

14 April 2023

Upper Hutt City Intensification Planning Instrument Hearing Panel  
Upper Hutt City Council  
Fergusson Drive  
UPPER HUTT

via email: [Planning@uhcc.govt.nz](mailto:Planning@uhcc.govt.nz)

**Attention: Hearing Administrator, Hayley Boyd**

**Upper Hutt City District Plan, Proposed Intensification Planning Instrument – Submission and Further Submissions: Transpower New Zealand Limited**

Transpower New Zealand Limited (“Transpower”) writes in relation to the hearing of submissions on the Upper Hutt City Plan Intensification Planning Instrument (“IPI”), commencing on 26 April 2023.

Transpower has reviewed the Council’s Evidence Report (“Evidence”), dated 6 April 2023, and generally agrees with, or accepts, the majority of the Council recommendations. As outlined in the table below, Transpower does not support recommendations on two submission points (S27.16 and S27.19) and continues to seek the relief sought in its original submission. Transpower also notes that while it does not agree with the reasoning provided in the recommendation in relation to points S53.2 and S58.9, it accepts the recommendation on the basis the outcome is consistent with the relief sought by Transpower.

On the basis the majority of its submission points are accepted, Transpower has elected not to be heard or to filed evidence in relation to its submissions. That said, Transpower is available to respond to any questions the Hearing Panel may have.

By way of summary, Transpower records its position in respect of its submissions in the table below.

Submission ref. and provision	Relief sought by Transpower	Evidence Recommendation	Transpower’s Position
<b>GENERAL MATTERS</b>			
S27.1	Revise the corridor provisions to reflect Transpower’s current, nationally consistent, engineering based approach to managing effects on the National Grid and giving effect to the NPSET.	<b>Reject</b> on the basis that the such amendments should be progressed through a separate process.	The Evidence recommendation is acknowledged and accepted.
S27.2	Seeks amendments to the IPI to ensure that the provisions do not compromise the National Grid.	<b>Accept in part</b> on the basis that the existing National Grid provisions give effect to the National Policy Statement on Electricity Transmission (“NPSET”) and that these provisions are identified as existing qualifying matters.	The Evidence recommendation is acknowledged and accepted.

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S27.3	Seeks limited amendments to refine the IPI's approach to embedding qualifying matters.	<b>Accept in part</b> on the basis that amendments are recommended to improve the clarity of provisions as sought elsewhere in the submission.	Agrees with the Evidence recommendation.
S27.4	Retain or amend the provisions of the Proposed Plan Change to give effect to the NPSET and RPS, and achieve the purpose of the RMA.	<b>Accept in part</b> on the basis that the existing National Grid provisions give effect to the NPSET and that these provisions are identified as existing qualifying matters, while minor amendments are recommended to provisions to improve clarity with respect to the applicability of qualifying matter areas as sought via other Transpower submission points.	The Evidence recommendation is acknowledged and accepted.
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS, 3 INTERPRETATION</b>			
S27.5 3.1 Definitions 'Medium Density Residential Standards (MDRS)'	Retain the definition of 'Medium Density Residential Standards (MDRS)' as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.6 3.1 Definitions 'Qualifying matter'	Retain the definition of 'Qualifying matter' as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.7 3.1 Definitions 'Qualifying matter area'	Retain the definition of 'Qualifying matter area' as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.8 3.1 Definitions 'Reverse sensitivity'	Retain the definition of 'Reverse sensitivity' as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S53.2 and S58.9 (New Zealand Defence Force (NZDF)) FS6 (Transpower) New definition of 'Nationally Significant Infrastructure'	Seeks that if NZDF's submission is allowed, that the definition include the National Grid.	<b>Accept in part</b> (NZDF's submission) on the basis of a new definition of Nationally Significant Infrastructure is recommended for inclusion, being a cross reference to the National Policy Statement on Urban Development (NPS-UD). In relation to Transpower's further submission, the Evidence considers Transpower's further submission is not valid.	Disagrees with the Evidence conclusion that Transpower's further submission is not valid but acknowledges that the Evidence recommendation is consistent with the relief sought by Transpower.
<b>PART 2 – DISTRICT-WIDE MATTERS, STRATEGIC DIRECTION</b>			
S27.9	Retain Objective UFD-O1 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.

