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For the Attention of the Hearing Panel on proposed Plan Change 26 to the Waipā District Plan: Session 2

Transpower New Zealand Limited (“Transpower”) writes in relation to the hearing, commencing on 26 April 2023, on Plan Change 26: Residential Zone Intensification to the Waipā District Plan (“PC26”).

Transpower’s main interest in PC26 is ensuring that the planning framework recognises and provides for the National Grid, including that it gives effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”) through identification of the National Grid as a qualifying matter.

Transpower’s submission on PC26 was largely in support. In particular Transpower supports:

- The identification of the National Grid within the IPI as a qualifying matter, and
- Inclusion of the National Grid Corridor provisions within the IPI and ISPP process.

The amendments sought through the submission are confined in nature and include:

- Amendments to ensure consistency across the ODP and provide greater clarity, particularly in relation to the application of qualifying matters.
- Ensuring that the National Grid is correctly applied as a qualifying matter to the subdivision provisions applying in the Medium Density Residential Zone.
- Reconsideration of the changes proposed to Policies 2.3.7.5 and 15.3.15.5, and the replication of this policy in new Section 2A as 2A.3.9.5.

Transpower has considered the Section 42A Report on its submission points and largely agrees or supports the officer recommendations, seeking only minor changes in relation to three submission points (38.6 and 38.29, and 38.18) to further improve the clarity of the provisions. For completeness, attached is a table outlining the individual submission points and Transpower’s response to the recommendations.

Notwithstanding this, Transpower notes that another submitter (Kāinga Ora) has sought a broader controlled activity status for subdivision within the Medium Density Residential Zone (“MRZ”) through amending Rule 15.4.1.1(e) so that a controlled, rather than restricted discretionary activity status applies in the MRZ. While the reporting officer recommends rejecting this submission point, Transpower wish to emphasise that should the Hearing Panel form a different view on this, there is a need to ensure that the National Grid is properly applied as a qualifying matter by retaining a restricted discretionary activity status when subdivision is within the defined National Grid Corridor. The reason for seeking this is that:

- While buildings in the MRZ within the narrower National Grid Yard are restricted (under Rule 2A.4.1.5), and this is reflected in the subdivision Performance Standard 15.4.2.29, there is a need to also consider the configuration of subdivision within the Corridor. This is because if poorly configured, development

enabled through the subdivision can prevent access to the National Grid for maintenance and result in new allotments that cannot be safely built on. Transpower notes that this extends beyond just the location of buildings within the Yard. The application of a restricted discretionary activity status for subdivision within the Corridor enables Transpower to be recognised as an affected party that needs to be notified of, and consulted with on, any application. This is currently achieved under the activity status of Rule 15.4.1.1(e), and the related matter of discretion which allows consideration of “*Effects on the National Grid electricity transmission network*”. Once part of the consenting process, Transpower is then able to provide specialist technical and engineering input relating to the safe location of housing, including construction methodology. This means that matters such as the layout or configuration of a subdivision can be altered, and can help identify to a developer where suitable building platforms are. A controlled activity status would not allow this. A consequence of this is that subdivision which could compromise the operation, maintenance, upgrading, and development of the electricity transmission network may be enabled, contrary to Policy 10 of the NPS-ET.

- It is consistent with the approach taken in other plans, and in particular applies in the neighbouring Hamilton, Matamata-Piako, South Waikato and Waikato District Plans. Specifically, these plans apply a restricted discretionary (not controlled) activity status for subdivision involving any allotment within the defined National Grid Corridor, provided that a building envelope outside the National Grid Yard is identified for each new allotment.¹ In Waikato, it is also a requirement that the subdivision layout and earthworks will maintain physical access to any National Grid support structures located on any allotment.²
- The change would have the effect of altering the activity status which currently applies to subdivision within the National Grid Corridor. This would mean that the National Grid will not have been correctly applied as a qualifying matter. For the reasons set out in Transpower’s submission, the National Grid Corridor rules framework currently applying clearly meet the definition of a qualifying matter and an assessment under section 77K(1) has been undertaken to support this (and included in Appendix C of the submission). No submitter has challenged the identification of the National Grid as qualifying matter and therefore the existing status afforded to subdivision within the Corridor needs to be retained to properly accommodate the qualifying matter and give effect to Policy 10 of the NPS-ET.

