

Submission by Transpower New Zealand Limited

Waimakariri District Plan – Proposed Variation 1: Housing Intensification (Medium Density Residential Standards)

9 September 2022

Keeping the energy flowing



Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Waimakariri District Council (“the Council”)

Name of submitter: Transpower New Zealand Limited (“Transpower”)

This is a submission on the following proposed variation to a proposed plan (“Proposed Variation”):

Proposed Variation 1: Housing Intensification (Medium Density Residential Standards) to the Proposed Waimakariri District Plan (“Proposed District Plan”).

Transpower could not gain an advantage in trade competition through this submission.

The specific provisions of the Proposed Variation that my submission relates to are:

The Proposed Variation in its entirety, and particularly the extent to which the Proposed Variation:

- gives effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”);
- gives effect to the Canterbury Regional Policy Statement (republished July 2021) (“CRPS”); and
- recognises the National Grid as a qualifying matter in the implementation of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 (“RMA”).

Transpower’s submission is:

Background and context

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand’s high voltage electricity transmission network, known as the National Grid, that carries electricity across the country. Transpower provides the required infrastructure to transport electricity from the point of generation to local electricity distribution companies, which supply electricity to everyday users.

Transpower needs to efficiently operate, maintain, upgrade and develop the National Grid to meet increasing demand; to connect new generation; and to ensure security of supply, thereby contributing to New Zealand’s economic and social aspirations. For this reason, Transpower has a significant interest in the development of an effective, workable, and efficient Waimakariri District Plan where it may affect the National Grid. In respect of the Proposed Variation, providing for greater residential densities in the vicinity of the National Grid has the potential to significantly impact Transpower’s ability to operate, maintain, upgrade and develop the National Grid.

Appendix A includes further background information, including an overview of Transpower.

Statutory framework

The NPSET confirms the national significance of the National Grid and establishes national policy direction to ensure that decision-makers under the Resource Management Act 1991 (“RMA”) recognise the benefits of electricity transmission, while managing effects of the National Grid and managing the effects of activities and development in the vicinity of the National Grid.

The single Objective of the NPSET is:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and*
- managing the adverse effects of other activities on the network.”*

Policies 10 and 11 of the NPSET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network.

Similarly, the CRPS includes Policy 16.3.4, which is specific to the National Grid, and addresses subdivision, land use and development activities that may limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed.

Together, these policies are critical matters for a district plan to address and are specifically relevant to Transpower’s submission on the Proposed Variation.

The relevant statutory provisions are included in further detail in **Appendix A**.

National Grid assets in Waimakariri District

Appendix A includes a description of the National Grid assets in Waimakariri District. A map of existing National Grid assets in Waimakariri District is included as **Appendix B**. Appendix 10 to the Section 32 that accompanies the Proposed Variation identifies existing National Grid assets that are located within, and traverse, proposed areas subject to the Medium Density Residential Standards (“MDRS”) notified as part of the Proposed Variation (replicated in Figure 1 on the following page). The only area where National Grid assets traverse an intensification area is in north-west Rangiora.

National Grid Provisions in the Operative and Proposed District Plan

Both the Operative Waimakariri District Plan (“Operative District Plan”) and the Proposed District Plan contain provisions that relate to land use activities and subdivision within the defined areas in the vicinity of the National Grid that together are referred to as ‘National Grid corridors’. Within the National Grid corridors subdivision, structures, activities and earthworks are subject to rules that are to protect the National Grid and give effect to the NPSET.

Transpower submitted on the Proposed District Plan 2021 in respect of the proposed National Grid corridor approach. By way of summary, Transpower’s submission generally supports provisions included in the Proposed District Plan such as:

- those provisions that give effect to the NPSET and the CRPS;
- the provisions that are consistent with, and do not conflict with, the NESETA;
- objectives and policies (and accompanying definitions) that recognise the national significance of the National Grid by providing for the operation, maintenance, repair, upgrade and development of infrastructure (including nationally and regionally significant infrastructure);
- provisions that recognise the specific needs for, and needs of, infrastructure (including nationally and regionally significant infrastructure) with reference to functional needs and operational needs;

- the inclusions of rules that regulate activities, buildings and subdivision in the vicinity of the National Grid; and
- the identification of the National Grid (and National Grid Yard) on the planning maps.

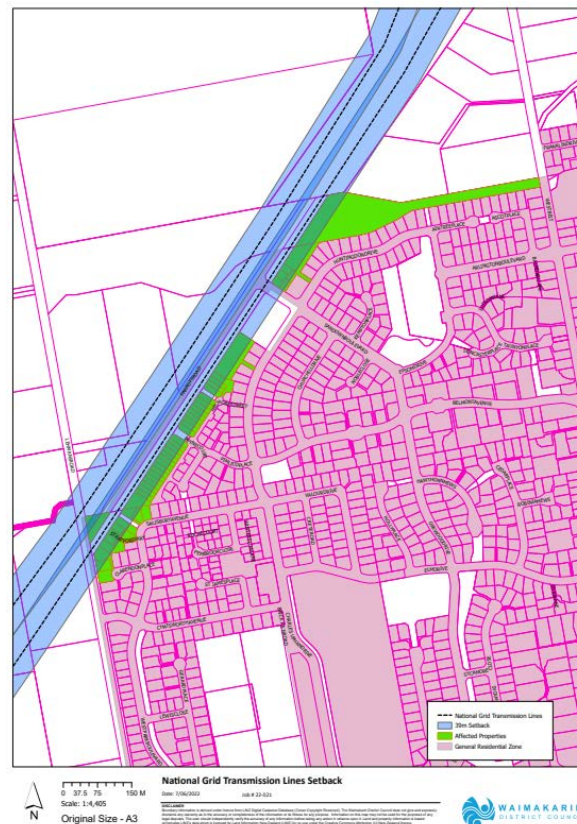


Figure 1. National Grid transmission lines with the proposed MRZ

Transpower’s submission also seeks amendments to the Proposed District Plan, including:

- the inclusion of a new definition of ‘National Grid Subdivision Corridor’ to establish an appropriate area within which subdivision in the vicinity of the National Grid is regulated;
- to enable the consideration of the benefits of the National Grid through a new matter of discretion;
- to appropriately enable the operation, maintenance, upgrading and development of the National Grid within various overlays, including by recognising the operational needs and functional needs of the National Grid;
- to ensure the National Grid is identified on ODPs for development areas and that the provisions that protect the National Grid apply in all cases;
- refinement to the way the National Grid is shown on the planning maps.

