned Outer Residential Area to Suburban Centre. The land is known as Takapu Island and is bounded by State Highway No. 1, Takapu Road, and the North Island Main Trunk Line.

The land has remained undeveloped for residential purposes in part due to the costs in safely and efficiently accessing and developing the site. The rezoning proposal would provide for development involving mixed use commercial and residential activities. Indicative earthworks, subdivision and landscape plans have been prepared. These plans do not form part of the plan change but are provided to show how the land could be developed in the future. If the plan change were approved, detailed site and building plans would be developed, and resource consents applied for as required.

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The applicant has submitted a resource consent application for earthworks under the existing Outer Residential Area rules. This is general accordance with the earthworks plan submitted as part of this plan change.

TIDL stated at the hearing that approximately 2 to 3 hectares of the land will be suitable for building on given topographical constraints and the location of the high tension power lines running through the property.

The indicative layout shows the following:

- an upgrade of the Tawa off-ramp and large roundabout at the junction of the Tawa off-ramp and Takapu Road to provide for future growth demands associated with the application site and land on the eastern side of the motorway;
- a second smaller roundabout from Takapu Road into the application site;
- earthworks to provide for road access, carparking and building sites, and landscaping to rehabilitate and re-vegetate the site; and
- a park and ride facility for commuters using the nearby Takapu station.

1.2 Proposed District Plan Provisions

The proposed district plan provisions include:

- all buildings and structures being assessed as discretionary activities (restricted) on the basis of building location, building materials and design elements, landscaping, earthworks and retailing.
- retailing in excess of 1000m² per site would be assessed as a discretionary activity (restricted).
- The second rule (relating to large format retailing) would allow Council to assess “*the extent to which the effects of the proposed retailing activity is consistent with Council’s relevant retail strategies*”. In other words, this would allow consideration of what, if any, impacts a proposed retail development in excess of 1000m² would have on established commercial areas in the northern suburbs.

TIDL also made a submission on Plan Change 52 requesting that the definition for ‘Retail Activity (for the purpose of Suburban Centres)’ be amended to exclude “*warehouses, (whether associated with retail activity or not), timber yards, and garden supplies.*” The decision exempts these activities from the definition of retail activity thereby making them a permitted activity outside the identified suburban centres.

2. RECOMMENDATIONS

It is recommended that the Council:

1. *Receives the information*
2. *Approves the recommendations of the District Plan Hearing Committee in respect of District Plan Change 47 – Private District Plan Change 47 - Takapu Island Suburban Centre as set out in Attachment One (amended Private District Plan Change 47) of this report.*

3. LEGISLATIVE REQUIREMENTS

Purpose of the Act

The purpose of the Resource Management Act 1991 is described in section 5 of the Act. It is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well being and their health and safety while avoiding, remedying or mitigating adverse effects on the environment.

Matters of national importance and other matters

Section 6 lists matters of national importance that are to be recognised and provided for in achieving sections 5. The section 6 provisions of relevance to these plan changes are:

- “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- the protection of historic heritage from inappropriate subdivision, use and development:”

The section 7 provisions of relevance to these plan changes are:

- “the efficient use and development of natural and physical resources:
- the efficient use of the end use of energy:
- the maintenance and enhancement of amenity values:
- maintenance and enhancement of the quality of the environment:
- any finite characteristics of natural and physical resources:
- the effects of climate change:”

These matters are considered in sections 5 and 6 of this report.

4. SUBMISSIONS

Five submissions were received and one further submission was made by Kiwi Property Holdings Ltd. The main issues relate to:

Network Utilities

Transpower (1) and Powerco (2) raised concerns about the impact of future development on Transpower’s Takapu Road – Wilton A transmission line (national grid), and Powerco’s gas pipeline regulating facility (gas gate).

Retailing

Armstrong Jones (PTY) Ltd (3), Kiwi Income Property Trust (4) and Kiwi Property Holdings Ltd (further submitter 1) raised concerns about retail impacts on established (commercial) centres, including Tawa, and North City Shopping Centre (Porirua).