Transpower also initially opposed Rule 15.4.1.1(l), which provides a controlled activity status for subdivision around either existing or proposed dwellings, seeking a separate restricted discretionary activity rule for subdivision within the defined National Grid Corridor, as set out above. However, Transpower is comfortable that the circumstances in which this rule applies are limited and relate only to where buildings already exist or where any land use consent is applied for concurrently, which includes the rules relating to the National Grid. Transpower also understand that this rule is still subject to compliance with Rule 15.4.2.29 (which requires building platforms outside of the National Grid Yard to be identified). Therefore, if Rule 15.4.1.1(e) is retained as notified (i.e. a restricted discretionary status is applied to subdivision in the MRZ which meets the criteria in the rule and is not otherwise listed), Transpower is comfortable with Rule 15.4.1.1(l) being retained as notified. If, however, the activity status applying in the MRZ under Rule 15.4.1.1(e) is amended to be controlled, then Transpower continues to seek a specific restricted discretionary rule for subdivision within the National Grid Corridor which would supersede both 15.4.1.1(e) and 15.4.1.1(l).

Transpower respectfully requests that this letter be tabled for the Panel’s consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations. Should the Panel require clarification on any matter, please contact Daniel Hamilton at Transpower (03 590 6926), or on the following email: environment.policy@transpower.co.nz.

Yours faithfully

¹ Hamilton District Plan - Tables 23.3a, 23.3b and 23.3c, Activity x; Waikato District Plan - Rule SUB-R26 in the General Residential Zone; South Waikato District Plan - Rule 10.3.1 b iii) and d) vi); Matamata-Piako District Plan - 6.1 Activity Table 1. (d) and Rule 6.3.10.

² For example, Rule SUB-R26 (General Residential Zone) in the Waikato District Plan.

A handwritten signature in black ink, appearing to read 'Daniel Hamilton', written in a cursive style.

