

Before the Proposed Porirua District Plan Hearings Panel In Porirua

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Porirua District Plan – Hearing Stream 1: Over-arching matters, plan-wide structural issues, definitions applying across more than one hearing stream.

Between **Porirua City Council**
Local authority

And **Transpower New Zealand Limited**
Submitter 60 and Further Submitter FS04

Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 10 September 2021

大成 DENTONS KENSINGTON SWAN

89 The Terrace P +64 4 472 7877
PO Box 10246 F +64 4 472 2291
Wellington 6143 DX SP26517

Solicitor: N McIndoe/Ezekiel J Hudspith
E nicky.mcindoe@dentons.com/ezekiel.hudspith@dentons.com

1 Executive Summary

- 1.1 Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Within Porirua City, Transpower's assets include a number of transmission lines and associated infrastructure including a substation.
- 1.2 Transpower's submission on the PPDP was largely in support of the proposed provisions, with specific refinements sought as opposed to wholesale changes. In particular, Transpower supported the inclusion of provisions specific to the National Grid to give effect to the NPSET.
- 1.3 The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ("**NPSET**"). There are three broad aspects to the NPSET which must be given effect to in local authority plans:
 - a **Enabling the National Grid:** Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising the national, regional, and local benefits.
 - b **Managing the effects of the National Grid:** Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
 - c **Managing the effects on the National Grid:** A significant resource management issue in the City and across New Zealand is inappropriate development, land use and subdivision in close proximity to the National Grid, which can compromise its operation, maintenance, development and upgrade. Under the NPSET, policies and plans must include provisions to protect the National Grid from other activities. Specifically, the NPSET requires that district plans include a buffer corridor around National Grid lines. Within this area

“sensitive” activities are not to be granted resource consent, while any other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are to be appropriately managed or avoided. The three primary reasons for restricting activities within the buffer corridor are electrical risk; annoyance caused by transmission lines, reverse sensitivity; and restrictions on the ability for Transpower to access, maintain, upgrade and develop the lines, as well as compromising the assets themselves.

1.4 Specific to Hearing Stream 1, the matters of relevance to Transpower are limited in nature. I have reviewed the s42A Report recommendations where they are relevant to the 11 original submissions and 10 further submission points from Transpower, and I am in agreement with the recommendations. Attached as **Appendix B** to my evidence is a table outlining all the submission points relevant to Hearing Stream 1.

1.5 In this evidence I broadly categorise Transpower’s submissions points under three ‘topics’:

- a Definitions;
- b National Direction policy framework; and
- c Plan wide matters

1.6 With respect to **Definitions**, there are no outstanding matters (i.e. Transpower supports the s42A Report recommendations in each case).

1.7 With respect to the **National Direction policy framework**, the amendments sought by Transpower have been accepted in part. I support the recommendation, particularly the insertion of reference to the NPSET which was omitted from the notified PPDP. There are no outstanding matters.

1.8 With respect to **Plan wide matters**, the primary issue of relevance to Transpower is the sought relief to “amend provisions with direct avoid statements”.¹ I support the s42A recommendation that the point be

¹ Kāinga Ora submission point 81.251; Transpower Further Submission FS04.33.

rejected in so far as it relates to the National Grid.² Specific to the National Grid, the term 'avoid' is used throughout the NPSET in various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET *Managing the adverse effects of third parties on the transmission network*. While it is perhaps a word that should be used with some care (and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word 'avoid' in the context of the National Grid, on the basis that it gives effect to the NPSET.

- 1.9 In response to the submission seeking plan wide replacement of the term 'minimise' with 'mitigate',³ for the purpose of Hearing Stream 1, in principle I am not opposed to the retention of the term 'minimise' within the PPDP (where appropriate). However, the appropriateness of the term will need to be assessed on a provision-by-provision basis. For example, the term 'minimise' is used in various provisions in the plan including National Grid Policies INF-P6 and INF-P7, with the wording reflecting Policy 7 of the NPSET. In the absence of a definition within the PPDP of what constitutes 'minimise', the plain meaning would be relied upon, being: *'Minimise means to reduce (something, especially something undesirable) to the smallest possible amount or degree'*⁴. This is a potentially onerous requirement and therefore the specific context will influence, in my opinion, whether the term is appropriate. This context may include, for example, the magnitude or severity of the effect in question, the values affected, and the cost or effort required to 'minimise it' (where this is even possible).

² Section 42A Report, Part A, para 194.

³ Waka Kotahi submission point 82.296; Transpower Further Submission FS04.6 (support).

⁴ <https://www.lexico.com/definition/minimize>.

Table of Contents

1	Executive Summary	1
2	Qualifications and Experience	1
3	Scope of Evidence	2
4	The National Grid and Transpower's Assets in Porirua City	3
5	National Direction under the RMA	3
6	Regional Direction under the RMA	9
7	Transpower Submission on the Proposed Porirua District Plan	11
8	Response to the Section 42A Report Recommendations	15
9	Part 2 of the RMA	19
10	Conclusion	20
Appendix A	National Policy Statement on Electricity Transmission 2008	21
Appendix B	Response to s42A Report Officers Recommendations	22

2 Qualifications and Experience

- 2.1 My full name is Pauline Mary Whitney.
- 2.2 I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 24 years' experience as a resource management planner.
- 2.3 I have been a planning consultant based in Wellington for the past 19 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
- a Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
 - b Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 2.4 Specific to Transpower New Zealand Limited ('**Transpower**'), I have been involved with preparing submissions/ hearing evidence on numerous planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 9 years.
- 2.5 My evidence is given in support of Transpower's submission on the Proposed Porirua District Plan ('**PPDP**').
- 2.6 In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PPDP.
- 2.7 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014), and I agree to comply with it. My qualifications as an expert are set out above. I confirm

that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

- 2.8 My evidence covers all the submission points (original and further) lodged by Transpower to Hearing Stream 1: of the PPDP.

3 Scope of Evidence

- 3.1 While the majority of Transpower's submission points will be addressed at subsequent hearings, as this is the first hearing at which Transpower has appeared before the Hearings Panel on the PPDP, I consider that it would be helpful at this initial hearing to outline Transpower's interests in Porirua City as well as the specific policy framework associated with the National Grid. This information, in turn, can then provide a useful basis to inform subsequent hearings. On this basis my evidence will address the following:

- a The planning background to Transpower's submission, and an outline of the need to provide sufficient recognition of the national significance of the National Grid, particularly in the context of the National Policy Statement on Electricity Transmission 2008 ('**NPSET**')
- b An overview of Transpower's submission on the PPDP; and
- c My responses to the recommendations within the Hearing Stream 1 Section 42A Report on Transpower's submission points.

- 3.2 My evidence should be read together with the evidence of **Ms Rebecca Eng** who describes Transpower and the National Grid, addresses the nature of Transpower's assets in Porirua City, the nature of maintenance and upgrade activities, and Transpower's approach to implementing the NPSET in district plans, as well as the legal submissions to be lodged prior to the hearing.

4 The National Grid and Transpower's Assets in Porirua City

Assets within Porirua

- 4.1 Transpower owns and operates a wide range of infrastructure assets associated with the National Grid within Porirua City. Details of the existing assets and current asset upgrades and developments, including a plan of the specific existing National Grid assets within the district, are provided in the evidence of **Ms Eng**.
- 4.2 As outlined by **Ms Eng**, typical maintenance activities required to ensure the ongoing operation and maintenance of National Grid assets include foundation refurbishment; tower refurbishment (including abrasive blasting and painting); conductor and insulation maintenance or replacement; and vegetation and tree control.