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Other

Kiwi Income Property Trust raised concerns about traffic impacts on State Highway 1 from future development of the land. Richard Herbert (submitter 5) supported the Plan Change, and in particular the 'park and ride' facility. He wants to ensure that earthworks associated with site development works do not pollute Porirua Stream, and that walkways and planting be created and protected along the stream.

District Plan hearing

At the hearing the planning officer, John McSweeney presented his report on DPC52. TIDL were the only party at the hearing to give evidence. Representing TIDL were the following people:

- Scott Barry – part owner and developer of the land
- Peter Smith (Spencer Holmes Ltd) – engineering design and construction of stormwater and earthwork control systems
- Wade Robertson – landscape and visual assessment
- Mark Georgeson – traffic and transport impacts
- Ian Leary – planning and resource management

Powerco and Transpower did not appear at the hearing but tabled letters noting their support for the recommendations in the officer's report (which were in support of their submissions and the relief sought).

5. DISCUSSION

5.1 Suburban Centre zoning

One of the main issues for consideration was the future use and development of the land. A Suburban Centre zoning allows a wide range of activities, which this land lends itself to, as it is physically separated from residential areas, but located adjacent to the State Highway No. 1. The existing use of the land is considered inefficient given these development opportunities. The City also has a shortage of easily accessible commercial and industrial land. This rezoning is therefore supported in principle.

The Committee is supportive of the proposals put forward for addressing traffic and access issues to the land, and notes that both Transit NZ and council's traffic engineers support these mitigation initiatives outlined in 5.1 above. The Committee is also very supportive of any moves to improve public transport facilities in the locality to complement the use of the Takapu Railway Station. The proposed park and ride facility within the site is therefore a very positive initiative that the Committee wishes to see happen. Indeed the relationship with Takapu Station was a key element for aspirations for this site under the Northern Growth Management Framework.

Decision 1:

Accept the private plan change request by Takapu Island Developments Limited to re-zone land known as Takapu Island, Takapu Rd, Tawa. (Section 1 SO 23462) from Outer Residential Area to Suburban Centre (as shown on Map 1 appended to this report).

5.2 Integrated development of the land

The Committee notes that council officers asked TIDL to develop a structure plan/masterplan approach to future development of the land. These discussions progressed no further than a possible indicative subdivision layout, with associated earthworks and landscaping plans. TIDL have indicated that these do not form part of the plan change but are for illustrative purposes only. The Committee questioned Mr Barry and the other expert witnesses representing TIDL on this matter.

No further progress on what the future use of the land appears to have been made, other than an indication that most of the land is likely to be developed for commercial and industrial use, with some possible residential uses in the southern part of the site.

Retail limitations

Whilst the Committee agreed with the planning officer's recommendation that retail development threshold be changed from 1000m² to 500m² as a discretionary activity (restricted), we still share the concerns of Armstrong Jones (PTY) Ltd (3), Kiwi Income Property Trust (4) and Kiwi Property Holdings Ltd (further submitter 1) that this could still result in a large retail centre being developed on this land. This could impact on the vitality and viability of the identified suburban centres (set out in DPC52), and in particular Tawa and Johnsonville suburban centres. Intensive development of this nature could also have adverse environmental impacts on the local roading network and for residents in the locality.

Retailing impacts and the importance of having a centres based planning approach has also been addressed by the Committee in some detail in DPC52.

Comprehensive development plan

The Committee considers that given its size and proximity to SH 1 and the Takapu Railway Station the development potential of the land is significant. We believe there is an opportunity to develop a high quality mixed use development on the land consistent with the intent of the Northern Growth Management Framework (NGMF). However this development potential may not be fully realised if the land is not developed in a comprehensive and integrated manner. The provisions proposed by TIDL will not ensure integrated development, particularly if development occurs through one-off developments.

