

Further Submission by Transpower New Zealand Limited

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

21 November 2022

Keeping the energy flowing



Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To Waimakariri District Council ("the Council")

Name of person making further submission: Transpower New Zealand Limited ("Transpower")

This is a further submission in support of, and in opposition to, submissions on:

- **the proposed Waimakariri District Plan ("Proposed District Plan"); and**
- **Variation 1: Housing Intensification (Medium Density Residential Standards) to the Proposed District Plan ("Proposed Variation").**

Transpower has an interest in the Proposed District Plan and Proposed Variation that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 ("NPSET") and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA"). The Proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the Proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

Transpower's further submissions

- In respect of the Proposed District Plan, Transpower's support of, or opposition to, a particular submission including the reason for Transpower's support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower's further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.
- In respect of the Proposed Variation, Transpower's support of, or opposition to, a particular submission including the reason for Transpower's support or opposition and the relief sought are detailed in the table attached as Appendix B. The general reasons for Transpower's further submission are set out below. These reasons apply to each submission listed in Appendix B and are supplemented by specific reasons and relief in Appendix B.

General reasons and decisions sought in respect of submissions supported by Transpower

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;

- give effect to relevant provisions of the Canterbury Regional Policy Statement 2013 (July 2021) (“CRPS”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

General reasons and decisions sought in respect of submissions opposed by Transpower

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

Transpower wishes to be heard in support of its further submissions.

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

Environmental Regulatory Team Leader, Transpower

Signature of person authorised to sign

on behalf of Transpower New Zealand Limited

Date: **21 November 2022**

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

Telephone: **+64 3 590 7126**

Postal address: **PO Box 1021 Wellington 6140**

Contact person: **Trudi Burney**

Appendix B – Transpower New Zealand Limited: Further Submission on Submissions Made on Proposed Variation 1 to the Waimakariri District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed Variation, including the reasons for Transpower’s support or opposition in respect of the original submission. The Proposed Variation text is shown without underlining; the relief sought in primary submission is shown as black underlined and ~~striketrough~~; and the further amendments sought by Transpower are shown in red double underlined and ~~double-striketrough~~.

| Submission Reference | Provision and Relief Sought | Support/ Oppose | Reason | Allow/Disallow |
|---|--|-----------------|--|---|
| Doncaster Development Ltd (Submission number 26) | | | | |
| 26.1, 26.2 and 26.3 | <p>Planning Maps and Zoning</p> <p>Allow in full the submitter’s submission on the Proposed District Plan and include 260-282 Lehmans Rd and 32 Parrott Road, Rangiora in the General Residential Zone, along with adjacent areas of Rangiora, if Variation 1 is appropriately modified to enable that outcome.</p> <p>Alternatively, rezone 260-282 Lehmans Rd and 32 Parrott Road, Rangiora to Medium Density Residential Zone if Variation 1 proceeds in approximately its notified form.</p> | Neutral | <p>Transpower does not support or oppose the relief sought, however, it is noted that the subject land is traversed by the National Grid.</p> <p>While the submission acknowledges the presence of the transmission lines, Transpower is concerned that rezoning land in the vicinity of the National Grid for residential land uses may give rise to a misleading expectation in respect of the ability to develop the site given District Plan rules and other regulations In the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) and the Public Works Act.</p> <p>Transpower seeks that any decision to rezone the site to provide for residential uses be made in a manner that:</p> <ul style="list-style-type: none"> - is cognisant of the provisions in the proposed District Plan, including as qualifying matters in the IPI, that enable and protect the National Grid (as amended by Transpower’s submissions on the Proposed District Plan and the Proposed Variation); - gives effect to Policies 10 and 11 of the NPSET. <p>Examples of the relevant National Grid provisions;</p> | If the submission is allowed, ensure that the site can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid. |

| Submission Reference | Provision and Relief Sought | Support/ Oppose | Reason | Allow/Disallow |
|--|---|-----------------|--|---|
| | | | <ul style="list-style-type: none"> - gives effect to Policy 16.3.4 of the CRPS by “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”; - is consistent with Proposed District Plan provisions, including Objective SD-O3; and therefore - achieves the purpose of the RMA. | |
| Waimakariri District Council (Submission reference 47) | | | | |
| 47.4 | <p>EI - Pungao me te hanganga hapori - Energy and infrastructure</p> <p>The linkage between qualifying matters and the rules that make them operational need to be improved to ensure they are fully effective. Some existing or new qualifying matters may need to be linked to rules and standards as decisions are made.</p> <p>Qualifying matters may require both subdivision and land-use rules to make them operational, and not all qualifying matters have linkages or references to both types of rule.</p> | Support | Transpower supports the submission on the basis that the relief sought intends to improve the manner in which the qualifying matters and associated rules are embedded and connected in the provisions. Transpower considers that the relief ensures that the IPI is effective and delivers the intended outcome. | Allow the submission |
| 47.11 | <p>Relationships between spatial layers</p> <p>Amend Table RSL-1 to directly explain the area, nature and extent of qualifying matters.</p> <p>Link Table RSL-1 to the relevant qualifying layers on map, noting that this may require improvements to the map display (but not content).</p> | Support | Transpower supports the submission on the basis that the relief sought intends to improve the manner in which the qualifying matters are described and mapped. Transpower considers that the relief ensures that the IPI is effective and delivers the intended outcome. | Allow the submission |
| Rolleston Industrial Developments Limited (Submission reference 60) | | | | |
| 60.1 | <p>Planning Maps</p> <p>Opposes the Rural Lifestyle zoning (RLZ) proposed for several Ohoka properties that are subject to private plan change 31 (PC31) to the Operative District Plan.</p> <p>Notes the site is not subject to any Qualifying Matters in the proposed Variation.</p> | Neutral | <p>Transpower is a submitter on Proposed Private Plan Change 31. The National Grid is a qualifying matter and traverses the subject site.</p> <p>Transpower’s submission on Proposed Plan Change 31 seeks a range of relief in order to:</p> | <p>Consistent with Transpower’s relief in relation to PC 31, if the submission is allowed:</p> <ul style="list-style-type: none"> - retain the Rural Zone over the area of land that is traversed by |

