

10 June 2021

Proposed Waikato District Plan Hearing  
Waikato District Council  
Private Bag 544  
Ngaruawahia 3742  
Via email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Dear Sir/Madam

## HEARINGS ON THE PROPOSED WAIKATO DISTRICT PLAN

### Hearing 28 Other Matters

**Submitter Reference: Transpower NZ Ltd S576, S2101 and FS3003**

Transpower New Zealand Ltd (“**Transpower**”) writes in relation to Hearing 28 Other Matters, commencing on 12 July 2021.

Given the confined nature of submission points of relevance to Transpower within the Hearing 28 s42A reports, Transpower is not proposing to adduce evidence to Hearing 28 on the points outlined below. If, prior to the hearing, the Hearings Panel consider it useful for Transpower to appear before the panel to explain and answer any questions on the below, it would be more than happy to do so.

### *Hearings 28 Other Matters*

In addition to plan wide provisions relating to the ongoing operation, maintenance, development and upgrading of the National Grid, Transpower made a number of original and further submission points to the proposed Natural Hazards and Climate Change provisions in the proposed Waikato District Plan (formerly known as Stage 2 of the Proposed District Plan).

The original submission points, relief sought and Transpower’s response to the Section 42A Officers Report recommendations are as follows:

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
576.12 Hearing 28 – General Other Matters	<b>Policy 5.5.2</b> Amend Policy 5.5.2 Activities within Hamilton’s Urban Expansion Area, as follows: (a) Manage <i>urban subdivision, use and development within Hamilton’s Urban Expansion Area to ensure that future urban</i>	Submission is accepted in part <i>The submission from Transpower New Zealand Ltd [576.12] seeks to amend Policy 5.5.2 Activities within Hamilton’s Urban Expansion Area. A further submission from Mercury Energy Ltd [FS1388.827] has</i>	Transpower does not support the recommendation as the amended policy wording does not recognise the National Grid, or

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	<p><i>development is not compromised, <u>recognising existing Infrastructure within the Area and ensuring the ongoing operation, maintenance, upgrading and development of the Infrastructure is not compromised.</u> AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in the submission.</i></p>	<p><i>opposed the submission. This Policy was considered in the s42A report on Strategic Directions with a recommendation that Policy 5.5.2 be amended as follows: ‘<del>manage</del> avoid subdivision, use and development within Hamilton’s Urban Expansion Area to ensure future urban development is not compromised’.</i>  <i>The change in emphasis from being one of management to one of avoiding development was recommended so that the policy might better implement the objective of ‘protecting’ land for future urban development. I do not consider that the additional wording is necessary, as in my view an ‘avoid’ policy imposes a stronger approach than ‘manage’, and I believe this will alleviate the concerns of the submitter. While decisions are yet to be released, I agree with this recommendation. Accordingly, I recommend that the Hearing Panel accept in part.</i></p>	<p>confine the avoid requirement to urban subdivision, rather it imposes a requirement for all other activities (even if they are existing such as the National Grid) to be avoided if they should compromise future urban development. Such a strong policy does not give effect to the National Policy Statement on Electricity Transmission 2008 in terms of ‘recognising and providing for the effective operation, maintenance, upgrading and development of the electricity transmission network’.</p>
<p>2101.1 Hearing 28 – Natura Hazards Other Matters</p>	<p><b>Chapter 15</b> Retain Chapter 15: Natural Hazards and Climate Change as proposed except for following points made in this submission.</p>	<p>Submission is accepted in part. <i>Kainga Ora Homes and Communities [ 2094.1] and Transpower New Zealand Ltd [ 2101.1] seek to retain stand-alone natural hazards and the climate change chapter. The approach sought in the submission complies with that in the National Planning Standard (the Standard). The Standard prescribes the district plan structure. The mandatory direction in the Standard is that where provisions relating to natural hazards (except coastal hazards) are addressed, they must be located in the Natural hazards chapter. I recommend that these submission points be accepted in part, and the chapter be retained, noting that further changes to the plan structure may be made to align with the National Planning Standards.</i></p>	<p>Relief sought is accepted in part and on that basis the recommendation is supported</p>
<p>2101.2 Hearing 28 – Natura Hazards Other Matters</p>	<p><b>14.1 Introduction</b> Retain the proposed additional wording to 14.1(1).</p>	<p>Submission is accepted. <i>I consider that the addition to introduction section 14.1(1) assists users of the plan, and I recommend that the submission made by Transpower 2101.2 be accepted.</i></p>	<p>Relief sought is accepted and on that basis the recommendation is supported</p>
<p>2101.5</p>	<p><b>Policy 15.2.1.1</b> Retain Policy 15.2.1.1 on the basis that Policies 15.2.1.4 and 15.2.1.5 are</p>	<p>Submission is accepted in part. <i>The submission offers general</i></p>	<p>Relief sought is accepted in part (15.2.1.4) and</p>