The Committee is of the view that TIDL should prepare a plan indicating what future uses of the land is proposed, when the park and ride is to likely to developed, and what if any development stages are proposed for the land. To this end the Committee has made changes to the discretionary activity rule (as proposed by TIDL) to require a *comprehensive development plan* be developed for the land prior to any development taking place.

This will ensure the following key issues are managed in a sustainable manner:

- a mix of business, residential, community and open space activities and facilities are provided over the whole of the land;

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- the avoidance of a high concentration of retail development, such as large format retailing of the kind generally found in suburban (town) centres. This is to ensure the vitality and viability of Tawa and Johnsonville neighbourhood centres are not compromised;
- integrated development of the land occurs to ensure a high quality of urban design, traffic and service infrastructure, and public transport connections and facilities (such as a park and ride facility on the land);
- the environmental quality of the Porirua Stream adjacent to the site is maintained and enhanced;
- development of the land occurs in a staged and timely manner; and
- the environmental effects of development within the site and locality are appropriately managed and mitigated.

Decision 2:

Accept in part submissions 3 and 4 and further submission 1 and their concerns that the extent of retailing be limited within the Takapu Island Proposed Suburban Centre, but **reject** their request that the plan change be refused.

Insert new policy (6.2.1.4A) and Appendix 8 into Chapters 6 and 7. Suburban Centres (as set out in Appendix 1 of this report) which require a *comprehensive development plan* for the whole of the site, through which retailing (among other things) will be managed.

5.3 Traffic and transportation

Kiwi Income Property Trust (submitter 4) considers that the plan change fails to adequately address the potential adverse traffic effects on State Highway 1 as the plan change wording does not require the Tawa off-ramp works to be completed prior to any proposed activities being established.

It is noted that council officers have held meetings with the applicant over the last two years and have agreed in principle to modification of the Tawa off ramp to better control the speed and safety of vehicles exiting the motorway and entering Tawa. To do this it is proposed that a modified roundabout be installed at the end of the off ramp to modify vehicle speeds and better cater for the safe maneuvering and distribution of traffic at the intersection.

In addition, it is proposed that another roundabout be built at the entrance to the six hectare development site to cater for traffic movement. The larger roundabout will be developed when demand from development on the eastern side of the motorway warrants it. The concept designs are considered acceptable to Transit NZ and Council's traffic engineers. No submissions were received from these parties.

As Transit is the road controlling authority, access onto to the highway from the site will not be granted without these works being completed. It is also proposed that traffic,

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roading and transport be a matter over which Council reserves its discretion when assessing resource consent applications.

The decision to require a comprehensive development plan will also help ensure development within the site occurs in concert with roading, access and public transport upgrades.

Decision 3:

Reject submission 4 that the traffic impacts associated with development within Takapu Island will have an adverse effect on State Highway 1 that cannot be resolved by construction of the two proposed roundabouts, but accept that the proposed traffic and transport measures need to be coordinated through the preparation and implementation of a the comprehensive development plan (referred to in decision 2 above).

5.4 Network Utilities

Transpower (1) has the Takapu Road – Wilton A transmission line which comprises part of the national grid. They have requested that a new rule apply to the land which requires a Discretionary Activity (Restricted) resource consent for all new development within 30 metres of the line. This is to address adverse effects on the transmission line and adverse effects on public safety. This represents sound resource management practice and is supported.

Similarly, Powerco has a gas gate adjacent to the entrance to the land. This is protected by an easement. Powerco are concerned that they may suffer from reverse sensitivity objections, and so have requested that developers are alerted to the existence of this gate to ensure that development is designed to takes this into account. They have requested that an additional assessment criteria under the discretionary activity rule be inserted as follows:

“1.1.9 The efficient operation of any existing nearby network utility infrastructure.”

This amendment is supported by the applicant and recommended for insertion into the rule by the planning officer. It is also noted that letters of support for the officer recommendation were received by the Committee.

