# BEFORE INDEPENDENT HEARING PANEL APPOINTED BY KĀPITI COAST DISTRICT COUNCIL

In the matter of

the Resource Management Act 1991

and

Proposed Plan Change 2 (Intensification) to the Kāpiti Coast District Plan

# Statement of Evidence of Ainsley Jean McLeod on behalf of Transpower New Zealand Limited dated 10 March 2023

#### Introduction

- 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.
- 2. I am a planner and director of Ainsley McLeod Consulting. I have over 20 years' experience in planning practice, primarily as a consultant planner based in Wellington, Christchurch and Otago, during which 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.
- 3. I have particular expertise in respect of infrastructure and network utilities, having provided planning advice in relation to power transmission, distribution and generation, water and waste, rail and roading, and telecommunications projects. I have acted as an expert witness on a number of occasions before hearings panels, boards of inquiry and the Environment Court.
- 4. I have provided expert planning advice to Transpower New Zealand Limited ("Transpower") since 2001 in relation to new and upgraded National Grid transmission lines and substations, along with the relevant planning instruments including the National Policy Statement on Electricity Transmission 2008 ("NPSET"). Over the last 6 months, I have advised Transpower in respect of intensification planning instruments ("IPIs") that have been prepared under section 88E of the Resource Management Act 1991 ("RMA") by a number of territorial authorities. I am therefore familiar with the ways in which plans and policy documents respond to the NPSET and the National Policy Statement on Urban Development 2020 (updated in May 2022) ("UPSUD"), including through IPIs.
- 5. I assisted with the provision of feedback on an earlier draft of Proposed Plan Change 2 (Intensification) to the Kāpiti Coast District Plan ("Proposed Plan Change") and also with the preparation of Transpower's submission on the Proposed Plan Change. I am now engaged to provide expert planning evidence in relation the matters that have been raised in Transpower's submission.

### Code of conduct

6. Although this matter is not before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses as contained in section 9 of the Environment Court Practice Note 2023. This evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

# Scope of evidence

- 7. My evidence:
  - a. acknowledges the statutory requirements for the Proposed Plan Change;
  - b. describes Transpower's submission on the Proposed Plan Change; and
  - responds to the recommendations (as relevant to the relief sought by Transpower) made in the 'Plan Change 2 Council Officers' Planning Evidence' dated 24 February 2023 ("Council Evidence").
- 8. In addition to the documents referred to above, in preparing this evidence I have also reviewed the following documents insofar as they relate to Transpower's submission:
  - a. the relevant primary submissions and further submissions; and
  - the 'Proposed Plan Change 2 Intensification Section 32 Evaluation Report ("Section 32 Evaluation").
- 9. For the purpose of my evidence, I rely on the evidence of Ms Trudi Burney. Her evidence outlines:
  - a. Transpower and the National Grid;
  - b. New Zealand's Paris Commitment and Decarbonisation;
  - c. Transpower's assets within Kapiti District; and
  - d. Transpower national approach to IPIs.

### **Relevant Statutory Framework**

- 10. The statutory and policy considerations and directions for the Proposed Plan Change, insofar as is relevant to Transpower's submission, are set out in detail in:
  - a. the Section 32 Evaluation; <sup>1</sup>
  - b. Transpower's submission (particularly in respect of the statutory framework that applies to the National Grid (including the NPSET, the Operative Wellington Regional Policy Statement and RMA and NPSUD direction in respect of qualifying matters);
  - c. the Council Evidence (particularly in respect of new and revised higher planning documents).

<sup>&</sup>lt;sup>1</sup> It is noted that Transpower's submission acknowledges the Section 32 Evaluation identifies the NPSET as being relevant to the Proposed Plan Change because the National Grid passes through areas that are subject to the application of the IPI and policy 3 of the NPSUD. That said, Transpower's submission notes that the Section 32 Report fails to identify Policy 11 as being a relevant consideration. whereas Policy 11 is a critical higher order provision that is directly relevant to the Proposed Plan Change.

- 11. I consider that together these documents provide a fulsome and comprehensive description of the relevant statutory matters. I therefore rely on the summary in these documents and do not repeat the relevant provisions here except to emphasise that:
  - The Proposed Plan Change must give effect to the NPSET. In this regard, 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 critical matters for a District Plan to address and are specifically relevant to the Proposed Plan Change.<sup>2</sup>
  - b. Sections 77I and 77O of the RMA provides a specified territorial authority may make the MDRS and the relevant building height or density requirements less enabling of development in relation to a qualifying matter (as defined by section 77I and 77O of the RMA). The National Grid Yard and National Grid Subdivision Corridor rules framework, that gives effect to Policies 10 and 11 of the NPSET, clearly meets the definition of a qualifying matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.