The National Grid as a ‘qualifying matter’

Transpower acknowledges that the Proposed Variation, being the Intensification Planning Instrument (“IPI”), is to:

- incorporate the MDRS of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 (“RMA”),

- give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (“NPS-UD”); and
- include objectives and policies in accordance with clause 6 to Schedule 3A of the RMA (section 77G(5)).

Sections 77I and 77O of the RMA provides a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 of the NPS-UD less enabling of development in relation to a ‘qualifying matter’. A ‘qualifying matter’ is defined by section 77I and 77O of the RMA.

The National Grid corridor provisions clearly meet the definition of a ‘qualifying matter’ as:

- the provisions are required to give effect to the NPSET being a national policy statement (other than the NPS-UD);
- the provisions are required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;
- provisions that restrict subdivision and development in the vicinity of the National Grid are included in the Operative District Plan; and
- provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the Proposed District Plan.

An assessment, as required by section 77K(1) of the RMA, to supplement the assessment included in Section 8.1 of the Section 32 Report and to support the incorporation of the National Grid corridor provisions as an existing qualifying matter in the IPI is included in **Appendix A**.

Variation 1 to the Proposed District Plan

Proposed Variation 1:

- amends the subdivision rules to include a new ‘Qualifying Matter - national grid subdivision corridor’ clause;
- adds a definition for ‘National Grid Subdivision Corridor’ to the Interpretation chapter; and
- adds a new layer in the planning maps ‘Qualifying Matter - national grid subdivision corridor’ to clearly identify where it applies.

Transpower’s submission

Transpower’s submission on the Proposed Variation generally supports the proposed provisions and particularly supports the identification of the National Grid as a qualifying matter and the inclusion of the National Grid Subdivision Corridor provisions in the IPI. That said, Transpower’s seeks the provisions are amended to ensure that the nationally consistent rule framework for land use activities addressed within the National Grid Yard provisions are explicitly set out as part of the National Grid qualifying matter. It is Transpower’s conclusion that these amendments are necessary to:

- establish a clear and appropriate expectation of future land use in the vicinity of the National Grid;
- provide greater clarity for plan users;
- give effect to Policies 1, 2, 10 and 11 of the NPSET;
- give effect to the Policy 4 of the NPSUD;

- give effect to Policy 16.3.4(2) of the CRPS;
- meet the requirements of section 32 and 75 of the RMA; and therefore
- achieve the purpose of the RMA.

Transpower's specific submission points are included in **Appendix C**.

Transpower seeks the following decision from the local authority:

Retain or amend the provisions of the Proposed Variation to give effect to the NPSET and CRPS as set out in **Appendix C** including such further alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Transpower wishes to be heard in support of its submission.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



**Signature of person authorised to sign
on behalf of Transpower New Zealand Limited**

Date: 9 September 2022

Electronic address for service: environment.policy@transpower.co.nz

Telephone: +64 4 590 8521

Postal address: PO Box 1021, Wellington 6140

Contact person: Pauline Whitney

Appendix A: Supporting Information

About Transpower

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network, known as the National Grid. The National Grid connects power stations, owned by electricity generating companies, directly to major industrial users and distribution companies feeding electricity to the local networks that, in turn, distribute electricity to homes and businesses. The role of Transpower is illustrated in Figure 2.

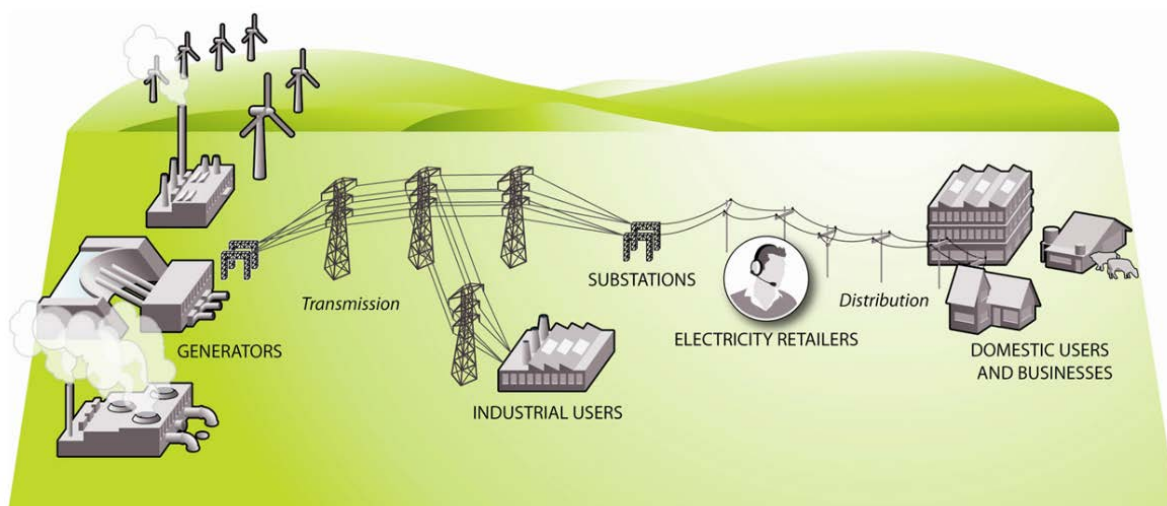


Figure 2. Role of Transpower in New Zealand's Electricity Industry (source: MBIE)

The National Grid stretches over the length and breadth of New Zealand from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 11,000 kilometres of transmission lines and cables and more than 170 substations, supported by a telecommunications network of some 300 telecommunication sites that help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation.

Transpower's Statement of Corporate Intent for 1 July 2022, states that:

"Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:

- as grid owner, to reliably and efficiently transport electricity from generators to distributors and large users; and

- as system operator, to operate a competitive electricity market and deliver a secure power system.”

In line with this role, Transpower needs to efficiently operate, maintain and develop the network to meet increasing demand and to seek security of supply, thereby contributing to New Zealand’s economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs.