Decision 4:

Accept submissions 1 and 2 relating to the protection of existing network utilities subject to the amendments set out in proposed new rule 1.3 in Appendix 1 of this decision.

5.5 Impacts on Porirua Stream and the local environment

One local resident (submitter 5) has expressed concern that development of the land could compromise the environmental quality of the Porirua Stream and immediate environs.

Evidence was presented by TIDL that the earthworks and landscape plans that have been developed as part of the recently approved earthworks consent for the land will ensure the environmental quality of the stream will not be adversely affected, but is likely to lead to improvements. Both Mr Smith and Mr Robertson for TIDL showed how stormwater

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engineering measures such as swales and retention ponds, and landscaping and plantings could achieve this. We are satisfied that this earthwork development and any future development can be adequately dealt with through the resource consent process. The comprehensive development plan process will enable plans to be developed to give effect to this.

Given the visibility of the site from State Highway No. 1 and surrounding residential areas the Committee would also want to see landscape enhancement works across the whole of the site to mitigate any adverse effects of development on the surrounding area including on motorway users.

Decision 5:

Support submission 5 relating to ensuring development of Takapu Island does not compromise the environmental quality of the Porirua Stream and immediate environs. This will be included as a matter to be addressed in the comprehensive development plan, along with landscape mitigation measures.

6. CONCLUSION

The private district plan change request by Takapu Island Development Limited (TIDL) for a 'spot' Suburban Centre zoning of land known as Takapu Island has been approved. This is on the basis that development of the land occurs in accordance with an approved comprehensive development plan (CDP). This will ensure integrated and coordinated development of the land that provides for a mix of compatible uses. The CDP will also control retail development to ensure it does not impact on the viability and vitality of nearby neighbourhood centres.

The provision of a commuter park and ride facility and proposed improvements to the off-ramps and new roundabouts will ensure good public and private access to and from the land. This is consistent with the policy intention contained in the Northern Growth Management Framework.

Overall it is considered that DPC47 and the amendments provided for in this decision are consistent with Part II of the Act. This will allow an efficient and sustainable use of the land.

Andy Foster - **Chair, Hearing Committee, Private Plan Change 47 – Takapu Island Suburban Centre**

Proposed District Plan Change 47

Annotated provisions of the Operative District Plan showing proposed changes

The new provisions (as notified) are shown as underlined, and deleted provisions are shown as ~~struck out~~. Amendments made as a result of the hearing of submissions are shown as highlighted.

The first part of Appendix 1 relates to a new objective, policy and explanation for the Takapu Island Suburban Centre.

The second part of Appendix 1 relates to the a new rules for DPC 47 contained in new Appendix 8 appended to Chapter 7 Suburban Centres.

Part 1:

Changes to Section 6.2 Suburban Centre Objectives and Policies

Insert after Objective 6.2.1 and associated policies and explanations the following:

OBJECTIVE

6.2.1A To ensure that large out-of-centre retail activities do not compromise the efficient and effective operation of the larger identified Suburban Centres, and lead to unsustainable urban forms.

Temporary note - Objective 6.2.1A and associated policies were introduced by way of Council Decision on Plan Change 52.

POLICIES

To achieve this objective, Council will:

6.2.1.1A Ensure that large out-of-centre retail developments do not adversely impact on the efficiency and effectiveness of Tawa, Johnsonville, Newlands, Crofton Downs, Karori, Khandallah, Brooklyn, Hataitai, Newtown, Kilbirnie, Miramar and Island Bay Suburban Centres.

6.2.1.2A Ensure that large out-of-centre retail developments do not compromise Wellington's compact urban form, lead to an inefficient use of resources and compromise the use and future development of sustainable transport options.

6.2.1.3A To enable office product suppliers, second hand goods and yard-based suppliers to locate in all Suburban Centres as of right, subject to compliance with the relevant permitted activity standards.