#### Transpower's submission

- 12. Transpower's submission on the Proposed Plan Change generally supports the proposed provisions and particularly supports the identification of the National Grid as a qualifying matter and the inclusion of the National Grid Yard and National Grid Subdivision Corridor provisions in the IPI. That said, Transpower's submission seeks limited amendments to the provisions of the Proposed Plan Change to:
  - a. ensure that the District Plan provisions appropriately reflect the constraints imposed by qualifying matters; and
  - b. alter the boundary of a proposed General Residential Zone at two specific areas so that the Zone is not within the National Grid Yard.

Policy 11 is as follows:

<sup>&</sup>lt;sup>2</sup> Policy 10 is as follows:

<sup>&</sup>quot;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."

<sup>&</sup>quot;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)."

- 13. The remainder of my evidence addresses Transpower's submission in detail, alongside the recommendations made in the Council Evidence.
- 14. The various amendments to the provisions that form the Proposed Plan Change are shown as follows:
  - a. notified text: where an amendment is part of the Proposed Plan Change as notified, these are shown in *black underline* and *black strikethrough*;
  - b. submission text: where an amendment is sought in Transpower's submission, these are shown in <u>red underline</u> and <u>red strikethrough;</u>
  - c. Council Evidence text: where an amendment is recommended in the Council Evidence, these are shown in *blue underline* and *blue strikethrough*; and
  - d. evidence text: where an amendment is suggested in, and supported by, my evidence, these are shown in <u>green double underline</u> and <del>green double strikethrough</del>.

# **Council Evidence Recommendations**

- 15. As a preliminary matter, I acknowledge that there are a number of recommendations in the Council Evidence 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 Table included as Attachment A lists these recommendations and I confirm that the reasons for my support of these recommendations are those included in Transpower's submission and the Council Evidence. I do not address these matters further in my evidence.
- 16. Those submission points that remain outstanding relate to:
  - a. District Objective DO-O3 Development Management;
  - b. Policy UFD-Px Urban Built Form;
  - c. Policy UFD-P1 Growth Management; and
  - d. Planning Maps Proposed Rezoning.

### Part 2 District-Wide Matters: Strategic Direction – District Objectives

17. Transpower's submission<sup>3</sup> seeks limited amendments to Objective DO-O3 Development Management to reflect the constraints of qualifying matters on the ability to enable more people and businesses to be located in some locations. Specifically, Transpower seeks that clause (3) of the Objective be amended to include reference to areas that are not qualifying

<sup>&</sup>lt;sup>3</sup> Submission reference S076.03.

matter areas. Transpower's submission<sup>4</sup> also seeks that the same amendment be made in every place that the Objective appears in the District Plan.

- 18. Transpower's submission is opposed by the further submission made by Kāinga Ora Homes and Communities<sup>5</sup> ("Kāinga Ora") on the basis that the relief sought is not required to aid in interpretation or implementation of the District Plan.
- 19. The Council Evidence recommends that Transpower's submissions be accepted in part and comments as follows:

"I agree that it is appropriate to recognise the provision for qualifying matters within the explanatory text to DO-O3. However, I consider that the amended text requested by the submitter may be seen to conflate the concept of qualifying matters with that of character, and I do not consider this to be appropriate. I consider that it would be more appropriate to recognise the provision for qualifying matters under a separate bullet point using language consistent to that recommended for DO-O3 and UFD-Px1."

20. The Council Evidence recommends the following amendments to Objective DO-O3:

"To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas, which and provide for the development of new urban areas where these can be efficiently serviced and integrated with existing townships, delivering:

- ...
- 3. an urban environment that enables more people to live in, and more businesses and community services to be located in, parts of the urban environment:
  - a. that are in or near a Centre Zone or other area with many employment opportunities; or
  - b. that are well serviced by existing or planned public or active transport; or
  - c. where there is high demand for housing or for business land relative to other areas within the urban environment;

While recognising that it may be appropriate to be less enabling of development to accommodate an identified qualifying matter; ..."

21. I support the Council Evidence recommendation that qualifying matters be addressed under a separate bullet point and agree that structuring the Objective in this way improves the legibility of the Objective and better reflects the relationship between qualifying matters and

<sup>&</sup>lt;sup>4</sup> Submission reference S076.05.

