

Further Submission by Transpower New Zealand Limited on Variation 3 to the Proposed Waikato District Plan

19 December 2022

Keeping the energy flowing



TRANSPOWER





Further Submission Form

In support of, or in opposition to,
submission/s on notified:

Enabling Housing Supply Variation 3 to the Proposed Waikato District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

ECM Project: PDP2022V003-04
ECM #
FS #
Customer #
Property #

RMA Form 6

Closing date for further submissions: 19 December 2022

To submit electronically please email: districtplan@waidc.govt.nz

1. Further Submitter details: (mandatory information)	
Full name of individual/organisation making further submission:	Transpower New Zealand Limited
Contact person (if different from above)	Dan Hamilton
Email address for service	environment.policy@transpower.co.nz
Postal address for service	PO Box 1021, Wellington
	Postal code*: 6140
Preferred method of contact	<input checked="" type="checkbox"/> Email <input type="checkbox"/> Post
Phone numbers	Daytime: 03 590 6926
	Mobile:
Correspondence to	<input checked="" type="checkbox"/> Submitter <input type="checkbox"/> Contact Person <input type="checkbox"/> Both

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)	
I am:	
<input type="checkbox"/>	A person representing a relevant aspect of the public interest; <i>In this case, also specify below the grounds for saying that you come within this category; or</i>
<input checked="" type="checkbox"/>	A person who has an interest in the proposal greater than the interest that the general public has. <i>In this case, also specify below the grounds for saying that you come within this category; or</i>
<input type="checkbox"/>	A local authority itself.
My reasons for selecting the category ticked above are:	
<ul style="list-style-type: none">- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 ("NPSET"), the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA") and the Waikato Regional Policy Statement (including Proposed Plan Change 1) ("RPS"). The Proposed Plan Change must give effect to the NPSET and RPS, and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the Proposed Plan Change meets these statutory obligations.- Transpower has an interest as a landowner and/or occupier in respect of land that is potentially affected (directly or indirectly) by the relevant submissions.- Transpower made an original submission on matters raised or affected by other submissions.	

3. Request to be heard at a hearing	
<input checked="" type="checkbox"/>	Yes, I wish to be heard at the hearing in support of my further submission; or
<input type="checkbox"/>	No, I do not wish to be heard at the hearing in support of my further submission

4. Joint submission	
If others make a similar submission, I will consider presenting a joint case with them at the hearing	
<input type="checkbox"/>	yes
<input checked="" type="checkbox"/>	no

5. Checklist for further submission being made

- I have filled in the table on the next page with details of my further submission.
- I have added 4 further pages/sheets that form part of my further submission.
- I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.

6. Signature of further submitter (a signature is not required if you make your submission by electronic means)

Signature of further submitter (or person authorised to sign on their behalf)

Signature: _____ Daniel Hamilton _____ Date: _19/12/22_____
(type name if submitting electronically)**7. Return this form no later than 19 December 2022 by:**

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngāruawahia 3742
- Email to districtplan@waidc.govt.nz

8. Important notes to person making a further submission:**A. Content of further submission**

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.

