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10 October 2019

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 3 – Strategic Objectives

Submitter Reference: Transpower NZ Ltd S576 and FS1350

Transpower New Zealand Ltd (“**Transpower**”) writes in relation to Hearing 3 – Strategic Objectives, commencing on 14 November 2019.

Given the limited number of submission points of relevance to Transpower within the Hearing 3 s42A report, Transpower is not proposing to adduce evidence to Hearing 3 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.

Transpower will be appearing at subsequent hearings where there are multiple Transpower submission points of specific and particular relevance to Transpower.

Hearing 3 – Strategic Objectives

In addition to wider plan wide provisions relating to the ongoing operation, maintenance, development and upgrading of the National Grid, Transpower submitted on 2 points (1 original point and 1 further submission point) to be heard at Hearing 3.

However, it is noted that the s42A report recommendations for Hearing 3 are also relevant to Transpower submission point 576.73 which concerns Objective 6.1.1(a). This submission point sought the retention of Objective 6.1.1(a) within Chapter 6 (Infrastructure and Energy) but with amendments to refer to the ‘upgrade’ of infrastructure and recognition of the regional and

national benefits of infrastructure (in addition to benefits to the district). This submission point has not been included in the s42A report considerations or recommendations even though the s42A recommendation is to relocate Objective 6.1.1(a) from Chapter 6 to a new Section in Chapter 1 titled '1.13.4 Strategic Objective – Infrastructure and Renewable Energy' and to amend the wording of the objective to include reference to renewable energy, although it is unclear from reading the s42A report which submission point this wording amendment is in response to. The relief sought by Transpower in submission point 576.73 to amend the wording of Objective 6.1.1(a) has not been included in the relocated objective and it is unclear when or if this submission point will be addressed in any subsequent hearings.

Summary of Transpower's response to s42A Recommendations

By way of summary, Transpower:

- Accepts the officer recommendations on submission point **576.10**
- Accepts the officer recommendation in relation to further submission point **FS1350.7**
- Does not support the relocation of Objective 6.1.1(a) to Section '1.13.4 Strategic Objectives' and raises concerns in terms of Transpower's submission point **576.73** not being addressed as part of the consideration and recommendations on this objective.

Section 42A Officers Report Recommendations and Transpower's Response

The following comments are specific to the recommendations on submission points sought by Transpower.

Recommendations supported

Chapter 4 – Urban Environment, 4.7.11 Policy – Reverse Sensitivity

s42A Report reference: Section 42, 42.1.1 (submission 576.10)

In its submission Transpower sought the retention of the recognition of reverse sensitivity in Policy 4.7.11 but sought a wording amendment to add specific recognition of the reverse sensitivity effects of locating new dwellings in the vicinity of infrastructure into clause (b). The officer recommendation is to accept the wording amendment sought by the submission by adding reference to "strategic infrastructure" to the wording of (b). This officer recommendation is supported as it aligns with the submission relief sought, although it is noted that "strategic infrastructure" is not a defined term (whereas "infrastructure" is). Transpower would support the term being defined so as to provide clarity to plan users and assist in plan interpretation.

It is also noted that a number of other amendments have been recommended to Policy 4.7.11 in response to other submissions – for reference, these are shown below in red text (as per the s42A recommended amendments):

4.7.11 Policy – Reverse sensitivity

- (a) Development and subdivision design (including use of topographical and other methods) minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (b) Avoid potential reverse sensitivity effects of locating new dwellings sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and strategic infrastructure. Minimise the potential for reverse sensitivity effects where avoidance is not practicable.

In terms of these recommended amendments:

- The additional wording added to clause (a) does not materially impact the relief sought by Transpower in its original submission and is considered to increase

the clarity of the policy;

- Replacing the word “dwellings” in clause (b) with the term “sensitive land uses” is supported as this is consistent with Transpower’s further submission FS1350.7 (discussed below);
- The addition of the extra sentence to the end of clause (b) that reads, “Minimise the potential for reverse sensitivity effects where avoidance is not practicable” does not materially impact the relief sought by Transpower in its original submission and is therefore accepted.

s42A Report reference: Section 42, 42.1.1 (FS1350.7)

In its further submission Transpower supported submission 924.46 (Genesis Energy Limited) because the relief sought is consistent with the relief sought by Transpower in its original submission on Policy 4.7.11 (refer above). Specifically, the amendment sought by submission 924.46 to Policy 4.7.11 appropriately recognises the importance of regionally significant infrastructure and is consistent with the approach to listing activities within the policy. The replacement of ‘dwelling’ with ‘sensitive activities’ within clause (b) of the policy is also supported as it recognises that there are a range of other activities (such as hospitals and educational facilities) which can give rise to reverse sensitivity effects on regionally significant infrastructure (as well as the other activities listed within the policy).