<sup>&</sup>lt;sup>5</sup> Further submission reference S122.FS.1.

development areas. That said, I do not support the wording proposed and particularly the use of the expression "may be appropriate to be less enabling".

- 22. In this regard, I acknowledge that the language is borrowed from Section 77I of the RMA that states that "a specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development 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: ...". However, Section 77I has a very different purpose to Objective DO-O3 such that replicating the same wording is not appropriate and does not reflect how I understand qualifying matter are intended to be embedded in the District Plan through the IPI.
- 23. It is my understanding that Section 77I of the RMA provides Council with a choice to be less enabling of development in specific areas in order to accommodate a qualifying matter and, once that choice is made, development in those areas is constrained or limited, there is no further discretion or choice. That is, the Council determines the qualifying matters that apply and the extent to which development is constrained through the IPI. Once the qualifying matters are included in the IPI, I do not consider that provisions of the District Plan should direct a further opportunity to consider the appropriateness of constraints. In my view, the amendment to Objective DO-O3 recommended in Council Evidence does this and implies that there is a further choice in respect of whether it is appropriate to be less enabling of development in qualifying matter areas. It is my understanding that this is inconsistent with the form of provisions that embed the qualifying matters, including in respect of the National Grid Yard and National Grid Corridor provisions that are included in the IPI as existing qualifying matters. That is, the District Plan provision provide for sensitive activities in the National Grid Yard as a non-complying activity – thus giving a clear signal that such activities are not anticipated in the National Grid Yard.
- 24. In addition, I am concerned that the reference to 'less enabling' in the amendment to Objective DO-O3 recommended in Council Evidence implies that development is still enabled where qualifying matters apply, but just to a lesser extent. In my view, the recommended text does not reflect an appropriate outcome in respect of qualifying matters generally, and specific to the National Grid, I consider that the amended text fails to give effect to the NPSET with Policy 11 in particular directing "*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<sup>6</sup> will generally not be provided for in plans and/or given resource consent".*
- 25. In a practical sense, my concern is that if development were to be proposed in the areas listed in clause (3) of Objective DO-O3, where those areas also intersect with the National Grid Yard or National Grid Corridor, the recommended amendment to Objective DO-O3 may direct that

<sup>&</sup>lt;sup>6</sup> 'Sensitive activities' is defined in the NPSET as "includes schools, residential buildings and hospitals".

some form of urban development in the vicinity of the National Grid is appropriate and provide a 'pathway' though the provisions in a section 104 and 104D consideration of any application for resource consent for such development.

- 26. For the reasons set out above, I support further amendment to Objective DO-O3 (including where it is used elsewhere in the District Plan) as follows:
  - "<u>3. an urban environment that enables more people to live in, and more businesses</u> and community services to be located in, parts of the urban environment:
    - a. that are in or near a Centre Zone or other area with many employment opportunities; or
    - b. that are well serviced by existing or planned public or active transport; or
    - c. where there is high demand for housing or for business land relative to other areas within the urban environment;

While recognising that there are areas where development is constrained it may be appropriate to be less enabling of development to accommodate an identified gualifying matter; ..."

- 27. It is my view, and in respect of section 32AA of the RMA, that the further amendment that I support:
  - a. removes expression that inappropriately borrows from section 77I of the RMA;
  - b. better aligns with the provisions that embed qualifying matters in the IPI;
  - c. better gives effect to, and achieves the outcomes sought in, the relevant provisions NPSET and NPSUD;<sup>7</sup> and
  - d. therefore is the most appropriate to achieve the purpose of the RMA.
- 28. Transpower's submission<sup>8</sup> also seeks that notified amendments to the 'Local Issues' explanatory text that accompanies Objective DO-O3 be further amended "to more clearly reflect the constraints of qualifying matters on the ability to enable more people and businesses to be located in some places".
- 29. The Council Evidence concludes:

*"I agree that it is appropriate to recognise the provision for qualifying matters within the explanatory text to DO-O3.* 

However, I consider that the amended text requested by the submitter may be seen to conflate the concept of qualifying matters with that of character, and I do not consider this to be appropriate. I consider that it would be more appropriate to recognise the

<sup>&</sup>lt;sup>7</sup> In particular the Objective and Policies 1, 2, 10 and 11 of the NPSET and Objective 1 and Policies 1 and 4 of the NPSUD.

