

**BEFORE THE INDEPENDENT HEARINGS PANEL  
WAIMAKARIRI DISTRICT COUNCIL**

In the matter of

**the Resource Management Act 1991**

and

**submissions and further submissions  
in relation to Variation 1 (Housing  
Intensification) to the Proposed  
Waimakariri District Plan**

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**Statement of Evidence of Ainsley Jean McLeod on  
behalf of Transpower New Zealand Limited  
(submitter reference V1 42 and further submitter  
reference V1 FS2)  
dated 3 September 2024**

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## SUMMARY OF EVIDENCE

1. Sections 771 and 770 of the Resource Management Act 1991 (“RMA”) provide that a specified territorial authority may make the Medium Density Residential Standards (“MDRS”) and the relevant building height or density requirements less enabling of development where a qualifying matter is present, *“in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present”*. The qualifying matter in s 771(b) is (relevantly): *“a matter required in order to give effect to a national policy statement.”*
2. Variation 1 (Housing Intensification) to the Proposed Waimakariri District Plan (“Variation 1”) identifies the National Grid Subdivision Corridor as a qualifying matter for the following reasons:

*“Providing for the NGSC is necessary to give effect to the NPSET, NESETA and RPS to ensure:*

  - *the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to Waimakariri and beyond; and*
  - *the adverse effects of development in proximity to the National Grid, including potential adverse health effects, are appropriately managed and are reduced, minimised or avoided.”<sup>1</sup>*
3. Variation 1 includes a definition of ‘National Grid Subdivision Corridor’ and has adopted Rule SUB-R6. As such, Variation 1 regulates subdivision within the defined National Grid Subdivision Corridor. In addition, Standard MRZ-BFS5 Building and structure setbacks, as notified, requires *“Any building or structure shall be set back a minimum of 12m from any National Grid support structure as per rule EI-R51”*.
4. Transpower’s submission generally supports Variation 1, and particularly supports the identification of the National Grid Subdivision Corridor as a qualifying matter and the inclusion of the National Grid Subdivision Corridor provisions. However, Transpower’s submission seeks amendments to Variation 1 to ensure that land use and activities in the vicinity of the National Grid are similarly explicitly included in the Variation as a qualifying matter so that development that would otherwise be enabled by the MDRS, yet has the potential to compromise the National Grid, is managed in a manner that is consistent within the existing Proposed District Plan framework and also consistent with Transpower’s nationally consistent rule framework for land use activities within the defined National Grid Yard.

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<sup>1</sup> Section 8.1.1.3 of the ‘Section 32 Report Variation 1: Housing Intensification (Medium Density Residential Standards)’ dated August 2022.

5. Transpower's further submission addresses the consequences of the relief sought in the primary submissions made by other parties.
6. For the reasons given in my evidence, Transpower's submission and the Officer's Report, I agree with many of the recommendations made in the '*Officer's Report: Variation 1- Housing Intensification*' ("Officer's Report") dated 19 August 2024. These recommendations are listed in my evidence.
7. My evidence addresses in detail outstanding matters in respect of the following:
  - a. the regulation of land use and activities in the National Grid Yard as a qualifying matter;
  - b. the definition of 'National Grid Subdivision Corridor'; and
  - c. the approach taken in Rule SUB-R6 to building platforms in the National Grid Subdivision Corridor and the requirement for limited notification to Transpower under Rule SUB-R6.
8. My evidence concludes that it is necessary to include the National Grid Yard definition and Rule EI-R51 as a qualifying matter in Variation 1 in order to properly implement section 771 of the RMA. It is my opinion that including the National Grid Yard and Rule EI-51 as a qualifying matter in Variation 1 is the most appropriate, efficient and effective option in terms of section 32AA of the RMA because being less enabling in respect of land use activities in the National Grid Yard is necessary to:
  - a. give effect to the National Policy Statement on Electricity Transmission ("NPSET");
  - b. give effect to the National Policy Statement on Urban Development 2020 ("NPSUD");
  - c. give effect to Policy 16.3.4 of the Canterbury Regional Policy Statement 2013 (incorporating revisions directed by the NPSUD dated 16 September 2022) ("CRPS"); and
  - d. achieve the purpose of the RMA.
9. My evidence also supports amendments to Rule SUB-R6 that applies as a qualifying matter to align with the extent of regulation in the same Rule that applies across the District.
10. The amendments to the provisions of Variation 1 that I support are set out in the body of my evidence.

## **INTRODUCTION**

11. My full name is Ainsley Jean McLeod. I hold the qualifications of a Bachelor of Arts (Geography and Anthropology) and a Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute.
12. I am a planner and director of Ainsley McLeod Consulting Limited. I have over 20 years' experience in planning practice, primarily as a consultant planner based in Wellington,

Canterbury and Otago. During this time, I have undertaken consenting, designation and policy planning work. I have provided professional planning advice to a range of clients, including central and local government and the private sector.

13. I have particular expertise in respect of infrastructure and network utilities, having provided planning advice in relation to electricity transmission, distribution and generation, water and waste, rail and roading, and telecommunications projects. I have as an expert witness on a number of occasions before hearings panels, boards of inquiry and the Environment Court.
14. I have provided expert planning advice to Transpower since 2001 in relation to new and upgraded National Grid assets, along with the implementation of relevant planning instruments including the NPSET. Over the last 18 months, I have advised Transpower in respect of intensification planning instruments ("IPIs") that have been prepared under Section 80E of the RMA by a number of territorial authorities. I am therefore familiar with the ways in which plans and policy statements respond to the NPSET and the NPSUD, including through IPIs.
15. Further, I have prepared and presented expert evidence on the submission and further submission made by Transpower on the Proposed Waimakariri District Plan ("Proposed District Plan"). As such, I am familiar with the provisions of the Proposed District Plan that are relevant to Transpower's interests.
16. I assisted with the preparation of Transpower's submission and further submission on Variation 1. I have been engaged by Transpower to provide expert planning evidence in relation to the submission and further submissions made by Transpower on Variation 1.

