

## 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 2:  
Natural Environment Values, Tangata Whenua, Papakāinga.

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 15 October 2021

---

---

**大成 DENTONS KENSINGTON SWAN**

89 The Terrace  
PO Box 10246  
Wellington 6143

P +64 4 472 7877  
F +64 4 472 2291  
DX SP26517

Solicitor: N McIndoe/Ezekiel J Hudspith  
E [nicky.mcindoe@dentons.com](mailto:nicky.mcindoe@dentons.com)/[ezekiel.hudspith@dentons.com](mailto:ezekiel.hudspith@dentons.com)

## 1 Executive Summary

- 1.1 As outlined in my Hearing Stream 1 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ('**NPSET**'). This significance applies universally across the country regardless of the nature of the specific National Grid asset.
- 1.2 Transpower's submission on the Proposed Porirua District Plan ('**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 Specific to Hearing Stream 2, Transpower lodged 25 submission points (18 original and 7 further points). The majority of these points sought clarification as to the relationship between the provisions within the Infrastructure Chapter, to the Natural Environment Chapter. While the Infrastructure Chapter is largely 'stand alone', there is cross reference within the Infrastructure policies to ECO policies P2, P4, P11 and P12 within the Natural Environment Chapter. I note the Infrastructure Rules are stand alone in respect of the Natural Environment Chapter (i.e., the Natural Environment Chapter *rules* do not apply).
- 1.4 I have reviewed the s42A Report recommendations and I am in agreement with 19 of the 25 recommendations. Attached as **Appendix C** to my evidence is a table outlining all the submission points relevant to Hearing Stream 2. The six outstanding submission points (in respect of which I recommend further changes or a different approach) can be broadly categorised under two 'topics':
- a Strategic Directions;

b Ecosystem ECO Policies (ECO-P2, ECO-P4, ECO-P11, and ECO-P12)

1.5 With respect to **Strategic Direction**, the officer has recommended a new strategic direction NE-O2<sup>1</sup>. In addition to concerns with the actual wording, in my evidence I query the implications of a new strategic objective in relation to the actual role of the strategic directions and relationship to other provisions in the plan. I seek deletion of the recommended objective. However, should the recommendation be adopted, and the objective be included in the plan, I would support amended wording, and clarification within the introductory commentary to each of the strategic direction chapters to confirm that there is no fixed hierarchy between the strategic objectives, that the strategic objectives do not over-ride the more specific chapter objectives and policies, and that they are not intended to be determinative in respect of the context of considering approvals for specific projects.

1.6 The second ‘topic’ of concern in Hearing Stream 2 relates to **ECO Policies P2, P4, P11 and P12**. The four policies are relevant to the National Grid in that they are referenced within the National Grid specific policies INF-P6 and INF-P7 (which requires, among other things, “*applying the mitigation hierarchy within ECO-P2, and assessing the matters in ECO-P4, P11 and P12*”). The s42A report recommended changes to all four ECO policies, the most significant of which is the inclusion of a strict ‘avoid’ provision within ECO-P2 to ‘give effect’ to clause 3.9(1)(a) i to iv of the draft National Policy Statement on Indigenous Biodiversity. Given the draft status of the NPS-IB and the significant policy change proposed through the amended ECO-P2, I have significant concerns on the recommended amendments in that:

a In my opinion the amendments do not create a hierarchy within the policy in that the recommended clause 1 would in reality apply to all effects and therefore no pathway is provided to the notified clauses 1. to 5.

---

<sup>1</sup> NE-O2 Maintaining and restoring indigenous biodiversity values  
Indigenous biodiversity values in the District are maintained and, where possible, restored.

- b The proposed changes are in my view not consistent with or directed by the NPS-IB, when applied to the National Grid (leaving aside the issue that the NPS-IB is only in draft and has no weight as a higher order policy document, and even if it were 'live' there may be some need to reconcile its direction with that of the NPSET).
  - c When applied to the National Grid, the provisions are simply not workable in a practical sense and do not give effect to the NPSET, specifically Policies 2, 3, 4 and 5. Nor does it give effect to the 'seek to avoid' directive within Policy 8.
- 1.7 Given these concerns I do not support the officer recommendation. While I appreciate INF-P6 and INF-P7 are to be addressed at Hearing Stream 4, given the significant implications of changes to policy ECO-P2 to the National Grid policies, I see merit in outlining my suggested relief which seeks to include SCHED7 - Significant Natural Areas within the 'seek to avoid' policy directive of the National Grid specific policies (INF-P6 and INF-P7) as opposed to cross reference to ECO-P2.
- 1.8 Given the relationship between ECO-P2 and P4, P11 and P12, similar relief is sought. In my view amendments to the 'interface' between the National Grid and the ECO policies, within the INF policies, may represent a more targeted change (specifically required to give effect to the NPSET) than wholesale changes to the ECO policies themselves.