<sup>&</sup>lt;sup>8</sup> Submission reference S076.04.

provision for qualifying matters under a separate bullet point using language consistent to that recommended for DO-O3 and UFD-Px1."

- 30. I agree with the conclusion reached in the Council Evidence and am also of the view that it is more appropriate to explain the role of qualifying matters in a separate bullet point. However, as a consequence of the amendments I support in respect of Objective DO-O3, and for the same reasons as I have set out above in respect of Objective DO-O3, I do not support the wording recommended in the Council Evidence and support the following further amendments to the explanatory text:
  - <u>recognise that there are areas where development is constrained it may be</u> <u>appropriate to be less enabling of development</u> to accommodate an identified <u>gualifying matter;</u>..."

#### Part 2 District-Wide Matters: Strategic Direction – Urban Form and Development

#### Policy UFD-Px Urban Built Form

- 31. Transpower's submission<sup>9</sup> supports proposed Policy UFD-Px Urban Built Form on the basis that this Policy seeks that inappropriate buildings, activities, heights and densities within qualifying matter areas are avoided. The submission seeks that the Policy be retained as notified.
- 32. The Council Evidence recommends that Transpower's submission be accepted in part and comments as follows:

"... in response to submission point S207.03 I have recommended that the provision be amended so that the term "avoid" is not used, as it may be seen to inappropriately override existing District Plan policies that identify how development should be managed in areas subject to an identified qualifying matter.

I note that existing District Plan policies INF-GEN-P2 and INF-MENU-P27, which seek to avoid inappropriate subdivision, use and development in relation to the national grid, will continue to apply."

33. Council Evidence supports the following amendments to Policy UFD-Px:

"...<u>while recognising it may be appropriate to be less enabling of development to</u> accommodate an identified qualifying matter <del>avoiding inappropriate buildings, activities,</del> heights and densities within qualifying matter areas."

34. While I consider that the use of the term 'avoid' is appropriate in the context of the National Grid, and giving effect to Policies 10 and 11 of the NPSET, I also accept that an 'avoid' policy direction is more stringent that provisions elsewhere in the District Plan in respect of other

<sup>&</sup>lt;sup>9</sup> Submission reference S076.08.

qualifying matters and that this may result in inconsistencies within the District Plan. For this reason, I support the Council Evidence conclusion that 'avoid' should not be used in Policy UFD-Px. However, I do not support the revised wording recommended in the Council Evidence and for the reasons set out earlier in my evidence in respect of Objective DO-O3, and in order to implement Objective DO-O3 as amended in my evidence, I instead support the following further amendments to recommended new bullet point:

"...<u>while recognising that there are areas where development is constrained <del>it may be</del> appropriate to be loss enabling of development to accommodate an identified qualifying matter avoiding inappropriate buildings, activities, heights and densities within qualifying <u>matter areas</u>."</u>

#### Policy UFD-P1 Growth Management

- 35. Transpower's submission generally supports the proposed amendments to Policy UFD-P1, but seeks limited amendments to reflect the constraints of qualifying matters on the ability to provide increased housing densities. Transpower proposes an additional sub-clause in clause (3) that better reflects the outcomes sought and direction given in higher order documents, including the NPS-UD and the NPSET as follows:
  - " ...
  - 3. manages residential densities by:
    - enabling medium density housing and focused infill housing in identified precinct areas that are close to centres, public open spaces, and public transport nodes;
    - b. retaining a predominantly low residential density in the Residential Zones;
    - avoiding any significant adverse effects of subdivision and development in special character areas identified in GRZ-P3;
    - a. providing for a variety of housing types and densities in the General Residential Zone;
    - b. enabling increased housing densities:
      - i. in, and within a walkable catchment of the Metropolitan Centre Zone;
      - <u>ii.</u> within a walkable catchment of the train stations at Paekākāriki, Paraparaumu and Waikanae; and
      - iii. in and adjacent to the Town Centre Zone and Local Centre Zone;
    - *c.* avoiding inappropriate locations, heights and densities in qualifying matter <u>areas</u>.