#### **CODE OF CONDUCT**

17. Although this matter is not before the Environment Court, I acknowledge the Hearing Panel direction in Minute 1 (paragraphs 70 and 84) and confirm that I have read the Code of Conduct for expert witnesses as contained in section 9 of the Environment Court Practice Note 2023. I further confirm that I have complied with this Code of Conduct when preparing my written statement of evidence and will do so, when giving evidence or otherwise participating in the hearing process.

#### **SCOPE OF EVIDENCE**

18. My evidence:
  - a. summarises the statutory planning framework that applies to Variation 1;
  - b. addresses Transpower's primary submission and further submission on Variation 1; and
  - c. responds to recommendations made in the Officer's Report as relevant to the relief sought by Transpower.
19. In preparing this evidence I have also reviewed the following documents insofar as they relate to Transpower's submissions:

- a. the NPSET and NPSUD;
- b. the operative CRPS;
- c. the relevant primary submissions and further submissions;
- d. the '*Section 32 Report Variation 1: Housing Intensification (Medium Density Residential Standards)*' dated August 2022 ("Section 32 Report");
- e. evidence and reports prepared under section 42A of the RMA in respect of submissions on the Proposed District Plan that are relevant to the Officer's Report recommendations (Hearing Streams 5 and 8).

## **RELEVANT STATUTORY FRAMEWORK**

20. The relevant statutory and policy considerations and directions for Variation 1, insofar as is relevant to Transpower's submission and further submissions, are set out in:
  - a. the Section 32 Report; and
  - b. Transpower's submission, in respect of the policy framework that applies to the National Grid (including the NPSET, the CRPS, the Operative District Plan and Proposed District Plan, and direction in respect of qualifying matters in the RMA and NPSUD.
21. I consider that together these documents provide a fulsome description of the relevant statutory matters. I therefore rely on the summary in these documents and do not repeat the statutory and policy framework in full in this statement. Rather, I provide a summary of key points.
22. My analysis and consideration of the relief sought in Transpower's submission and further submission, along with the Officer's Report recommendations, is informed by this statutory and policy framework for Variation 1, including the matters emphasised below.

### **Statutory requirements**

23. Subject to the limitations in section 80E of the RMA, I understand that Variation 1 must give effect to the NPSET and NPSUD as applicable. 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.
24. I note that the requirement to "give effect to" the CRPS has been modified for IPIs by section 77G(8) of the RMA, in terms of making it mandatory for every relevant residential zone to have the MDRS incorporated into that zone, not matter what the CRPS says. I understand that the CRPS remains relevant, however, particularly in relation to qualifying matters.

## **National Policy Statement on Urban Development**

25. Policy 4 of the NPSUD directs that the Proposed District Plan:

*“ ... modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.”*

26. Subpart 6 of the NPSUD provides further direction in relation to qualifying matters.

## **National Policy Statement on Electricity Transmission**

27. 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 specifically relevant to Variation 1, and are as follows:

### *“Policy 10*

*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*

*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).”*

## **Canterbury Regional Policy Statement**

28. In addition to the provisions of the CRPS identified in the Section 32 Report<sup>2</sup>, the following Policy 16.3.4 is specific to the National Grid:

### *“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;*

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<sup>2</sup> Table 6 – Statutory Considerations.

- 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.”*

**Proposed District Plan**

29. Policy EI-P6 (as notified) is 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.”*

30. Policy EI-P6 is implemented by a rule framework that includes Rule EI-51. This land use Rule applies to the area within the defined ‘National Grid Yard’ and regulates activities and development in that area. Submissions on these provisions have been considered as part of Proposed District Plan Hearing Stream 5.

31. Policy SUB-P1 (as notified) is as follows:

*Design and amenity*

*Enable subdivision that:*

- 1. *within Residential Zones, incorporates best practice urban design, access to open space, and CPTED principles;.*

2. *minimises reverse sensitivity effects on infrastructure including through the use of setbacks;*
  3. *avoids subdivision that restricts the operation, maintenance, upgrading and development of the National Grid;*
  4. *recognises and provides for the expression of cultural values of mana whenua and their connections in subdivision design; and*
  5. *supports the character, amenity values, form and function for the relevant zone.”*
32. Policy SUB-P1 is implemented (in part) by Rule SUB-R6 and regulates subdivision in the vicinity of the National Grid. Submissions on these provisions have been considered as part of Proposed District Plan Hearing Stream 8.
33. As such, the Proposed District Plan provides a policy and rule framework for both subdivision and land use activities that limits intensification that may compromise the operation, maintenance, upgrading and development of the National Grid that is, as currently recommended to the Proposed District Plan Hearings Panel in the relevant Officers Reports, implemented over two different defined areas, being the National Grid Yard and National Grid Subdivision Corridor.
34. The remainder of my evidence describes Transpower’s submission and further submission and considers these submissions alongside the recommendations made in the Officer’s Report.
35. Where amendments to the provisions of Variation 1 are suggested in, and supported by, my evidence these are shown as follows and:
- a. Officers’ Report recommendation text: black underline and ~~black strikethrough~~;
  - b. Transpower submission text: red underline and ~~red strikethrough~~; and
  - c. evidence text: blue underline and ~~blue strikethrough~~.

## **OFFICER’S REPORT RECOMMENDATIONS**

### **Matters of agreement**

36. I acknowledge that there are a number of recommendations in the Officer’s Report relating to the relief sought by Transpower that are consistent with my opinion and conclusions in respect of that relief. In the interest of brevity, the following Table lists these recommendations. I confirm that the reasons for my support of these recommendations are those included in Transpower’s submission and the Officer’s Report. Any additional comments from me are in *italics*. Otherwise, I do not address these matters further in my evidence.



