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Proposed Waikato District Plan Hearing
Waikato District Council
Private Bag 544
Ngaruawahia 3742
Via email: districtplan@waidc.govt.nz

Dear Sir/Madam

HEARINGS ON THE PROPOSED WAIKATO DISTRICT PLAN

Hearing 27 Natural Hazards and Climate Change

Submitter Reference: Transpower NZ Ltd S2101 and FS3003

Transpower New Zealand Ltd ("**Transpower**") writes in relation to Hearing 27 Natural Hazards and Climate Change, commencing on 10 May 2021.

Given the confined nature of submission points of relevance to Transpower within the Hearing 27 s42A reports and the favourable officer recommendations, Transpower is not proposing to adduce evidence to Hearing 27 on the points outlined below. If, prior to the hearing, the Hearings Panel consider it useful for Transpower to appear before the panel to explain and answer any questions on the below, it would be more than happy to do so.

Hearings 27A – F Natural Hazards and Climate Change

In addition to plan wide provisions relating to the ongoing operation, maintenance, development and upgrading of the National Grid, Transpower made a number of original and further submission points to the proposed Natural Hazards and Climate Change provisions in the proposed Waikato District Plan (formerly known as Stage 2 of the Proposed District Plan).

In summary Transpower supports/accepts the s42A Report recommendations. The original submission points, relief sought and Transpower's response to the Section 42A Officers Report recommendations are as follows:

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
Not identified	14.1 Introduction Retain the proposed additional wording to 14.1(1).	Not specifically addressed but section is retained.	Relief sought is accepted by default and on that basis the recommendation is supported
2101.3 Hearing H27B	Section 15.1(1) Amend section 15.1(1) to recognise new infrastructure as follows: <i>(1) The Natural Hazards chapter manages land use in areas subject to the risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure and historic heritage, already located on land subject to natural hazards, <u>and that in some circumstances new infrastructure development in natural hazard areas may be required</u>. These areas will require management through mitigation and adaptation to ensure that the risk of damage to property or injury or loss of lives is not increased.</i>	Submission is accepted in part and the plan provision amended as follows: <i>(1) The Natural Hazards chapter <u>identifies risks associated with natural hazards and manages land use in areas subject to a the risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure and historic heritage, already located on land subject to natural hazards, <u>and that in some circumstances new infrastructure development in natural hazard areas may be appropriate where the criteria in the plan are met</u>. These areas will require management through mitigation and adaptation to ensure that the risk of damage to property, historic heritage or sites and areas of Significance to Maaori or injury or loss of lives is not increased.</u></i>	Relief sought is accepted in part and the relief sought has been inserted. On that basis the recommendation is supported
2101.4 Hearing H27B	Objective 15.2.1 Retain Objective 15.2.1	Submission is accepted in part and the objective amended as follows: <i>A resilient community where the risks from natural hazards on to people, property, infrastructure and the environment from subdivision, use and development of land are avoided, or appropriately mitigated to acceptable levels.</i>	Relief sought is accepted in part and the S42A amendment is minor in nature and does not alter the intent of the policy. On that basis the recommendation is supported
Not identified	Policy 15.2.1.1 Retain Policy 15.2.1.1 on the basis that Policies 15.2.1.4 and 15.2.1.5 are retained (subject to the amendments requested below).	Not specifically addressed but section is retained.	Relief sought is accepted in part (15.2.1.4) and rejected (15.2.1.5). The relief sought is accepted.
Not identified	Policy 15.2.1.2 Retain Policy 15.2.1.2 on the basis that Policies 15.2.1.4 and 15.2.1.5 are retained (subject to the amendments requested below).	Not specifically addressed but section is retained.	Relief sought is accepted in part (15.2.1.4) and rejected (15.2.1.5). The relief sought is accepted.

