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Keeping the energy flowing

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16 March 2023

**For the Attention of the Wellington City Council Proposed District Plan Hearings Panel
- Hearing Stream 2 Residential Zones and Design Guide
Statement by Transpower New Zealand Ltd (submitter reference 315)**

Transpower New Zealand Limited (“**Transpower**”) writes in relation to Hearing Stream 2, commencing on 28 March 2023, on the Wellington City Council Proposed District Plan.

Transpower lodged eight submission points specific to Hearing Stream 2, the main purpose of which is to appropriately recognise qualifying matters (and specifically the National Grid) within the policy and rule framework of the Medium Residential Zone (“MRZ”) provisions.

Of the eight points, Transpower supported three provisions as notified (specifically MRZ-O1, MRZ-O3 and MRZ-P4). The remaining five submission points sought amendment (specifically to the introduction to the MRZ provisions, MRZ-O2, MRZ-R2 and MRZ-R13).

Transpower has considered the Section 42A Report on its submission points and largely agrees with or supports the officer recommendations. However, upon review of the recommendations Transpower does wish to highlight that the amendments proposed to the introductory text to the MRZ Chapter (being the removal of the qualifying matter list – addressed in submission points 315.178 and 315.179) reinforces the relief sought in the Transpower evidence to Hearing Stream 1¹ for a clear and definitive definition of “qualifying matters”. The addition of such a definition would ensure effective and efficient plan interpretation and implementation by providing clarity and certainty as to what is a qualifying matter. Transpower remains concerned this certainty is lacking, both in the PDP as notified and the Section 42A report recommendations to date. Should a definition for ‘Qualifying Matters’ not be provided, Transpower seek retention of the list within the Introduction, with amendment to refer to National Grid.

Specific to Hearing Steam 2, in response to the relief sought by Transpower in submission points 318.182 and 315.182 to amend Objective MRZ-O2 (by inserting ‘*while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying matter area provisions*’, the officer responds in Paragraph 250²:

In response to Transpower NZ Ltd [315.182], I do not consider it appropriate to amend MRZ-O2 as requested. I do not consider there is a need to add the requested avoidance note as all qualifying matters are identified in the PDP Maps, with this acting to alert plan users to the requirements under the qualifying matter and what this means for development of the site. I agree with Kāinga Ora’s further submission point [FS89.25] that adding an ‘avoid’ into an enabling objective is inappropriate

¹ Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited Dated 7 February 2023, paragraphs 8.21 – 8.26.

² <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/02/s42/s42a-hearing-stream-2---part-3---medium-density-residential-zone.pdf>

as avoid is typically used to align with a discretionary activity status, or higher, which MRZ-O2 is not intended to align with.

Transpower does not agree with this assertion as the planning maps do not identify Qualifying Matters. While they clearly identify 'overlays' or 'precincts' (such as Character Precinct, Medium Coastal Inundation Hazard, Heritage areas, and Flood Hazards areas) they are not identified or notated as 'Qualifying Matters' on the planning maps. Rather they are referenced as 'Overlays' or 'Precincts'. Attached as Attachment B is a screen shot from the PDP of a site in Thorndon subject to a Character Precinct and Hazard (Wellington Fault) Overlay. These features are not identified as 'Qualifying Matters' on the maps.

For completeness, Attachment A contains a table outlining the individual submission points and Transpower's response to the Section 42A Report recommendations.

Transpower respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Should the Panel require clarification on any matter, please contact Daniel Hamilton at Transpower (03 590 6926), or on the following email: environment.policy@transpower.co.nz.

Yours faithfully,

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

Daniel Hamilton

Environmental Regulatory Team Leader, Transpower New Zealand Limited

Attachment A. Transpower New Zealand Limited – Response to WCC Hearing 2: Residential Zones and Design Guide
Section 42A Reports Part 3, Residential Zones – Part 3: Medium Density Residential Zone