## Officers' Report recommendations that are supported

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
<b>Part 1 – Introduction and general provisions: Te whakamahi māhere - How the plan works</b> <b>Relationships between spatial layers</b>			
Table RSL-1	Further submission on 47.11 (Waimakariri District Council)	Supports the primary submission that seeks amendments to Table RSL-1 to directly explain the area, nature and extent of qualifying matters.	Accept. Amendments are proposed to improve the clarity of how the plan implements qualifying matters.  <i>I generally support this recommendation subject to amendments suggested to Table RSL-1 later in my evidence.</i>
<b>Part 1 – Introduction and general provisions: Te whakamāramatanga – Interpretation</b> <b>Definitions</b>			
Definition of 'Qualifying Matters'	42.4	Seeks that the definition is amended as follows:  <i>“a matter referred to in section 77I or 77O of the RMA <u>and includes the matters set out in Table RSL-1.</u>”</i>	Accept in part, although no change is recommended to the definition of 'qualifying matters'.  <i>While I consider that direct reference to Table RSL-1 in the definition of 'qualifying matters' provides greater specificity and clarity for plan users, I accept that the amendment sought by Transpower is not necessary in order for plan users to understand what a qualifying matter is.</i>
<b>Part 2 – District-wide matters: Strategic directions</b> <b>SD - Rautaki ahunga - Strategic directions</b>			
SD-O2 Well-functioning urban environments	42.5	Seeks the retention of Strategic Objective SD-02 as notified, noting that it reflects the requirements of Schedule 3A Part 1(6)(1) of the RMA-EHS).	Accept, no changes are recommended in response to this submission.
<b>Part 2 – District-wide matters: Energy, infrastructure and transport</b> <b>tEI - Pūngao me te hanganga hapori - Energy and infrastructure</b>			
General	Further submission on 47.4 (Waimakariri District Council)	Supports the primary submission that seeks improvements to the linkage between qualifying matters and the rules that embed them.	Accept in part. Amendments are proposed to improve the clarity of how the plan implements qualifying matters.

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
<b>Part 2 – District-wide matters: Subdivision SUB - Wāwāhia whenua - Subdivision</b>			
Table SUB-1: Minimum allotment sizes and dimensions	42.8 <sup>3</sup>	Seeks that Table SUB-1 is amended to so that the minimum allotment size that applies to the National Grid Subdivision Corridor qualifying matter reflects the minimum area included in the Proposed District Plan.	Reject, the Officer's Report notes that the 200m <sup>2</sup> minimum lot size is the minimum size in the Medium Density Residential Zone. <i>I agree with the Officer's Report recommendation for the reasons given in the Report.</i>
<b>Part 3 – Area specific matters: Zones RESZ – Whaitua Nohonoho - Residential Zones RESZ - General Objectives and Policies for all Residential Zones</b>			
RESZ-P15 Medium Density Residential Standards	42.9	Seeks the retention of Policy RESZ-P15 as notified, noting that it reflects the requirements of Schedule 3A Part 1(6)(2) of the RMA-EHS).	Accept, no changes are recommended in response to this submission.
<b>Part 3 – Area specific matters: Zones RESZ – Whaitua Nohonoho - Residential Zones MRZ – Medium Density Residential Zone</b>			
MRZ-O1 Housing types and sizes	42.10	Seeks the retention of Policy MRZ-O1 as notified, noting that it reflects the requirements of Schedule 3A Part 1(6)(2) of the RMA-EHS.	Accept, no changes are recommended in response to this submission.
MRZ-P1 Housing types	42.11 <sup>4</sup>	Seeks the following amendment to Policy MRZ-P1: <i>“Enable a variety of housing types 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>	Accept in part and recommends the following amendment to Policy MRZ-P1: <i>“Enable a variety of housing types within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, <u>except as directed by a qualifying matter.</u>”</i> <i>I support the Officer's Report recommendation and consider that the recommended amendment generally achieves the outcome sought in</i>

<sup>3</sup> Opposed by the further submission made by Kāinga Ora (FS23).

<sup>4</sup> Opposed by the further submission made by Kāinga Ora (FS23) and supported by the further submission made by Christchurch International Airport Limited (FS15).

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
			<i>Transpower's submission, and reflects the intent of the provisions that, in turn, implement this Policy.</i>
MRZ-P2 Housing Developments	42.12	Seeks the retention of Policy MRZ-P2 as notified, noting that it reflects the requirements of Schedule 3A Part 1(6)(2) of the RMA-EHS.	Accept, no changes are recommended in response to this submission.
MRZ-R1 Construction or alteration of or addition to any building or other structure	42.13	Seeks the following amendment to the Rule: <i>"This rule shall have immediate legal effect in relation to residential activities <u>if no qualifying matter applies.</u>"</i>	The Officer's Report recommends that the relief sought is rejected. <i>I agree with this recommendation because I consider that Rule MRZ-R2 reflects the direction given by Section 86BA(1) of the RMA is appropriately reflected in Rule MRZ-R2.</i>
MRZ-R2 Residential unit	42.14	Seeks the retention of the Rule as notified on the basis that the Rule provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS1 Number of residential units per site	42.15	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS2 Building coverage	42.16	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS4 Height	42.17	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
MRZ-BFS5 Building and structure setbacks	42.18	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission. <i>I acknowledge that MRZ-BFS5 is recommended to be retained as notified but note that I suggest a consequential amendment later in my evidence.</i>
MRZ-BFS7 Height in relation to boundary	42.19	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS9 Outdoor living space End of inserted text(per unit)	42.20	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS10 Outlook space (per unit)	42.21	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS-11 Windows to street	42.22	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.
MRZ-BFS12 Landscaped area	42.23	Seeks the retention of the Built Form Standard as notified on the basis that the Standard provides clear direction that it does not have immediate legal effect where qualifying matters apply.	Accept, no changes are recommended in response to this submission.