Sub and Hearing Ref	Plan Provision and Relief Sought	S42A Report Recommendation	Transpower Response to s42A Report Recommendations
Hearing 28 – Natura Hazards Other Matters	retained (subject to the amendments requested below).	<i>qualified support for proposed Policy 15.2.1.1. I recommend that these submissions be accepted in part and Policy 15.2.1.1 be retained, subject to changes made in response to other submissions.</i>	rejected (15.2.1.5). The relief sought is accepted.
2101.6 Hearing 28 – Natura Hazards Other Matters	<b>Policy 15.2.1.2</b> Retain Policy 15.2.1.2 on the basis that Policies 15.2.1.4 and 15.2.1.5 are retained (subject to the amendments requested below).	Submission is accepted in part (on the basis of changes to Policy 15.2.1.4) <i>I recommend that the submissions in support of proposed Policy 15.2.1.2 be accepted in part. I have made recommendations to refine the wording of the policy, that do not change the intent. I rely on the RMA section 32 reports that have concluded that the policy is efficient and effective in implementing Objective 15.2.1 Resilience to natural hazard risk. I consider that the risk of not acting could be significant in terms of developing on land subject to high risk natural hazards. I consider that the policy gives effect to NZCPS Objective 5, NZCPS Policies 25 and 26, and WRPS Policy 13.1, which are about locating new development away from at-risk areas, managing risk, and enhancing community resilience. Changes have been recommended to refine the wording that do not change the policy approach, therefore I recommend that the submissions to retain proposed Policy 15.2.1.2 be accepted in part.</i>	Relief sought is accepted in part (15.2.1.4) and rejected (15.2.1.5). The relief sought is accepted.
2101.7 Hearing 28 – Natura Hazards Other Matters	<b>Policy 15.2.1.4</b> Retain Policy 15.2.1.4 but amend to include clear provision for the development of new infrastructure and utilities in areas not considered to be of significant risk (for example, flood plain management areas and flood ponding areas).  Alternatively, if this relief is not supported by the Council, Transpower seeks that Policy 15.2.1.5 be amended to provide for the development of new infrastructure and utilities in hazard areas not considered to be of significant risk.	Submission is (technically) accepted in part) <i>WEL Networks Limited [FS3014.4] be accepted in part, to the extent that the amendment recommended to Policy 15.2.1.4 addresses the concern raised about a policy gap.</i>  Through Hearing 27B the policy is amended as follows: <i>Policy 15.2.1.4 - New and upgrading of infrastructure and utilities in areas subject to significant risk from natural hazards</i> <i>(a) Enable the construction of new infrastructure and utilities in areas at significant risk from natural hazards, .... only where</i> <i>....</i> <i>(b) Enable upgrading of infrastructure and utilities in the areas mentioned in (a), where (a)(i), (ii) and (iii) are complied with.”</i>	Relief sought is accepted in part in that “Upgrade” is included. While the policy is not recommended to be amended to include reference to new utilities in areas not at significant risk, the recommendation is accepted.