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
Not identified	<p>Policy 15.2.1.4 Retain Policy 15.2.1.4 but amend to include clear provision for the development of new infrastructure and utilities in areas not considered to be of significant risk (for example, flood plain management areas and flood ponding areas).</p> <p>Alternatively, if this relief is not supported by the Council, Transpower seeks that Policy 15.2.1.5 be amended to provide for the development of new infrastructure and utilities in hazard areas not considered to be of significant risk.</p>	<p>Not specifically addressed but 15.2.1.4 is amended as follows:</p> <p><i>Policy 15.2.1.4 - New <u>and upgrading of infrastructure and utilities in areas subject to significant risk from natural hazards</u></i> <i>(a) Enable the construction of new infrastructure and utilities in areas at significant risk from natural hazards, only where</i> <i>....</i> <i>(b) Enable upgrading of infrastructure and utilities in the areas mentioned in (a), where (a)(i), (ii) and (iii) are complied with."</i></p>	<p>Relief sought is accepted in part in that "Upgrade" is included. While the policy is not recommended to be amended to include reference to new utilities in areas not at significant risk, the recommendation is accepted.</p>
Not identified	<p>Policy 15.2.1.5 Retain Policy 15.2.1.5 but amend the wording as follows: <i>(a) Provide for the operation, <u>repair</u>, maintenance, <u>replacement</u> and minor upgrading of existing infrastructure and utilities in all areas subject to natural hazards.</i> Alternatively, if the above relief to include upgrading is not supported by Council and the reference to 'minor upgrading' is to be retained, Transpower requests that 'upgrading' be included within Policy 15.2.1.4 (New infrastructure and utilities in areas subject to significant risk from natural hazards).</p>	<p>Not specifically addressed but section is retained.</p>	<p>Relief sought is rejected. While the policy has not been amended the activity would be covered by the NESETA and on this basis the recommendation is accepted.</p>
2101.9 Hearing H27C	<p>Policy 15.2.1.10 Retain Policy 15.2.1.10 but amend the wording as follows: <i>(a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:</i> <i>(i) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision and development occurs; and</i> <i>(ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk identified;</i> and <i>(iii) ensuring that any residual risk is not transferred to neighbouring sites; <u>and</u></i></p>	<p>Submission is accepted and Policy 15.2.1.10 is amended as follows: <i>Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River</i> <i>(a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:</i> <i>(i) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, <u>use</u> and development occurs; and</i> <i>(ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk identified to <u>acceptable levels</u>; and</i></p>	<p>Relief sought is accepted and the relief sought has been inserted. On that basis the recommendation is supported</p>

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
	<p><u><i>(iv) recognising the functional needs and operational needs of the National Grid.</i></u> <i>(b) Specify minimum setbacks for buildings and earthworks from stopbanks to: [...]</i></p>	<p><i>(iii) ensuring that any residual risk is not transferred to neighbouring sites.; and</i> <u><i>(iv) recognising the functional needs and operational needs of the National Grid</i></u></p>	
<p>2101.10 Hearing H27E</p>	<p>Policy 15.2.1.22 Retain Policy 15.2.1.22 but amend the wording as follows: <i>(a) On land <u>identified as</u> potentially prone to liquefaction, ensure that:</i> <i>(i) [...]</i></p> <p>If this relief is not supported by Council, alternative wording of the policy is sought as follows: "On land <u>assessed as</u> potentially prone to liquefaction..."</p>	<p>Submission is accepted and Policy 15.2.1.22 is amended as follows: <i>Policy 15.2.1.22 – Liquefaction-susceptible prone land risk assessment</i> <i>(a) On land <u>assessed as</u> potentially susceptible prone to liquefaction, ensure that:</i> <i>(i) an assessment by a geotechnical specialist occurs before new subdivision, use or development takes place; and</i> <i>(ii) the level of assessment reflects the type and scale of the subdivision, use or development and the overall vulnerability of the activity to the effects of liquefaction; and</i> <u><i>(iii) the assessment confirms that the land is suitable for the proposed development.</i></u></p>	<p>Relief sought is accepted (in part). It is noted council intends to do a plan change/ variation to identify liquefaction areas. This approach is supported.</p>
<p>2101.11 Hearing H127E</p>	<p>Policy 15.2.1.23 Retain Policy 15.2.1.23 as notified.</p>	<p>Submission is accepted and policy is retained.</p>	<p>Relief sought is accepted and the policy retained. On that basis the recommendation is supported.</p>
<p>2101.12 Hearing H27F</p>	<p>Policy 15.2.3.2 Retain Policy 15.2.3.2 but amend the wording as follows: [...] <i>(ii) encouraging the incorporation of sustainable design measures within new subdivision, landuse and development, including:</i> <i>(A) low impact, stormwater management, urban design and green infrastructure;</i> <i>(B) of relocatable buildings and structures in areas potentially at risk due to sea level rise or increased flood levels;</i> <i>(C) efficient water storage;</i> <i>(D) provision of renewable energy generation <u>and its connection to the National Grid;</u> and</i> <i>(E) transferring to activities with lower greenhouse gas emissions.</i></p>	<p>Submission is rejected.</p>	<p>Relief sought is rejected. While the policy is arguably open to interpretation, the recommendation is accepted.</p>