The specific submission(s) on Variation 3 to the Proposed Waikato District Plan that this further submission relates to:						
Name of original submitter	Address of original submitter	Original Submitter number	Original submission point number/s	Support or Oppose	Reasons for my support or opposition are	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed) <i>Give precise details</i>
CSL Trust	C/- Peter Fuller PO Box 106215 Auckland 1143	82	All (1-9)	Oppose	<p>The submitter seeks that the MDRS are applied to all residential land within urban environments of the District, subject to any legitimate qualifying matters, and in particular that these standards are applied to areas within Pōkeno, Tuakau, Huntly and Ngāruawāhia which are currently zoned General Residential Zone (GRZ).</p> <p>To achieve this, the submission contains an appendix which incorporates the amendments to the GRZ that they are seeking. However, the appendix, while appearing to contain a suite of provisions, including the existing GRZ objectives and policies, does not include any land use activity rules (GRZ-R1 to GRZ-R17) as contained in the current GRZ chapter, only building standards. Adoption of the submitter's chapter would therefore result in an incomplete set of rules that would not address the range of activities currently managed within the GRZ, nor implement the policies within the chapter which relate to the management of activities. Of particular relevance to Transpower, this includes GRZ-R14, which results in a non-complying activity status for the establishment of any sensitive land use within the National Grid Yard. This rule is necessary to give effect to Policies 10 and 11 of the NPSET, and to ensure that if the MDRS are applied to the GRZ, the National Grid is properly applied as a qualifying matter.</p>	If the submission is allowed, ensure that the chapter includes the current "Land use – activities" Rules GRZ-R1 to GRZ-R17.
Havelock Village Limited	c/- Vanessa Evitt / Mathew Gribben Buddle Findlay, Level 18, 188 Quay Street, Auckland 1140	105	All (1-9)	Oppose	<p>The submitter seeks that the MDRS are applied to all residential land within urban environments of the District, subject to any legitimate qualifying matters, and in particular that these standards are applied to areas within Pōkeno, Tuakau, Huntly and Ngāruawāhia which are currently zoned General Residential Zone (GRZ).</p> <p>To achieve this, the submission contains an appendix which incorporates the amendments to the GRZ that they are seeking. However, the appendix, while appearing to contain a suite of provisions, including the existing GRZ objectives and policies, does not include any land use activity rules (GRZ-R1 to GRZ-R17) as contained in the current GRZ chapter, only building standards. Adoption of the submitter's chapter would therefore result in an incomplete set of rules that would not address the range of activities currently managed within the GRZ, nor implement the policies within the chapter which relate to the management of activities. Of particular relevance to Transpower, this includes GRZ-R14, which results in a non-complying activity status for the establishment of any sensitive land use within the National Grid Yard. This rule is necessary to give effect to Policies 10 and 11 of the NPSET, and to ensure that if the MDRS are applied to the GRZ, the National Grid is properly applied as a qualifying matter.</p>	If the submission is allowed, ensure that the chapter includes the current "Land use – activities" Rules GRZ-R1 to GRZ-R17.

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Howard Lovell	c/- Tim Lester PO Box 38, Hamilton 3240	27	1	Oppose	<p>The submitter seeks that the MRZ1 Zone be applied to some areas in Taupiri Township, which, under the Decisions Version of the PDP are zoned General Residential (GRZ). This includes an area located under Transpower's HAM-MER 110kV transmission line. Transpower notes that under the GRZ, rules apply which limit the establishment of sensitive land use activities within the defined National Grid Yard (including new buildings and structures, or additions to existing buildings or structures, for a sensitive land use) (GRZ10 and GRZ-14); and which require a restricted discretionary activity consent for subdivision within the National Grid Subdivision Corridor (SUB-R26). As such, these restrictions currently apply to the land in Taupiri to which the submission relates.</p> <p>The MRZ1 provisions, as proposed through Variation 3, do not include these rules, on the basis that the areas proposed to be zoned MRZ1 (and which are currently zoned MRZ) are not located within either the National Grid Yard or National Grid Subdivision Corridor.</p> <p>Transpower opposes the submission on the basis that:</p> <ul style="list-style-type: none"> - If any areas with the National Grid Yard or National Grid Subdivision Corridor are to be zoned MRZ1, then the MRZ1 framework requires amendment to give effect to the NPSET, and in particular Policies 10 & 11. This would require rules, like those in GRZ10 and GRZ-14 to be included in the MRZ1 framework, as well as similar objectives and policies to proposed MRZ2-O6 and MRZ2-P11. This is consistent with the approach taken to development in the MRZ2, where the National Grid corridor provisions are applied as a qualifying matter, and to that which applies to the site under the current GRZ zoning. - It is concerned that rezoning land in the vicinity of the National Grid for more intensive residential land uses may give rise to a misleading expectation in respect of the ability to develop the site given the District Plan framework, NPSET and other regulations including the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) and the Public Works Act. This is evidenced by the Concept Plan of the proposed MRZ1 areas not taking into account the implications of the HAM-MER 110kV line, and indicating a number of lots that would not be able to accommodate a residential dwelling outside the National Grid Yard. 	<p>Only allow the submission if the site is able to be subdivided and developed in a manner that complies with the current National Grid rules applying to the site, and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid (for example, through hindering access to structures).</p>

