

**Submission by WEL Networks Limited (“WEL”) on Proposed Variation 3 of the
Proposed Waikato District Plan – Enabling Housing Supply**

WEL’s Submission on Proposed Variation 3 of the Waikato District Plan – Enabling Housing Supply (“Plan Change”)

In recent years there has been some intensification of existing residential areas in the Waikato District. Intensification of residential areas is expected to increase further through Waikato District Council’s (“Council’s”) response to the National Policy Statement for Urban Development (“NPS-UD”) which will enable residential growth in WEL’s network areas of Ngaruawahia and Huntly.

To meet the projected growth, WEL is introducing new projects to meet demand while maintaining security levels. The new projects will include the following:

- New network infrastructure to be installed, in particular, in the transport corridors, to meet the anticipated growth.
- Upgrading existing network infrastructure to meet load demand and increase resilience.
- Renewable generation and storage projects to increase the capacity of renewable energy generation to supply the community.

Overall, WEL generally supports the Plan Change to capture the needs of the community. However, WEL wishes to ensure that its purpose in delivering a safe and reliable power supply is recognised and provided for in the Plan Change document. In addition, WEL wishes to ensure that development enabled by the NPS-UD can be supplied with electricity in a timely and cost-efficient manner.

Scope for Plan Change to Include Provisions Related to Infrastructure

Relevant provisions

Section 80E of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“Amendment Act”) provides for the meaning of an intensification planning instrument, as follows:

80E Meaning of intensification planning instrument

(1) In this Act, intensification planning instrument or IPI means a change to a district plan or a variation to a proposed district plan—

(a) that must—

(i) incorporate the MDRS; and

(ii) give effect to,—

(A) in the case of a tier 1 territorial authority, policies 3 and 4 of the NPS-UD; or

(B) in the case of a tier 2 territorial authority to which regulations made under section 80I(1) apply, policy 5 of the NPS-UD; or

(C) in the case of a tier 3 territorial authority to which regulations made under section 80K(1) apply, policy 5 of the NPS-UD; and

(b) that may also amend or include the following provisions:

(i) provisions relating to financial contributions, if the specified territorial authority chooses to amend its district plan under section 77T:

(ii) provisions to enable papakāinga housing in the district:

(iii) related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on—

the MDRS; or

(B) policies 3, 4, and 5 of the NPS-UD, as applicable.

(2) In subsection (1)(b)(iii), related provisions also includes provisions that relate to any of the following, without limitation:

(a) district-wide matters:

(b) earthworks:

(c) fencing:

(d) infrastructure:

(e) qualifying matters identified in accordance with section 77I or 77O:

(f) storm water management (including permeability and hydraulic neutrality):

(g) subdivision of land.

Part 3 clause 3.5 of the NPS-UD requires local authorities to be satisfied that the additional infrastructure to service the development capacity is likely to be available. It is noted that a network operated for the purpose of transmitting or distributing electricity falls within the definition of additional infrastructure.

Plan Change Provisions

The Amendment Act requires the Plan Change to incorporate the Medium Density Residential Standards (“MDRS”) and to give effect to policies 3 and 4 of the NPS-UD. The Plan Change may also amend or include related provisions including provisions that relate to infrastructure, and new and existing qualifying matters.

Infrastructure as defined in the Resource Management Act 1991 (“RMA”) covers both the generation and distribution of electricity (facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity

as well as anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166).

Accordingly, the Plan Change is able to include provisions related to infrastructure where these are consequential on the MDRS and to give effect to policies 3 and 4 of the NPS-UD. Intensification as enabled under the Amendment Act:

- Increases the number of buildings, structures and people adjacent to electricity infrastructure. This increases the risk of unsafe environments, which need to be adequately addressed in the Plan Change.
- Places a burden on the capacity of existing infrastructure. This means that additional capacity needs to be enabled by the Plan Change in order to adequately cater for growth.

Safety Concerns

Section 34 of the Electrical Code of Practice (“NZECP 34:2001”) sets the minimum safe distances between buildings (and other structures) and electricity infrastructure, and addresses matters such as excavation near overhead electric line supports (among other matters). Ensuring safety around assets is a paramount priority for WEL and we wish to avoid serious safety outcomes which may result from development located too closely to existing infrastructure.

Separately, WEL is already seeing examples of how intensification is affecting existing electricity infrastructure with entranceways/driveways being created in unsafe locations in the vicinity of overhead infrastructure. WEL’s requirements for separation between existing infrastructure and the development of entranceways/driveways is not well understood or known by developers and consent holders.