5 National Direction under the RMA

National Policy Statements

- 5.1 National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 ('**RMA**'). Of particular relevance to the PPDP and Transpower's submission is the National Policy Statement on Electricity Transmission 2008 ('**NPSET**') and the supporting Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ('**NESETA**'), the New Zealand Coastal Policy Statement 2010 ('**NZCPS**'), the National Policy Statement on Urban Development 2020 ('**NPS-UD**'), and to a lesser extent the National Policy Statement for Freshwater Management 2020 ('**NPSFM**'). Addressing the interface between these various policy statements and how they are read together is a key aspect of the relief sought by Transpower, noting the PPDP will require revision to give effect to the NPS-UD (which I understand is to occur in late 2021).

National Policy Statement Relationship

- 5.2 I recognise that while the NZCPS is the only mandatory national instrument, all the national policy statements ('**NPS's**') sit at the top of the RMA policy/plan hierarchy. I note the NPS's neither stipulate nor provide

direction on their relationship or standing relative to one another. This, in turn, presents councils with an interpretive and administrative challenge, particularly where effect needs to be given to multiple NPS's.

- 5.3 In my experience to date (in reconciling the NPSET and NZCPS) the relationship between the directives contained within the various NPS's needs to be carefully assessed and a plan related policy framework developed that addresses obvious tensions between policy statements that need to be given effect to. Key to this is understanding the intent that underlies conflicting or competing directives and developing a tailored policy response to help guide decision makers to reconcile identifiable differences.
- 5.4 An overview of the respective NPS's of relevance to the NPSET is provided in the following sections of my evidence.

The National Policy Statement on Electricity Transmission 2008

- 5.5 The NPSET directs the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**.
- 5.6 The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 5.7 The NPSET is comprised of one objective and 14 policies, all of which address the environmental effects of transmission and the management of adverse effects on the National Grid. There are three broad aspects to the NPSET which must be given effect to in local authority policies and plans, as follows:
- a Enabling the National Grid: Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising its national benefits.

- b Managing the effects of the National Grid: Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
- c Managing the effects on the National Grid: Policies and plans must include provisions to protect the National Grid from other activities. The NPSET requires that district plans include a buffer corridor around National Grid lines within which “sensitive” activities including residential buildings, hospitals and schools should not be given resource consent. Other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed to avoid those outcomes ‘to the extent reasonably possible’.

5.8 The sole objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

5.9 This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.

5.10 The NPSET policies give direction on how to achieve the objective, including recognising the benefits of electricity transmission and managing the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers and Transpower itself.

- 5.11 Policy 1 specifies that decision-makers **must recognise and provide** for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation, in managing the effects of climate change.
- 5.12 Policies 2 to 9 relate to managing the environmental effects of electricity transmission. In particular, Policy 2 states:
- In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*
- 5.13 Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards.
- 5.14 Policies 2 to 9 are particularly relevant to the PPDP provisions that set a framework for managing the environmental effects of electricity transmission.
- 5.15 As outlined in the evidence of **Ms Eng**, Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect to and reliably distribute new forms of electricity generation. In my opinion, it is important that, in context of the NPSET, the PPDP provides an appropriate enabling framework for the ongoing operation, maintenance, upgrading and, importantly, development of the National Grid. Such a framework is necessary, in my opinion, to give effect to the NPSET.
- 5.16 Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use and development activities on the transmission network, including informing how adverse

effects on the National Grid are to be managed through planning provisions.

- 5.17 These, in turn, are crucial matters that need to be given effect to in District Plans. Policy 10 is as follows:

*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.*

- 5.18 Policy 11 relates to the development of buffer corridors, and is as follows:

*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).*

New Zealand Coastal Policy Statement 2010

- 5.19 The statutory purpose of the NZCPS is to state objectives and policies “in order to achieve the purpose of [the RMA] in relation to the coastal environment of New Zealand”.
- 5.20 The policies in the NZCPS establish a comprehensive regime for managing the effects of activities on the coastal environment (noting the coastal marine area is not governed by the PPDP). Policy 6 specifically addresses activities in the coastal environment, with some marine activities addressed more explicitly in Policies 8 and 9. Policy 7 addresses the need for a strategic planning approach. Policies 11, 13 and 15 address high value natural areas. Critically, those policies require adverse effects of activities on the ‘highest value’ natural areas to be avoided.

National Policy Statement on Urban Development 2020

- 5.21 Under the National Policy Statement on Urban Development 2020 (“NPS-UD”), Porirua City Council is identified as a Tier 1 council.⁵ Numerous actions will be required on the part of the council to give effect to the NPS-UD, many of which I understand will form the basis of a plan change in late 2021.
- 5.22 In terms of the relationship between the NPS-UD and the NPSET, consideration needs to be given to the explicit wording within the two NPS’s. While the NPS-UD provides clear ‘enabling’ policy directives relating to intensification, in my opinion the NPSET provides a more specific and directive policy framework with regard to the National Grid. In particular, Policy 11 requires a buffer corridor to be established within which sensitive activities will ‘generally not be provided for’, while Policy 10 requires activities to be managed to avoid reverse sensitivity or direct effects that could compromise the National Grid network. I further note the NPS-UD identifies the National Grid and the NPSET as ‘qualifying matters’⁶ in relation to the Policy 3 NPS-UD intensification directives, thereby recognising and reinforcing the national significance of the National Grid.
- 5.23 In my opinion the National Grid corridor approach provided for in the PPDP (as sought to be refined through Transpower’s submission and predominantly addressed in Hearing Stream 4) provides a clear framework and policy directive in respect of the National Grid that reconciles the direction in these two NPS’s.

National Policy Statement for Freshwater Management 2020

- 5.24 The NPSFM and National Environmental Standards for Freshwater Management 2020 (**‘NES Freshwater’**) form part of a wider ‘Action for Healthy Waterways’ package. The one objective and 15 policies of the

⁵ National Policy Statement on Urban Development 2020. Porirua City Council is part of a ‘Tier 1 urban environment’ (Wellington) and is a ‘Tier 1 local authority’, pg 31. While the NPS-UD 2020 applies to all councils with an urban environment, some policies only apply to ‘tier 1 local authorities’ such as Porirua City Council, para 4.1(2), pg 30.

⁶ Territorial authorities can (if they consider it necessary) modify the building height or densities directed by the NPS-UD in the district plan to provide for a ‘qualifying matter’, para 3.31(2). A ‘qualifying matter’ includes ‘nationally significant infrastructure’ which is defined to include the National Grid, and ‘matters required in order to give effect to any other National Policy Statement’ (which would include the NPSET), para 3.32.

NPSFM form a clear policy directive to maintain or enhance water quality and the ecological health of water bodies. The relevance of the NPSFM and NES Freshwater to Transpower in context of the PPDP (as a district plan) is limited to earthworks and vegetation clearance within proximity of a wetland. In my opinion, no direct conflict exists at a NPS level noting that the National Grid is afforded a discretionary activity status for such works under the NES Freshwater and, although it would be applied at a regional level, NPSFM Subpart 3 Specific Requirement 3.22 recognises the National Grid (as specified infrastructure) as an exception from the 'avoid' policy directive within Subpart 3 Specific Requirement 3.22.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

- 5.25 The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations). All of the transmission lines within Porirua City described in **Ms Eng's** evidence are subject to the NESETA as 'existing transmission lines'.⁷
- 5.26 The relationship between the NESETA and the district plan is such that the NESETA generally prevails. However, for some activities (including earthworks and vegetation removal), the NESETA defers to the district plan provisions in determining the applicable activity status under the NESETA.

