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25 November 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 6 – Village Zone

Submitter Reference: Transpower NZ Ltd S576 and FS1350

Transpower New Zealand Ltd (“**Transpower**”) writes in relation to Hearing 6 – Village Zone, commencing on 16 December 2019.

Given the limited number of submission points of relevance to Transpower within the two Hearing 6 s42A reports, Transpower is not proposing to adduce evidence to Hearing 6 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 6 – Village Zone (Chapter 24)

In addition to plan wide provisions relating to the ongoing operation, maintenance, development and upgrading of the National Grid, Transpower made 4 further submission points to be heard at Hearing 6.

It is noted that there are some points of interest to Transpower which are not addressed as part of the Hearing 6 s42A reports but which have been recommended to be considered as part of subsequent hearings, primarily Hearing 23B – Infrastructure, but also any hearing relating to the structure of the Proposed Plan and its alignment with the National Planning Standards. The

below comments are therefore made subject to any further consideration of relevant matters at subsequent hearings.

Summary of Transpower's response to s42A Recommendations

By way of summary, Transpower:

- Accepts the officer recommendation to reject in part further submission **FS1350.101** in relation to the amendment of the first clause under 24.2.4 Earthworks, '(1) Rule 24.2.4.1' (being the general permitted activity rule for earthworks in the Village Zone) to specify exclusions to the rule's application, subject to further consideration of the matter as part of any subsequent hearings
- Accepts the officer recommendation to reject further submission **FS1350.120** in relation to the amendment of rule 24.3.6.2 P1 to add an additional clause requiring buildings for sensitive land uses to be set back from any intensive farming activity
- Supports the officer recommendation to accept further submission **FS1350.119** regarding the unnecessary duplication of Chapter 14's National Grid rules into Chapter 24
- Does not support the officer recommendation to reject further submission **FS1350.130** regarding the unnecessary duplication of the Chapter 14 rules for subdivision within the National Grid Corridor into Chapter 24.

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 or conditionally supported

Chapter 24 – Village Zone

S42A Report (Land use) reference: 4.3.11 Section 4.3 – Village – Amendments – Earthworks – 24.2.4.1 (FS1350.101)

In its further submission (**FS1350.101**) Transpower opposed submission 697.950 (Waikato District Council) and the relief sought by the submission to amend the first clause under 24.2.4 Earthworks, '(1) Rule 24.2.4.1' (being the general permitted activity rule for earthworks in the Village Zone), to specify exclusions to the rule's application.

Transpower's further submission on this matter was related to the original submission made by Waikato District Council seeking the relocation/replication of the National Grid earthworks provisions in Chapter 14 into other plan chapters (submission point 697.6), which Transpower opposed.

Submission 697.950 (Waikato District Council) seeks to include the following additional wording under 24.2.4 Earthworks, '(1) Rule 24.2.4.1 - ...' :

"This rule does not apply in those areas specified in rules 24.2.4.1A, 24.2.4.2, 24.2.4.3 and 24.2.4.4."

Aside from the reference to rule "24.2.4.1A" (there is currently no such rule in the proposed plan), it is noted that these rule provisions in the additional wording sought relate to the following rule provisions:

- 24.2.4.2 Earthworks for Maori Sites and Maori areas of Significance

- 24.2.4.3 Earthworks – within Significant Natural Areas
- 24.2.4.4 Earthworks – Landscape and Natural Character Areas.

The s42A reporting officer considers that the wording sought by submission 697.950 helps to clarify the rule provisions, although they note that there does not appear to be a rule 24.2.4.1A and no justification is provided in the submission point as to why a non-existent rule number has been proposed for inclusion. The officer therefore recommends that submission 697.950 be accepted in part and further submission FS1350.101 be rejected in part, with the amendment sought in relation to the insertion of a reference to rule '24.2.4.1A' recommended to be deferred to topic 25B (Infrastructure) for the reason that rule '24.2.4.1A' may be a consequential amendment from a submission point dealt with in topic 25B - Infrastructure.

The recommended amendments to the provision are therefore as follows:

24.2.4 Earthworks

(1) Rule 24.2.4.1 – General, provides the permitted rules for earthworks activities for the Residential Zone.

[This rule does not apply in those areas specified in rules 24.2.4.2, 24.2.4.3 and 24.2.4.4.](#)

Transpower accepts the officer recommendation to amend the wording of clause (1) regarding 'Rule 24.2.4.1' to specify exclusions to the general permitted activity rule's application, subject to any further related consideration of this matter as part of subsequent hearings, including Hearing 25B – Infrastructure.

It is also noted that the reference within the wording of clause (1) to the rule being the general permitted activity rule for earthworks in the Residential Zone is an error and should actually refer to the Village Zone. This correction is not shown in the s42A report's recommended amendments but it should be corrected to ensure accuracy of the plan's provisions.