Daniel Hamilton

Environmental Regulatory Team Leader, Transpower New Zealand Limited

Submission Point & Plan Provision	Position	Reasoning	Decision Requested	S42A recommendation	Transpower Response to S42A Recommendation
38.1 & 38.41 National Grid as a Qualifying Matter	Support	Transpower largely supports the proposed IPI, and in particular supports the identification of the National Grid within the IPI as a qualifying matter and inclusion of the ODP National Grid Corridor provisions within the IPI and ISPP process. It is not an efficient use of resources for the National Grid Corridor provisions to be relitigated as part of the Council's incorporation of the Medium Density Residential Standards.	Retain the National Grid as a qualifying matter.	Support noted No change recommended	Accept recommendation
38.2 Qualifying matter definition	Support	Transpower supports the definition of 'qualifying matter' as it highlights to plan users the existence of the matters.	Retain definition.	Support noted No change recommended	Accept recommendation
38.3 Policy 1.3.2.2	Support	Transpower supports the reference to Qualifying Matters as it assists in plan interpretation and gives effect to the RMA.	Retain the text that refers to 'qualifying matters'.	Support noted No change recommended	Accept recommendation
38.4 2.1 Introduction Paragraph 2.1.5	Support	Transpower supports retention of the introductory paragraph outlining that there are National Grid transmission lines which traverse those areas which remain in the Residential Zone. Transpower is neutral on the minor amendments proposed.	Retain 2.1.5	Support noted No change recommended	Accept recommendation
38.5 Policy 2.3.7.5	Amend	Transpower queries the necessity of this change and considers that it is unclear how the change arises as a consequence of implementing the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021. In the event that the wording is changed, Transpower considers it is appropriate to amend the policy to better align with the NPSET (particularly Policies 2 & 5), by removing the phrase "to the extent practicable"; and using the word "compromise" rather than "exclude", as this is consistent with the wording used in the NPSET (Policy 10).	Retain Policy 2.3.7.5 without amendment, or amend as follows: <i>2.3.7.5 To not compromise exclude foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.</i>	Accept Para 9.14.10 – <i>"Transpower's amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET."</i>	Accept recommendation
38.6 & 38.29 Performance Standard 2.4.2.36 (Earthworks within a National Grid Yard)	Amend	Transpower supports retention of the earthworks rule within the Residential Zone. While Transpower is neutral on the minor amendments proposed, it queries the necessity of this change and considers that it is unclear how the change arises as a consequence of implementing the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021. Transpower also notes that the proposed change to numbering of references within the rule (i.e. to 27) do not align with the numbering of the rule, which is shown as retained (i.e. 36); and that the changes are not consistent with the rule proposed in the MRZ (i.e. Rule 2A.4.2.47 still includes "Provided that").	Retain Rule 2.4.2.36, but ensure the references within the rules align with the numbering of the rule itself, and that the drafting is consistent with Rule 2A.4.2.47.	No amendment necessary <i>"The changes recommended to rule 2A.4.1.5(h)(iii) align with what is currently in the equivalent Residential Zone rules"</i>	Amend The response in Appendix B does not address the inconsistency in the referencing. A correction to reference numbers within this rule is still required, as the rule does not make sense if the references are changed (incorrectly) as proposed. Specifically, if this rule is numbered 2.4.2.36, then

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					the exemptions in the rule also needed to refer to 2.4.2.36.
38.7 & 38.8 2A.1 Introduction Paragraphs 2A.1.1 - 2A.1.6	Support	Transpower supports the reference in 2A.1.4 to Qualifying Matters as it assists in plan interpretation and gives effect to the RMA. Transpower also support reference to the relevance of Section 15, being the section where the National Grid Corridor as a qualifying matter is applied to subdivision.	Retain the introduction.	Support noted	Accept recommendation. Transpower notes that minor additions are proposed to these paragraphs, but they do not give rise to any concerns from Transpower’s perspective.
38.9 Qualifying Matters – Introduction Paragraph 2A.1.9	Support	Transpower supports there being explicit guidance in this section about the circumstances in which qualifying matters have been applied. This provides greater clarity for plan users.	Retain 2A.1.9	Support noted	Accept recommendation. Transpower notes that an additional clause is proposed, but this does not give rise to any concerns from Transpower’s perspective.
38.10, 38.11, 38.12 Qualifying Matters – Nationally Significant Infrastructure Paragraphs 2A.1.24 - 2A.1.29	Amend	Transpower supports the introduction section being explicit about the National Grid being a qualifying matter. This ensures that the relationship between the MDRS and the limitations on development within the National Grid Yard, are clear. Minor amendments are sought to provide greater clarity and better align with the NPSET. This includes being clear that the NPSET directs management of both the effects of the National Grid, as well as effects of activities <u>on</u> the National Grid, including 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.	Retain 2A.1.24 – 2A1.29. Amend 2A.2.25 as follows: <u>2A.1.25 <i>Specific to electricity transmission, t</i>The relevant national policy statement is the National Policy Statement for Electricity Transmission 2008. It sets out the objective and policies to enable which direct the management of the effects of <i>and on the electricity transmission network under the Resource Management Act 1991.</i></u> ... <u>2A.1.27 <i>Several National Grid transmission lines traverse the Waipā District. The subdivision, use and development of land is controlled managed within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on</i></u>	Support noted Para 9.14.10 – “ <i>Transpower’s amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET.</i> ”	Accept recommendation