Likewise, failure to adequately provide for electricity infrastructure and vegetation plantings in berms created as part of new development increases the risk of unsafe environments as well as affecting WEL’s ability to operate and maintain its infrastructure.

In this submission, WEL is seeking that NZECP 34:2001 be complied with as well as the setback standards. WEL also seeks that vegetation and berm provisions adequately provide for network utilities.

Relief Sought

WEL submits that the Plan Change fails to adequately include provisions for electricity distribution infrastructure which support or are consequential on the MDRS or to give effect to policies 3 and 4 of the NPS-UD. Accordingly, WEL requests amendments to the Plan Change to:

- Ensure the importance of network utilities in enabling growth, is recognised.

- Ensure networks utilities are not adversely affected by development.
- Ensure sufficient space within the road berm for network utilities and other infrastructure.
- Ensure vegetation in the vicinity of network utilities is appropriately chosen and planted.

The reasons for these changes and the specific relief sought by WEL to address its concerns are set out in the table below. If the specific relief is not accepted by Council, WEL alternatively requests that appropriate amendments be made to the provisions to give effect to the concerns raised by WEL.

Individual Submission Points

The following table summarises each submission point and notes whether WEL supports, supports in part or opposes, and the relief sought. Additions are underlined and in *italics*.



Specific provision	WEL's Submission	Revision sought (if any)
Part 2 – District-wide matters / Subdivision / SUB – Subdivision - IPI		
<p>23.6 Rules – Specific Standards</p> <p>Include a new Rule SUB – R163</p>	<p>WEL requests that a new rule be included as Rule SUB – R163.</p> <p>The rule is proposed to ensure that any subdivision demonstrates that building platforms can be located in positions where a subsequent building can comply with the NZECP 34:2001. Also, the rule be amended to ensure that vegetation to be planted in the vicinity of electricity infrastructure be selected and/or managed so that it does not breach the Tree Regs.</p> <p>Through the intensification and the reduction of setbacks from the transport corridor, there is potential for future development to be located in positions which may breach NZECP 34:2001. The proposed rule will ensure that a compliant and safe building platform can be provided.</p>	<p>That Council includes a new standard, as follows:</p> <p><u>Subdivision Activities adjacent to Electricity Distribution Infrastructure</u></p> <p><u>Any subdivision in the vicinity of electricity infrastructure must demonstrate that building platforms can be located in positions where a subsequent building can comply with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u></p> <p><u>Vegetation to be planted in the vicinity of electricity infrastructure should be selected and/or managed so that it does not breach the Electricity (Hazards from Trees) Regulations 2003.</u></p>
Part 3: Area-specific matters / Zones / Residential zones / MRZ2 – Medium density residential zone 2		
Purpose	WEL supports the purpose included in the MRZ2 – Medium density residential zone 2 chapter as it provides for the coordinated delivery of infrastructure and services.	That Council retains the purpose included in the MRZ2 – Medium density residential zone 2, as notified.
<p>MRZ2-S4 - Setbacks</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards</p>	WEL supports in part MRZS – S4 which provides for a setback from the Transport corridor of 1.5m. WEL requests that the rule is amended to ensure buildings and development are located in positions to comply with the NZECP 34:2001.	<p>That Council amends Rule 4.2.5.6a, as follows:</p> <p>Front – 1.5m, <u>provided the building or structure can achieve compliance with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u></p>

Specific provision	WEL's Submission	Revision sought (if any)								
<p>table below:</p> <table border="1" data-bbox="125 252 445 405"> <thead> <tr> <th data-bbox="125 252 280 288">Yard</th> <th data-bbox="280 252 445 288">Minimum depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="125 288 280 325">Front</td> <td data-bbox="280 288 445 325">1.5m</td> </tr> <tr> <td data-bbox="125 325 280 362">Side</td> <td data-bbox="280 325 445 362">1m</td> </tr> <tr> <td data-bbox="125 362 280 405">Rear</td> <td data-bbox="280 362 445 405">1m (excluded on corner sites)</td> </tr> </tbody> </table> <p>(b) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p>	Yard	Minimum depth	Front	1.5m	Side	1m	Rear	1m (excluded on corner sites)	<p>Through the intensification the reduction of setbacks from the transport corridor, there is potential for development to be located in positions which may breach NZECP 34:2001.</p>	
Yard	Minimum depth									
Front	1.5m									
Side	1m									
Rear	1m (excluded on corner sites)									