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					<p>Transpower seeks that consideration of whether to rezone the site to MRZ1 be made in a manner that:</p> <ul style="list-style-type: none"> - is cognisant of the provisions in the District Plan that enable and protect the National Grid (noting the need to extend the provisions to the MRZ1 area, should land within the Corridors have this zoning applied); - gives effect to Policies 10 and 11 of the NPSET. - gives effect to Objectives 3.5 and 3.12 and supporting Policies 6.3 and 6.6 of the Waikato Regional Policy Statement; - is consistent with District Plan provisions, including SD-O7, SD-O10, SD-O14, AINF-O2, AINF-O4, AINF-P5, AINF-P19, SUB-P10; and therefore - achieves the purpose of the RMA. 	
Retirement Villages Association	c/o Luke Hinchey, Chapman Tripp, PO Box 2206 Auckland 1140	107	20	Oppose	<p>RVA seeks deletion of MRZ2-O5, on the basis that qualifying matters are covered in SD-P2. Transpower opposes the deletion of this provision because, while SD-P2 directs how MDRS have been applied, it does not establish the outcome sought in relation to qualifying matters, and in particular, how this relates to the other outcomes sought more broadly across the MRZ2, such as MRZ2-O3. Transpower considers it necessary to retain the objective in order ensure the effective implementation of the identified qualifying matters on an ongoing basis.</p>	Disallow the submission point.
Retirement Villages Association	c/o Luke Hinchey, Chapman Tripp, PO Box 2206 Auckland 1140	107	21	Oppose	<p>RVA seeks deletion of MRZ2-O6, on the basis that it is uncertain as to how it applies given residential development is the primary development type anticipated in this zone. Transpower considers that the objective is necessary to ensure that development within the zone is appropriately managed in relation to reverse sensitivity effects that can arise, such as from residential development in proximity to the National Grid corridor. Transpower does not consider that the type of development anticipated in the zone negates the need to manage reverse sensitivity effects.</p>	Disallow the submission point.
Retirement Villages Association	c/o Luke Hinchey, Chapman Tripp, PO Box 2206 Auckland 1140	107	35	Oppose	<p>RVA seeks deletion of MRZ2-P11 on the basis that “sensitive activities” are not defined and this policy has the potential to constrain residential development within the MRZ, despite residential being the primary development type anticipated in this zone. Transpower opposes this, on the basis that it is appropriate to constrain residential development within the zone where necessary to accommodate a qualifying matter. In this instance, the policy supports the rule framework applying to the National Grid corridors, which have been identified as a qualifying matter.</p>	Disallow the submission point.

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Kāinga Ora	PO Box 74598, Greenlane, Auckland 1051.	106	28	Oppose	<p>The submitter seeks changes to MRZ2-O6, so that it limits avoidance of potential for reverse sensitivity, to “where practical”. They consider the use of the term avoid is contrary to the King Salmon direction, and that its use in this context needs to be considered as to whether it is appropriate within the wider policy framework, or seeks that its use be qualified through the wording proposed.</p> <p>Transpower considers that the use of the word ‘avoid’ is appropriate within the policy context, which includes the NPSET. Policy 10 directs that decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised, while Policy 11 directs that appropriate buffer corridors are identified within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. The avoidance outcome sought through MRZ2-O6 is consistent with this.</p>	Disallow the submission point
KiwiRail	c/- Michelle Grinlinton-Hancock Private Bag 92138, Auckland 1142	54	10	Oppose	<p>The submitter seeks that MRZ2-P11 be amended so that it also refers to the use of other measures to manage reverse sensitivity effects, not just building setbacks. While Transpower does not disagree with this, it is concerned that the specific amendments sought would change the focus of the policy, such that it would imply that measures such as acoustic insulation can be used to address potential reverse sensitivity rather than setbacks, despite this not being appropriate in all cases, such as with the National Grid. Therefore, if the policy is amended, Transpower consider that it should be reworded so that it retains reference to setbacks <u>or</u> acoustic insulation being used to address reverse sensitivity effects.</p>	<p>If the submission is allowed, amend the wording as follows: <u>Maintain appropriate setback distances between new sensitive (and altered) land uses and existing lawfully established activities that may result in reverse sensitivity effects and or, where appropriate, require buildings to be designed with acoustic insulation and vibration measures to minimise the potential that may result in for reverse sensitivity effects</u></p>

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						<u>and risks to public health and safety.</u>