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Keeping the energy flowing

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By email: c/- Audrey.Benbrook@wmk.govt.nz

**For the Attention of the Hearings Panel – Waimakariri Proposed District Plan – Hearing Stream 11:
Wāwāhia whenua / Subdivision (Urban) and Wāwāhia whenua / Subdivision (Rural)**

Transpower New Zealand Limited (“Transpower”) writes in relation to Hearing Stream 8 being the hearing of submissions to the Proposed Waimakariri District Plan on rural and urban subdivision, commencing on 17 April 2024.

Transpower has reviewed the ‘Officer’s Report: Wāwāhia whenua / Subdivision – Urban’ and ‘Officer’s Report: Wāwāhia whenua – Subdivision (Rural)’ (“Section 42A Reports”), dated 13 March 2024, and agrees with, or accepts, the recommendations therein.

On this basis, Transpower has elected not to be heard or to file evidence in relation the parts of its submission that are being considered in Hearing Stream 8. That said, Transpower is available to respond to any questions the Proposed District Plan Hearings Panel may have.

Attachment A to this letter outlines the relief sought by Transpower, the S42A recommendations, and Transpower’s response.

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

Yours faithfully

Rebecca Eng

Technical Lead – Policy

Transpower New Zealand Limited

Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Waimakariri Proposed District Plan Hearing Stream 8

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower’s Position
<p>195.93 SUB – Wāwāhia whenua – Subdivision Introduction Transpower generally supports the Introduction to the Subdivision Chapter but seeks a minor amendment so that the introductory text foreshadows subsequent provisions that manage that adverse effects, including potential reverse sensitivity effects, of subdivision on the operation, maintenance, upgrading and development of the National Grid. Amend the fourth paragraph of the ‘Introduction’ as follows: “ ... Subdivision also provides an opportunity to consider matters such as natural hazards, the protection of the National Grid, protection and enhancement of riparian margins, rural character, reverse sensitivity, urban design, and the recognition and protection of cultural values.”</p>	<p>The Section 42A Report (Subdivision – Urban) recommends that Transpower’s submission be rejected for the following reasons: <i>“49. In considering what the SUB-Introduction covers and in particular the list of ‘Other potentially relevant District Plan provisions’ in the last paragraph, in my opinion the introduction as notified appropriately provides for consideration of the National Grid. The last paragraph states: As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to Subdivision include:</i></p> <ul style="list-style-type: none"> • <i>Energy and Infrastructure.</i> • <i>...</i> <p><i>50. I consider this is sufficient for the SUB – Introduction, as it draws attention to other topic specific provisions across the District Plan that may be relevant to subdivision rather than repeating them in the introduction.</i> <i>51. I therefore recommend that the submission of Transpower [195.93] be rejected ...”</i></p>	<p>Transpower acknowledges and accepts the Section 42A Report recommendation.</p>
<p>SUB – Wāwāhia whenua – Subdivision Policy SUB-P1 Design and amenity Transpower generally supports Policy SUB-P1 on the basis that clause 3 gives effect to Policies 10 and 11 of the NPSET. That said, Transpower considers that the expression in Policy SUB-P1 could be improved so that the Policy does not read “ ... enable subdivision that avoids subdivision that ...”.</p>	<p>The Section 42A Report (Subdivision – Urban) recommends that Transpower’s submission be accepted in part and comments as follows: <i>“121. Transpower’s explanation for the submission is that they generally support Policy SUB-P1 on the basis that clause 3 gives effect to Policies 10 and 11 of the NPSET. However, that the expression in Policy SUB-P1</i></p>	<p>Transpower generally acknowledges and accepts the Section 42A Report recommendation. However, Transpower considers there may be further opportunity to better align clause 3 (as recommended for amendment by the Section</p>