## Table of Contents

1	Executive Summary	1
2	Qualifications and Experience	5
3	Scope of Evidence	5
4	The National Grid Policy Framework	5
5	Summary of Hearing Stream 2 Submission Points	6
6	Relevance of Hearing Stream 2 to Transpower	9
7	Regional Policy Statement for the Wellington Region 2013	10
8	Response to the Section 42A Report Recommendations	11
9	Conclusion	23
	Appendix A Natural Environment Values and Existing National Grid Assets within Porirua City	24
	Appendix B Greater Wellington Regional Council – Relevant RPS Indigenous Biodiversity provisions	25
	Appendix C Response to s42A Report Officers Recommendations	27

## **2 Qualifications and Experience**

- 2.1 My full name is Pauline Mary Whitney.
- 2.2 For my qualifications and experience and other introductory comments, please refer to paragraphs 2.1 – 2.8 of my statement of evidence for Hearing Stream 1 (“**Hearing 1 Evidence**”), dated 10 September 2021. 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.

## **3 Scope of Evidence**

- 3.1 My evidence will address the following:
- a A brief outline of the National Grid Framework and Transpower’s interests in Hearing Stream 2; and
  - b Responses to the officer recommendations, focusing on those amendments sought by Transpower that remain outstanding.
- 3.2 My evidence should be read together with the legal submissions to be lodged prior to the hearing.

## **4 The National Grid Policy Framework**

- 4.1 As outlined in my Hearing 1 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 (**‘NPSET’**). This significance applies universally across the country regardless of the nature of the specific National Grid asset.
- 4.2 The national significance of the National Grid is further recognised in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**‘NESETA’**) in that it acknowledges the importance of investment in the maintenance and

upgrade of the existing transmission infrastructure. Under the NESETA, “existing transmission lines” include a transmission line (which includes associated support structures and devices) that was operational when the NESETA came into effect (14 January 2010).

- 4.3 It should be noted while the NPSET applies to all Transpower assets, the NESETA only applies to existing transmission lines (including support structures) and does not apply to substations. Thus, all activities on new transmission lines (i.e. those constructed after 14 January 2010) and substations sites are subject to regional rules. The relationship between the NESETA and tree works is expanded upon in paragraph 6.4.

## 5 Summary of Hearing Stream 2 Submission Points

- 5.1 Transpower lodged 25 submission points (18 original and 7 further points) which were later allocated to Hearing Stream 2. The majority of these points sought clarification as to the relationship between the provisions within the Infrastructure Chapter and the Natural Environment Chapter.
- 5.2 To assist the panel, I attach as **Appendix A** a map showing the Natural Environment Values as they apply to existing National Grid Assets.
- 5.3 Of note, while the Infrastructure Chapter is largely ‘stand alone’, there are cross references within the Infrastructure policies to policies within the Natural Environment Chapter. However, the Infrastructure rules are stand alone in respect of the Natural Environment Chapter (i.e., the Natural Environment rules do not apply to infrastructure).
- 5.4 The policy cross references are summarised in the table below (noting INF-P6 and INF-P7 are specific to the upgrade and development of the National Grid, and INF-P20 and INF-P22 do not apply to the National Grid):

INF Policy References	Cross reference to Natural Environment Policies
INF-P6	ECO-P2, ECO-P4, ECO-P11, ECO-P12
INF-P7	ECO-P2, ECO-P4, ECO-P11, ECO-P12
INF-P20	ECO-P2, ECO-P4, ECO-P11, ECO-P12
INF-P22	NFL-P3, NFL-P6 and CE-PE3

5.5 Transpower's submission points to Hearing Stream 2 are summarised as follows:

*Natural Character and Public Access*

5.6 Transpower supported the Natural Character Chapter on the basis it does not apply to the National Grid<sup>2</sup>. As outlined in paragraph 7.2 of my Hearing 1 Evidence, the 'stand-alone' nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter<sup>3</sup>, and Part 1 of the PPDP<sup>4</sup>. These provisions are supported and sought to be retained.