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
<b>Section 32 Report</b>			
Section 32 Report	42.24 <sup>5</sup>	Acknowledges and supports the precautionary approach that has been taken by including the 39m setback from the National Grid in the Proposed Variation. Generally supports the analysis of the National Grid as a qualifying matter at 8.1 of the Report.	Accept, no changes are recommended in response to this submission.
<b>Planning Map</b>			
Planning Maps	42.25	Suggests that if the extent of zones and development areas be amended within the vicinity of the National Grid, the provisions that manage effects on the National Grid are similarly extended to new zones or development areas.	Accept, no changes are recommended in response to this submission.  <i>It is noted that Transpower made a number of further submissions in respect of rezoning areas of land that are traversed by the National Grid. In my view it is appropriate for Transpower's relief to be achieved by applying the National Grid qualifying matter to any such rezoned area.</i>
Planning Maps	Further submission on 26.1, 26.2 and 26.3 (Doncaster Development Limited)	Transpower does not oppose the relief sought in the primary submission, but states that:  <i>"If the submission is allowed, ensure that the site can be developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard."</i>	
Planning Maps	Further submission on 60.1 (Rolleston Industrial Developments Limited)	Transpower does not oppose the relief sought in the primary submission, but seeks that Transpower's relief in respect of Proposed Plan Change 31 is replicated in Variation 1.	
Planning Maps	Further submission on 62.1 (Rick Allaway and Lionel Larsen)	Transpower does not oppose the relief sought in the primary submission, but states that:  <i>"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"</i>	

<sup>5</sup> Opposed by the further submission made by Kāinga Ora (FS23).

Provision	Submission reference	Relief sought by Transpower	Officer's Report recommendation
		<i>Yard and does not compromise the National Grid (in turn, giving effect to the NPSET)."</i>	

### Outstanding matters

37. Those parts of Transpower's submission that remain outstanding relate to the following and are addressed in the remainder of my evidence:
- the regulation of land use and activities in the National Grid Yard as a qualifying matter;
  - the definition of 'National Grid Subdivision Corridor'; and
  - the requirement for limited notification to Transpower under Rule SUB-R6.

### THE NATIONAL GRID YARD AS A QUALIFYING MATTER

38. Transpower's submission seeks the following:
- the inclusion of the National Grid Yard Rule EI-R51 (consistent with the Rule considered as part of the Proposed District Plan) as a qualifying matter;<sup>6</sup>
  - amendments to Table RSL-1 Qualifying Matters to better reflect how the qualifying matter applies;<sup>7</sup> and
  - as a consequence, the inclusion of a definition of 'National Grid Yard' in Variation 1.<sup>8</sup>
39. The Officer's Report recommends that Transpower's relief in respect of the National Grid Yard be rejected and comments as follows:

*"159. Transpower are seeking the qualifying matter apply to all of the National Grid, rather than just the part of the National Grid that passes through NW Rangiora. However, there is no additional parts of the above-ground national grid that are adjacent to a relevant residential zone, and as such, I consider there is no scope within the RMEHA to apply the qualifying matter to all of the National Grid.*

*160. Transpower are unclear on the specifics of the qualifying matter and how it limits development. My understanding of Transpower's concerns is that they wished to be notified of developments adjacent to their lines for reverse sensitivity, nuisance, and access reasons. Transpower are also unclear on if they wish the qualifying matter to be*

<sup>6</sup> Submission reference 42.6, opposed by the further submission made by Kāinga Ora (FS23).

<sup>7</sup> Submission reference 42.1, supported by the further submission made by KiwiRail (FS10) and opposed by the further submission made by Kāinga Ora (FS23).

<sup>8</sup> Submission reference 42.2, supported by the further submission made by KiwiRail (FS10) and opposed by the further submission made by Kāinga Ora (FS23).

*applied to both subdivision and land use activities. The notified version applies only to subdivision.*

...

240. *I disagree with Transpower that further provisions are required in respect of qualifying matters adjacent to the National Grid. The only overhead transmission lines which adjoin a relevant residential zone are in a small portion of north eastern Rangiora, and Variation 1 applies a qualifying matter on subdivision within this area. It affects a small number of properties. It is not possible to apply a qualifying matter on other overhead National Grid transmission lines within the district as these are not adjacent to a relevant residential zone."*

40. Appendix B to the Officer's Report further concludes that "*Rule EI-R51 is outside of scope of Variation 1, but this matter may have been addressed through hearing 5*" and further concludes:

*"The proposed qualifying matter - national grid subdivision corridor is the equivalent of the national grid yard in respect of the medium density residential zone. This applies to the 220kV lines on the northwest of Rangiora. The 350kV DC and 66kV AC lines are well outside the MRZ (in GIZ, RURZ, and RLZ) and the PDP provisions for the National Grid Yard will cover this matter."*

41. In my view, these parts of the Officer's Report do not correctly summarise what Transpower's submission is. The inclusion of the 'National Grid Subdivision Corridor', in Variation 1 as a qualifying matter is supported by Transpower. Transpower does not seek to change the 'area', or spatial extent, to which this particular qualifying matter applies to.
42. Transpower's submission is seeking the inclusion of the 'National Grid Yard' as a 'qualifying matter area', alongside Rule EI-R51 in Variation 1, so that the MDRS and the relevant building height or density requirements are less enabling of development in relation to the National Grid Yard in order to give effect to Policies 10 and 11 of the NPSET.
43. In my view, Transpower's submission clearly indicates that Transpower seeks that "*the provisions are amended to ensure that the national 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*" in addition to the National Grid Subdivision Corridor [my emphasis].
44. Further, I am of the view that Transpower's submission is not seeking to alter the spatial extent of the National Grid qualifying matters beyond the National Grid Subdivision Corridor where it intersects with the Medium Density Residential Zone, and only to include the National Grid Yard (as it already exists on the PDP plan maps) as a qualifying matter where it intersects with the Medium Density Residential Zone. Neither do I consider that Transpower's relief unintentionally results in this outcome. That is, the qualifying matters, by virtue of the mechanism that embeds them in the Proposed District Plan and section 77I of the RMA, can only apply to the relevant residential zone to make the Medium Density Residential Standards

less enabling. In other words, while the 'National Grid Subdivision Corridor' and the 'National Grid Yard' both exist in the Proposed District Plan, the relevant IPI rules are only triggered through the relevant residential zone rules.