6 Regional Direction under the RMA

Regional Policy Statement for the Wellington Region 2013

- 6.1 The Wellington Regional Policy Statement ('**RPS**') was made operative in 2013. Section 75(3)(c) of the RMA requires that a District Plan must give effect to any Regional Policy Statement (as well as any NPS). Relevant

⁷ Being transmission lines that were operational at the commencement of the NESETA.

provisions from the RPS are attached as **Appendix B**, with brief commentary on these provisions provided in the following paragraphs.

- 6.2 Of particular relevance to the National Grid are Objectives 9 and 10 and supporting Policies 7, 8 and 39.
- 6.3 Objective 9 seeks to ensure that the Wellington region's energy needs are met in ways that, amongst other matters, improve energy efficiency, maximise the use of renewable energy resources and reduce dependency on fossil fuels. As outlined in the evidence of **Ms Eng**, Aotearoa New Zealand needs to be ready for the energy transformation that is coming through the electrification of the energy network. A modern, flexible and resilient National Grid will need to provide a safe and secure supply of electricity to industrial and residential consumers under a wider than ever range of operating conditions. In addition to facilitating and protecting the existing grid network, new connections to major users – particularly to enable the decarbonisation of transport and heat process – will be needed.
- 6.4 Objective 9 is further complemented by Objective 10, which is centred on recognising and protecting the social, economic, cultural and environmental benefits of regionally significant infrastructure. Regionally significant infrastructure ('RSI') includes, by definition, "the national electricity grid, as defined by the Electricity Governance Rules 2003". Objective 10 of the RPS largely reflects policy 1 of the NPSET, noting that the NPS requires benefits to be 'recognised and provided for' whereas the RPS requires benefits of RSI to be 'recognised and protected'.
- 6.5 Under Policy 7 of the RPS all District Plans across the region are required to include policies and/or methods that recognise the benefits of regionally significant infrastructure. Policy 8 extends this further by requiring that plans include policies and rules to protect such infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to it. The explanation to Policy 8 specifically references Policy 11 of the NPSET and states that "in achieving protection for the transmission network, consultation occurs with the operator of the national grid to identify appropriate buffer corridors".

- 6.6 Particular regard to the benefits and protection of regionally significant infrastructure from ‘incompatible subdivision, use and development occurring under, over or adjacent to the infrastructure, is also required to be given under Policy 39 in considering any application for resource consent, notice of requirement or a change, variation or review of any District Plan in the region.
- 6.7 The above objectives and policies provide a clear directive to ensure that development does not comprise the National Grid, and that electricity transmission is appropriately recognised and provided for in plans. In my opinion the NPSET is given effect to in the RPS and through the provisions in the PPDP (subject to the amendments sought by Transpower in its submission).

7 Transpower Submission on the Proposed Porirua District Plan

- 7.1 Given this is the first hearing appearance by Transpower, and the interconnected nature and breadth of all of Transpower’s submission points, I consider it helpful to briefly summarise the general nature of Transpower’s submission on the PPDP.
- 7.2 I note that Transpower sought to retain a large number of the notified provisions and that it is broadly supportive of the approach adopted in the PPDP. Specifically, Transpower supports the provision of a framework of objectives, policies and rules that recognises and appropriately provides for the National Grid. The submission also expressed support for the ‘stand-alone’ nature of the Infrastructure Chapter (as expressed in notes⁸ to the INF-Infrastructure chapter, and Part 1 of the PPDP⁹).

⁸ PDPP Infrastructure Chapter Note: *Except as specifically identified in an objective, policy or rule, the objectives, policies and rules in this chapter and the Strategic Direction objectives, and those contained in the following chapters where relevant, are the only objectives, policies and rules that apply to infrastructure activities and no objectives, policies and rules in other chapters apply:*

1. Contaminated land;
2. Hazardous substances;
3. Renewable Electricity Generation.

PDPP Infrastructure Chapter Note: *Except as specifically identified in a rule in the following table, the rules in this chapter are the only rules that apply to infrastructure activities and no rules in other chapters apply. The exception to this is renewable electricity generation activities defined as infrastructure which are addressed in the Renewable Electricity Generation chapter.*

⁹ PDPP Part 1 - How the District Plan works

Please note that the Infrastructure, Renewable Electricity Generation, Subdivision and Temporary Activities chapters operate slightly differently to the rest of the Plan and generally operate as standalone chapters containing all relevant objectives, policies, rules and standards relating to those activities, unless otherwise specifically identified in those chapters. If you are undertaking any activities relating to infrastructure, renewable electricity generation or wanting to undertake any temporary activities or subdivide your property, please start by looking at those chapters after you have looked at the planning maps to determine what zone your activity or property is in and whether any overlays, features and/or designations apply. Unless otherwise specified in

- 7.3 In terms of amendments sought, the two main themes within Transpower's submission were that:
- a The policy framework for the National Grid requires refinement to better reflect and give effect to the NPSET; and
 - b Amendments are required to the rule framework, specifically to the rules relating to buildings, structures, sensitive land uses, earthworks and subdivision in the National Grid and National Grid Pāuatahanui Substation Yards. The location of National Grid specific rules was also a common theme, with the preference for all the relevant rules to be placed within the Infrastructure Chapter¹⁰ as opposed to being dispersed throughout the PPDP.
- 7.4 Specific amendments sought by Transpower concerning the provisions in the PPDP include the following (noting that matters arrested at Hearing Stream 1 are identified by an asterix):
- a ***Part 1 Interpretation - Definitions:** Most of the definitions are supported, with a minor amendment sought to the definition of "National Grid Corridor" to include reference to subdivision, along with deletion of the definition of "Pole".
 - b ***Part 1 National Direction Instruments:** Retain the provisions for National Environmental Standards and the "National Policy Statements and New Zealand Coastal Policy Statement" sections, with the exception of minor amendments to include reference to the National Policy Statement for Electricity Transmission 2008 in the related table and delete specific reference to the New Zealand Coastal Policy Statement in the heading and preamble.
 - c **Part 2 Strategic Direction – Functioning City:** Amend the National Grid strategic objective to include specific reference to the "national significance" of the Grid. Retain the Resilience, Efficiency and Energy strategic objectives.

the introduction or in the chapter, the rules in the Infrastructure, Renewable Electricity Generation, Temporary Activities and Subdivision chapters are the only rules that apply to the listed activities.

¹⁰ The relevant National Grid provisions in the Infrastructure chapter include Policies INF-P5 – INF-P7, INF-P24 and Rule INF-R25.

- d **Part 2 Energy, Infrastructure and Transport:** In addition to the points in support of provisions, Transpower seeks 21 amendments within this chapter, most of which are specific to the National Grid. Although the objectives and policies are generally supported, a specific objective is sought relating to protection of the National Grid along with additional supporting policies focused on the benefits of the National Grid, adverse effects on the Grid and enabling its ongoing maintenance, operation and minor upgrade. Further refinements are also sought to policies relating to the future upgrade and development of the National Grid and proposed buildings, structures and activities within the National Grid Pāuatahanui Substation Yard.
- e The infrastructure rules and standards are generally supported with amendments sought largely confined to providing for earthworks, new transmission lines and the trimming, maintenance and removal of vegetation associated with the National Grid, including ancillary access tracks.
- f **Part 2 Natural Hazards, Historic and Cultural Values:** On the basis that the provisions within the Natural Hazards chapter do not apply to infrastructure, and specifically the National Grid, Transpower is neutral on the provisions within the chapter.
- g **Part 2 Natural and Environmental Values:** On this basis of the stand-alone nature of the Infrastructure Chapter (unless explicitly stated), Transpower is largely neutral on the Natural and Environmental Values chapter. However, deletion of reference to the need to consider the findings of an ecological assessment prepared by a suitably qualified and experienced ecologist, was sought. Amendment was also sought to better relate to the Infrastructure Chapter.
- h **Part 2 Subdivision:** Transpower seeks the relocation of the National Grid subdivision provisions to the Infrastructure chapter and refinement of requirements relating to the identification of potential building platforms and preserving vehicle access to the National Grid

support structures. Provision is also sought to preclude public notification and to exempt access lots and public works.