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower's Position
<p>Amend Policy SUB-P1 – Design and amenity as follows: “SUB-P1 Design and amenity <u>Enable subdivision that:</u> 1. <u>Enable subdivision</u> within Residential Zones, <u>that</u> incorporates best practice urban design, access to open space, and CPTED principles; 2. <u>Enable subdivision that</u> minimises reverse sensitivity effects on infrastructure including through the use of setbacks; 3. Avoids subdivision that restricts the operation, maintenance, upgrading and development of the National Grid; 4. <u>Enable subdivision that</u> recognises and provides for the expression of cultural values of mana whenua and their connections in subdivision design; and 5. <u>Enable subdivision that</u> supports the character, amenity values, form and function for the relevant zone.”</p>	<p><i>could be improved so that the Policy does not read “... enable subdivision that avoids subdivision that...”.</i> 122. <i>I acknowledge that the wording of clause 3 is awkward and can be improved. However, I consider the amendments as proposed by Transpower introduce unnecessary wording repetition. I consider that clause 3 could be redrafted without the need to delete the chapeau and amend every clause in SUB-P1. This is discussed together with other submissions on Clause 3 below.</i> ... “129. <i>Three submissions seek amendment to Clause 3 (Kainga Ora [325.154]25, Concept Services [230.7]26 and Transpower [195.94]). The amendments sought by Transpower are linked to the deletion of the chapeau. The amendments sought include:</i> ... 130. <i>Transpower [FS92] further submitted in opposition to Kainga Ora [325.154] stating that they do not support the replacement of ‘avoids’ with ‘manages’ because the amendment proposed does not give effect to the strong direction in the NPSET and CRPS Policy 16.3.4. KiwiRail [FS99] also made a further submission in opposition stating ‘KiwiRail further rejects softening of this policy from avoid to manage’.</i> 131. <i>Transpower also further submitted in opposition to Concept Services [230.7] stating that ‘Transpower does not support the relief sought on the basis that the amendments proposed do not give effect to the NPSET and Policy 16.3.4 of the CRPS’.</i> 132. <i>I concur with Transpower’s reasons that the amendments proposed by Kainga Ora [325.154] and</i></p>	<p>42A Report) with Policy 10 by refining clause 3 as follows (shown in red): “SUB-P1 Design and Amenity Enable subdivision that: ... 3. <u>avoids <i>reverse sensitivity effects on the National Grid and does not compromise</i> subdivision that restricts restrictions on the operation, maintenance, upgrading and development of the National Grid; ...”</u></p> <p>For completeness, Policy 10 of the NPSET is as follows: “<i>In achieving the purpose of the Act, 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.</i>”</p>
<p>Further submission 230.7 (Concept Services) SUB - Wawahia whenua – Subdivision Policies SUB-P1 Oppose, disallow the submission on the basis that the amendments proposed do not give effect to the NPSET and Policy 16.3.4 of the CRPS.</p>		
<p>Further Submission 325.154 (Kāinga Ora – Homes and Communities) SUB - Wawahia whenua – Subdivision Policies SUB-P1 Oppose, disallow the submission because the amendment proposed does not give effect to the strong direction in the NPSET and Policy 16.3.4.</p>		

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower's Position
	<p><i>Concept Services [230.7] do not give effect to the NPSET or Policy 16.3.427 of the CRPS.</i></p> <p><i>However, I consider that the alignment with Policy 16.3.4 (particularly 16.3.4(2)) could be improved and the awkward connection to the chapeau could be resolved through the following amendments:</i></p> <p><i>“SUB-P1 Design and Amenity</i></p> <p><i>Enable subdivision that:</i></p> <p><i>...</i></p> <p><i>3. avoids subdivision that restricts <u>restrictions on</u> the operation, maintenance, upgrading and development of the National Grid;”</i></p> <p>No other amendments are recommended.</p>	
<p>195.95</p> <p>SUB – Wāwāhia whenua – Subdivision</p> <p>Rule SUB-R2 Subdivision</p> <p>Transpower supports Rule SUB-R2 to the extent that the Proposed District Plan includes a rule that provides for subdivision associated with infrastructure activities. That said, Transpower considers that the proposed rule (and associated matters over which Council has reserved its control) are overly broad and onerous. Transpower considers that it is more efficient and effective for subdivision for unstaffed infrastructure to be a permitted activity. In this regard, Transpower considers that the Section 32 Report is flawed because the starting assumption is that subdivision is a controlled activity and, as such, permitted activity status has been dismissed without appropriate evaluation.</p>	<p>The Section 42A Report recommends that Transpower's submission be rejected and comments as follows:</p> <p><i>“289. Transpower [195.95] submission states that they support SUB-R2 to the extent that the District Plan includes a rule that provides for subdivision associate with infrastructure activities. However, they consider the proposed rule to be overly broad and onerous. They seek a permitted activity for subdivision of unstaffed infrastructure as they consider this to be more efficient and effective than the proposed SUB-R2. They did not offer drafted amendments to SUB-R2.</i></p> <p><i>290. Generally, a permitted activity status would mean that no approval is required from Council. However, this is not the case for subdivision. S223 of the RMA requires either a subdivision consent or certificate of compliance (CoC) to be obtained from Council before a survey plan can be submitted for approval. An</i></p>	<p>While Transpower does not consider that the failure to apply for the correct planning approval or equivalency of cost between an application for resource consent or request for a certificate of compliance to be sufficient rationale to justify controlled activity status, Transpower acknowledges that controlled activity status is common for infrastructure sites. On this basis, Transpower accepts the Section 42A Report recommendation.</p>