45. The following statement from the Officer's Report is incorrect: the "proposed qualifying matter - national grid subdivision corridor is the equivalent of the national grid yard in respect of the medium density residential zone". I do not consider that one can be substituted for another.
46. By way of summary (noting that Transpower has made submission on the provisions in the Proposed District Plan):
  - a. The **National Grid Subdivision Corridor** establishes an area within which subdivision is regulated by Rule SUB-R6. The purpose of this Rule is to ensure that future development does not compromise the National Grid in a manner that fails to give effect to Policies 10 and 11 of the NPSET and Policies SUB-P1(5) and EI-P6 of the Proposed District Plan. At a high level, the Rule is structured so that the subdivision is designed in a manner that allows Transpower to achieve access to National Grid support structures and so that building platforms are able to be located outside of the National Grid Yard.
  - b. The **National Grid Yard** establishes an area within which land use activities and development are regulated by rules, including Rule EI-R51. The purpose of Rule EI-R51 is to directly regulate buildings, structures and activities in the National Grid Yard in order to give effect to Policies 10 and 11 of the NPSET and Policy EI-P6 of the Proposed District Plan.
47. Land use does not always come hand in hand with subdivision, so only assessing future development at the time of subdivision, does not provide a full solution and does not give effect to the NPSET.
48. The different widths and rationale for the National Grid Yard and National Grid Subdivision Corridor are explained in detail in the evidence of Jordon Brett-Allan Shortland-Witehira dated 8 August 2023, filed for Hearing Stream 5. I repeat the relevant part of his evidence below:
  - 10.3 *The 10m or 12m Grid Yard is the general area beneath the conductors in "everyday" wind conditions, being the conditions when line maintenance can be carried out. A 12m setback around each support structure is also sought for access, maintenance and safety purposes.*
  - 10.4 *The distance a transmission conductor swings in the wind is dependent on the ambient temperature, the power being carried, the wind speed, the type and size of conductor, the tension the conductor is strung at, the supporting structure configuration (cross arm length) and the length of the span (distance between two towers or poles).*
  - 10.5 *To calculate appropriate corridor widths, a set of standard line types, based on voltage and structural configuration have been developed by Transpower. Following analysis, it was determined that the swing is most sensitive to the wind speed and span length.*



- 10.6 *An ambient temperature of 10°C, a wind pressure of 100Pa (46km/hr), full electrical load and the conductor type applicable for the line type were assumed for each transmission corridor. A range of swings was then determined for each line type.*
- 10.7 *The width of transmission corridors was then determined by the swing of the 95th percentile span across the country and access requirements for maintenance purposes.*
- 10.8 *Specific to the Grid Subdivision Corridor, the width of the subdivision corridor is based on the extent of the swing of the conductors in high winds. The distance a transmission conductor swings in the wind is dependent on the ambient temperature, the power being carried, the wind speed, the type and size of conductor, the tension the conductor is strung at, the supporting structure configuration (cross arm length) and the length of the span (distance between two towers or poles). As such the subdivision corridor width increases for higher voltage lines and towers as generally the span (distance between support structures) is greater for towers and combined with a higher voltage which makes the transmission lines heavier, means the conductor swing in high winds increases. The derived Grid Subdivision Corridor widths are based on a 95th percentile span across the country.*
- 10.9 *The Grid Corridor approach has several important purposes:*
- (a) To enable uncompromised access and maintenance;*
  - (b) To avoid reverse sensitivity effects;*
  - (c) To provide a consistent approach to managing the potential for adverse effects in the Grid;*
  - (d) To reduce risks of damage to structures and their foundations as a result of adjacent structures and land disturbance; and*
  - (e) To avoid safety hazards.*
- 10.10 *The Grid Corridor is also important for the following reasons:*
- (a) To protect the infrastructure corridor itself. As land uses become more intense, it is increasingly difficult to identify routes for new assets. If a transmission line is compromised by encroaching land uses, it can sometimes be impossible to optimise the capability of existing lines (which defers the need to build new lines). If new lines are required, it can be difficult to identify an alternative route which would disrupt landowners less.*
  - (b) To alert landowners to the constraints the Grid lines impose on land use. It also clearly indicates how they can manage their own activities.*
- 10.11 *The corridors Transpower seeks reflect the minimum areas considered necessary for the protection and operation/maintenance of the Grid. The corridors have not been sized to*

*provide for major rebuilds or new lines. The proposed areas do not fully address such matters as amenity and reverse sensitivity.”<sup>9</sup>*