- i **Part 2 Coastal Environment:** On the basis the provisions within the Coastal Environment chapter do not apply to infrastructure (instead infrastructure within the Coastal Environment is predominantly addressed within the Infrastructure Chapter), Transpower is neutral on the provisions within the chapter.

- j **Part 2 Earthworks:** Five amendments are sought to this chapter. Aside from a request to relocate National Grid related policies and rules to the Infrastructure Chapter, a range of specific amendments are set out relating to the effects of earthworks on the National Grid and earthworks requirements, including activity status, within the National Grid Yard.

- k **Part 3 Residential, Rural, Open Space and Future Urban Zones:** Buildings and structures within the National Grid and National Grid Pāuatahanui Substation Yards: Merge the National Grid Yard rules relating to buildings, structures and activities in the Residential, Rural, Open Space and Future urban zones into a single rule and relocate this, along with National Grid related policies, to the Infrastructure Chapter. Provision is also sought to include a control for hazardous substances, a minimum vertical clearance distance requirement for permitted buildings and structures, and clarification that buildings and structures not explicitly provided for are non-complying activities. A replacement rule regarding new buildings housing sensitive activities in the National Grid Pāuatahanui Substation Yard is also requested.

- l **Part 4 Schedules – Special Amenity Landscapes:** Amend the Cannons Creek and Belmont Hills schedules to include reference to the presence of the National Grid.

- m **Planning maps:** Amend the notation on the planning maps to include specific reference to the “National Grid Transmission Line” and delineation of the line on the maps to align with the centre line of relevant transmission lines.

Transpower further submissions

7.5 In addition to its original submission, Transpower has lodged further submissions on the PPDP. Of specific note are the numerous further submission points in response to submission points made by Kāinga Ora – Homes and Communities and the Royal Forest and Bird Protection Society. These range from opposing Kāinga Ora's request to amend the full suite of National Grid related provisions in the PPDP¹¹ (noting no specific amended provisions were provided in the Kāinga Ora submission), including the spatial extent of the associated overlay, through to requests by the Royal Forest and Bird Protection Society¹² to introduce specific avoidance policies relating to the effects of National Grid within Significant Natural Areas in the Coastal Environment and natural wetlands and treatment of new infrastructure in these areas as a non-complying activity.

8 Response to the Section 42A Report Recommendations

8.1 The following section responds to the Hearing Stream 1: s42A Report recommendations on Transpower's submission points. I broadly categorise Transpower's submissions points under three 'topics':

- a Definitions;
- b National Direction policy framework;
- c Plan wide matters.

8.2 In summary, I support/accept all the officer recommendations specific to Hearing Stream 1 noting that the appropriateness of the terms 'avoid' and 'minimise' may be discussed at subsequent hearings in context of specific provisions. Attached as **Appendix B** is a table outlining all the submission points relevant to Hearing Stream 1, and my response. I note Transpower concurs with my reasoning and response as provided in Appendix B.

¹¹ As an example, Kāinga Ora Submission point 81.644(as numbered in Section 42A Report, Part A).

¹² Royal Forest and Bird submission pg 37.

Definitions

- 8.3 With respect to Definitions and Hearing Stream 1, in its submission Transpower supported all the notified definitions on the basis they reflect the RMA or the National Planning Standards. I support all the Section 42A recommendations relating to the definitions and no amendments are sought.
- 8.4 In particular the definitions around *Functional need*¹³ and *Operational need*¹⁴ are supported given their importance in the infrastructure provisions. I also note my support for the definition of *Construction Activity*¹⁵ as it applies to Infrastructure given the comprehensive standalone framework that applies to infrastructure. I do note the potential confusion posed by the inclusion of the term 'construction' within the infrastructure chapter. However, there is a subtle difference in terminology in that the Infrastructure chapter does not reference the defined term 'construction activity', rather only refers to 'construction' which is not a defined term. No outstanding amendments are sought.

National Direction policy framework

- 8.5 Specific to s42A recommendations on the National Direction Instruments¹⁶, I support the insertion of reference to the NPSET, and accept the retention of reference to the NZCPS. No outstanding amendments are sought.

Plan wide matters

- 8.6 Transpower was a further submitter to nine 'plan wide' submission points addressed in Hearing Stream 1. I support or accept all the s42A recommendations in relation to these, noting that parts of the submissions relating to the National Grid are to be dealt with in the s42A report for Infrastructure. No outstanding amendments are sought.

¹³ s42A Reference: Part B, Table B 1, Transpower NZ Ltd submission, point 60.5, pg 88-89.

¹⁴ s42A Reference: Part B, Table B 1, Transpower NZ Ltd submission, point 60.12, pg 91.

¹⁵ s42A Reference: Part B, Section 3.6.4.2, Transpower NZ Ltd submission, point 60.3, pg 88.

¹⁶ s42A Reference: Part A, Section 9.2

‘Avoid’

- 8.7 One matter of specific relevance to Transpower is those submissions relating to the “avoid” statements in the PPDP. Submissions seek to *“Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid’.”*¹⁷ The s42A report recommends¹⁸ the points be rejected. I support the recommendation in so far as it relates to the National Grid, accepting that the context of how that term is used will be relevant to whether it is appropriate in a given case.
- 8.8 Specific to the National Grid, the term ‘avoid’ is used throughout the NPSET (though sometimes in a qualified way), both in terms of the obligation on Transpower (Policies 7 and 8 of the NPSET), as well as in Section 8 (Policies 10-11) of the NPSET *Managing the adverse effects of third parties on the transmission network*.
- 8.9 Policies 7 and 8 of the NPSET impose ‘avoid’ and ‘seek to avoid’ requirements on the planning and development of the National Grid. Policies 10 and 11 of the NPSET are to be read together and impose clear obligations. In addition to the specific use of the word ‘avoid’ in Policy 10 (emphasis added below), the use of other prescriptive language (‘must’ and ‘ensure’) within the policies achieves the objective of the NPSET.

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

¹⁷ Kāinga Ora submission points 81.432-81.433, 81.522, 81.644-81.645 and 81.615 (as numbered in the s42A report, Part A.

¹⁸ s42A Reference: Part A, Section 9.11, Para 194

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).

- 8.10 In relation to the National Grid, PPDP Policy INF-P5 is the primary ‘avoid’ policy for effects on the National Grid, and Policy INF-P6 and INF-P7 the primary policies for effects of the National Grid. Policy INF-P5 is given effect to through a non-complying activity status within the respective zone chapters. Notwithstanding the specific wording or merits of the policies (which are to be addressed at the Infrastructure Hearing Stream 4), or amendments to the policies sought through Transpower’s submission, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis it gives effect to the NPSET.
- 8.11 Notwithstanding the above, I acknowledge there are some instances where an unqualified direction to ‘avoid’ (all) effects is not appropriate, and when applied to activities in relation to the National Grid (operation, maintenance, upgrading etc) would not be consistent with the NPSET. Those provisions will be addressed in the Infrastructure Hearing Stream 4.