- 36. Transpower's submission is opposed by the further submission made by Kāinga Ora<sup>10</sup> on the basis that the relief sought as the relief is not required to aid in interpretation or implementation. The further submission also opposes the use of 'avoid' in a policy to enable urban development and notes that the proposed amendment refers to qualifying matters in general, whereas not all qualifying matters seek to limit height and density.
- 37. The Council Evidence recommends that Transpower's submission be rejected because the matter is already appropriately addressed in Policy UFD-Px.
- 38. I do not agree with the conclusion in the Council Evidence. I consider that Policy UFD-Px and Policy UFD-P1 address different elements of urban development. That is, Policy UFD-Px addresses heights and densities within the urban environment, whereas Policy UFD-P1 relates to new urban development, including in growth areas. It is my opinion that the identified qualifying matters may constrain both elements of urban development and, as such, it is appropriate for qualifying matters to be similarly referenced in Policy UFD-P1.
- 39. For this reason, and consistent with the amendments I support earlier in my evidence, I support further amendments to Policy UFD-P1 to ensure that qualifying matters are accommodated in areas of new urban development. Further, I consider that the amendment I support is necessary and appropriate to implement Objective DO-O3 (as amended by the Council Evidence) and further amended by my evidence). It is also noted that the amendment I support addresses the concerns expressed in the Kāinga Ora further submission by avoiding the use of 'avoid'.
- 40. The amendment I support is a further numbered clause (as opposed to a sub-clause) as follows:
  - " ...
  - 3. manages residential densities by:
    - a. enabling medium density housing and focused infill housing in identified precinct areas that are close to centres, public open spaces, and public transport nodes;
    - b. retaining a predominantly low residential density in the Residential Zones;
    - avoiding any significant adverse effects of subdivision and development in special character areas identified in GRZ-P3;
    - a. providing for a variety of housing types and densities in the General Residential Zone;
    - b. enabling increased housing densities:

<sup>&</sup>lt;sup>10</sup> Further submission reference S122.FS.1.

- in, and within a walkable catchment of the Metropolitan Centre Zone;
  within a walkable catchment of the train stations at Paekākāriki,
  Paraparaumu and Waikanae; and
  - iii. in and adjacent to the Town Centre Zone and Local Centre Zone;

x. accommodates identified qualifying matters; ..."

# **Planning Map**

41. Transpower's submission<sup>11</sup> seeks that notified rezoning of land at 211 Ngarara Road and 112 Ngarara Road from Future Urban to General Residential be amended so that the proposed General Residential Zone does not extend into the area that intersects with the National Grid Yard. The area is shown on the excerpt of the Planning Map (as notified) in Figure 1. The photograph in Figure 2 shows the transmission lines (Bunnythorpe to Haywards A and B 220 kV) that traverses these properties.

Figure 1: Excerpt of Planning Map showing proposed rezoning to General Residential (solid yellow area) intersecting with the National Grid (black lines)



<sup>&</sup>lt;sup>11</sup> Submission reference S076.18.

Figure 1: Photograph of the Bunnythorpe to Haywards A and B 220 kV transmission line – view to south from Ngarara Road (in the vicinity of 112 Ngarara Road) source: Google Streetview



- 42. Transpower's submission is opposed by the further submission made by V and G Simpson.<sup>12</sup>
  The further submission relates to 211 Ngarara Road (the larger parcel of land shown in Figure 1) and notes that:
  - a. the current Future Urban Zone is no longer appropriate;
  - b. the National Grid Yard is already effectively and adequately protected; and
  - c. it makes no sense to rezone the National Grid Yard anything but the same as the balance of the property.
- 43. The Council Evidence recommends that Transpower's submission be rejected and comments as follows:

"... Firstly, the District Plan already restricts development within the National Grid Yard, regardless of zone. This is a non-complying activity under rule INFMENU-R38. Even where a site is zoned General Residential Zone, development in the National Grid Yard is subject to that rule.

Given the issue is already managed through rules related to the National Grid, I consider it would be inappropriate to remove the National Grid Yard from the General Residential Zone as this would result in a non-cohesive zoning pattern.

<sup>&</sup>lt;sup>12</sup> Further submission refence 224.FS.1.

Regarding 112 Ngarara Road, the National Grid Yard does not cover the majority of the site, and there is sufficient developable area outside the National Grid Yard to provide to for residential development."<sup>13</sup>