As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower’s ‘Whakamana i Te Mauri Hiko’ predicts that electricity demand is likely to increase around 55% by 2050. ‘Whakamana i Te Mauri Hiko’ suggests that meeting this projected demand will require significant and frequent investment in New Zealand’s electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand’s electricity transmission system is the infrastructure on which our zero-carbon future will be built. This work supports Transpower’s view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

Transpower therefore has a significant interest in contributing to the process of developing an effective, workable and efficient Waimakariri District Plan where it may affect the National Grid. In respect of the Proposed Variation, providing for greater residential densities in the vicinity of the National Grid has the potential to significantly impact on Transpower’s ability to operation, maintain, upgrade and develop the National Grid.

National Grid assets in Waimakariri District

Transpower owns and operates the following assets in Waimakariri District:

- Benmore – Haywards A (BEN-HAY-A) 350kV HVDC overhead double circuit transmission line on steel towers;
- Ashley Deviation A (ASY-DEV-A) 66kV overhead double circuit transmission line on steel towers;
- Islington - Kikiwa A (ISL-KIK-A) 220kV overhead single circuit transmission line on steel towers;
- Islington - Kikiwa B (ISL-KIK-B) 220kV overhead double circuit transmission line on steel towers;
- Kaiapoi - Southbrook A (KAI-SBK-A) 66kV overhead double circuit transmission line on steel towers;
- Kaiapoi - Southbrook A (KAI-SBK-A-CBL) 66kV underground cable;
- Southbrook - Waipara A (SBK-WPR-A) 66kV overhead double circuit transmission line on steel towers;
- Islington - Southbrook A (ISL-SBK-A) 66kV overhead double circuit transmission line on steel towers;
- Ashley substation;

- Kaiapoi substation; and
- Southbrook substation.

The location of these assets is shown on the map included as **Appendix B**.

As identified in the Section 32A Report, Transpower's Islington - Kikiwa A (ISL-KIK-A) and Islington - Kikiwa B (ISL-KIK-B) 220kV overhead transmission lines are located within and adjacent to an area where the MDRS apply at the north-western extent of Rangiora.

It is also noted that the Transpower's designations (in the Operative District Plan and Proposed District Plan) for underground electricity cables and terminal structures at Island Road, Kaiapoi are also located within an area to which the MDRS are proposed to apply.

The Section 32 Report includes a general acknowledgement of designations and notes that designated sites are excluded from the application of MDRS and Policy 3 of the NPS-UD. As such, they do not need to be justified and carried forward as qualifying matters.

Statutory Framework

National Policy Statement on Electricity Transmission 2008

The NPSET was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and provides policy direction to ensure that decision makers under the RMA:

- recognise the benefits of the National Grid;
- manage the adverse effects on the environment of the National Grid;
- manage the adverse effects of third parties on the National Grid; and
- facilitate long term strategic planning for transmission assets.

The NPSET only applies to the National Grid, being the assets used or operated by Transpower, and not to electricity generation or distribution networks.

The NPSET sets a clear directive on how to provide for National Grid resources (including future activities) when drafting planning documents and therefore councils have to work through how to make appropriate provision for the National Grid in their plans, in order to give effect to the NPSET.

The single Objective of the NPSET is:

"To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network."*

The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. The development of the National Grid is explicitly recognised in the NPSET.

Policies 10 and 11 of the NPSET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network. These policies are critical matters for a District Plan to address, and are specifically relevant to the Proposed Variation.

Policy 10 is as follows:

“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.”

Policy 11 relates to the development of buffer corridors, and is as follows:

“Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).”

Policy 12 requires the identification of the transmission network on territorial authority planning maps.

Section 75(3)(a) of the RMA requires that district plans must ‘give effect’ to a National Policy Statement. Case law has established that the words “give effect to” means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

Canterbury Regional Policy Statement 2013

Section 75(3) of the RMA also requires the Proposed Plan to give effect to a regional policy statement. The operative CRPS (republished in July 2021) includes the following Policy 16.3.4 that is specific to the National Grid and must be given effect to:

“16.3.4 Reliable and resilient electricity transmission network within Canterbury

To encourage a reliable and resilient national electricity transmission network within Canterbury by:

- 1. having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;*
- 2. avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;*
- 3. enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where;*
 - a. the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and*

b. *other adverse effects on the environment are appropriately controlled.”*

Clause 2 of Policy 16.3.4 is particularly relevant to the Proposed Variation and provides clear direction that subdivision, use and development, including urban development, that may limit the ability of the National Grid to be operated, maintained, upgraded and developed must be avoided.

Operative and Proposed District Plan National Grid Provisions

The Operative District Plan (2005) includes land use and subdivision rules that regulate activities in the vicinity of the National Grid. The National Grid is mapped in the Operative District Plan, as shown in Figure 3 below. The ‘transmission lines’ are shown, with the voltage of the transmission line noted on the map.



Figure 3. Operative District Plan and Transmission lines

Structures near the National Grid are managed within a defined corridor of varying width (relative to voltage) that extends up to 39 metres either side of the centre line of the transmission line. The Operative District Plan requires that structures (including residential buildings) must be setback a distance of between 32 and 39 metres from the centre line (or 12 metre at the north-western extent of the Lehmans Road development area). Where the setback standards are not met, resource consent is required for a discretionary activity. Earthworks are separately managed where works exceed a depth of 300mm within 12 metres of any support structure foundation; or reduce the ground to conductor clearance; or compromise the stability of any support structure. Where the earthworks standards are not met, resource consent is required for a restricted discretionary activity.

Subdivision is also regulated to the extent that any subdivision that creates an allotment that cannot achieve the structure setbacks requires resource consent for a restricted discretionary activity.

This rule framework implements Policy 11.2.1.2 as follows:

“To minimise any actual or potential risks to health and safety from, and to the operation, maintenance and upgrading of, high voltage transmission lines by:

- a. *encouraging the location of lines away from incompatible land uses; and*
- b. *avoiding development and/or land use activities which might increase those risks;*
- c. *avoiding earthworks which may compromise the stability of support structures or reduce conductor clearances.”*

The Proposed District Plan 2021 includes a similar protective framework to the Operative District Plan and includes a defined ‘National Grid Yard’ that is shown on the District Plan Map (see Figure 4 below). The National Grid Yard is an area measured as 10 metres to 12 metres (depending on the transmission line voltage and structure) from the transmission line centreline and structure foundations. Rules regulate structures, earthworks and activities within the National Grid Yard. Where standards in the relevant National Grid Yard rules are not achieved a resource consent for a non-complying activity is required. Sensitive activities, such as residential activities, in the National Grid Yard are not permitted and are a non-complying activity.