‘Minimise’

- 8.12 In response to the submission seeking plan wide replacement of the term ‘minimise’ with ‘mitigate’, the term ‘minimise’ is used in various provisions in the plan including National Grid policies INF-P6 and INF-P7¹⁹, with the wording reflecting Policy 7 of the NPSET. I note the merits of specific National Grid policies are to be addressed at Hearing Stream 4.
- 8.13 For the purpose of the matters to be considered as part of Hearing Stream 1, in principle I am not opposed to the retention of the term within the PPDP. However, the appropriateness of the term will need to be

¹⁹ INF-P6 Upgrading of the National Grid

Provide for the upgrading of the National Grid that is not permitted by the National Environmental Standards for Electricity Transmission Activities, while:

-
5. In urban areas, minimising adverse effects on urban amenity and avoiding adverse effects on the City Centre Zone, Open Space and Recreation Zones and existing sensitive activities

INF-P7 Development of the National Grid

Provide for the development of the National Grid, while:

1. In urban areas, minimising adverse effects on urban amenity and avoiding adverse effects on the City Centre Zone, Open Space and Recreation Zones and existing sensitive activities;

.....

assessed on a provision-by-provision basis. In the absence of a definition within the PPDP of what constitutes 'minimise', the plain meaning would be relied upon, being: '*Minimise means to reduce (something, especially something undesirable) to the smallest possible amount or degree*²⁰'. The specific context will influence, in my opinion, whether the term is appropriate.

8.14 For example, the requirement within INF-P8²¹ to provide for RSI outside overlay areas *where it can be demonstrated that any adverse effects on amenity values are minimised*, is potentially very onerous in my opinion given the requirement to 'minimise' applies to any adverse effect, and the wide application of the policy to all areas.

8.15 I note the RPS²² has limited use of the term 'minimise', confined to matters of earthworks and vegetation disturbance (in terms of minimising erosion and silt and sedimentation effects associated with these activities); risk and consequences of natural hazards; and contamination in stormwater.

9 Part 2 of the RMA

9.1 The purpose of the RMA is to achieve the sustainable management of natural and physical resources, with corresponding obligations relating to the use, development and protection of resources while providing for the wellbeing and health and safety of people and communities.

²⁰ <https://www.lexico.com/definition/minimize>

²¹ INF-P8 Provide for Regionally Significant Infrastructure and other infrastructure outside of Overlays
Provide for Regionally Significant Infrastructure and other infrastructure which is not located within an Overlay, where it can be demonstrated that the following matters can be achieved:

-
3. Any adverse effects on amenity values are minimised, taking into account:
 - a. The bulk, height, size, colour, reflectivity of the infrastructure;
 - b. Any proposed associated earthworks;
 - c. The time, duration or frequency of any adverse effects; and
 - d. Any proposed mitigation measures;
 4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated;
 5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;
-
9. Any adverse cumulative effects are minimised.

²² GWRC RPS

- Policy 15 and 41: Minimising the effects of earthworks and vegetation disturbance
Policy 51: Minimising the risks and consequences of natural hazards
Policy 52: Minimising adverse effects of hazard mitigation measures
Policy 14: Minimising contamination in stormwater from new development

9.2 In the context of the National Grid, I support or accept the s42A Report recommendations on the basis they appropriately reflect the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, having particular regard to:

a The role of, and reliance on, electricity within our society and the increasing demand for it; and

b The need to operate, maintain, upgrade and develop the National Grid.

10 Conclusion

10.1 The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.

10.2 The matters of relevance to Transpower within Hearing Stream 1 are limited in nature. I am supportive (or accepting) of the reporting officer's recommendations and the consideration given to the Transpower submission points.

Pauline Mary Whitney

10 September 2021

**Appendix A National Policy Statement on Electricity
Transmission 2008**

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

CONTENTS

Preamble

1. Title
2. Commencement
3. Interpretation
4. Matter of national significance
5. Objective
6. Recognition of the national benefits of transmission
7. Managing the environment effects of transmission
8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

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).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Appendix B Response to s42A Report Officers Recommendations

Officer recommendations on Transpower submission and [further submission](#) points

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
60.3	Definitions Construction activity	<p><i>Construction activity means undertaking or carrying out any of the following building works:</i></p> <ol style="list-style-type: none"> <i>erection of new buildings and structures;</i> <i>alterations and additions to existing buildings or structures;</i> <i>demolition or removal of an existing building or structure, including total or partial demolition or removal; and</i> <i>relocation of a building;</i> <p><i>but excludes any building work associated with infrastructure.</i></p> <p><i>Note: Building work associated with infrastructure is addressed in the Infrastructure chapter.</i></p> <p>Retain the definition in so far as it does not apply to infrastructure. Supports the clarification within the definition that building work associated with infrastructure is captured within the infrastructure chapter</p>	<p>Recommendation: Accept</p> <p>s42A Reference: <i>Part B, Section N/A</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>Agree with submitter</i></p>	<p>Support the recommendation on the basis of the essentially standalone set of plan provisions for the management of the use, maintenance, and upgrade of infrastructure, as well as new infrastructure.</p>
225.59 Forest and Bird Oppose - Transpower FS04.13	Definitions – Construction Activity	<p>Delete</p> <p>Replace references to this term with the specific activities intended to be captured.</p> <p><u>Transpower further submission</u> Transpower supports the definition as notified in terms of its relationship to the Infrastructure Chapter.</p>	<p>Recommendation: Reject</p> <p>s42A Reference: <i>Part B, Section 3.6.4</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>See body of report</i></p> <p><i>123. I consider that the submission from Forest and Bird raises three key matters:</i></p> <ol style="list-style-type: none"> <i>The exclusion of building works associated with infrastructure from the definition, and how effects associated with these works are managed, particularly in relation to indigenous biodiversity.</i> <i>What is the difference between “construction activity” and “building”?</i> <i>Which rules apply to activities that are captured by differing definitions.</i> 	<p>Support the recommendation on the basis of the essentially standalone set of plan provisions for the management of the use, maintenance, and upgrade of infrastructure, as well as new infrastructure. I do note the potential confusion posed by the inclusion of ‘construction’ within the infrastructure chapter. However, there is a subtle difference in that the chapter does not reference the defined term ‘construction activity’, rather only refers to ‘construction’ which is not a defined term.</p>

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
			<p>124. In relation to the exclusion of building works associated with infrastructure from the definition, it is important to understand the scheme of the Infrastructure chapter. As is explained in the “how the plan works” chapter, unlike other chapters in the PDP, this operates as an essentially standalone set of plan provisions for the management of the use, maintenance, and upgrade of infrastructure as well as the provision of new infrastructure. Building works associated with infrastructure are encompassed within this framework and are captured variously in the definitions for “maintenance and repair” and “upgrading”, which are specific to infrastructure, and in the standards that apply to infrastructure. These activities are then subject to rules and standards in the Infrastructure Chapter, for example, INF-R39 which manages the upgrading of infrastructure within a SNA identified in Schedule 7 to the PDP.</p> <p>125. I do not consider it appropriate or good planning to duplicate the above infrastructure related activities within the construction activity definition. Nor do I consider it necessary to delete the definition and replace it with specific provisions for the activities captured in the definition. In my opinion, the retention of the definition is appropriate to ensure effective and efficient plan administration. I also note that where the rule framework seeks to distinguish between differing elements of construction activity and apply a different management regime, specific reference is made to the relevant activity</p>	