6.2.1.4A Development within Takapu Island Suburban Centre shall be undertaken in accordance with a comprehensive development plan which will ensure a sustainable mix of business, residential, community and open space activities and facilities including park and ride are provided.

METHODS

- Rules
- WCC operational activities (Urban Development Strategy, Transport Strategy, Public Space Centres Development Programme)
- Other Mechanism (the Wellington Regional Strategy)
- WRC operational activities for the proposed Takapu Island park-and-ride facility
- Transit NZ operational activities as a road controlling authority

Tawa, Johnsonville, Newlands, Crofton Downs, Karori, Khandallah, Brooklyn, Hataitai, Newtown, Kilbirnie, Miramar and Island Bay Suburban Centres are important centres for retailing, employment, community and recreational activities and facilities. Public and private investment in these centres is important to the communities' social, economic and environmental wellbeing.

Council is actively supporting these suburban centres through policy and public investment initiatives. This policy and investment support helps to facilitate further private investment in these centres. It is therefore important to manage the impact of out-of-centre large retail developments on these identified Suburban Centres and to ensure the maintenance of a compact urban form.

Out-of-centre retail development relates to retail developments in excess of 500m² in Suburban Centres other than the identified centres listed above. In undertaking this assessment, Council will require consideration of:

- *the effect on the overall vitality and viability of existing retail centres*
- *the efficient use of resources*
- *maintenance of a compact urban form*
- *impacts on existing public investment in infrastructure and public spaces*
- *public and private accessibility*
- *enabling sustainable transport choices (including public transport), and*
- *minimising trip-generation through the co-location of similar activities.*

Office product suppliers, second-hand goods and yard-based suppliers (such as building suppliers, farming, horticultural and agricultural suppliers, garden and landscape suppliers) provide a mix of general retail, warehousing and trade supplies. These activities often require large sites, buildings and service areas which are not often available physically or economically in neighbourhood centres. Given the nature and location of these activities, locating them outside the identified suburban centres is unlikely to compromise the vitality and viability of the identified suburban centre retail areas.

These developments can often generate significant levels of traffic and parking demand, which if not appropriately managed, can have adverse impacts on the efficiency and effectiveness of local transport networks. Activities in excess of 500m² outside of the

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identified suburban centres will therefore be a discretionary activity (restricted). Council has restricted its discretion to assessing traffic, parking and transport impacts only.

The approach taken to managing retail, urban form, traffic, parking demand and transport impacts will enable the Council to give effect to the policies contained in the Urban Development and Transport Strategies, and support the Public Space Centres Development Programme.

When the Takapu Island Suburban Centre plan change was approved in 2007 no plan had been prepared by the owners for the future use of the land. Approximately three hectares of the six-hectare site is available for a range of uses. Given the development potential of the land and the risk of fragmented, ad hoc development occurring specific site rules have been imposed. These rules require that a comprehensive development plan be produced and approved by Council before any development may occur. These rules are set out in Appendix 8, and require that all development be assessed as a discretionary activity (restricted). This will ensure:

- a sustainable mix of business, residential, community and open space activities and facilities;*
- retail development does not compromise the vitality and viability of Tawa and Johnsonville neighbourhood centres;*
- integrated development of the land occurs to ensure a high quality of urban design, traffic and service infrastructure, and public transport connections and facilities (such as a park-and-ride facility on the land);*
- the environmental quality of the Porirua Stream adjacent to the site is maintained and enhanced;*
- the visual impact of development is mitigated through appropriate landscaping, earthworks and other mitigation measures;*
- appropriate staging and timing of development to give effect the above matters; and*
- the environmental effects of development within the site and locality are appropriately managed and mitigated.*

Council is particularly concerned to ensure that future development of the land provides for public transport, safe and efficient access into the site and a mixed use development in general accord with the Northern Growth Management Framework. Accordingly applications for resource consent are likely to be notified if they do not adequately address these matters and the other bulleted matters listed above.