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			<p><i>landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur and for the National Grid to be compromised. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. For this reason, the National Grid has been identified as a qualifying matter to the Medium Density Residential Standards.</i></p>		
38.13 Objective 2A.3.1	Support	Transpower supports the objective, and in particular the recognition of wellbeing and health and safety. The objective reflects Schedule 3A, Part 1, clause (6)(1)(a) of the RMA.	Retain Objective 2A.3.1.	Support noted No change recommended	Accept recommendation
38.14 Objective 2A.3.2	Amend	<p>Transpower generally supports the objective, noting it reflects Schedule 3A, Part 1, clause (6)(1)(b) of the RMA.</p> <p>However, given the “relevant residential zone” within the ODP is the Medium Density Residential Zone, it is more appropriate for the objective to explicitly refer to this zone, so that it clear within the Plan how this part of Schedule 3A is implemented within this particular plan.</p>	<p>Amend Objective 2A.3.2 as follows:</p> <p>2A.3.2 A relevant residential zone <i>The Medium Density Residential Zone provides for a variety of housing types and sizes that respond to:</i></p> <p><i>(a) Housing needs and demand;</i></p> <p><i>and</i></p> <p><i>(b) The neighbourhood’s planned urban built character, including 3-storey buildings.</i></p>	Reject “This objective is transposed from the Amendment Act.”	Neutral While Transpower considers that explicitly referring to the MRZ – being the relevant residential zone – is clearer for plan users, it is a relatively minor point and Transpower accepts that the Council have simply replicated the Amendment Act wording.
38.15 Policy 2A.3.2.1	Support	Transpower generally supports the policy, noting that it reflects Schedule 3A Part 1, clause (6)(2)(a) of the RMA. However, within the MRZ, existing qualifying matters may limit the amount of permitted development possible on an allotment. Transpower therefore considers that there is a need to reference qualifying matters, as they directly influence the capacity for intensification and residential development. Rather than amending this policy to do so, Transpower seeks changes to Policy 2A.3.2.4 to achieve this.	Retain Policy 2A.3.2.1, subject to amendments being made to Policy 2A.3.2.4.	Reject “Other amendments linked to this request are not supported.”	Accept recommendation to retain policy 2A.3.2.1 as notified
38.16 Policy 2A.3.2.2	Support	Transpower generally supports the policy, but notes that the application of qualifying matters may mean that the target density is not able to be achieved in some areas.	Retain Policy 2A.3.2.2, subject to amendments being made to Policy 2A.3.2.4.	Reject “Other amendments linked	Accept recommendation to retain policy 2A.3.2.2 as notified