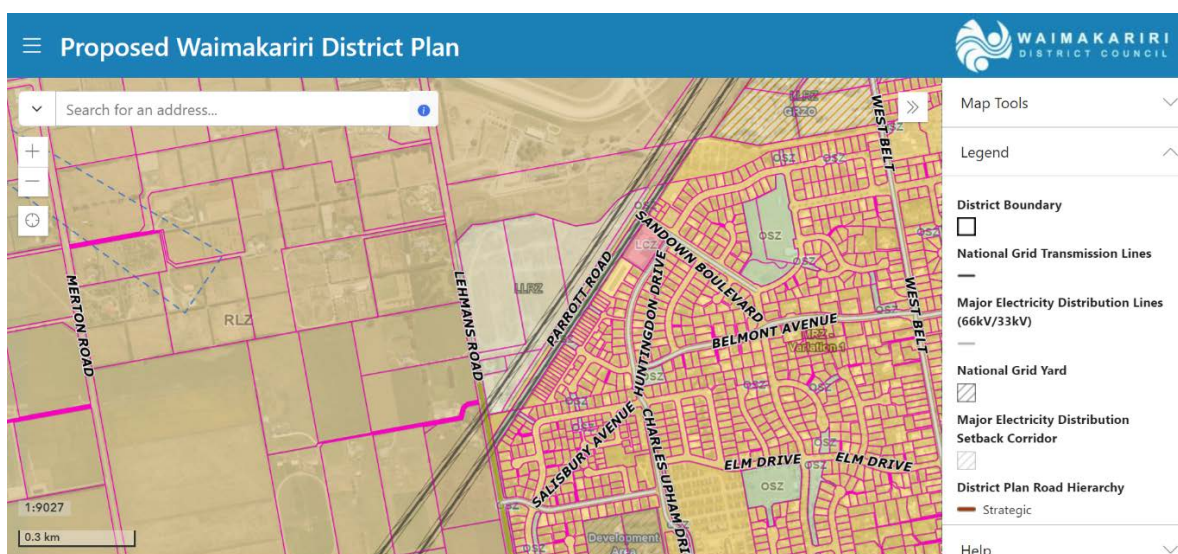


Figure 4. Proposed District Plan and Transmission lines

The Proposed District Plan also includes a rule that regulates subdivision in the National Grid Yard by requiring a building platform to be identified outside of the National Grid Yard.

The rule framework in the Proposed District Plan implements Policy EI-P6 as follows:

“Effects of other activities and development on energy and infrastructure

Manage adverse effects of other activities and development on energy and infrastructure, including by the following:

1. *ensuring such effects do not compromise or constrain access to or the safe, effective and efficient operation, maintenance, repair, upgrading and development of energy and infrastructure; and*
2. *with regards to the National Grid and major electricity distribution lines, in addition to (1) above, by ensuring that:*

- a. *safe buffer distances are identified in the District Plan for managing the effects of incompatible activities and development on the National Grid and major electricity distribution lines including support structures;*
 - b. *sensitive activity and development that may compromise the National Grid and major electricity distribution lines, including those associated with intensive farming activities, are excluded from establishing within identified safe buffer distances;*
 - c. *changes to existing activities within identified safe buffer distances do not further constrain or restrict the operation, maintenance, repair, upgrading and development of the National Grid and major electricity distribution lines; and*
3. *ensuring buildings, other structures and vegetation do not obstruct or otherwise adversely affect radiocommunication pathways, either individually or cumulatively, including for radiocommunication associated with critical infrastructure, strategic infrastructure, regionally significant infrastructure, a lifeline utility, and for emergency purposes and day to day operations of an emergency service.”*

Transpower has made a submission on the Proposed District Plan seeking refinements and additions to these provisions, including the introduction of a ‘National Grid subdivision corridor’ for the management of subdivision near the National Grid. Transpower’s submission ensures the Proposed District Plan reflects Transpower’s current nationally consistent approach to National Grid corridor provisions and in particular supports non-complying activity status for sensitive activities and other land uses and subdivisions that may compromise the National Grid within the National Grid Yard.

Variation 1 to the Proposed District Plan

The Proposed Variation (as relevant to Transpower’s interests):

- replaces the General Residential Zone (“GRZ”) with the Medium Density Residential Zone (“MRZ”) in the Proposed District Plan in the relevant residential urban areas;
- inserts the new MDRS into the MRZ chapter in the Proposed District Plan; and
- applies a 39m setback from the National Grid transmission lines in north-west Rangiora through their identification as ‘qualifying matters’.

The National Grid as a ‘qualifying matter’

Sections 77I and 77O of the RMA provides a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to a qualifying matter (as defined by section 77I and 77O of the RMA).

The National Grid corridor provisions clearly meets the definition of a qualifying matter as:

- it is a matter required to give effect to the NPSET;
- it is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;
- provisions that restrict development in relation to the National Grid are included in the Operative District Plan; and

- provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the Proposed District Plan.

Giving effect to the NPSET

The NPSET confirms the national significance of the National Grid and addresses its effects. Importantly, it also addresses effects on the National Grid, including the activities of others (for example, residential development) and requires that these do not compromise the operation, maintenance, upgrading and development of the National Grid.

The NPSET mandates a corridor for this protection. Specifically, Policy 11 of the NPSET requires that local authorities consult Transpower to identify an appropriate buffer corridor within which sensitive activities (such as residential development) will generally not be provided for in plans and/or given resource consent. This outcome is appropriate and was tested through a comprehensive section 32 analysis undertaken by the Ministry for the Environment (when the NPSET was developed) and various planning processes including Board of Inquiry hearings.

Ensuring the safe or efficient operation of nationally significant infrastructure

Development under and near high voltage transmission lines presents risks to the safe and efficient operation of the National Grid and needs to be managed carefully. It is critical that any development near the National Grid occurs in an appropriate and safe way. Transpower seeks to ensure that risks such as electrical shocks are minimised to the greatest extent possible, access for vital maintenance and upgrade work is not constrained, and reverse sensitivity and direct effects are managed, so that its nationally significant infrastructure can continue to operate in the long-term, keeping the lights on across New Zealand.