The officer recommendation is to accept submission point 924.46 (and therefore FS1350.7) and to amend the wording of Policy 4.7.11 clause (b) to add specific reference to “strategic infrastructure” and to replace “dwellings” with “sensitive land uses”. It is noted that submission 924.46 sought to add a new clause (c) to specifically recognise the need to avoid the potential reverse sensitivity effects of locating new sensitive activities in the vicinity of Regionally Significant Industry or Regionally Significant Infrastructure. A new clause has not been recommended by the officer. Instead, reference to infrastructure (and sensitive land uses) has been incorporated into the wording of clause (b), which is consistent with the relief sought in Transpower’s original submission, and on this basis the officer recommendation is accepted.

Recommendations not supported

As signalled above, the s42A report prepared for Hearing 3 ‘Strategic Objectives’ makes a series of amendments in relation to the strategic directions section of the plan (Section 1.12), including to relocate specific objectives from the “relevant” chapters in Part B into a new Section 1.13 titled ‘Strategic objectives for the district’. These amendments appear to be in response to multiple submissions seeking clarification of the plan’s strategic directions and strategic objectives, their inter-relationship, and to provide some recognition (as an interim measure) of the National Planning Standards. Section 4.1.3 of the section 42A report recommends transferring some selected objectives from the following district-wide chapters into the new Section 1.13:

- Chapter 2: Tangata Whenua
- Chapter 4: Urban Environment
- Chapter 5: Rural Environment, and
- Chapter 6: Infrastructure and Energy¹.

Transpower does not support the relocation of Objective 6.1.1(a) from Chapter 6 into new Section ‘1.13.4 Strategic objectives for the district’ and is concerned that Transpower’s submission point **576.73** on Objective 6.1.1(a) and the relief sought has not been addressed

¹ Other district-wide plan chapters include for example, Natural Environment, Historic Heritage etc.

as part of the consideration and recommendations made on this objective.

Transpower's submission point 576.73 sought the retention of Objective 6.1.1(a) within Chapter 6 but requested amendments to refer to the 'upgrade' of infrastructure and to the recognition of the regional and national benefits of infrastructure (in addition to benefits to the district). This submission point has not been included in the s42A report considerations or recommendations even though the s42A recommendation is to relocate Objective 6.1.1(a) from Chapter 6 into new Section '1.13.4 Strategic Objective – Infrastructure and Renewable Energy' (within Chapter 1) and to amend the wording of the objective to include reference to renewable energy. It is unclear from reading the s42A report which submission point this wording amendment is made in response to, and further, at paragraph 36 the s42A report describes the amendments as being structural in nature.

The relief sought by Transpower in submission point 576.73, firstly to retain Objective 6.1.1(a), and secondly to amend the wording of the objective, has not been included in the s42A report's discussion of the recommendation to relocate the objective and it is unclear when or if this submission point will be addressed in any subsequent hearings. Transpower sought these amendments to ensure the appropriate recognition within the objective of the upgrading of infrastructure (in addition to development, operation and maintenance) and its wider benefits.

Transpower also opposes the recommendation to relocate Objective 6.1.1(a) to the new strategic objectives section of Chapter 1 and considers the objective is more appropriately located within Chapter 6 'Infrastructure and Energy'. Objective 6.1.1(a) is not considered to be particularly 'strategic' in nature as it concerns just one aspect of infrastructure, with other objectives in Chapter 6 (which are not recommended for relocation) addressing other infrastructure aspects such as reverse sensitivity and the National Grid. In addition, as notified, Objective 6.1.1(a) has a suite of related policies sitting underneath it – being Policies 6.1.2 to 6.1.5 – and with the recommended relocation of the objective, the policies will sit in isolation at the beginning of Chapter 6 without a directly associated objective. This is considered to be inconsistent with the structure of the remainder of Chapter 6 (which has policies sitting underneath objectives) and has the effect of making the plan's infrastructure provisions less self-contained and much less of a coherent package for plan users.

Transpower understands from the s42A commentary (paragraph 30) that the recommendation to create a strategic objectives section and to relocate some selected objectives (from a limited number of chapters) into this new section is an 'interim measure' and 'first step' to give some effect to the National Planning Standards (District Plan Structure Standard) by clarifying the relationship between the strategic directions and objectives and by identifying strategic objectives. The s42A also states (in the same paragraph) that reformatting the PWDP to be in accordance with the National Planning Standards will be undertaken once the plan becomes operative. The recommended s42A changes and the Council's overall stated approach to plan structure therefore seems somewhat inconsistent and confused.

Under the Planning Standards, it is noted that the only mandatory strategic direction chapter is 'Urban form and development', with other strategic direction chapters being discretionary. Given the breadth of issues/matters addressed by the plan, and the fact that only some objectives from a limited number of plan chapters have been recommended to be relocated – with the reasoning behind the selection of the particular objectives as 'strategic objectives' being unclear – Transpower considers that any structural changes should be deferred until the plan content has been finalised, and at this point, the strategic objectives can be considered in a comprehensive and integrated manner.

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 Pauline Whitney at Transpower (04 590 7540), or on the following email: Pauline.Whitney@transpower.co.nz

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Whitney', written in a cursive style.

Pauline Whitney
Senior Environmental Planner