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response (Part 3)	Transpower's response to S42A recommendation
315.178	Part 3 / Residential Zones/Medium Density Residential Zone /General MRZ	Amend	<p>Considers that in accordance with s771 and s770 of the RMA, the National Grid is a qualifying matter.</p> <p>Considers amendment should be made in introductory text to specifically reference the National Grid as a qualifying matter. Considers this would be consistent with the approach of listing other matters.</p>	<p>Amend the introduction as follows:</p> <p><i>There are parts of the Medium Density Residential Zone where the permitted development, height or density directed by the NPS-UD may be modified and/or limited by qualifying matters. Each activity shall comply with the relevant qualifying matter area provisions and permitted activity standards of the Plan as listed below. These include the following:</i></p> <ul style="list-style-type: none"> - <i>Character Precincts and the Mt Victoria North Townscape Precinct (refer to MRZ-PREC01 and MRZ-PREC02).</i> - <i>.....</i> <p><u><i>The National Grid Yard and National Grid Subdivision Corridor provisions.</i></u></p>	<p>Reject</p> <p>S42A Part 3, Paragraph 223 223. <i>In response to Transpower New Zealand Limited [315.178 & 315.179], the MRZ introduction already states that qualifying matters may modify the permitted height or density. I do not consider the requested amendment to be necessary.</i></p> <p>224. <i>In response to Kāinga Ora – Homes and Communities [391.313 & 391.314], if the panel accept the recommendation in Hearing Stream 1 to add a definition of qualifying matter, then I recommend the list of qualifying matters in the MRZ chapter introduction is removed to ensure alignment throughout the plan. However, if the panel do not accept this recommendation, then I recommend that 'character precincts' remain in the list as these are qualifying matters under the PDP</i></p>	<p>Accept recommendation depending on decision on other submission points, specifically the definition of Qualifying matter.</p> <p>The S42A report recommends deletion of the list of qualifying matters. In its evidence to Hearing Stream 1 Transpower sought insertion of a specific and detailed definition of 'qualifying matters'. On the basis the term is clearly defined, the removal of the list is not opposed. Should a definition for 'Qualifying Matters' not be provided, Transpower seek retention of the list within the Introduction, with amendment to refer to National Grid.</p> <p>It is noted the reference within the introduction to qualifying matters is retained (as noted by the reporting officer in the S42A Report).</p>

Attachment A. Transpower New Zealand Limited – Response to WCC Hearing 2: Residential Zones and Design Guide
Section 42A Reports Part 3, Residential Zones – Part 3: Medium Density Residential Zone

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response (Part 3)	Transpower's response to S42A recommendation
315.179	Part 3 / Residential Zones/Medium Density Residential Zone / General MRZ	Amend	<p>Considers that in accordance with s771 and s770 of the RMA, the National Grid is a qualifying matter.</p> <p>An amendment is to the introduction is sought to clarify that the list is exhaustive, thereby providing certainty to plan users as to what qualifying matters apply.</p>	Clarify in the introduction to the Medium Density Residential Zone chapter that the list of qualifying matters is exhaustive.	Reject As above for point 315.178	<p>Accept recommendation depending on decision on other submission points, specifically the definition of Qualifying matter</p> <p>Reasoning as above for point 315.178</p>
315.180	Part 3 / Residential Zones / Medium Density Residential Zone / MRZ- O1	Support	Supports MRZ-O1 (noting it reflects that required under Schedule 3A Part 1(6)(1) of the RMA) in that it recognises a range of residential activities and housing types.	Retain Objective MRZ-O1 (Purpose) as notified.	Accept No specific reasoning provided.	<p>Support recommendation.</p> <p>Objective is retained as notified, as sought in the Transpower submission.</p>
315.181 and 315.182	Part 3 / Residential Zones / Medium Density Residential Zone / MRZ- O2	Support in part	<p>Considers that within the Medium Density Residential Zone existing qualifying matter areas may limit the amount of permitted medium density development possible on an allotment. Considers while the policy directive is supported, the submitter supports reference to qualifying matter areas as they directly influence the capacity for intensification and residential development.</p>	<p>Retain Objective MRZ-O2 (Efficient use of land), subject to amendment as follows:</p> <p><i>MRZ-O2 Efficient use of land Land within the Medium Density Residential Zone is used efficiently for residential development that:</i></p> <p><i>1. Increases housing supply and choice; and Contributes positively to a changing and well-functioning urban environment; while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying matter area provisions.</i></p>	<p>Reject</p> <p>S42A Part 3, Paragraph 250. <i>In response to Transpower NZ Ltd [315.182], I do not consider it appropriate to amend MRZ-O2 as requested. I do not consider there is a need to add the requested avoidance note as all qualifying matters are identified in the PDP Maps, with this acting to alert plan users to the requirements under the qualifying matter and what this means for development of the site. I agree with Kāinga Ora's further submission point [FS89.25] that adding an 'avoid'</i></p>	<p>Accept recommendation.</p> <p>While the objective is not amended as sought, Transpower notes policy MRZ-P4 references qualifying matters (and this policy reflects that prescribed in the RMA).</p> <p>Transpower notes the officer refers to the identification of qualifying matters on the planning maps. Transpower does not agree the maps clearly show qualifying matters. As highlighted in evidence to Hearing Stream</p>

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Section 42A Reports Part 3, Residential Zones – Part 3: Medium Density Residential Zone