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UFD – Urban Form and Development Residential UFD-O1			
S27.10 UFD – Urban Form and Development Residential UFD-O2	Retain Objective UFD-O2 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.11 UFD – Urban Form and Development Residential UFD-O4	Retain Objective UFD-O4 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation. The recommended amendments are acceptable to Transpower.
S27.12 UFD – Urban Form and Development Residential UFD-P2	Retain Policy UFD-P2 as notified.	<b>Reject</b> on the basis that the Policy is recommended to be amended in response to other submissions.	Agrees with the Evidence recommendation. The recommended amendments to the Policy do not alter the “ <i>while avoiding ...</i> ” clause that is specifically supported by Transpower and as such the recommended Policy remains consistent with the outcome sought in Transpower’s submission.
S27.13 UFD – Urban Form and Development Residential Existing Strategic Direction	Retain the additional text in respect of existing qualifying matter areas in the existing Strategic Direction.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.14 UFD – Urban Form and Development Commercial and Mixed Use CMU-O1	Retain Objective CMU-O1 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
<b>SUBDIVISION</b>			
S27.15 SUB-RES – Subdivision in the General Residential Zone SUB-RES-O2	Retain Objective SUB-RES-O2 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.16 SUB-RES – Subdivision in the General	Seeks the following amendment (in red): “To <del>encourage</del> provide for <del>higher</del> <u>medium</u> density housing	<b>Reject</b> on the basis that “the District-wide matters rule table in the SUB RES Subdivision in the General Residential Zone clearly lists all existing qualifying	Disagrees with the Evidence and continues to seek the relief because the Evidence has failed to consider that:

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Residential Zone SUB-RES-P6	<p><u>within the General Residential Zone while:</u></p> <p><u>(a) encouraging the consideration of the protection and retention of indigenous biodiversity values within through the provision of reduced not site area standards and in the form of Comprehensive Residential Developments in identified areas of the City the Indigenous Biodiversity Precinct; and</u></p> <p><u>(b) recognising that some parts of the Zone contain qualifying matters that may modify or limit the density or height of development. ...”</u></p>	<p><i>matter areas that apply to subdivision. On this basis I consider that the requested additional text is not necessary to ensure qualifying matters are taken into account during the subdivision process”.</i></p>	<p>- rules implement policies such that there should be a policy basis for the subsequent rules; and</p> <p>- rules trigger the need for a resource consent and any application for resource consent under those rules would then be tested against the relevant policies such that relying on rules alone does not achieve the desired outcome (or give effect to the NPSET in the case of the National Grid).</p>
S27.17 SUB-RES – Subdivision in the General Residential Zone New (District Wide Matters table)	<p>Amend the District-wide table as follows:</p> <p><b><u>“District-wide matters</u></b> <b><u>Subdivision within the General Residential Zone must comply will all relevant rules and standards:</u></b></p> <p><u>(a) that relate to qualifying matter areas;</u></p> <p><u>(b) that are in the District-wide matters and qualifying matter areas of the Plan as listed below: ...”</u></p>	<p><b>Accept in part</b> on the basis that amendments are recommended to improve clarity.</p>	<p>Agrees with the Evidence recommendation.</p>
S27.18 SUB-RES – Subdivision in the General Residential Zone SUB-RES-R6 SUB-RES-R8 SUB-RES-R9 SUB-RES-R10	<p>Retain the cross references to Rule SUB-RES-7 in Rules SUB-RES-R6, SUB-RES-R8, SUB-RES-R9, SUB-RES-R10 as notified.</p>	<p><b>Accept</b></p>	<p>Agrees with the Evidence recommendation.</p>
S27.19 SUB-RES – Subdivision in the Commercial and Mixed Use Zone New (District Wide Matters table)	<p>Amend the District-wide table as follows:</p> <p><b><u>“District-wide matters</u></b> <b><u>Subdivision within the Commercial and Mixed Use Zone must comply with all relevant rules and standards:</u></b></p> <p><u>(a) that relate to qualifying matter areas;</u></p> <p><u>(b) that are in the District-wide matters and qualifying matter areas of the Plan as listed below: ...”</u></p>	<p><b>Accept in part</b> on the basis of recommendations in response to submission 27.14.</p>	<p>Disagrees with the recommendation and continues to seek the relief sought in the manner consistent with the Evidence recommendation in respect of S27.17.</p>
S27.20 SUB- Subdivision in the Commercial	<p>Retain Rule SUB-CMU-R5 as notified.</p>	<p><b>Accept</b></p>	<p>Agrees with the Evidence recommendation.</p>