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
			<p><i>definition, for example “alteration” and “addition”.</i></p> <p><i>126. The submitter also finds the use of various terms such as “construction activity”, “building”, “additions” and “alterations” confusing.</i></p> <p><i>127. I note that the definition for construction activity covers the actions involved in the construction of buildings and structures, such as their erection, alteration, relocation, and demolition. In contrast the definition of “building” and “structure” are for the building or structure themselves and not the act of physically building, altering, or demolishing them.</i></p> <p><i>128. As identified above, where the rule framework seeks to distinguish between differing elements of construction activity and apply a different management regime, specific reference is made to the relevant activity definition, for example alteration and addition. This practise is common throughout the PDP and in other 2nd generation district plans. For example, in the PDP, supermarket and large format retailing activities in the Local Centre Zone are managed by separate rules, as are home business and commercial activity in the residential zones. The specificity of the definition determines which rule applies to a particular activity. I would also note that this issue arises as a result of the National Planning Standards which, for many activities, do not include the buildings or structures associated with them; for example, commercial activity, industrial activity and retirement villages.</i></p>	

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
60.5	Definitions Functional need	<i>Functional Need</i> <i>Means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i> Retain The definition reflects that provided in the National Planning Standards. Supports definition on the basis a separate definition is provided for Operational Need.	Recommendation: Accept s42A Reference: <i>Part B, Section N/A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation on the basis the definition reflects the National Planning Standards.
60.6	Definitions Infrastructure	<i>Infrastructure</i> <i>Has the same meaning as in section 2 of the RMA:</i> Retain Supports 'Infrastructure' definition, specifically reference to lines and support structures to convey electricity. The definition reflects that provided in the RMA	Recommendation: Accept s42A Reference: <i>Part B, Section N/A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation on the basis it is based on the RMA definition.
60.7	Definitions Land disturbance	<i>Land disturbance</i> <i>means alteration or disturbance of land, (or any matter constituting the land including, soil, clay, sand and rock), that does not permanently alter the profile, contour or height of the land.</i> Retain Reflects the definition in the National Planning Standards. Notes the definition is only used in the Natural Features and Landscapes chapter, specifically Policy NFL-P8, and Rule 1 and Rule 5.	Recommendation: Accept s42A Reference: <i>Part B, Section N/A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation on the basis the definition reflects the National Planning Standards.
60.12	Definitions Operational need	<i>Operational Need</i> <i>Means the need to traverse, locate of operate in a particular environment because of technical, logistical or operational characteristics or constraints.</i> Retain The definition reflects that provided in the National Planning Standards. Supports definition of Operational Need on the basis a separate definition is provided for Functional Need.	Recommendation: Accept s42A Reference: <i>Part B, Section N/A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation on the basis the definition reflects the National Planning Standards.
60.16	Definitions	<i>Reverse Sensitivity</i> <i>means the vulnerability of an existing lawfully established activity to other activities in the vicinity which</i>	Recommendation: Accept s42A Reference: <i>Part B, Section N/A</i>	Support the recommendation on the basis it assists with plan interpretation.

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
	Reverse sensitivity	<p><i>are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</i></p> <p>Retain The provision of a definition is supported as the concept recognises the relationship between existing activities and incompatible new or altered activities.</p>	<p>Amend PDP: No</p> <p>Reasoning: Agree with submitter</p>	
60.19	Definitions Support structure	<p><i>Support Structure</i> <i>Means any mast, tower, pole or similar structure used or intended to be used for the support of lighting devices, lightning rods, signs, aerials, or lines.</i></p> <p>Retain The definition is supported on the basis it will assist with plan interpretation.</p>	<p>Recommendation: Accept</p> <p>s42A Reference: Part B, Section N/A</p> <p>Amend PDP: No</p> <p>Reasoning: Agree with submitter</p>	Support the recommendation on the basis it assists with plan interpretation.
60.22 Oppose- DOC [FS39.47]	National Policy Statements and New Zealand Coastal Policy Statement	<p>Amend the reference to National Policy Statements within Part 1 as follows:</p> <p>National Policy Statements and New Zealand Coastal Policy Statement National Policy Statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by policy statements and plans. NPSs and the NZCPS must also be had regard to by consent authorities when making decisions on resource consent applications, alongside other considerations.</p> <p>The following table provides an overview of whether any relevant review/s of the District Plan has been undertaken in relation to NPSs and the NZCPS: <u>National Policy Statement on Electricity Transmission 2008 - The policy statement has been reviewed on 28th August 2020</u></p>	<p>Recommendation: Accept in part</p> <p>s42A Reference: Part A, Section 9.2</p> <p>Amend PDP: Yes</p> <p>Reasoning: <i>Para 93. I agree with the addition of the NPS-ET which was an oversight, however I do not agree with the removal of references to the NZCPS. The NZCPS is different from other national policy statements, as it is the only mandatory national policy statement (s57 of the RMA), and therefore should have high visibility in this section.</i></p>	<p>Support the recommendation as it accurately reflects the NPSET.</p> <p>Accept retention of reference to the NZCPS on the basis it is a National policy statement.</p>

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
60.23	National Env Standards	Retain the reference to the NESETA Supports reference to the NESETA noting the NES prevails over the district plan provisions.	Recommendation: Accept s42A Reference: <i>Part A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation as the provision correctly reflects the national standard instrument.
60.123	National Policy Statements and New Zealand Coastal Policy Statement	Amend the reference to National Policy Statements within Part 1 as follows: <i>The following table provides an overview of whether any relevant review/s of the District Plan has been undertaken in relation to NPSs and the NZCPS:</i> <u>National Policy Statement on Electricity Transmission 2008 - The policy statement has been reviewed on 28th August 2020</u>	Recommendation: Accept in part s42A Reference: <i>Part A, Section 9.2</i> Amend PDP: <i>Yes</i> Reasoning: <i>93. I agree with the addition of the NPS-ET which was an oversight, however I do not agree with the removal of references to the NZCPS. The NZCPS is different from other national policy statements, as it is the only mandatory national policy statement (s57 of the RMA), and therefore should have high visibility in this section.</i>	Support the recommendation as it accurately reflects the NPSET. Accept retention of reference to the NZCPS on the basis it is a National policy statement.
60.124	National Env Standards	Retain the reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009	Recommendation: Accept in part s42A Reference: <i>Part A</i> Amend PDP: <i>No</i> Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i>	Support
81.251 Kāinga Ora Oppose – Transpower FS04.33	INF - Infrastructure - INF-P5	Delete: INF-P5 Protect the safe and efficient operation, maintenance and repair, upgrading, removal and development of Regionally Significant Infrastructure from being unreasonably compromised by: Kāinga Ora does not support the term “avoid” with a corresponding non-complying rule framework. Designation corridors by Requiring Authorities should be utilised where such a degree of protection is required.	Recommendation: Reject s42A Reference: <i>Part A, Section 9.11</i> Amend PDP: <i>No</i> Reasoning: <i>Note that the part of this submission relating to the National Grid is dealt with in the s42A report for Infrastructure.</i> Reasoning: <i>Para 194. I consider that removal of the term ‘avoid’ from the PDP is inappropriate, and inconsistent with higher order direction. All Council planners involved in drafting the PDP</i>	Support in part the recommendation in so far as it relates to the National Grid. As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid the term ‘avoid’ is used throughout the NPSET in various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET Managing the adverse effects of third parties on the transmission network. While it is perhaps a word that should be used with some care