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response (Part 3)	Transpower's response to S42A recommendation
					<i>into an enabling objective is inappropriate as avoid is typically used to align with a discretionary activity status, or higher, which MRZ-O2 is not intended to align with.</i>	1, Transpower supports a clear definition of qualifying matter area.
315.183	Part 3 / Residential Zones / Medium Density Residential Zone / MRZ- O3	Support	Supports MRZ-O3 (Healthy, safe, accessible and attractive environments) in that it recognises safe living environments. Considers the management of activities within proximity of the National Grid gives effect to the objective in providing safe environments.	Retain Objective MRZ-O3 (Healthy, safe, accessible and attractive environments) as notified.	Accept No specific reasoning provided.	Accept recommendation. Objective is retained as notified, as sought in the Transpower submission.
315.184	Part 3 / Residential Zones / Medium Density Residential Zone / MRZP4	Support	Supports MRZ-P4 (noting it reflects that required under Schedule 3A Part 1(6)(2) of the RMA) in that it recognises qualifying matters.	Retain MRZ-P4 (Medium density residential standards) as notified.	Accept No specific reasoning provided.	Support recommendation. Policy is retained as notified, as sought in the Transpower submission. The policy reflects that of the mandatory policy requirements as provided in RMA Schedule 3A, Part 1, Clause 6, Policy (2)(b).
315.185	Part 3 / Residential Zones / Medium Density Residential Zone / MRZR2	Amend	Considers that on the basis the National Grid is a qualifying matter, MRZ-R2 should be amended to clarify activities subject to the rule are subject to the qualifying matter area provisions. Considers the note would	Amend Rule MRZ-R2 (Residential activities, excluding retirement villages, supported residential care activities and boarding houses) as follows:	Reject S42A Part 3, Paragraph 425. <i>In response to Transpower New Zealand Limited [315.185], I disagree that a note regarding compliance with qualifying</i>	Accept recommendation. On the basis the National Grid provisions will be in effect once the PDP is made operative, Transpower

Attachment A. Transpower New Zealand Limited – Response to WCC Hearing 2: Residential Zones and Design Guide
Section 42A Reports Part 3, Residential Zones – Part 3: Medium Density Residential Zone

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			assist with plan interpretation and application.	<p><i>MRZ-R2 Residential activities, excluding retirement villages, supported residential care activities and boarding houses</i></p> <p><i>1. Activity status: Permitted</i></p> <p>.....</p> <p><u><i>Activities subject to MRZ-R2 shall comply with, and are subject to, the relevant provisions for qualifying matter areas.</i></u></p>	<p><i>matters is required in MRZ-R2. The introduction to the MRZ Chapter specifies that there are parts of the MRZ where development may be modified by qualifying matters and therefore, I consider it unnecessary to include a similar statement in MRZ-R2.</i></p>	<p>accepts the note is not required.</p>
315.186	Part 3 / Residential Zones / Medium Density Residential Zone / MRZR13	Amend	<p>Considers that on the basis the National Grid is a qualifying matter, MRZ-R13 should be amended to clarify activities subject to the rule are subject to the qualifying matter area provisions. Considers the note would assist with plan interpretation and application.</p>	<p>Amend Rule MRZ-R13 (Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site) as follows:</p> <p><i>MRZ-R13 Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site</i></p> <p><i>1. Activity status: Permitted</i></p> <p>...</p> <p><u><i>Note: Activities subject to MRZ-R13 shall comply with, and are subject to, the relevant provisions for qualifying matter areas.</i></u></p>	<p>Reject</p> <p>S42A Part 3, Paragraph 532. <i>In response to Transpower New Zealand Limited [315.186], I disagree that a note regarding compliance with qualifying matters is required in MRZ-R13. As the introduction to the MRZ Chapter specifies that there are parts of the MRZ where development may be modified by qualifying matters, I consider that the request sought would introduce unnecessary repetition into MRZ-R13.</i></p>	<p>Accept recommendation.</p> <p>On the basis the National Grid provisions will be in effect once the PDP is made operative, Transpower accepts the note is not required.</p>

Attachment B

Wellington City Proposed District Plan

Proposed: 06 Mar 2023

Revision: 06 Mar 2023

The following information applies to this property

Zones

Medium Density Residential Zone

[View section](#)

Precincts

Character Precinct

[View section](#)

Name: Thorndon Character Precinct

Specific Controls

Height Control Area

Height Control: 11m
Description: Height measured from Ground Level, as defined in the WCC District Plan.

Hazards and Risks Overlays

Wellington Fault Hazard Overlay

[View section](#)

Flood Hazard Overlay - Inundation Area

[View section](#)

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