Transpower is not opposed to residential development and understands the intent of the recent reforms to address issues with New Zealand's housing supply and affordability. Transpower is working with developers and individuals across New Zealand on a daily basis in an effort to accommodate and support new development in a manner which takes the National Grid assets fully into account. If new land uses are properly designed and managed, effects on the safe and efficient operation of the National Grid can be reasonably managed.

Transpower prefers, wherever possible, to manage such risks and effects proactively. Proactive management through appropriate planning rules such as buffer corridors or setbacks is the most effective way of ensuring development occurs in a manner that is compatible with the National Grid and is consistent with the policy direction in the NPSET and the resulting buffer corridor approach within district plans throughout New Zealand.

While assisting Councils to give effect to the NPSET, the National Grid corridors protect the safe and efficient operation of the National Grid by:

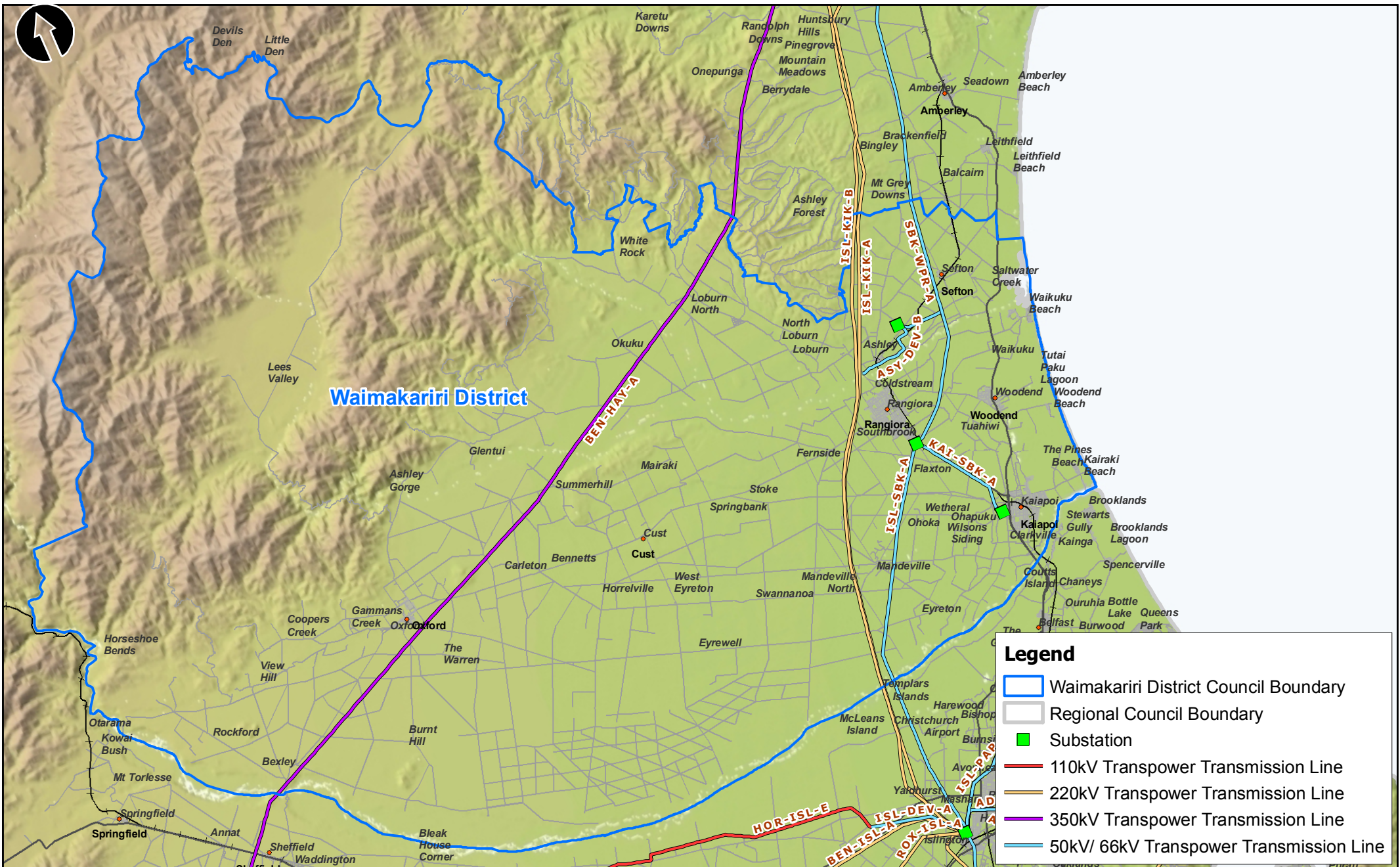
- ensuring that sensitive activities such as residential development will generally not be provided for in close proximity to the lines;
- partially minimising the risk of inadvertent contact with the lines including the risk of flashovers (where an electrical discharge 'jumps' the air gap between an object and the line);

- helping to reduce nuisance impacts on landowners and subsequent complaints about the lines;
- partially protecting the lines from activities and development that could have direct or indirect effects on them;
- partially protecting access to the National Grid by ensuring development activities cannot occur close to the National Grid and prevent Transpower's access to it; and
- partially enabling efficient and safe operation, maintenance, upgrade and development of the lines.

Summary

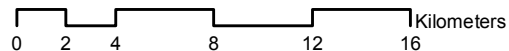
Based on the above, and consistent with the Council's Section 32 Report (which also notes the Operative District Plan and Proposed District Plan provisions), it is submitted there is no ambiguity as to whether National Grid Yard and National Grid Subdivision Corridor are qualifying matters. It is noted that the Report of the Environment Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill dated December 2021, which noted at page 15 [emphasis added]: *"the qualifying matters set out in new section 77[l] include a matter of national importance and a matter required to ensure that nationally significant infrastructure operates safely or efficiently and avoid reverse sensitivity concerns. **This could include ensuring residential housing is safely set back from high voltage transmission lines, and other infrastructure such as airport noise areas, in order to avoid reverse sensitivity concerns**".*

Appendix B: Map of Transpower Assets in Waimakariri District



TRANSPOWER

Transpower Assets located within the Waimakariri District Council Boundary



Projection: NZTM 2000 Scale: 1:307,249 Plan Size: A4L

COPYRIGHT © 2008 TRANSPOWER NEW ZEALAND LIMITED. ALL RIGHTS RESERVED
This document is protected by copyright vested in Transpower New Zealand Limited ("Transpower"). No part of the document may be reproduced or transmitted in any form by any means including, without limitation, electronic, photocopying, recording or otherwise, without the prior written permission of Transpower. No information embodied in the documents which is not already in the public domain shall be communicated in any manner whatsoever to any third party without the prior written consent of Transpower. Any breach of the above obligations may be restrained by legal proceedings seeking remedies including injunctions, damages and costs.