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
		<p>Kāinga Ora opposes the National Grid provisions in their current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions) including the spatial extent of the overlay shown in the Proposed PDP is amended.</p> <p>Kāinga Ora acknowledges the need for the PDP to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008). However, the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.</p> <p>Kāinga Ora opposes the noise provisions relevant to the Rail Corridor and State Highway network, and likewise opposes these aspects of this policy.</p> <p>Kāinga Ora notes that INF-P5, INF-P6 and INF-P7 appear to be managing the same issue. Kāinga Ora also notes that the subdivision chapter deals with these matters comprehensively, so this is unnecessary duplication.</p>	<p><i>were fully aware of the King Salmon decision⁸ as it relates to the term ‘avoid’ and have applied this term to the drafting of provisions in the PDP with the Court’s interpretation in mind. The term is used under various higher-level planning instruments that must be given effect to in the PDP. Whether the use of the term is appropriate in relation to any particular provision is addressed under Part B of this report for any given topic.</i></p>	<p>(and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis that it gives effect to the NPSET.</p>
<p>82.164 Waka Kotahi</p> <p>Oppose – Transpower FS04.48</p>	<p>EW - Earthworks - EW-O1</p>	<p>Amend provision: Earthworks are undertaken in a manner that:</p> <p>4. Protects the safety of people, and property <u>and infrastructure</u>; and</p> <p>5. Minimises <u>Mitigates</u> adverse effects on the National Grid and the Gas Transmission Pipeline infrastructure.</p> <p><u>Transpower further submission</u></p> <p>In its submission to Objective EW-O1 Transpower²³ sought amendment to provide a differing policy directive for the National Grid whereby earthworks which compromise the</p>	<p>Recommendation: Reject</p> <p>s42A Reference: <i>Part A, Section 9.11</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>Note that the part of this submission relating to the National Grid is dealt with in the s42A report for Infrastructure.</i></p> <p>192. <i>Waka Kotahi [82.296, 82.1647, 82.165, 82.95, 82.44, 82.46, 82.47] seeks removal of the term ‘minimise’ throughout the PDP, in favour of the term ‘mitigate’, which aligns with the effects hierarchy under the RMA.</i></p> <p>195. <i>I consider that the removal of the term ‘minimise’ is inappropriate. Like the term</i></p>	<p>Accept – noting that Transpower sought amendment to Policy EW-O1 which will be addressed at Hearing 4.</p>

²³ Transpower Submission Point 60.92.

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
		National Grid are avoided. On the basis the National Grid is otherwise appropriately addressed, Transpower is neutral on the amendment sought to clause 5.	<p><i>‘avoid’, this term was used deliberately, and in the context of the overall broad judgement approach which includes consideration of both adverse and positive effects. ‘Minimise’ is used where there is likely to be a significant adverse effect, and the provision seeks to reduce this to the most extent possible. I consider that this provides sufficient guidance to a decision maker who is looking at the adverse effects of one part of an activity, in the context of the balancing of overall effects of an activity.</i></p> <p><i>196. Both terms are used extensively throughout the PDP. Neither submitter has provided sufficient s32AA evaluation of the impact of the decision they request.</i></p> <p><i>197. In regard to relocating houses, this activity is covered by the definition of the term ‘Construction activity’. Construction activity is a permitted activity in all zones, and as such new provisions are not needed. This issue is addressed more substantially in the Definitions s42A.</i></p>	
81.644 Kāinga Ora Oppose – Transpower FS04.56	RLZ - Rural Lifestyle Zone Multiple provisions, National Grid	<p>Kāinga Ora seeks amendments consistent with its overall submission on the Plan. Key areas of concern are (but not limited to):</p> <ol style="list-style-type: none"> 1. Deletion of provisions relating to the National Grid 2. Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid’. <p><u>Transpower further submission</u> Specific to the use of ‘avoid’ within the PDP, Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the</p>	<p>Recommendation: Reject</p> <p>s42A Reference: <i>Part A, Section 9.11</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>Note that the part of this submission relating to the National Grid is dealt with in the s42A report for Infrastructure.</i></p> <p><i>Para 194. I consider that removal of the term ‘avoid’ from the PDP is inappropriate, and inconsistent with higher order direction. All Council planners involved in drafting the PDP were fully aware of the King</i></p>	<p>Support in part the recommendation in so far as it relates to the National Grid.</p> <p>As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid the term ‘avoid’ is used throughout the NPSET in various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET <i>Managing the adverse effects of third parties on the transmission network</i>. While it is perhaps a word that should be used with some care</p>

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
		National Grid. Transpower would oppose any amendments which do not give effect to the NPSET.	<i>Salmon decision⁸ as it relates to the term ‘avoid’ and have applied this term to the drafting of provisions in the PDP with the Court’s interpretation in mind. The term is used under various higher-level planning instruments that must be given effect to in the PDP. Whether the use of the term is appropriate in relation to any particular provision is addressed under Part B of this report for any given topic.</i>	(and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis that it gives effect to the NPSET.
81.645 Kāinga Ora Oppose – Transpower FS04.57	SETZ - Settlement Zone Multiple provisions, National Grid	Kāinga Ora seeks amendments consistent with its overall submission on the Plan. Key areas of concern are (but not limited to): 1. Deletion of provisions relating to the National Grid 2. Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid’. <u>Transpower further submission</u> Specific to the use of ‘avoid’ within the PDP, Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the National Grid. Transpower would oppose any amendments which do not give effect to the NPSET.	Recommendation: Reject s42A Reference: <i>Part A, Section 9.11</i> Amend PDP: <i>No</i> Reasoning: <i>Note that the part of this submission relating to the National Grid is dealt with in the s42A report for Infrastructure.</i> <i>Para 194. I consider that removal of the term ‘avoid’ from the PDP is inappropriate, and inconsistent with higher order direction. All Council planners involved in drafting the PDP were fully aware of the King Salmon decision⁸ as it relates to the term ‘avoid’ and have applied this term to the drafting of provisions in the PDP with the Court’s interpretation in mind. The term is used under various higher-level planning instruments that must be given effect to in the PDP. Whether the use of the term is appropriate in relation to any particular provision is addressed under Part B of this report for any given topic.</i>	Support in part the recommendation in so far as it relates to the National Grid. As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid the term ‘avoid’ is used throughout the NPSET in various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET <i>Managing the adverse effects of third parties on the transmission network</i> . While it is perhaps a word that should be used with some care (and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis that it gives effect to the NPSET.
81.815 Kāinga Ora Oppose – Transpower FS04.59	FUZ - Future Urban Zone Multiple provisions	Kāinga Ora seeks consequential changes consistent with its overall submission on the PDP. Key areas of concern are (but not limited to): 1. Review and re-drafting of notification exclusion clauses;	Recommendation: Accept in part s42A Reference: <i>Part A, Section 9.13</i> Amend PDP: <i>No</i> Reasoning: <i>209. In response to all of the above submissions, I consider the PDP achieves</i>	Support in part the recommendation in so far as it relates to the National Grid. As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid the term ‘avoid’ is used throughout the NPSET in

