

**Before the Hearing Panel**

**IN THE MATTER**

of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER**

of Variation 3 to the Proposed Waikato District Plan

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**SUPPLEMENTARY LEGAL SUBMISSIONS ON BEHALF OF WEL NETWORKS LTD  
IN RELATION TO VARIATION 3 TO THE PROPOSED WAIKATO DISTRICT PLAN**

**7 AUGUST 2023**

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**MAY IT PLEASE THE PANEL:**

1. WEL Networks Ltd ("**WEL**") appeared in support of its submission at the hearing on Variation 3 to the Proposed Waikato District Plan ("**Variation 3**") on 28 July 2023.
2. During WEL's presentation, the Panel asked questions in relation to whether the inclusion of the rule proposed by WEL would trigger issues with liability of Council. These further submissions address those questions from the Panel.
3. As a territorial authority, Waikato District Council is required to administer its district plan and to monitor compliance. This applies to all rules and standards in the District Plan.
4. The way in which compliance with this rule is to be assessed is a matter for Council but should include, as an initial check, confirmation of the voltage(s) and proximity of the overhead lines with the relevant electricity distribution business.
5. However, the inclusion of a standard requiring the applicant to comply with NZ Electrical Code of Practice for Electrical Safe Distances ("**NZEC:34**") does nothing more than what is already provided for under the Variation 3 rules relating to works in the National Grid Corridor. Rule MRZ2-R10 requires that all works around the National Grid must comply with NZEC:34.
6. A standard which requires the same compliance as is already provided for by Rule MRZ2-R10 would not increase or add to any Council liability. The Council is not taking on responsibility for enforcing compliance with NZEC:34. That obligation still sits with the applicant/developer. Section 23 of the Resource Management Act 1991 is clear in that regard.
7. If anything, aligning the Variation 3 rules with NZEC:34 would help protect the Council against any potential liability that may result from it being seen to enable and encourage development in close proximity to electricity lines, despite NZEC:34.

**DATED:** 7 August 2023



**Daniel Minhinnick / Kristen Gunnell**  
Counsel for WEL Networks Ltd