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower's Position
<p>Amend the subdivision rules to provide for subdivision for unstaffed infrastructure as a permitted activity.</p>	<p><i>approved survey plan is required to obtain a Record of Title from the Register-General of Land.</i></p> <p><i>291. The cost of obtaining a CoC would be similar to a controlled subdivision, as the information required to assess the certificate of compliance would be similar to the controlled subdivision.</i></p> <p><i>292. If in assessing the CoC it was determined that a subdivision consent was required, then this would result in additional time and expense to the applicant in preparing the subdivision consent application and processing fees. In contrast, if a subdivision consent is sought for a controlled activity, but in assessing the application it is determined that a different activity status applies, then processing of the application can continue subject to the additional assessment required by the new activity status. Therefore, I disagree with Transpower that SUB-R2 is overly broad and onerous.</i></p> <p><i>293. In addition to the above, applying the permitted activity status to all unstaffed Infrastructure is problematic as this covers a very broad range of activities. The District Plan definition of infrastructure has the same meaning as in section 2 of the RMA ...</i></p> <p><i>294. Therefore, non-fanciful examples of unstaffed infrastructure could include a windfarm, a solar farm, a single wind turbine, a telecommunications tower, an airstrip and an irrigation scheme. Matters that Council would want consideration of for these activities include physical and legal access, provision of easements, servicing matters such as on-site stormwater disposal, possible creation of esplanade reserves or strips and contamination. Matters such as these, and others, are included in the controlled activity matters of discretion.</i></p>	

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower's Position
	<p><i>295. For these reasons, I consider that using such a broad term as unstaffed infrastructure will have unintended consequences. I recommend Transpower [195.95] be rejected. I note that Transpower made a similar submission on the proposed Selwyn District Plan which was rejected in the Decision. They have made an appeal to the Environment Court on this matter."</i></p>	
<p>195.96 SUB – Wāwāhia whenua – Subdivision Rule SUB-R6 Subdivision within the National Grid Yard Transpower generally supports Rule SUB-R6 but seeks that the Rule apply to an area known as a National Grid Subdivision Corridor. This area is based on based on an average calculated measurement of maximum conductor swing in high wind conditions. The National Grid Subdivision Corridor establishes an appropriate, and nationally consistent, distances (measured from the centreline of a transmission line) within which subdivision activities must be regulated in order to give effect to Policies 10 and 11 of the NPSET. Further, from a cross-boundary perspective, Transpower notes that the notified Rule is inconsistent with the approach taken in the Hurunui District Plan; the Christchurch City Plan and proposed Selwyn District Plan. Amend SUB-R6 Subdivision within the National Grid Yard as follows: Heading: SUB-R6 National Grid Yard-Overlay Subdivision Corridor Rule:</p>	<p>The Section 42A Report (Subdivision Rural) recommends that Transpower's submission be accepted and comments as follows: <i>"219. With respect to the submission by Transpower, it is uncertain as to why the amended wording gives better effect to policies 10 and 11 of the NPSET. The NPSET policies do not use the wording of 'subdivision corridor', although Policy 11 does refer to working with Councils for the identification of 'buffer corridor'.</i> ... <i>220. I am aware that the Energy and Infrastructure Right of Reply [para 144] has rejected the definition called 'National Grid Subdivision Corridor' associated with the Transpower submission [195.96]. However, the National Grid Yard and National Grid Subdivision Corridor have different setbacks (Table 3), and cover slightly different land use aspects.</i> <i>221. I am aware that SUB-R6 was amended as part of Variation 1 to include the reference to National Grid Subdivision Corridor (although only as a qualifying matter). I am of the opinion that the term National Grid Subdivision Corridor should be accepted to be consistent with neighbouring Councils and</i></p>	<p>Transpower acknowledges and accepts the Section 42A Report recommendation.</p>