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
	National Grid	<p>2. Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid’;</p> <p>3. Review and redrafting of the full package of provisions (objectives, policies, rules and definitions) in relation to the National Grid.</p> <p>4. Consequential changes to the numbering of provisions following changes sought throughout chapter.</p> <p><u>Transpower further submission</u> Specific to the use of ‘avoid’ within the PDP, Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the National Grid. Transpower would oppose any amendments which do not give effect to the NPSET.</p>	<p><i>the purpose of the RMA, subject to amendments made in response to specific submissions as outlined in Appendix A of both Part A and B of this report.</i></p>	<p>various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET <i>Managing the adverse effects of third parties on the transmission network</i>. While it is perhaps a word that should be used with some care (and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis that it gives effect to the NPSET.</p>
<p>81.940 Kāinga Ora</p> <p>Oppose – Transpower FS04.3</p>	<p>General – Infrastructure How the Plan Works</p>	<p>Amendments are sought throughout the PDP to remove reference to 'avoiding' such activities, in favour of the term 'discourage', or inclusion of qualifying statements.</p> <p><u>Transpower further submission</u> Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the National Grid. The NPSET uses ‘avoid’ in its policies and Transpower would oppose any amendments which do not give effect to the NPSET.</p>	<p>Recommendation: Reject</p> <p>s42A Reference: <i>Part A, Section 9.11</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>Para 194. I consider that removal of the term ‘avoid’ from the PDP is inappropriate, and inconsistent with higher order direction. All Council planners involved in drafting the PDP were fully aware of the King Salmon decision⁸ as it relates to the term ‘avoid’ and have applied this term to the drafting of provisions in the PDP with the Court’s interpretation in mind. The term is used under various higher-level planning instruments that must be given effect to in the PDP. Whether the use of the term is appropriate in relation to any particular</i></p>	<p>Support in part the recommendation in so far as it relates to the National Grid.</p> <p>As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid the term ‘avoid’ is used throughout the NPSET in various contexts, both in terms of the obligation on Transpower in Policies 7 and 8 of the NPSET, as well as in section 8 (Policies 10 and 11) of the NPSET <i>Managing the adverse effects of third parties on the transmission network</i>. While it is perhaps a word that should be used with some care (and sometimes in a qualified way) in preparing district plans, I remain supportive of the retention of the word ‘avoid’ in context of the National Grid on the basis that it gives effect to the NPSET.</p>

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
			<i>provision is addressed under Part B of this report for any given topic.</i>	
81.950 Kāinga Ora Oppose – Transpower FS04.5	General	That the proposed provisions of the PDP be deleted or amended, to address the matters raised in this submission and its attachments so as to provide for the sustainable management of the District's natural and physical resources and thereby achieve the purpose of the Act. <u>Transpower further submission</u> For the reasons outlined in its further submission point to point 81.936, Transpower opposes the relief sought in submission point 81.950 as it relates to the National Grid.	Recommendation: Accept in part s42A Reference: <i>Part A, Section 9.13</i> Amend PDP: <i>No</i> Reasoning: <i>209. In response to all of the above submissions, I consider the PDP achieves the purpose of the RMA, subject to amendments made in response to specific submissions as outlined in Appendix A of both Part A and B of this report.</i>	Support – for the reasons identified above.
82.296 Waka Kotahi Support - Transpower FS04.6	General	Amending the use of the term minimise throughout the Proposed District Plan. Considers that the term is difficult to interpret and apply in practice. For clarity it is considered that the term be replaced with 'mitigate' which aligns with the effects hierarchy under the RMA. <u>Transpower further submission</u> The term 'minimise' is used widely through the proposed plan but is not defined. In the absence of any clear definition or guidance as to what constitutes 'minimise' Transpower has concerns with the wide use of the term in relation to effects which are of a qualitative nature, as opposed to the application of the terms for quantitative effects which Transpower is generally comfortable with.	Recommendation: Reject s42A Reference: <i>Part A, Section 9.11</i> Amend PDP: <i>No</i> Reasoning: <i>192. Waka Kotahi [82.296, 82.1647, 82.165, 82.95, 82.44, 82.46, 82.47] seeks removal of the term 'minimise' throughout the PDP, in favour of the term 'mitigate', which aligns with the effects hierarchy under the RMA. 195. I consider that the removal of the term 'minimise' is inappropriate. Like the term 'avoid', this term was used deliberately, and in the context of the overall broad judgement approach which includes consideration of both adverse and positive effects. 'Minimise' is used where there is likely to be a significant adverse effect, and the provision seeks to reduce this to the most extent possible. I consider that this provides sufficient guidance to a decision maker who is looking at the adverse effects of one part of an activity, in the</i>	Accept as relates to Hearing Stream 1. For the purpose of Hearing Stream 1, in principle I am not opposed to the retention of the term 'minimise' within the PPDP. However, the appropriateness of the term will need to be assessed on a provision-by-provision basis. For example, the term 'minimise' is used in various provisions in the plan including National Grid policies INF-P6 and INF-P7, with the wording reflecting Policy 7 of the NPSET. In the absence of a definition within the PPDP of what constitutes 'minimise', the plain meaning would be relied upon, being: 'Minimise means to reduce (something, especially something undesirable) to the smallest possible amount or degree'. This is a potentially onerous requirement and the specific context will therefore influence in my opinion whether the term is appropriate.

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
			<p><i>context of the balancing of overall effects of an activity.</i></p> <p><i>196. Both terms are used extensively throughout the PDP. Neither submitter has provided sufficient s32AA evaluation of the impact of the decision they request.</i></p>	
81.580 Kāinga Ora Oppose – Transpower FS04.54	MRZ - Medium Density Residential Zone General	<p>Kāinga Ora seeks consequential changes consistent with its overall submission on the Plan. Key areas of concern are (but not limited to):</p> <ol style="list-style-type: none"> 1. Inclusion of an additional objective and policy to reflect that amenity values should reflect the planned urban built form and that this is expected to change over time. 2. Deletion of reference to Design Guides and requirement that development be “consistent” with these to achieve compliance; 3. Review and re-drafting of notification exclusion clauses; 	<p>Recommendation: Accept in part</p> <p>s42A Reference: <i>Part A, Section 9.13</i></p> <p>Amend PDP: <i>No</i></p> <p>Reasoning:</p> <p><i>Para 194. I consider that removal of the term ‘avoid’ from the PDP is inappropriate, and inconsistent with higher order direction. All Council planners involved in drafting the PDP were fully aware of the King Salmon decision⁸ as it relates to the term ‘avoid’ and have applied this term to the drafting of provisions in the PDP with the Court’s interpretation in mind. The term is used under various higher-level planning instruments that must be given effect to in the PDP. Whether the use of the term is appropriate in</i></p>	<p>Support the recommendation in so far as it relates to the National Grid.</p> <p>As outlined in paragraphs 8.7 – 8.11 of my evidence, specific to the National Grid, the term ‘avoid’ is used throughout the NPSET (though sometimes in a qualified way), both in terms of the obligation on Transpower, as well as Section 8 (Policies 10-11) of the NPSET Managing the adverse effects of third parties on the transmission network. Policies 10 and 11 of the NPSET are to be read together and impose clear obligations.</p>

Sub Ref	PWDP Plan Provision	Relief Sought in Transpower Submission (and further submissions as shown at blue text)	s42A Report Recommendation and Reasoning	Transpower response to S42A Report recommendation
		<p>4. Removal of provisions specific to “multi-unit housing” and integration within policies, rules and standards more generally;</p> <p>5. Amendment to spatial extent of the GRZ;</p> <p>6. Change language to align with NPS-UD - “planned built urban form” in anticipation of changing character and associated amenity values;</p> <p>7. Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid; and</p> <p>8. Consequential changes to the numbering of provisions following changes sought throughout chapter.</p> <p><u>Transpower further submission</u> Transpower opposes the relief sought in points 5. and 7.</p> <p>Specific to the use of ‘avoid’ within the PDP, Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the National Grid. Transpower would oppose any amendments which do not give effect to the NPSET.</p>	<p><i>relation to any particular provision is addressed under Part B of this report for any given topic.</i></p>	