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and Mixed Use Zones SUB-CMU-R5			
<b>PAPAKĀINGA</b>			
S27.21 PK- Papakāinga PK-R1, PK-R2 and PK-R3	Amend Rule PK-R1, PK-R2 and PK-R3 as follows: " 1. <i>Activity Status: Permitted</i> <i>Where</i> <i>...x) Any building or structure must comply with the relevant zone standard and associated activity status that applies where development is in the vicinity of high voltage (110 kV or greater) electricity transmission lines.</i>	<b>Accept in part</b> by recommending the inclusion of a cross reference to rules that relate to activities near the National Grid.	Agrees with the Evidence recommendation.
<b>PART 3 – AREA SPECIFIC MATTERS, RESIDENTIAL ZONES</b>			
S27.22 GRZ-General Residential Zone Background	Amend the third sentence of the 'Background' as follows: " <i>A mix of housing densities are provided for, with medium density housing enabled across the General Residential Zone by the incorporation of the Medium Density Residential Standards. It is recognised that there are parts of the Zone where the permitted development height and density may be modified or limited by qualifying matters. ...</i> "	<b>Accept in part</b> on the basis that it is appropriate to refer to qualifying matters, with different wording.	Agrees with the Evidence recommendation.
S27.23 GRZ-General Residential Zone GRZ-O2	Retain Objective GRZ-O2 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.24 GRZ-General Residential Zone GRZ-O3	Retain Objective GRZ-O3 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
S27.25 GRZ-General Residential Zone GRZ-P1A	Amend Policy GRZ-P1A as follows: " <i>Enable a variety of housing typologies with a mix of densities within the Zone, including 3-storey attached and detached dwellings, and low-rise apartments, while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying area provisions.</i> "	Reject on the basis that GRZ-P1A is mandatory.	The Evidence recommendation is acknowledged and accepted.
S27.26 GRZ-General Residential Zone GRZ-P1B	Retain Policy GRZ-P1B as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.

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S27.27 GRZ-General Residential Zone Rules – Including Rule GRZ-R16 and Rule GRZ-R23 New (District Wide Matters table)	Amend the General Residential Zone rules to include a new District-wide table rule that states the following: <i>“District-wide matters Each activity in the General Residential Zone must comply with all relevant rules and standards that relate to qualifying matter areas.”</i>	<b>Accept in part</b> (see above re. S27.22)	Agrees with the Evidence recommendation.
S27.28 GRZ-General Residential Zone Precinct 1 Rule GRZ-PREC1-R1, Rule GRZ-PREC1-R3 Rule GRZ-PREC1-R4 Rule GRZ-PREC1-R6	Retain Rule GRZ-PREC1-R1, Rule GRZ-PREC1-R3, Rule GRZ-PREC1-R4 and Rule GRZ-PREC1-R6 as notified.	<b>Accept</b>	Agrees with the Evidence recommendation.
<b>COMMERCIAL AND MIXED USE ZONES</b>			
S27.29 New NCZ-Neighbourhood Centre Zone Introduce new Rules Advice Note	Retain the direction in respect of qualifying matter areas included in the new Advice Note.	<b>Accept</b>	Agrees with the Evidence recommendation.
S43.14 (KiwiRail) FS6 (Transpower) New Provisions	Transpower's further submission opposes the submission made by KiwiRail seeking a new objective and policy in relation to setbacks on the basis that the relief would apply to the National Grid and would not give effect to the NPSET.	<b>Reject</b> on the basis of insufficient information.	The relief sought in the primary submission is not opposed to the extent that it applies to the rail corridor, but Transpower reiterates that, where the relief relates to the National Grid, the provisions sought do not give effect to the NPSET. Transpower continues to seek the relief in its further submission point.
S27.30 NCZ-Neighbourhood Centre Zone New NCZ – Site Specific Controls NCZ-SSC-S1	Amend NCZ-SSC-S1(1)(c) as follows: <i>“c. Minimum sensitive activity, building and structure setback from the power pylon and electricity transmission lines on the site ...”</i>	<b>Accept in part</b> and amends the clause as follows (shown in blue): <i>“c. Minimum building and structure setback from the power pylon and electricity transmission lines-on the site”</i>	The Evidence recommendation is acknowledged and accepted.
<b>PLANNING MAP</b>			
S27.31 Planning Maps: General – extent of	Seeks that, should the extent of the various areas be amended in the vicinity of the National Grid, the provisions that manage effects on the National Grid that are proposed to reflect	<b>Reject</b> on the basis that no new areas are rezoned.	The Evidence recommendation is acknowledged and accepted.

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zones and precincts	the National Grid as a qualifying matter are similarly extended to the new areas.		

Transpower requests that this letter be tabled at the IPI hearing in order to confirm its position in relation to its submission points and the Evidence recommendations.

Should you require clarification of any matter, please contact Rebecca Eng at Transpower (+64 9 590 7072), or on the following email: [environment.policy@transpower.co.nz](mailto:environment.policy@transpower.co.nz).

Yours faithfully



Rebecca Eng  
**Technical Lead - Policy**