49. Having reviewed the Section 32 Report and Officer’s Report, I am of the view that there is no issue or ambiguity in respect of whether an identified National Grid corridor and related provisions (for land use activities) should be included in Variation 1 as a qualifying matter.
50. For completeness, I confirm my view that the National Grid corridor provisions (being the provisions in respect of both the National Grid Yard and National Grid Subdivision Corridor) clearly meet the definition of a qualifying matter as:
  - a. it is a matter required to give effect to the NPSET;
  - b. it is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;
  - c. Provisions that restrict development in relation to the National Grid are included in the Operative District Plan; and
  - d. 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.
51. That said, I am of the view (consistent with Transpower’s submission) that Variation 1 fails to properly implement section 77I of the RMA and fails to give effect to Policies 10 and 11 of the NPSET because only identifying the National Grid Subdivision Corridor and only regulating subdivision does not manage land use activities near the National Grid that have the potential to compromise the operation, maintenance, upgrading and development of the National Grid. In this regard, I note that section 77I directly refers to qualifying matters making standards that relate to land use activities less enabling, that is, the Medium Density Residential Standard and building height and density requirements.
52. By way of example, if a property within the National Grid Subdivision Corridor in the Medium Density Residential Zone was already subdivided, Variation 1 does not, as notified, include provisions that would manage all future (land use) buildings and structures on the subdivided site. This means that landowner would be able to locate a structure or building immediately beneath the transmission line conductors or otherwise locate structures that would prevent access to transmission line support structures. Further, it is possible that the Medium Density Residential Standards allows for intensification (land use) that will not necessarily trigger the need for subdivision consent and in such situations the provisions of Variation 1 would not appropriately protect the National Grid. I consider such an outcome is contrary to, and fails to give effect to, Policies 10 and 11 (as relevant) of the NPSET.

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<sup>9</sup> [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0016/141262/STREAM-5-EVIDENCE-SUBMITTER-195-FS-92-TRANSPower-Witehira-evidence-8.8.23.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/141262/STREAM-5-EVIDENCE-SUBMITTER-195-FS-92-TRANSPower-Witehira-evidence-8.8.23.pdf).

53. On this basis, I generally support the relief sought by Transpower and consider that the following amendments are the most appropriate, efficient and effective in terms of section 32AA of the RMA because being less enabling in respect of land use activities in the National Grid Yard is necessary to:

- a. give effect to the National Policy Statement on Electricity Transmission (“NPSET”);
- b. give effect to the National Policy Statement on Urban Development 2020 (“NPSUD”);
- c. be consistent with Policy 16.3.4 of the Canterbury Regional Policy Statement 2013 (incorporating revisions directed by the NPSUD dated 16 September 2022) (“CRPS”); and
- d. achieve the purpose of the RMA.

<i>EI-R51 Activities and development (other than earthworks) within a National Grid Yard</i>		
<u><b>Qualifying matter – National Grid Yard</b></u>	<u><b>Activity status: PER</b></u> <u>Where:</u> <u>1. the activity is not a sensitive activity;</u> <u>2. buildings or structures comply with NZECP34: 2001 and are:</u> <u>    a. for a network utility; or</u> <u>    b. a fence not exceeding 2.5m in height above ground level; or</u> <u>    c. building alterations or additions to an existing building or structure that do not increase the height above ground level or footprint of the existing building or structure;</u> <u>3. a building or structure provided for by (2)(a) to (c) must:</u> <u>    a. not be used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties in greater than domestic scale quantities;</u> <u>    b. not permanently obstruct existing vehicle access to a 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 6m from the outer visible edge of a foundation of a National Grid support structure.</u>	<u><b>Activity status when compliance not achieved: NC</b></u> <u><b>Notification</b></u> <u>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.</u>

<u>NATIONAL GRID YARD (qualifying matter)</u>	<u>means:</u> <u>a. the area located 12m in any direction from the outer visible edge of a foundation of a National Grid support structure;</u> <u>b. the area located 12m either side of the centreline of any overhead 220kV National Grid transmission line.</u>
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54. In terms of the new provisions I support above, I comment as follows:

- a. Rule EI-R51 is consistent with the recommendation in the relevant Officer’s Report for Hearing Stream 5 – Energy and Infrastructure except that I have omitted permitted agricultural structures on the basis that such structures are not likely to be relevant in a residential setting. My evidence for Hearing Stream 5 supported in the Officer’s Report recommendation and drafting.
- b. The definition of National Grid Yard is similarly consistent with the recommendation in the Hearing Stream 5 Officer’s Report except that I have omitted those parts of the definition that relate transmission lines (666kV and 350kV) that do not traverse the Medium Density Residential Zone.

55. As a consequence of the amendments I support, I consider that Built Form Standard MRZ-BFS5 Building and structure setbacks should also be amended to delete clause (5) as follows:

~~“5. Any building or structure shall be set back a minimum of 12m from any National Grid support structure as per rule EI-R51.”~~

56. In terms of Table RSL-1 Qualifying Matters, the Officer’s Report notes that amendments are proposed to improve the clarity of how the plan implements qualifying matters but does set out explicit amendments to the Table. In this regard, I generally support the relief sought in Transpower’s submission and support the following amendments in the Table to better reflect the applicable rule framework and accompanying policy direction (including in respect of the NPSET and CRPS), including as amended by my evidence.

<i>Qualifying matter and area</i>	<i>Legislation</i>	<i>Reasoning</i>
<i>Electricity</i> <ul style="list-style-type: none"> <li>• <i>National grid transmission lines</i></li> </ul> <i>National Grid transmission lines within Medium Density Residential Zone in north-west Rangiora.</i> <i>As <u>defined and mapped</u> in <u>qualifying matter</u>, <u>National Grid</u></i>	...	<i>Identifies the location of <u>nationally Significant Electricity Distribution transmission Lines</u> within the Medium Density Residential Zones, and <u>avoids potential effects of subdivision and development on the ability to safely and efficiently operate, maintain, develop and upgrade the National Grid.</u> <del>by imposing minimum setbacks and reducing minimum allotment size ensures the safe or efficient operation of nationally significant infrastructure.</del></i>

<a href="#">Subdivision</a> <a href="#">Corridor and</a> <a href="#">National Grid Yard</a>		
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## PART 1 – INTRODUCTION AND GENERAL PROVISIONS: TE WHAKAMĀRAMATANGA - INTERPRETATION