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|---|---|-----------------|--|--|
| | Seeks that the planning maps are amended to zone the subject land a combination of MDRZ, LLRZ, LCZ, and OSZ. The nature of this submission is such that relief is sought to enable the equivalent outcomes as sought in the PC31 request. | | <ul style="list-style-type: none"> - 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; - retain the existing considerations and obligations in the NESETA Regulations; - meet the requirements of section 32 and 75 of the RMA; and therefore - achieve the purpose of the RMA. <p>For these reasons, Transpower seeks the same relief in respect of the Proposed District Plan.</p> | <p>the National Grid, including an appropriate buffer;</p> <ul style="list-style-type: none"> - require Transpower to be consulted as part of any application for subdivision consent for the site; - include explicit direction landscape treatments in the vicinity of the National Grid must be designed and implemented to achieve compliance with NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 (including when planting reaches maturity). |
| Rick Allaway and Lionel Larsen (Submission reference 62) | | | | |
| 62.1 | <p>Planning Maps</p> <p>Rezone 181, 201, 255, 257, 259, 261, 263, 265, 267, 271, 285, 305, 311, and 315 Lehmans Rd, Rangiora from Rural Lifestyle Zone to Medium Density Residential Zone (MDRZ); or a mix of MDRZ and Large Lot Residential – Specific Control Area Density 2, with a minimum net site area 1000m² and minimum average net site area 1500m² (or similar); or a mix of MDRZ and Large Lot Residential (LLR); or a mixed density residential zone which enables a wide range of residential lot sizes from MDRZ to LLRZ sizes.</p> | Neutral | <p>The National Grid is a qualifying matter and traverses the subject site. Transpower does not support or oppose the relief sought, however, it is noted that the subject land is traversed by the National Grid and the submission has not considered the implications of this and instead has suggested that this can be parked for the ODP/subdivision stage. Transpower does not agree and notes that the decisions on the Proposed District Plan must give effect to the NPSET and CRPS.</p> <p>Transpower is concerned that rezoning land in the vicinity of the National Grid for residential land uses may give rise to a misleading expectation in respect of the ability to develop the site given District Plan rules and other regulations, including the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) and the Public Works Act.</p> <p>Transpower seeks that any decision to rezone the site to provide for residential uses be made in a manner that:</p> | <p>If the submission is allowed, ensure that the site can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid (in turn, giving effect to the NPSET and CRPS).</p> |

| Submission Reference | Provision and Relief Sought | Support/ Oppose | Reason | Allow/Disallow |
|--|--|-----------------|---|---------------------------------|
| | | | <ul style="list-style-type: none"> - is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as amended by Transpower's submission); - gives effect to Policies 10 and 11 of the NPSET; - gives effect to Policy 16.3.4 of the CRPS by <i>"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"</i>; - is consistent with Proposed District Plan provisions, including Objective SD-O3; and therefore - achieves the purpose of the RMA. | |
| Kāinga Ora Homes and Communities ("Kāinga Ora") (Submission reference 80) | | | | |
| 80.15 | MRZ – Medium Density Residential Zone Built Form Standards MRZ-BFS5 States that, in the absence of robust justification in the Section 32 evaluation, the additional setbacks introduced for qualifying matters should be removed and seeks amendment to the 'National Grid transmission line setback'. | Oppose | Sections 77I and 77O of the RMA set out what may be a qualifying matter. The National Grid Yard and National Grid Subdivision Corridor rules framework clearly meets the definition of a qualifying matter because it is a matter required to give effect to the NPSET and it is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. This is addressed in further detail in Transpower's primary submission. Further, in other jurisdictions the National Grid has similarly been treated as a qualifying matter. In this regard, 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, states that (at page 15) [emphasis added]: <i>"the qualifying matters set out in new section 77[I] 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</i> | Disallow the submission. |
| 80.16 | Relationships between spatial layers Resource Management (Enabling Housing Supply and Other Matters) Amendment Act Electricity The 'National Grid Subdivision Corridor' qualifying matter with its 39m setback lacks a strong evidence base in its s32 assessment. Seeks the deletion of the 39m setback 'National Grid Subdivision Corridor' as a qualifying matter. | Oppose | | Disallow the submission. |
| 80.35 | SUB - Wawahia whenua – Subdivision Activity Rules Rule SUB-R6 | Oppose | | Disallow the submission. |

| Submission Reference | Provision and Relief Sought | Support/ Oppose | Reason | Allow/Disallow |
|----------------------|---|-----------------|---|----------------|
| | The National Grid Transmission Lines (including the proposed 39m setback required in the 'National Grid Subdivision Corridor') should not be qualifying matter, as adequate evidence has not been provided in the S32 analysis to justify this and explain why the setback is required. Seeks the deletion of the qualifying matter for the 'National Grid Subdivision Corridor' including the 39m setback. | | <i>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".</i> | |