Part 2:

Changes to Chapter 7 Suburban Centres – new Appendix 8

Insert the new Appendix 8 as follows:

Appendix 8

Land known as Takapu Island (which is immediately south of Takapu Road and west of State Highway 1) being Section 1 SO 23462 as of 10 October 2007 is subject to the provisions set out below:

1.1 All buildings, structures and activities in relation to land identified by Suburban Centre planning map 1 - Takapu Island, are subject to the provisions applying in Chapter 6 Suburban Centres and Chapter 7. Suburban Centre Rules, except that compliance with rules 1.2 and 1.3 below is required.

1.2 The construction, alteration of, and addition to buildings and structures (excluding signs, and fences two metres or less in height), is a Discretionary Activity (Restricted) in respect of:

1.2.1 The type and mix of landuse activities and buildings

1.2.2 Building height and location, and their relationship to open space

1.2.3 Building materials and design elements

1.2.4 Landscaping and visual impacts of development on the locality

1.2.5 Impacts on Porirua Stream

1.2.6 Public transport and park and ride facilities, traffic and parking

1.2.7 Retailing

Standards and Terms

All development (including buildings, open space, public infrastructure, public transport and traffic management works) will only be undertaken in accordance with an approved comprehensive development plan for the whole of the Takapu Island Suburban Centre. The comprehensive development plan shall address the following matters:

- provision of a compatible mix of business, residential, community and open space activities and facilities;
- a scale and nature of retail development which does not compromise the vitality and viability of Tawa, Johnsonville and Newlands suburban centres;
- integrated development of the land, including the staging and timing of development;
- high quality urban design, traffic and service infrastructure including providing two agreed access roundabouts, and public transport connections and facilities, including provision of a park and ride facility on the Takapu Island site;
- the environmental quality of the Porirua Stream adjacent to the site is maintained and enhanced;

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- the visual impact of development is mitigated through appropriate landscaping, earthworks and other mitigation measures;
- the environmental effects of development within the site and locality are appropriately managed and mitigated.

An application for resource consent for any retail building/s either as part of a comprehensive development plan or as a separate one-off development that occupies a gross floor area exceeding 500m² (either singly or cumulatively), shall supply a retail report as set out under 7.3.1 Standards and Terms

An application for resource consent for any building exceeding a gross floor area of 500m², must supply a design statement as set out in 7.3.2 Standards and Terms

The relevant standard and terms under Rules 7.3.1, 7.3.2, 7.3.4, and 7.3.5 will apply.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

1.2.5 The extent to which the development gives effect to the matters specified under the Standards and Terms relating to retailing and design matters in Rules 7.3.1 and 7.3.2.

1.2.6 The extent to which the density and height of landscaping between the proposed building and the motorway will mitigate any adverse visual effects of the proposed building(s) when viewed from the motorway and adjoining sites.

1.2.7 The extent to which earthworks are treated and landscaped to reduce potential adverse visual effects.

1.2.8 The efficient operation of any existing nearby network utility infrastructure.

1.3 The construction, alteration of, and addition to buildings and structures within 30 metres of the Takapu Road-Wilton A high voltage transmission line is a Discretionary Activity (Restricted) in respect of:

1.3.1 The adverse effects on the transmission line

1.3.2 The adverse effects on public safety

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Assessment Criteria:

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

1.3.3 Location of building sites and works

1.3.4 Whether the location of the building site or works will inhibit the safe and efficient operation of the Takapu Road – Wilton A high voltage transmission line, or result in adverse effects on people's safety including:

- The ability for maintenance and inspection of transmission lines and supporting structures and the minimising of risk of injury or property damage from or to such lines;
- The extent to which any buildings, structures, mobile plant or earth works could affect transmission lines and support structures;
- How the separation distances in the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP:34 1993) are met;
- Availability of access to the Takapu Road – Wilton A high voltage transmission line.

1.3.5 Landscaping

- The ability for tree planting adjoining transmission lines and support structures to comply with the Electricity (Hazards from Trees) Regulations 2003.

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