### Definitions

#### 'National Grid Subdivision Corridor'

57. Transpower's submission<sup>10</sup> supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that the definition is necessary to provide for the National Grid as a qualifying matter. However, Transpower seeks minor amendments to provide greater clarity as follows:

- 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);*
- b. *the area 37m either side of the centreline of an above ground 220kV transmission~~s~~ line;*
- c. *the area 39m either side of the centreline of an above ground 350kV transmission line."*

58. The Officer's Report recommends that the submission be rejected and comments as follows:

- 161. *I note that Mr McLennan's Right of Reply on Energy and Infrastructure rejected the definition of "National Grid Subdivision Corridor", however, as this definition was inserted into the Proposed Plan through Variation 1, I do not consider he had scope to make that recommendation. However, I can understand the potential confusion, as the current ePlan may not be able to turn off and on singular definitions related to a Variation, as it operates on whole sections of text.*
- 162. *The "National Grid Subdivision Corridor" is a particular definition that applies in the context of implementing the MDRS and RMAEHA, and as such, I recommend in the scope of Variation 1, that this definition remain as proposed in Variation 1. I have discussed this with Mr McLennan and he supports my recommendation."*

59. In this regard, I understand that:

- a. Transpower's submission on the Proposed District Plan seeks the inclusion of a new definition of 'National Grid Subdivision Corridor', being an area within which subdivision in the vicinity of the National Grid is regulated by Rule SUB-R6.

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<sup>10</sup> Submission reference 42.3.

- b. The 'Officer's Report: Officer's Report: Pūngao me te hanganga hapori - Energy and Infrastructure' dated 21 July 2023 (Hearing Stream 5) recommends that Transpower's submission be accepted.<sup>11</sup>
- c. My evidence for Hearing Stream 5 dated 8 August 2023 supports the recommendation to include a definition of 'National Grid Subdivision Corridor'.<sup>12</sup>
- d. The 'Council reply on Pūngao me te hanganga hapori - Energy and Infrastructure (EI)' dated 30 November 2023' recommends that the definition of 'National Grid Subdivision Corridor' be "deleted". This is referred to as a minor change resulting from questions from the Hearing Panel. No further rationale is given for this revised recommendation.<sup>13</sup>
- e. The 'Officer's Report: Wāwāhia whenua – Subdivision' dated 13 March 2024 (Hearing Stream 8) recommends the inclusion of a definition of 'National Grid Subdivision Corridor' and comments as follows:

*"220. I am aware that the Energy and Infrastructure Right of Reply [para 144] has rejected the definition called 'National Grid Subdivision Corridor' associated with the Transpower submission [195.96]. However, the National Grid Yard and National Grid Subdivision Corridor have different setbacks (Table 3), and cover slightly different land use aspects.*

*221. I am aware that SUB-R6 was amended as part of Variation 1 to include the reference to National Grid Subdivision Corridor (although only as a qualifying matter). I am of the opinion that the term National Grid Subdivision Corridor should be accepted to be consistent with neighbouring Councils and nomenclature used by Transpower in its public facing documents."<sup>14</sup>*

- f. Transpower provided a written statement for Hearing Stream 8 dated 12 April 2024 supporting the recommendation to include a definition of 'National Grid Subdivision Corridor'.<sup>15</sup>

60. In relation to the relief that Transpower seeks in its submission on the Proposed District Plan, I confirm my opinion that defining a corridor within which Rule SUB-R6 regulates subdivision is necessary to give effect to Policies 10 and 11 of the NPSET.

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<sup>11</sup> Paragraph 601 ([13.-STREAM-5-ENERGY-AND-INFRASTRUCTURE-S42A-REPORT-FINAL.pdf \(waimakariri.govt.nz\)](#)).

<sup>12</sup> Attachment A ([Microsoft Word - Template - Evidence in Chief - A McLeod Hearing 5 8.8.23\(38488986.2\).docx \(waimakariri.govt.nz\)](#)).

<sup>13</sup> Paragraph 144 ([EI-FINAL-Right-of-reply-No-JWS.pdf \(waimakariri.govt.nz\)](#)).

<sup>14</sup> [STREAM-8-SUBDIVISION-RURAL-SECTION-42A-REPORT.pdf \(waimakariri.govt.nz\)](#).

<sup>15</sup> [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0024/161835/STREAM-8-TABLED-EVIDENCE-11-SUBMITTER-195-FS-78-TRANSPower-REBECCA-ENG.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0024/161835/STREAM-8-TABLED-EVIDENCE-11-SUBMITTER-195-FS-78-TRANSPower-REBECCA-ENG.pdf).

61. For the same reason, I also generally support the definition of the 'National Grid Subdivision Corridor' included in Variation 1. In my view the definition is necessary to establish the spatial extent, or qualifying matter area, to which the related qualifying matter applies.
62. In my opinion, it is consistent and appropriate for the same definition of 'National Grid Subdivision Corridor' to be used in respect of the Proposed District Plan and also Variation 1, noting that only clause (b) of the definition is relevant to Variation 1 because, as notified, the 200kV Islington to Kikawa A transmission line is the only transmission line that traverses an area where the Medium Density Residential Standards apply. That said, consistent with Transpower's submission, if the new areas that are traversed by the National Grid are added to, or rezoned, Medium Density Residential Zone, the definition of National Grid Subdivision Corridor may require amendment as a consequence (as noted in Transpower's submission).
63. As set out above, Transpower's submission on Variation 1 seeks minor corrections to the definition of 'National Grid Subdivision Corridor' to provide greater clarity. I do not consider these amendments to be material, rather the amendments seek to:
- a. align the references to 'pole' and 'tower' with the definitions in the NESETA and Proposed District Plan; and
  - b. correct expression.
64. That said, I consider that the definition can be refined where it applies to the qualifying matter to only refer to the corridor width that is relevant to the 220kV transmission line that traverses the Medium Density Residential Zone. I therefore support the following amendments to the definition of 'National Grid Subdivision Corridor':