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		Rather than amending this policy to address this, Transpower seeks changes to Policy 2A.3.2.4.		<i>to this request are not supported."</i>	
38.17 Policy 2A.3.2.3	Amend	<p>Transpower generally supports the policy, but notes that the application of qualifying matters may mean that the target density is not able to be achieved in some areas. Rather than amending this policy to address this, Transpower seeks changes to Policy 2A.3.2.4.</p> <p>Similar to the above, given the "relevant residential zones" within the ODP are limited to the MRZ, it is more appropriate for the policy to explicitly refer to this zone, so that it is clear within the Plan how this part of Schedule 3A is implemented within this particular plan.</p>	<p>Amend Policy 2A.3.2.2, as follows, and subject to amendments being made to Policy 2A.3.2.4:</p> <p><u>2A.3.2.3 To apply the Medium Density Residential Standards across all relevant residential zones in the district plan the Medium Density Residential Zone, except in circumstances where a qualifying matter is relevant ...</u></p>	Reject <i>"This objective is transposed from the Amendment Act."</i>	Neutral While Transpower considers that explicitly referring to the MRZ – being the relevant residential zone – is clearer for plan users, it is a relatively minor point and Transpower accepts that the Council have simply replicated the Amendment Act wording.
38.18 Policy 2A.3.2.4	Amend	<p>Transpower supports the intent of this policy as it makes it clear that there are qualifying matters which affect the application of the MDRS.</p> <p>However, as noted above, Transpower consider that the application of qualifying matters is also relevant to the direction in Policies 2A.3.2.1, 2A.3.2.2 and 2A.3.2.3. Transpower therefore seeks changes to reflect this. Transpower also considers that the use of the direction "enable" in this context is potentially confusing, given the policy is essentially about limitations.</p>	<p>Amend Policy 2A.3.2.4 as follows:</p> <p><u>To enable the modification of modify the Medium Density Residential Standards under Policy 2A.3.2.3, or the level of density anticipated under Policies 2A.3.2.1, 2A.3.2.2 and 2A.3.2.3, only to the extent necessary to accommodate a qualifying matter applying to that site.</u></p>	Reject <i>"Other amendments linked to this request are not supported"</i> .	<p>Amend</p> <p>The discussion in Appendix B to the s42A report implies that the changes sought to this policy arise from changes sought to other policies, but this is not correct, and the point made in this submission has therefore not been assessed.</p> <p>This change is still sought, as it makes it clearer that:</p> <ul style="list-style-type: none"> - the Standards are modified in the Plan (rather than further ability to modifying them being enabled); and - The qualifying matters applied also alter the level of density anticipated under the listed policies. <p>These changes are considered to make it clearer to Plan users</p>

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					<p>that the application of qualifying matters will in some cases affect the level of density that might otherwise be anticipated. Transpower does however note that it is not necessary that they refer to 2A.3.2.3 as that policy already refers to qualifying matters. The change sought is therefore:</p> <p><u>To enable the modification of modify the Medium Density Residential Standards under Policy 2A.3.2.3, or the level of density anticipated under Policies 2A.3.2.1 and 2A.3.2.2, only to the extent necessary to accommodate a qualifying matter applying to that site.</u></p>
38.19 Policy 2A.3.4.4	Support	Transpower supports the policy explicitly noting that height may be limited by a qualifying matter.	Retain Policy 2A.3.4.4	Support noted No change recommended	Accept recommendation
38.20 Objective - National Grid transmission networks 2A.3.9	Amend	<p>Transpower notes that the Objective is consistent with Objective 2.3.7, being the Objective that applies to what is currently the Residential Zone. Transpower supports the objective being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p> <p>However, Transpower seeks that the objective also refers to upgrading, for consistency with the NPSET Policy 2, and to align with the wording used in Policy 2.3.7.3.</p>	<p>Amend Objective 2A.3.9 as follows:</p> <p><u>To recognise and provide for the ongoing operation, maintenance, upgrade and development of the National Grid electricity transmission network.</u></p>	Accept Para 9.14.10 – “Transpower’s amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET.”	Accept recommendation
38.21 Policy 2A.3.9.1	Support	Transpower notes that the policy is consistent with Policy 2.3.7.1, which applies to what is currently the Residential Zone. Transpower supports the policy being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.	Retain Policy 2A.3.9.1.	Support noted No change recommended in s42A report. However in Appendix A to the	Clarify that 2A.3.9.1 is to be retained as notified.

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				s42A report, one line of the policy is shown as struck through (but not in the blue font used for recommendations, and noting the strikethrough was not proposed in PC26.)	
38.22 Policy 2A.3.9.2	Support	Transpower notes that the policy is consistent with Policy 2.3.7.2, which applies to what is currently the Residential Zone. Transpower supports the policy being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.	Retain Policy 2A.3.9.2.	Support noted No change recommended	Accept recommendation
38.23 Policy 2A.3.9.3	Support	Transpower notes that the policy is consistent with Policy 2.3.7.3, which applies to what is currently the Residential Zone. Transpower supports the policy being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.	Retain Policy 2A.3.9.3.	Support noted No change recommended	Accept recommendation
38.24 Policy 2A.3.9.4	Support	Transpower notes that the policy is consistent with Policy 2.3.7.4, which applies to what is currently the Residential Zone. Transpower supports the policy being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.	Retain Policy 2A.3.9.4.	Support noted No change recommended	Accept recommendation