Prepared by:



16/06/2009

Appendix C: Specific Submission on Variation 1: Housing Intensification (Medium Density Residential Standards) to the Proposed Waimakariri District Plan

The following table sets out the decisions sought by Transpower, including specific amendments to the provisions of the Proposed Variation (shown in red and ~~red-strikethrough~~), and the reasons for Transpower's support for, or opposition to, the notified provisions of the Variation.

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought | | | | | | | | | | | | |
|--|----------------------------|---|-----------------|--|--|--|-------------------------------|---|--|----------------------------|-------------|-----------|---|-----|---|
| Part 1 – Introduction and general provisions: Te whakamahi māhere - How the plan works | | | | | | | | | | | | | | | |
| Relationships between spatial layers | | | | | | | | | | | | | | | |
| <p>Resource Management (Enabling Housing Supply and Other Matters) Amendment Act</p> <p><u>Qualifying matters and legal effect</u></p> <p>...</p> <p>There are areas within the Waimakariri District that have specific characteristics that make it inappropriate to apply the MDRS in full. These characteristics are referred to as 'qualifying matters'. A qualifying matter exists where there is a need to balance the densities and /or other standards of the MDRS against the need to manage those specific characteristics defined in clause 3.32 of the NPSUD and section 77(I) and 77(O) of the RMA. Where a qualifying matter has been identified, the Waimakariri District Council have amended the densities required by the MDRS to the built form standards, were appropriate to accommodate the 'qualifying matter'.</p> <p>Note that qualifying matters do not have immediate legal effect</p> <p>Qualifying matter areas within the Medium Density Residential Zone of Rangiora, Kaiapoi, Woodend (including Ravenswood) and Pegasus are listed in the table below:</p> <p>Table RSL-1 Qualifying matters</p> <table><tr><th>Qualifying matter and area</th><th>Legislation</th><th>Reasoning</th></tr><tr><td></td><td></td><td></td></tr></table> | Qualifying matter and area | Legislation | Reasoning | | | | <p>Support in part</p> | <p>Transpower generally supports the introductory text that sets out the qualifying matters included in the Proposed Variation on the basis that it assists plan users understand the RMA. In terms of the reasoning given in respect of the National Grid being identified as a qualifying matter, it is not evident how reducing minimum lot sizes will protect the National Grid. Further, it is not clear why the National Grid subdivision corridor is included as a qualifying matter and the National Grid Yard is not. The MDRS allows for intensification that will not necessarily trigger the need for subdivision consent. As</p> | <p>Amend Tables RSL-1 as follows:</p> <p>Table RSL-1 Qualifying matters</p> <table><tr><th>Qualifying matter and area</th><th>Legislation</th><th>Reasoning</th></tr><tr><td><p>Electricity</p><ul style="list-style-type: none">National grid transmission lines<p>National Grid transmission lines within Medium Density Residential Zone in north-west Rangiora.</p><p>As mapped in qualifying matter, National Grid Subdivision Corridor and National Grid Yard</p></td><td>...</td><td><p>Identifies the location of <u>nationally</u> Significant Electricity Distribution <u>transmission</u> Lines within the Medium Density Residential Zones, and <u>avoids</u> <u>potential effects of subdivision and development on the ability to safely and efficiently operate, maintain, develop and upgrade the National Grid. by imposing minimum setbacks and reducing minimum allotment size ensures</u></p></td></tr></table> | Qualifying matter and area | Legislation | Reasoning | <p>Electricity</p> <ul style="list-style-type: none">National grid transmission lines <p>National Grid transmission lines within Medium Density Residential Zone in north-west Rangiora.</p> <p>As mapped in qualifying matter, National Grid Subdivision Corridor and National Grid Yard</p> | ... | <p>Identifies the location of <u>nationally</u> Significant Electricity Distribution <u>transmission</u> Lines within the Medium Density Residential Zones, and <u>avoids</u> <u>potential effects of subdivision and development on the ability to safely and efficiently operate, maintain, develop and upgrade the National Grid. by imposing minimum setbacks and reducing minimum allotment size ensures</u></p> |
| Qualifying matter and area | Legislation | Reasoning | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Qualifying matter and area | Legislation | Reasoning | | | | | | | | | | | | | |
| <p>Electricity</p> <ul style="list-style-type: none">National grid transmission lines <p>National Grid transmission lines within Medium Density Residential Zone in north-west Rangiora.</p> <p>As mapped in qualifying matter, National Grid Subdivision Corridor and National Grid Yard</p> | ... | <p>Identifies the location of <u>nationally</u> Significant Electricity Distribution <u>transmission</u> Lines within the Medium Density Residential Zones, and <u>avoids</u> <u>potential effects of subdivision and development on the ability to safely and efficiently operate, maintain, develop and upgrade the National Grid. by imposing minimum setbacks and reducing minimum allotment size ensures</u></p> | | | | | | | | | | | | | |