- 44. In response to Council Evidence, I understand that Transpower does not oppose the rezoning of any land outside of the National Grid Yard, but seeks that the boundary of the zone be amended so that it does not extend into the National Grid Yard noting that there is no requirement for planning maps to align notations to cadastral boundaries. In this regard, I do not consider that the amendment sought by Transpower results in a 'non-cohesive zoning pattern' in this instance because the National Grid Yard skirts the zone boundary in the case of 211 Ngarara Road (as opposed to bisecting a zone) and the opportunity exists to apply a more appropriate neighbouring zone.
- 45. I agree and accept that the District Plan includes provisions that regulate development in the National Grid Yard. I also note that the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 ("NZECP 34:2001")<sup>14</sup> imposes mandatory requirements (as established by Regulation 17 of the Electricity (Safety) Regulations 2010) and prescribes minimum safe distances for the construction of buildings and structures; for the use of mobile plant; and for excavation near transmission line support structures and overhead lines. I also note that section 237 of the PWA prevents excavations (without permission) within specified distances of transmission line support structures.
- 46. In my opinion, it is against this backdrop, alongside the policy context (including Policies 10 and 11 of the NPSET and Policy 4 of the NPSEUD), that the appropriateness of the proposed General Residential Zone in the National Grid Yard must be tested. A useful analogy may be considering the appropriateness of a residential zone in an area where rules are in place to require a non-complying resource consent for a residential dwelling due to being located in a hazard overlay.
- 47. When considered together, it is my view that the higher order policies and the District Plan rules, alongside the mandatory requirements of NZECP34:2001 and the PWA, mean that the land in the vicinity of the National Grid is not realistically available to accommodate substantial urban development. I therefore consider that rezoning land in the vicinity of the National Grid to accommodate urban development, as notified:
  - a. gives rise to misleading or unreasonable expectations in respect of the appropriateness of residential development, including the development capacity or 'yield' of the sites;
  - b. does not give effect to the NPSET on the basis that:

<sup>&</sup>lt;sup>13</sup> It is noted that the correct address of the larger site is 211 Ngarara Road.

<sup>&</sup>lt;sup>14</sup> Being one of a suite of Electrical Codes of Practice that are issued by WorkSafe under Section 36 of the Electricity Act 1992.

- i. it is reasonably possible to manage activities that may compromise the National Grid through a consideration of zoning; and
- ii. zoning is a planning tool available to local authorities to signal areas within which sensitive activities will generally not be provided for; and
- c. does not represent an efficient, effective or appropriate approach to achieving objectives and the purpose of the RMA.

Ainsley Jean McLeod 10 March 2023

# Attachment A: Council Evidence - Recommendations that are Supported

Provision	Submission reference	Relief sought by Transpower	Council Evidence recommendation
Definition – 'Qualifying Matter Area'	S076-01	Retain as notified	Accept in part. Recommends that 'Qualifying Matter Area' be amended to 'Identified Qualifying Matter'
New Definition – 'Qualifying Matter'	S076-02	Insert a new definition of 'Qualifying Matter'	Accept in part. Recommends the inclusion of a new definition of 'Qualifying Matter' that references section 2 of the RMA and the listed matters in the definition of 'Identified Qualifying Matter'.
Objective DO-Ox1 Well- functioning Urban Environment	S076.06	Retain as notified	Retain as notified
Objective DO-Ox1 Well- functioning Urban Environment (other District Plan Chapters0	S076-07	Retain as notified	Retain as notified
21.1 Existing Qualifying Matters Rule INF-MENU- R30	S076.10	Retain as notified	Retain as notified
21.1 Existing Qualifying Matters Rule INF-MENU- R31	S076.11	Retain as notified	Retain as notified
21.1 Existing Qualifying Matters Rule INF-MENU- R38	S076.12	Retain as notified	Retain as notified
21.1 Existing Qualifying Matters Rule SUB-DW-R14	S076.13	Retain as notified	Retain as notified
21.1 Existing Qualifying Matters Rule SUB-DW-R22	S076.14	Retain as notified	Retain as notified
4.1 General Residential Zone Introductory Text	S076.15	Amend the introductory text to include reference to the constraints imposed by qualifying matters.	Amend as sought in the submission.
4.3 Five new policies GRZ- Px1 Medium Density Residential Standards Policy 1 <sup>15</sup>	S076.16	Support Policy GRZ-Px1 is supported (that reflects Schedule 3A, Part 1, clause (6)(2)(a) of the RMA), seeks the inclusion of reference to qualifying matter areas.	Retain as notified on the basis that amending the provision is contrary to the requirements of clause 6 of Schedule 3A of the RMA.
4.3 Five new policies GRZ- Px2 Medium Density Residential Standards Policy 2	S076.17	Retain as notified	Retain as notified.

<sup>&</sup>lt;sup>15</sup> This submission is supported by the further submission made by Leith Consulting Ltd (S202.FS.1) and opposed by the further submission made by Kāinga Ora (S122.FS.1).