<p>"NATIONAL GRID SUBDIVISION CORRIDOR (<u>qualifying matter</u>)"</p>	<p>means</p> <p><del>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);</del></p> <p><del>b. the area 37m either side of the centreline of an above ground 220kV transmission line;</del></p> <p><del>c. the area 39m either side of the centreline of an above ground 350kV transmission line."</del></p>
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## PART 2 – DISTRICT-WIDE MATTERS: SUBDIVISION

### SUB - Wāwāhia whenua - Subdivision

65. Transpower's submission<sup>16</sup> generally supports the inclusion of Rule SUB-R6 in Variation 1 but seeks the following limited amendments to the Rule:

"SUB-R6 Subdivision within the National Grid Yard / Subdivision Corridor"

<sup>16</sup> Submission reference 42.7.

<p><b>Qualifying matter -</b> <b>National Grid subdivision corridor</b></p>	<p><b>Activity status: RDIS</b></p> <p><b>Where:</b></p> <p>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</p> <p>2. SUB-S1 to SUB-S18 are met.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>Matters of control/discretion listed in SUB-R2 SUB-MCD10 - Effects on or from the National Grid</p> <p><b>Notification</b></p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly <del>and limited</del>-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></p>	<p><b>Activity status when compliance with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards</b></p> <p><b>Activity status when compliance with SUB-R6 (1) not achieved: NC”</b></p>
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66. The Officer’s Report recommends that Transpower’s submission be rejected and comments as follows:

241. *Clause 5(1) of Schedule 3A RMA precludes public notification for the construction and use of 1,2,3 residential units that do not comply with 1 or more of the density standards (except the clause 10 limitation on more than 3 units), and precludes public and limited notification of an application for 4 or more residential units if they comply with the density standards, and (3) precludes public and limited notification for subdivision resource consent if it is associated with the land use activity in (1), and (2). SUB R6 does not specify the number of units, so would apply to all types of units (i.e more than 3), therefore I consider that that restriction on notification in (2), and (3) applies and due to the specificity of the legislation I cannot align the IPI and PDP provisions.*
242. *Theoretically the Transpower relief could apply for the land use component units, but not for the subdivision component. I accept that this part of the legislation is complex and contrary in how it puts a higher notification requirement on activities with lesser effect. The panel could be minded to align the notification clauses however I do not believe the legislation provides scope for this.”*

Limited Notification

67. Clause 5 (Part 1) of Schedule 3A to the RMA is as follows:

- “(1) *Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).*



- (2) *Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).*
- (3) *Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described in subclause (1) or (2)."*

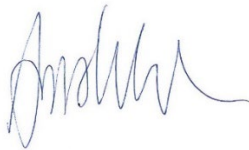
68. My understanding of Clause 5 is that public notification is precluded in the specified situations where an application for resource consent is made because residential units do not comply with the density standards. These standards are in Part 2 of Schedule 3A. Transpower's submission does not seek that Transpower be limited notified in circumstances where the Part 2 density standards are not met. Rather, the relief sought by Transpower relates to applications for subdivision in the National Grid Subdivision Corridor. As such, I do not agree with the conclusion reached in the Officer's Report and instead consider that it is appropriate to align Rule SUB-R6 with the Proposed District Plan by including the same direction in respect of limited notification to Transpower where resource consent is required by the Rule.

Consistency within Rule SUB-R6

- 69. In addition, I note that the Rule as drafted for the qualifying matter does not align with the National Grid Subdivision Corridor Rule that applies throughout the District. That is, Rule SUB-R6 (whole district) requires any subdivision in the National Grid Corridor to identify building platform/s **outside** of the National Grid Yard whereas Rule SUB-R6 (qualifying matter) requires a building platform to be identified **inside** the National Grid Subdivision Corridor. In my opinion, Rule SUB-R6 (qualifying matter) does not give effect to Policies 10 and 11 of the NPSET or Proposed District Plan Policy SUB-P1(5) because the Rule does not direct that building platforms should be located in a manner that does not compromise the operation, maintenance, upgrading and development of the National Grid.
- 70. For this reason, it is my conclusion that it is necessary and appropriate to align the two parts of Rule SUB-R6 so that the subdivision in the National Grid Subdivision Corridor is regulated consistently and in a manner that gives effect to the NPSET.
- 71. For the same reasons, and in addition to my conclusions earlier in my evidence in respect of the National Grid Yard, I also consider that it is necessary for the National Grid Yard to be defined in Variation 1 in order to achieve consistent regulation of subdivision in the National Grid Subdivision Corridor.
- 72. I therefore support the inclusion of the National Grid Yard definition in Variation 1, as set out above, and the following amendments to Rule SUB-R6:

<i>"SUB-R6 Subdivision within the National Grid Yard / Subdivision Corridor</i>		
<b>Qualifying matter -</b>	<b>Activity status: RDIS</b>	<b>Activity status when compliance</b>

<p><b><u>N</u>ational <u>G</u>rid subdivision corridor</b></p>	<p><b>Where:</b></p> <p>1. a building platform is identified on the subdivision plan that is <del>inside</del> <u>outside</u> of the National Grid <del>Yard Subdivision Corridor</del>, to be secured by way of a consent notice; and</p> <p>2. SUB-S1 to SUB-S18 are met.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>Matters of control/discretion listed in SUB-R2 SUB-MCD10 - Effects on or from the National Grid</p> <p><b>Notification</b></p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly <del>and limited</del> 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></p>	<p><b>with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards</b></p> <p><b>Activity status when compliance with SUB-R6 (1) not achieved: NC”</b></p>
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Ainsley Jean McLeod

3 September 2024