Submission reference, provision and relief sought by Transpower		Section 42A Report Recommendation	Transpower's Position
<p>Subdivision within the National Grid Yard-Subdivision Corridor</p> <p>Activity status: RDIS Where: 1. a building platform is identified on the subdivision plan that is outside of the National Grid Yard, to be secured by way of a consent notice; and 2. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 SUB-MCD11 – Effects on or from the National Grid</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded</p>		<p><i>nomenclature used by Transpower in its public facing documents.”</i></p>	

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from being publicly notified, but may be limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval.			
<p>Further Submission 254.43 (Christchurch International Airport Limited) SUB - Wawahia whenua – Subdivision Objectives SUB-O1</p> <p>Support, allow the submission because the amendments proposed give effect to the NPSET and Policy 16.3.4 of the CRPS</p>	<p>The Section 42A Report (Subdivision Urban) recommends that CIAL's submission be rejected and comments as follows:</p> <p><i>"76. CIAL [254.43] seeks a new clause 5 as follows:</i></p> <p><i><u>5. does not give rise to adverse effects on strategic infrastructure.</u></i></p> <p><i>77. Many of the CIAL submission points were addressed in a separate s42A report prepared by Mr Sheerin, but this does not include CIAL [254.43]. The allocation of submission point assessment to that s42A report was at the suggestion of CIAL in their memorandum of Counsel to the Panel dated 14 August 202315. I have read Mr Sheerin's s42A report and concur with his assessment in Section 3.3.2 that states:</i></p> <p><i>The Strategic Directions, Energy and Infrastructure, Transport and Noise chapters already contain objectives and policies that recognise, provide for and manage adverse reverse sensitivity issues on; critical infrastructure, strategic infrastructure, and</i></p>	<p>Transpower acknowledges and accepts the Section 42A Report recommendation.</p>	

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	<p><i>regionally significant infrastructure in the District (including the Airport).</i></p> <p><i>Therefore, in my opinion, I consider much more detailed provisions specific to the Airport are unnecessary.</i></p> <p><i>78. In addition, I note that policies SUB-P1(2) and (3), SUB-P6(2)(i) and SUB-P8 all specifically and adequately address the issue of reverse sensitivity on infrastructure at the time of subdivision.</i></p> <p><i>79. I therefore recommend that CIAL [254.43] is rejected."</i></p> <p>No changes to the Objective are recommended.</p>	
<p>Further Submission 325.188 (Kāinga Ora – Homes and Communities) SUB - Wawahia whenua – Subdivision Matters of Control and Discretion SUB-MCD11 Oppose, disallow the submission on the basis that the submission does not explain how the amendments proposed confine SUB-MCD11 to matters relevant to the NPSET. Further, the submission does not consider the relevance of the CRPS (and Policy 16.3.4).</p>	<p>The Section 42A Report (Subdivision Rural) recommends that the submission be rejected for the following reasons:</p> <p><i>"383. While the amendments proposed by Kainga Ora reflect the NPSET, they are not relevant to the use of SUB-MCD11 which relate to subdivision within the National Grid Yard and not subdivision of the National Grid Yard as implied by the suggested amendments. The suggested amendment no 8 of "The extent to which adverse effects from the National Grid on outstanding and significant natural landscapes, outstanding natural features, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities is avoided" is not relevant to the subdivision of land not owned by utilities provider.</i></p> <p><i>384. Proposed amendment no 9 says: "The extent to which adverse effects from the National Grid on urban amenity and centres are minimised" which is also not a matter that can be addressed by the land owner who</i></p>	<p>Transpower acknowledges and accepts the Section 42A Report recommendation.</p>

Submission reference, provision and relief sought by Transpower	Section 42A Report Recommendation	Transpower's Position
	<p><i>is looking to subdivide their property within a National Grid Yard. This is a matter for the utilities provider to consider when establishing new National Grid Yards.</i></p> <p><i>385. The Proposed amendment no 10 says: "The extent to which reasonably possible, manage activities to avoid reserve sensitivity effects on the National Grid including the operation, maintenance, upgrading, and development of the National Grid is not compromised" While this is something that can be considered for a subdivision, the proposed wording is a repeat of Policy 10 of the NPSET. Council is required to give effect to national policy statements, but is not required to include specific objectives and policies unless directed to. As in the wording of Policy 10 in the NPSET, Council is not directed to include the policy in its Proposed Plan. Policy 10 is given effect through SD-O3, UFD-P10, and EI-P6. I do not agree with the submission."</i></p>	