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
2101.13 Hearing H27F	Policy 15.2.3.4 Retain Policy 15.2.3.4 clause (b)(iv) relating to the requirements of infrastructure.	Submission is accepted and policy is retained.	Relief sought is accepted and the policy retained. On that basis the recommendation is supported.
2101.14 Hearing H27F	Policy 15.2.3.5 Amend Policy 15.2.3.5 to confine its scope of application to resource consents for activities and natural hazards that are of relevance.	Submission is rejected.	Relief sought is rejected. However, given the nature of the topic, the recommendation is accepted.
2101.15 Hearing H27B	Section 15.3 Retain section 15.3 'How to use and interpret the rules' but amend the wording of clause (c) to add reference to the NESETA as follows: <i>(iii) any activity which is a regulated activity under the National Environmental Standards for Electricity Transmission 2010 (NESETA).</i>	Submission is accepted in part and 15.3 is amended as follows: <i>c) The rules in this chapter apply alongside the National Environmental Standards for Electricity Transmission 2010 (NES-ETA).</i>	Relief sought is accepted in part. The difference in wording between that sought and that recommended is accepted.
2101.16 Hearing H27C	15.4.1 P5 Retain permitted activity 15.4.1 P5 but amend the wording to add specific reference to 'operation' as follows: <i>P5 – Construction, <u>Operation</u>, replacement, repair, maintenance, minor upgrading or upgrading of utilities.</i>	Submission is rejected.	Relief sought is rejected. However, the s42A Report reasoning and recommendation is accepted.
2101.18 Hearing H27C	15.5.1 P1 Retain rule 15.5.1 P1(1) but amend as follows: <i>P1 – (1) Repair, replacement, maintenance or minor upgrading of existing utilities, including associated earthworks and the formation and maintenance of access tracks. <u>Operation, repair, replacement, maintenance or minor upgrading of existing utilities, including associated earthworks and the formation and maintenance of access tracks.</u></i>	Submission is accepted in part and the rule is amended as follows: <i>1. Repair, maintenance or minor upgrading of existing utilities. 2. New Construction, replacement or upgrading of telecommunication lines, poles, cabinets and masts/poles supporting antennas. <u>Construction, replacement or upgrading of telecommunication lines, poles, cabinets and supporting structures.</u></i>	Relief sought is accepted in part. The s42A Report reasoning and recommendation is accepted.
2101.19 Hearing H27C	15.5.2 RD1 Retain rule 15.5.2 RD1(1) and (2) but amend as follows: <i>RD1 – (1) New utilities not provided for in Rule 15.5.1 P1(2). <u>including associated earthworks and the formation and maintenance of access tracks.</u> (2) Upgrading of existing utilities not provided for in Rule 15.5.1 P1(1), <u>including associated earthworks and</u></i>	Submission is rejected.	Relief sought is rejected. However, the s42A Report reasoning and recommendation is accepted.

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
	<u><i>the formation and maintenance of access tracks.</i></u>		
2101.20 Hearing H27C	15.6.1 Retain 15.6.1 (a) Permitted Activities as notified.	Submission is accepted.	Relief sought is accepted and on that basis the recommendation is supported.
2101.21 Hearing H27C	15.6.3 D2 Retain 15.6.3 Rule D2 (Earthworks located within 50m of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown) as notified.	Submission is accepted.	Relief sought is accepted and on that basis the recommendation is supported.
2101.22 2101.23 2101.24 Hearing H27E	15.12.1 (1) Amend the wording of the introductory 'overview of the method' statement provided in 15.12.1 to clarify that the requirement to assess and address liquefaction risk does not apply to all resource consents only to specifically identified subdivision, multi-unit and comprehensive development activities. This additional clarification could also extend to the provisions for additional matters of restricted discretion in sections 15.12.2 and 15.12.3.	Submission is rejected but the following amendments are recommended to be carried out by way of a Variation or Plan Change: <i>The development of a non-statutory map identifying areas in the district where liquefaction is possible, unlikely or undetermined, and the introduction of associated District Plan provisions to reflect the content of the map.</i>	While the sought relief has not been granted, the Council is aware and supportive of the need for a district wide liquefaction assessment and that this be included in the plan by way of a plan change/variation. On this basis the recommendation is accepted.
2101.25 Hearing H27F	Definition - Minor upgrading Retain the definition of 'Minor upgrading'.	Submission is accepted.	Relief sought is accepted and on that basis the recommendation is supported. Regarding the insertion of reference to 'infrastructure' supported by Transpower in its further submission, as the definition of Utility includes the National Grid, the inclusion of reference to Infrastructure is not required. However careful consideration should be given to the consistent use of terminology across the PDP.

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
2101.26 Hearing H27F	<p>Definition - Utility Retain the definition of 'Utility' but amend the wording to include specific reference to substations as follows: <i>(1) Transformation, transmission, generation or distribution of electricity provided by network utility operators or requiring authorities, including:</i> <i>a) transmission lines and <u>substations</u>, electricity distribution lines, and associated equipment; and</i> <i>[...]</i></p> <p>Transpower also requests that the Council ensure a clear and consistent relationship is maintained with other related defined terms used in the Stage 1 proposed plan provisions, for example "Infrastructure" and "National Grid".</p>	<p>Submission is accepted and the definition amended as follows: <i>Transformation, transmission, generation or distribution of electricity provided by network utility operators or requiring authorities, including:</i> <i>(a) transmission lines and <u>substations</u>, electricity distribution lines and associated equipment; and ...</i></p>	<p>Relief sought is accepted in part and on that basis the recommendation is accepted.</p>

Hearing Appearance

Transpower requests this letter be tabled at the hearing in support of its submission points and the Section 42A Report recommendations as outlined above.

Should you require clarification of any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: Rebecca.Eng@transpower.co.nz

Yours faithfully



Rebecca Eng
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