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<p>38.25 Policy 2A.3.9.5</p>	Amend	<p>Transpower notes that the policy is largely consistent with Policy 2.3.7.5, which applies to what is currently the Residential Zone. Transpower supports the policy being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential, but considers it is appropriate to amend the policy to better align with the NPSET (particularly Policies 2 & 5), by removing the phrase “to the extent practicable”.</p> <p>Transpower also notes that the current policy uses the word “foreclose” rather than “exclude” and Transpower queries the necessity of this change. In the event that the wording is changed, Transpower considers that the word “compromise” would be more appropriate than “exclude”, as this is consistent with the wording used in the NPSET (Policy 10).</p>	<p>Amend Policy 2A.3.9.5 as follows:</p> <p><u>To not compromise exclude operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.</u></p>	<p>Accept Para 9.14.10 – “Transpower’s amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET.”</p>	Accept recommendation
<p>38.26 2A.4.1.1 Permitted Activities (o) Earthworks within the National Grid Yard that comply with Rule 2A.4.2.48.</p>	Support	<p>Transpower notes that the rule is consistent with Rule 2.4.1.1(p), which applies to what is currently the Residential Zone. Transpower supports the rule being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p>	Retain Rule 2A.4.1.1 (o).	<p>Support noted No change recommended</p>	Accept recommendation
<p>38.27 2A.4.1.5 Non-complying activities 2A.4.1.5 (h)</p>	Support	<p>Transpower notes that the rule is largely consistent with Rule 2.4.1.5(j), which applies to what is currently the Residential Zone. Transpower supports the rule being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p> <p>This also ensures that the relevant provisions within the ODP applying to the National Grid Yard are applied within PC26 as a qualifying matter.</p> <p>However, Transpower note that it is necessary that the rule refers to all relevant National Grid Yard performance standards, including 2A.4.2.49 (consistent with Rule 2.4.1.5(j) and the reference in 2A.4.2.49 itself).</p>	<p>Amend Rule 2A.4.1.5(h)(iii) as follows:</p> <p><u>(iii) Any building, structure or earthworks which fail to comply with Rules 2A.4.2.47, and 2A.4.2.48 and 2A.4.2.49.</u></p>	<p>Accept “Minor and logical update.”</p>	Accept recommendation

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<p>38.28 Performance Standard 2A.4.2.47 (Earthworks within a National Grid Yard)</p>	Support	<p>Transpower notes that the rule is consistent with Rule 2.4.2.36, which applies to what is currently the Residential Zone. Transpower supports the rule being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p> <p>As a minor point, Transpower notes that slight drafting changes are proposed through PC26 to the drafting of Rule 2.4.2.36, and while Transpower is neutral on the changes, it seeks that the rules are worded consistently in both chapters.</p>	Retain Rule 2A.4.2.47	No amendment necessary	Accept recommendation
<p>38.30 Performance Standard 2A.4.2.48 (Buildings and structures within the National Grid Yard)</p>	Support	<p>Transpower notes that the rule is consistent with Rule 2.4.2.37, which applies to what is currently the Residential Zone. Transpower supports the rule being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p> <p>This also ensures that the relevant provisions within the ODP applying to the National Grid Yard are applied within PC26 as a qualifying matter.</p>	Retain Rule 2A.4.2.48.	Support noted No change recommended	Accept recommendation
<p>38.31 Performance Standard 2A.4.2.49 (Buildings and structures around the National Grid Support Structures)</p>	Support	<p>Transpower notes that the rule is consistent with Rule 2.4.2.38, which applies to what is currently the Residential Zone. Transpower supports the rule being carried over to those parts of the current Residential Zone which are proposed through PC26 to be zoned Medium Density Residential.</p> <p>This also ensures that the relevant provisions within the ODP applying to the National Grid Yard are applied within PC26 as a qualifying matter.</p>	Retain Rule 2A.4.2.49.	Support noted No change recommended	Accept recommendation
<p>38.32 Policy 15.3.15.5</p>	Amend	<p>Transpower queries the necessity of this change and considers that is unclear how the change arises as a consequence of implementing the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021. In the event that the wording is changed, Transpower considers it is appropriate to amend the policy to better align with the NPSET (particularly Policies 2 & 5), by removing the phrase “to the extent practicable”; and using the word “compromise” rather than “exclude”, as this is consistent with the wording used in the NPSET (Policy 10).</p>	<p>Retain Policy 15.3.15.5 without amendment, or amend as follows:</p> <p><i>To not compromise exclude foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.</i></p>	Accept Para 9.14.10 – “Transpower’s amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET.”	Accept recommendation