| Provision | | | Support/ Oppose | Submission/Reasons | Decision Sought | | |
|--|-----|---|--------------------|---|--|--|--|
| Electricity | ... | Identifies the location of significant Electricity Distribution Lines within the Medium Density Residential Zones, and by imposing minimum setbacks and reducing minimum allotment size ensures the safe or efficient operation of nationally significant infrastructure. | | such in order to apply the National Grid as a qualifying matter and give effect to the NPSET, reference to the National Grid Yard (and associated rule framework) is required to manage land use. Transpower seeks that the qualifying matter and reasons be amended to better reflect the applicable rule framework and accompanying policy direction (including in respect of the NPSET and CRPS). | | | the safe or efficient operation of nationally significant infrastructure. |
| <ul style="list-style-type: none"> National grid transmission lines National Grid transmission lines within Medium Density Residential Zone in north-west Rangiora). As mapped in qualifying matter, national grid subdivision corridor | | | | | | | |
| Part 1 – Introduction and general provisions: Te whakamāramatanga - Interpretation | | | | | | | |
| Definitions | | | | | | | |
| New definition of NATIONAL GRID YARD | | | Oppose | Transpower opposes the Proposed Variation to the extent that the variation does not include the restrictions that relate to structures, and activities in the National Grid Yard in the IPI. To ensure that it is explicitly clear to plan users that land use is also managed as a qualifying matter in the National Grid Yard, Transpower seeks the inclusion of new provisions. To support these provisions, Transpower also | Insert a definition of “NATIONAL GRID YARD” as follows: “means: <ul style="list-style-type: none"> a. the area located 12m in any direction from the outer visible edge of a foundation of a National Grid support structure; b. the area located 10m either side of the centreline of an overhead 66kV National Grid transmission line; c. the area located 12m either side of the centreline of any overhead 220kV or 350kV National Grid transmission line.” | | |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought |
|---|------------------------|---|--|
| | | seeks that the National Grid Yard is defined. | |
| <p><i>NATIONAL GRID SUBDIVISION CORRIDOR means</i></p> <p><i>a. the area 32m either side of the centreline of an above ground 66kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);</i></p> <p><i>b. the area 37m either side of the centreline of an above ground 220kV transmissions line;</i></p> <p><i>c. the area 39m either side of the centreline of an above ground 350kV transmission line.</i></p> | Support in part | Transpower supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that the definition is necessary to providing for the National Grid as a qualifying matter. However, Transpower seeks limited minor amendments to provide greater clarity. | <p>Amend the definition of 'National Grid subdivision corridor' as follows.</p> <p><i>"a. the area 32m either side of the centreline of an above ground 66kV transmission lines on towers (including tubular steel towers poles where these replace steel lattice towers);</i></p> <p><i>b. the area 37m either side of the centreline of an above ground 220kV transmissions line;</i></p> <p><i>c. the area 39m either side of the centreline of an above ground 350kV transmission line."</i></p> |
| <p><i>'QUALIFYING MATTERS' means</i></p> <p><i>a matter referred to in section 77I or 77O of the ^1^.</i></p> | Support in part | Transpower supports the inclusion of a definition of 'qualifying matters', but considers that there may be merit in providing additional clarity in respect of the qualifying matters that apply to this IPI through a cross reference and hyperlink to Table RSL-1. | <p>Amend the definition of 'qualifying matters' as follows:</p> <p><i>"'QUALIFYING MATTERS' means</i></p> <p><i>a matter referred to in section 77I or 77O of the RMA41A and includes the matters set out in Table RSL-1."</i></p> |
| <p>Part 2 – District-wide matters: Strategic directions</p> <p>SD - Rautaki ahunga - Strategic directions</p> | | | |
| <p><i>SD-02 Well-functioning urban environments</i></p> <p><i>Waimakariri District contains well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i></p> | Support | Transpower supports the strategic objective, and in particular the recognition of wellbeing and health and safety. It is noted that this Objective is required to be included by Section 3A. | Retain Strategic Objective SD-02 as notified. |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought | |
|---|--------------------|--|--|--|
| Part 2 – District-wide matters: Energy, infrastructure and transport EI - Pūngao me te hanganga hapori - Energy and infrastructure | | | | |
| 'Qualifying matter' – National Grid Yard | Oppose | Transpower opposes the Proposed Variation on the basis that the Variation does not include the restrictions that relate to structures and activities in the National Grid Yard in the IPI. To ensure that it is explicitly clear to plan users that land use is also managed as a qualifying matter in the National Grid Yard, Transpower seeks the inclusion of new provisions. | Amend the 'Activity Rules - Managing effects of activities and development on the National Grid' as follows: | |
| | | | EI-R51 Activities and development (other than earthworks) within a National Grid Yard | |
| | | | <div><div><div>Qualifying matter – National Grid Yard</div></div><div><div>status: PER</div><div>Where:</div><div>1. the activity is not a sensitive activity;</div><div>2. buildings or structures comply with NZECP34: 2001 and are:</div><div><div>a. for a network utility; or</div><div>b. a fence not exceeding 2.5m in height above ground level; or</div><div>c. building alterations or additions to an existing building or structure that do not increase the height above ground level or footprint of the building or structure;</div></div><div>3. A building or structure provided for by (2)(a) to (c) must:</div><div><div>a. not be used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties in greater than domestic scale quantities;</div><div>b. not permanently obstruct existing vehicle access to a</div></div></div></div> <div><div>Activity status when compliance not achieved: NC</div><div>Notification</div><div>An application under this rule is precluded from being publicly notified, but may be limited notified only to Transpower NZ Ltd where the consent authority considers this is required, absent its written approval.</div></div> | |

| Provision | | | Support/ Oppose | Submission/Reasons | Decision Sought | | |
|---|---|--|--------------------|--|--|---|--|
| | | | | | | <u>National Grid support structure;</u> <u>c be located at least 12m from the outer visible edge of a foundation of a National Grid support structure, except where it is a fence not exceeding 2.5m height above ground level that is located at least 6 metres from the outer visible edge of a foundation of a National Grid support structure.</u> | |
| Part 2 – District-wide matters: Subdivision | | | | | | | |
| SUB - Wāwāhia whenua - Subdivision | | | | | | | |
| SUB-R6 Subdivision within the National Grid Yard / Subdivision Corridor | | | Support in part | Transpower generally supports Rule SUB-R6 that is included to address the potential effects of subdivision in the MRZ as introduced by the Proposed Variation. Transpower seeks a limited amendment to align with the approach taken in the Proposed District Plan provisions in respect of notification (noting clause 5 (Part 1) of Schedule 3A does not apply). | Amend SUB-R6 as follows: | | |
| | | | | | SUB-R6 Subdivision within the National Grid Yard / Subdivision Corridor | | |
| Qualifying matter - national grid subdivision corridor | Activity status: RDIS Where: 1. a building platform is identified on the subdivision plan that is inside of the National Grid Subdivision Corridor, to be secured by way of a consent notice; and 2. SUB-S1 to SUB-S18 are met. Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 SUB-MCD10 - Effects on or from the National Grid | Activity status when compliance with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards Activity status when compliance with SUB-R6 (1) not achieved: NC | | | Qualifying matter - National Grid subdivision corridor | Activity status: RDIS Where: 1. a building platform is identified on the subdivision plan that is inside of the National Grid Subdivision Corridor, to be secured by way of a consent notice; and 2. SUB-S1 to SUB-S18 are met. Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 | Activity status when compliance with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards Activity status when compliance with SUB-R6 (1) not achieved: NC |