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2101.8 Hearing 28 – Natura Hazards Other Matters	<p><b>Policy 15.2.1.5</b> Retain Policy 15.2.1.5 but amend the wording as follows: (a) Provide for the operation, <i>repair, maintenance, replacement and minor-upgrading of existing infrastructure and utilities in all areas subject to natural hazards.</i> Alternatively, if the above relief to include upgrading is not supported by Council and the reference to ‘minor upgrading’ is to be retained, Transpower requests that ‘upgrading’ be included within Policy 15.2.1.4 (New infrastructure and utilities in areas subject to significant risk from natural hazards).</p>	<p>While the submission is rejected, it is accepted in part on the basis of amendments to Policy 15.2.1.4.</p> <p><i>I recommend that the submission made by Transpower New Zealand Ltd [2101.8] and further submissions made by Genesis Energy Limited [FS3006.1], KiwiRail Holdings Limited [FS3010.2] and WEL Networks Limited [FS3014.4] be accepted in part, to the extent that the amendment recommended to Policy 15.2.1.4 addresses the concern raised about a policy gap.</i></p>	<p>While the policy has not been amended the activity would be covered by the NESETA and on this basis the recommendation is accepted.</p>
FS3003.7 Hearing 28 – Natura Hazards Other Matters	<p><b>Policy 15.2.1.23</b> Supports OS 2094.1651 In its submission Transpower supported Policy 15.2.1.23 on the basis the policy has a management directive as opposed to avoidance. Transpower supports the submission point seeking amendment of the policy to replace the word ‘assessed’ with ‘identified’ as the replacement wording would provide greater clarity to the policy. The amendment would also reflect the relief sought in Transpower submission point on Policy 15.2.1.23.</p>	<p>Further submission is rejected.</p> <p><i>The further submission made by Transpower New Zealand Ltd 3003.7 supported a submission from Kainga Ora Homes and Communities [2094.16 ] to amend policy 15.2.1.23 as follows: “Control subdivision, use and development on land assessed identified as being susceptible to liquefaction- induced ground damage ...”. Transpower New Zealand Ltd 2101.11 made a separate original submission to retain Policy 15.2.1.23.</i></p>	<p>While rejected, Transpower supports retention of Policy 15.2.1.23 on the areas are not identified. It is noted (In hearing H27E) council intends to do a plan change/ variation to identify liquefaction areas. This approach is supported.</p>
FS3003.2 Hearing 28 – Natura Hazards Other Matters	<p><b>Definition – Earthworks</b> Transpower opposed the submission 2149.17 seeking amendment to the definition of earthworks to exclude ancillary rural earthworks. Transpower opposes amendment to the definition of earthworks that would have application wider than Chapter 15. Chapter 14 contains provisions relating to earthworks within the National Grid Yard and Transpower opposes any amendments which would exclude consideration of earthwork activities within the National Grid Yard. Transpower notes the definition of earthworks within Stage 1 PWDP has been recommended (in Hearing 5) to be amended to reflect the National Planning Standards. Transpower supports such amendment and the relief sought by the submitter in Stage 2 would be contrary to the recommendation for Stage 1</p>	<p>Further submission is accepted.</p> <p><i>I consider that the rule applying to setback for earthworks is appropriate and gives effect to WRPS Objective 3.24, which is to manage the effects of natural hazards on people, property and the environment, and WRPS Policy 13.1 that deals with matters including the need to protect health and safety. I recommend that the further submission made by Transpower New Zealand Ltd [FS3003.2] be accepted.</i></p>	<p>Relief sought is accepted and on that basis the recommendation is accepted.</p>

### **Hearing Appearance**

Transpower requests this letter be tabled at the hearing in support of its submission points and in response to the Section 42A Report recommendations as outlined above.

Should you require clarification of any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: [Rebecca.Eng@transpower.co.nz](mailto:Rebecca.Eng@transpower.co.nz)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'REbecca Eng'.

Rebecca Eng  
**Senior Environmental Planner**