Submission Point & Plan Provision	Position	Reasoning	Decision Requested	S42A recommendation	Transpower Response to S42A Recommendation
<p>38.33, 38.34 & 38.39</p> <p>15.4.1 Activity Status Table</p> <p>15.4.1.1(e) Subdivision that meets all the performance rules in Part A</p> <p>OR;</p> <p>Part A and Part C for 7 or more lots.</p>	<p>Amend</p>	<p>Transpower supports the requirement for subdivision in the MRZ to meet the performance rules in Part A. This includes Rule 15.4.2.29, which requires that all lots must identify a building platform for the principal dwelling, and any proposed secondary dwelling, outside of the National Grid Yard. Where this is not met the subdivision defaults to a non-complying activity. This aligns with the land use rules applying within the National Grid Yard.</p> <p>Transpower also notes that the activity status proposed for subdivision within the MRZ is restricted discretionary. Notwithstanding this, Transpower notes that under Rule (e), reference in relation to the MRZ refers to matters of control, indicating the activity status may have been intended to be controlled. Where a qualifying matter does not apply, a controlled activity status would also appear to be consistent with the direction in Schedule 3A, Clause 7. Transpower therefore questions if it was intended that the activity status applied within the MRZ would be controlled.</p> <p>If it was intended that subdivision within the MRZ meeting Part A would be controlled, then for the avoidance of doubt, Transpower seeks that any subdivision within the defined National Grid Corridor within this zone is explicitly listed as a restricted discretionary activity. Transpower is neutral as to whether subdivision within the MRZ, which is located outside the National Grid Corridor, is a controlled or restricted discretionary activity.</p> <p>Transpower considers that it is appropriate for subdivision within the National Grid Corridor to be a restricted discretionary activity, because subdivision provides the framework for future land use, and if poorly configured, can prevent access to the National Grid for maintenance and result in new allotments that cannot be safely built on. This extends beyond just the location of buildings within the Yard. This Corridor and the associated provisions enable Transpower to be recognised as an affected party that needs to be notified of, and consulted with on, any application. Once part of the consenting process, Transpower is then able to provide specialist technical and engineering input relating to the safe location of housing, including construction methodology. The restricted discretionary status, with matters of discretion allowing for consideration of “<i>Effects on the National Grid electricity transmission network</i>” allows for this input and consideration.</p>	<p>Amend Rule 15.4.1.1(e) matters of discretion as follows:</p> <p><i>Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone and Reserves Zone.</i></p> <p>If Rule 15.4.1.1(e) is amended so that that subdivision in the Medium Density Residential Zone is a controlled activity, include a new rule, or amend clause (e), so that subdivision within the National Grid Corridor is a restricted discretionary activity, with matters of discretion including “<i>effects on the National Grid electricity transmission network.</i>”</p>	<p>Accept change to matter of discretion</p> <p>Reject additional restricted discretionary activity rule</p> <p>“<i>No change to the activity status of 15.4.1.1(e) recommended as this is provided for in 15.4.1.1(l).</i>”</p>	<p>Accept recommendation</p> <p>Transpower note that Kainga Ora has sought that the activity status of this rule, as it applied to the MRZ, be changed to controlled. The s42A report author recommends this is rejected on the basis that the EHA requirement for a controlled activity is included as Rule 15.4.1.1(l), and that Rule 15.4.1.1(e) is instead focused on vacant lot subdivision. They consider that the restricted discretionary activity status is appropriate and consistent with other zones.</p> <p>Transpower is comfortable with this recommendation, provided the additional reference to the MRZ is included in the matters of discretion (which has been recommended in the s42A report).</p> <p>However, if the submission of Kainga Ora is accepted, Transpower wishes to ensure that a restricted discretionary activity status is retained for subdivision within the National Grid Corridor, for the reasons outlined earlier. This would require an additional rule as set out below, beneath this table.</p>