S42A report (Land use) reference: 4.3.21 Section 4.3 – Village – Amendments - Building setbacks – all boundaries and sensitive land use – 24.3.6.1 and 24.3.6.2 (FS1350.120 and FS1350.119)

In its further submission (**FS1350.120**) Transpower opposed submission 697.987 (Waikato District Council) and the relief sought by the submission to amend 24.3.6.2 P1 to add a new clause to the rule requiring a 300m setback from the boundary of another site containing an intensive farming activity.

Transpower's further submission on this matter was related to the original submission made by Waikato District Council seeking the relocation/replication of the National Grid earthworks provisions in Chapter 14 into other plan chapters (submission point 697.6), which Transpower opposed.

The s42A reporting officer considers (para 608) that the further submission by Transpower [FS1350.120] appears to relate to Waikato District Council [submission 697.19], which seeks to relocate notified rule 14.4.4 NC9. In this instance, the reporting officer considers that the amendments sought by submission 697.987 are not as a result of amendments sought by the submitter to Chapter 14 but are instead to protect against reverse sensitivity. As such, the officer disagrees with Transpower's further submission [FS1350.120] and recommends accepting the relief sought by submission 697.987.

The amended provision is as follows:

24.3.6.2 Building setback – sensitive land use

P1 (a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: ...

(vi) 300m from the boundary of another site containing an intensive farming activity.

Transpower accepts the officer's recommendation in relation to this matter (given it is contained to managing reverse sensitivity effects) but notes that its further submission points in relation to the concerns regarding the relocating/replicating of the National Grid rule provisions in Chapter 14 into other plan chapters (including Chapter 24 – Village Zone) still stand.

In its further submission (**FS1350.119**) Transpower opposed submission 697.986 (Waikato District Council) and the relief sought by the submission to amend rule 24.3.6 to add new clause (5) into the rule relating to buildings and structures within the National Grid Yard. Essentially the submission relief seeks to duplicate the National Grid rules in Chapter 14 into the rules in Chapter 24.

The s42A reporting officer considers that (para 618) while the relief sought may make it easier to find the rules in the context of the individual zone chapter, it is an unnecessary duplication of rules and undermines the purpose of having the entire infrastructure and energy-related rules in one specific chapter. As a result, the officer recommends accepting further submission FS1350.119 (and rejects submission 697.986).

Transpower supports the officer recommendation and the reasoning provided for the recommendation as it is consistent with the relief sought in its further submission.

Recommendations not supported

S42A report (Subdivision) reference: Section 13, Section 24.4 – New Rules (FS1350.130)

In its further submission (**FS1350.130**) Transpower opposed submission 697.1001 (Waikato District Council) and the relief sought by the submission to amend Rule 24.4(2) Subdivision by adding a new clause and new rules for subdivision within the National Grid Corridor. Essentially submission 697.1001 seeks to replicate the rules for subdivision within the National Grid Corridor that are in Chapter 14 of the proposed plan into Chapter 24 (Village Zone) with the reasoning being that this will increase the clarity and usability of the Plan. As stated in its further submission, Transpower opposes the relief sought and instead supports and prefers a standalone set of provisions, for the reason it avoids duplication and provides a coherent set of rules which plan users can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions. A stand-alone set of provisions as provided in the notified plan is also consistent with the National Planning Standards direction.

While the reporting officer notes that (refer para 275) the structure of the Proposed Plan and its alignment with the NPS is a matter that is to be reviewed towards the end of the hearing process to ensure that the Proposed Plan meets NPS requirements, the recommendation is to reject further submission **FS1350.130** (and to accept submission 697.1001) and include the requested new clause and rule provisions (being a restricted discretionary and non-complying rule) for subdivision within the National Grid Corridor into Chapter 24.

As part of the reasoning provided in support of the recommendation, the reporting officer considers there is a risk that a landowner wishing to subdivide within the National Grid Corridor will not realise that there are rules relating to this matter and would not think to look in the Infrastructure and Energy chapter of the Plan. Whilst this may be possible, Transpower notes that the National Grid is clearly mapped on the planning maps (which is commonly the first part of the plan users look at in relation to their property), and as such, provides a clear indication to plan users that other plan provisions will apply.

For the reasons outlined in its further submission, Transpower does not support the officer recommendation. Transpower also notes that this recommendation appears to be at odds with the recommendation in the Village Zone land use s42A report (refer above in relation to FS1350.119) which does not support the unnecessary duplication of rules across the plan chapters and considers that such an approach in relation to National Grid provisions undermines the purpose of having the infrastructure and energy-related rules in one specific chapter. As outlined above, Transpower supports this stance to not create unnecessary duplication within the plan. A preferable option would be to have clear cross-referencing in the subdivision sections of each zone chapter to the National Grid provisions in the Infrastructure chapter.

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 dark ink, appearing to read 'P. Whitney', with a large, stylized initial 'P'.

Pauline Whitney
Senior Environmental Planner