| Provision | | | Support/ Oppose | Submission/Reasons | Decision Sought | | |
|-----------------------------------|---|--|--------------------|--------------------|-----------------------------------|---|--|
| | Notification <i>An application for a restricted discretionary activity under this rule is precluded from being publicly and limited notified</i> | | | | | SUB-MCD10 - Effects on or from the National Grid Notification <i>An application for a restricted discretionary activity under this rule is precluded from being publicly and limited notified <u>but may be limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval.</u></i> | |
| National Grid Yard Overlay | 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. Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 SUB-MCD110 - Effects on or from the National Grid Notification <i>An application for a restricted discretionary activity under this rule is precluded 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.</i> | Activity status when compliance with SUB-R6 (3) not achieved: NC Activity status when compliance with SUB-R6 (4) not achieved: as set out in the relevant subdivision standards | | | National Grid Yard Overlay | 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. Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 SUB-MCD110 - Effects on or from the National Grid Notification <i>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be</i> | Activity status when compliance with SUB-R6 (3) not achieved: NC Activity status when compliance with SUB-R6 (4) not achieved: as set out in the relevant subdivision standards |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought |
|---|--------------------|--|--|
| | | | limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval. |
| Table SUB-1: Minimum allotment sizes and dimensions | Oppose | Transpower opposes the minimum allotment size of 200m ² that is proposed for the National Grid Subdivision Corridor qualifying matter on the basis that there is no rationale given for the reduced lot size. That is, the Proposed Variation and accompanying Section 32 Report does not set out how the reduced lot size gives effect to the NPSET and CRPS and also provides a matter of national significance and ensures the safe or efficient operation of nationally significant infrastructure. | Amend the minimum allotment size that applies to the National Grid Subdivision Corridor qualifying matter to reflect the minimum area included in the Proposed District Plan. |
| Part 3 – Area specific matters: Zones RESZ – Whitua Nohonoho - Residential Zones RESZ - General Objectives and Policies for all Residential Zones | | | |
| RESZ-P15 Medium Density Residential Standards Apply the Medium Density Residential Standards across all relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and | Support | Transpower supports RESZ-P15 (noting it reflects that required under Schedule 3A Part 1(6)(2) of the RMA) in | Retain Policy RESZ-P15 as notified. |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought |
|--|------------------------|---|---|
| <i>traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i> | | that it recognises qualifying matters. | |
| Part 3 – Area specific matters: Zones RESZ – Whaitua Nohonoho - Residential Zones MRZ – Medium Density Residential Zone | | | |
| MRZ-O1 Housing types and sizes <i>The Medium Density Residential Zone provides for a variety of housing types and sizes that respond to:</i> <i>i. housing needs and demand; and</i> <i>ii. the neighbourhood's planned urban built character, including 3-storey buildings.</i> | Support | Transpower supports MRZ-O1 noting it reflects that required under Schedule 3A Part 1(6)(2) of the RMA. | Retain Policy MRZ-O1 as notified. |
| MRZ-P1 Housing types <i>Enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i> | Support in part | Within the Medium Density Residential Activity Area, qualifying matter areas may limit the amount of permitted medium density development possible on an allotment. While the policy directive within Policy MRZ-P1 is supported (and reflects Schedule 3A, Part 1, clause (6)(2)(a) of the RMA), Transpower supports reference to qualifying matter areas as they directly influence the capacity for intensification and residential development. | Amend Policy MRZ-P1 as follows: MRZ-P1 Housing types <i>Enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, <u>while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as directed by the relevant qualifying matter area provisions.</u></i> |
| MRZ-P2 Housing Developments <i>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i> | Support | Transpower supports MRZ-P2 noting it reflects that required under Schedule 3A Part 1(6)(2) of the RMA | Retain Policy MRZ-P2 as notified. |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought |
|--|--------------------|---|--|
| MRZ-R1 Construction or alteration of or addition to any building or other structure - Legal Effect | Oppose | Transpower opposes Rule MRZ-R1 to the extent that the immediate legal effect is not limited to situations where qualifying matters do not apply. This is a concern because there may be situations where the alteration of a residential buildings would result in a breach of the rules that relate to the National Grid Yard, for instance, where an alteration results in a building or structure being closer to a National Grid transmission line, including support structures. | Amend Rule MRZ-R1 as follows: “This rule shall have immediate legal effect in relation to residential activities <u>if no qualifying matter applies.</u> ” |
| MRZ-R2 Residential unit | Support | Transpower supports Rule MRZ-R2 on the basis that the Rule provides clear direction that it does not have immediate legal effect where qualifying matters apply. | Retain the direction regarding legal effects as notified. |
| MRZ-BFS1 Number of residential units per site | Support | Transpower supports the various Built Form Standards on the basis that the Standards provides clear direction that they do not have immediate legal effect where qualifying matters apply. | Retain the direction regarding legal effects as notified. |
| MRZ-BFS2 Building coverage | | | |
| MRZ-BFS4 Height | | | |
| MRZ-BFS5 Building and structure setbacks | | | |
| MRZ-BFS7 Height in relation to boundary | | | |
| MRZ-BFS9 Outdoor living space End of inserted text(per unit) | | | |
| MRZ-BFS10 Outlook space (per unit) | | | |

| Provision | Support/ Oppose | Submission/Reasons | Decision Sought |
|--|--------------------|--|-----------------|
| MRZ-BFS-11 Windows to street | | | |
| MRZ-BFS12 Landscaped area | | | |
| Section 32 Report | | | |
| Section 32 Report: General | Support in part | While the Section 32 Report does not give explicit consideration to the relevant provisions of the NPSET and CRPS, Transpower acknowledges and supports the precautionary approach that has been taken by including the 39m setback in the Proposed Variation. Further, Transpower generally supports the analysis of the National Grid as a qualifying matter at 8.3 of the Section 32 Report. | |
| Planning Map | | | |
| Planning Maps: General – extent of zones and development areas | Support | Transpower is neutral on the extent (as notified) of the various zones and development areas. However, should the extent of the various areas be amended in the vicinity of the National Grid, Transpower seeks that the provisions that manage effects on the National Grid that are proposed for the MDZ (and as amended by this submission) are similarly extended to new zones or development areas. | |