Submission Point & Plan Provision	Position	Reasoning	Decision Requested	S42A recommendation	Transpower Response to S42A Recommendation
		<p>If the activity status of subdivision within the MRZ under (e) is retained as restricted discretionary, it is necessary to amend the matter of discretion to refer to the MRZ; without this reference, the National Grid will not have effectively been applied as a qualifying matter.</p> <p>If the activity status of subdivision within the MRZ under (e) is amended to a controlled activity, then Transpower seeks that the rules are amended so that this excludes any subdivision within the National Grid Corridor. This ensures that the qualifying matter is appropriately applied and is consistent with the approach taken to subdivision in the National Grid Corridor in the IPI of other district plans, including Hamilton and Waikato.</p>			
<p>38.35</p> <p>Medium Density Residential Zone – Specific activity status rules</p> <p>(l) Subdivision around either existing (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land use application that will be determined concurrently.</p>	Amend	<p>Transpower do not support the controlled activity status proposed for this type of subdivision, without any consideration of the National Grid. As a minimum, Transpower consider that there is a need for the rule to be subject to compliance with Rule 15.4.2.29. However, for the reasons outlined above, Transpower’s preference is that subdivision within the defined National Grid Corridor is explicitly listed as a restricted discretionary activity, with matters of discretion allowing for consideration of <i>“Effects on the National Grid electricity transmission network ...”</i></p>	<p>Include a new rule, or amend clause (l), so that subdivision within the National Grid Corridor is a restricted discretionary activity, with matters of discretion including <i>“effects on the National Grid electricity transmission network.”</i></p>	<p>Reject</p> <p><i>“The National Grid can form a QM but cannot in itself restrict SD in the MDRZ that meets the requirements set out in the Amendment Act.”</i></p>	<p>Transpower does not agree with this statement. A restricted discretionary activity status for subdivision within the National Grid Subdivision Corridor has been applied as a qualifying matter in other plans. The Section 77K(1) Assessment contained in Appendix C of Transpower’s submission also addresses why restrictions on subdivision are considered to be a relevant qualifying matter.</p> <p>Notwithstanding this, for the reasons set out above, Transpower is comfortable with the rule being retained without a separate specific rule for subdivision within the National Grid Corridor, provided that Rule 15.4.1.1(e) is retained as a restricted discretionary activity.</p>
<p>38.36, 38.37, 38.38, 38.40</p>	Support	<p>Although not forming part of the IPI, Transpower generally supports the s32 assessment, subject to the matters raised in other submission points being addressed.</p>	N/A	Support Noted	N/A

New Rule Sought if Kainga Ora submission point is accepted:

15.4.1.1	Activity	Residential Zone	Medium Density Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
<u>XX</u>	<u>Subdivision within the National Grid Corridor</u>	<u>N/A</u>	<u>RD</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Discretion Assessment will be restricted to the following matters:</u> <ul style="list-style-type: none"> ▪ <u>Effects on the National Grid electricity transmission network.</u> 									