*Strategic Directions - Natural Environment*

5.7 Transpower lodged two further submission points<sup>5</sup> opposing relief by Forest and Bird to insert a new objective for indigenous biodiversity, and a new rule to apply to indigenous biodiversity outside an SNA.

*Natural Environment*

5.8 Fourteen submission and further submission points were lodged by Transpower to the Natural Environment (Ecosystems and Indigenous Biodiversity) provisions. A key feature of the submission points was the relationship of ECO policies P2, P4, P11 and P12 to the National Grid (within INF-P6 and INF-P7).

5.9 In summary, the submission points sought to:

---

<sup>2</sup> Submission point 60.78.

<sup>3</sup> 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.*

<sup>4</sup> 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 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.*

<sup>5</sup> Submission point 225.91 and 225.166.



- a Retain ECO-P2 as notified<sup>6</sup>;
- b Amend ECO-P4 to delete reference to the need for an ecological assessment<sup>7</sup>;
- c Delete reference to policy ECO-P11 within INF-P6 and INF- P7<sup>8</sup>;
- d Delete reference to policy ECO-P12 within INF-P6 and INF- P7<sup>9</sup>;
- e Oppose the submission by GWRC seeking amendment to the term “indigenous vegetation” to ‘vegetation” within the ECO chapter<sup>10</sup>;
- f Oppose the submission by QEII Trust for a new definition for Vegetation removal on the basis it is not clear how the term would be used in the PPDP<sup>11</sup>;
- g Support the submission by Kāinga Ora to retain the definition of Biodiversity Compensation<sup>12</sup>;
- h Retain the definition of Biodiversity Offset<sup>13</sup>;
- i Retain ECO-O1<sup>14</sup>;
- j Oppose the submission by Forest and Bird which sought a new ECO objective<sup>15</sup>;
- k Although of limited relevance to Transpower, retain policies ECO-P3<sup>16</sup> and ECO-P5<sup>17</sup> and ECO-R9<sup>18</sup>; and
- l Oppose the submission by Forest and Bird seeking amendment to ECO-R1<sup>19</sup>.

---

<sup>6</sup> Submission Point 60.71.

<sup>7</sup> Submission Point 60.73.

<sup>8</sup> Submission Point 60.75.

<sup>9</sup> Submission Point 60.76.

<sup>10</sup> Submission Point 137.54.

<sup>11</sup> Submission Point 216.4.

<sup>12</sup> Submission Point 81.36.

<sup>13</sup> Submission Point 60.1.

<sup>14</sup> Submission Point 60.70.

<sup>15</sup> Submission Point 225.148.

<sup>16</sup> Submission Point 60.72.

<sup>17</sup> Submission Point 60.74.

<sup>18</sup> Submission Point 60.77.

<sup>19</sup> Submission Point 225.167.

## *Natural Features and Landscapes*

- 5.10 Transpower had eight submission points, as follows:
- a Four<sup>20</sup> points supported the Natural Features and Landscapes Chapter on the basis the provisions do not apply to the National Grid (the 'stand-alone' nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter, and Part 1 of the PPDP);
  - b Two points<sup>21</sup> supported the definition of 'Outstanding natural features and landscapes' and 'Special amenity landscapes'; and
  - c Two points<sup>22</sup> sought reference to the presence of the National Grid within two SAL's.

## **6 Relevance of Hearing Stream 2 to Transpower**

- 6.1 While I appreciate Indigenous Vegetation works in respect of the National Grid will be addressed at Hearing Stream 4 (within INF-P6 and P7), given the applicability of policies ECO-P2, ECO-P4, ECO-P11 and ECO-P12 to the National Grid (through policies INF-P6 and INF-P7) the Ecosystem chapter is of specific relevance to Transpower.
- 6.2 A key component of Transpower's Statement of Corporate Intent is to reliably and efficiently transport electricity. Essential to achieving this are the operation and maintenance activities associated with maintaining the National Grid.
- 6.3 Relevant to vegetation, Transpower is required to undertake vegetation trimming/clearance necessary for the safe and efficient operation, maintenance, upgrading and development of the National Grid, including (but not limited to) trimming that may be required by the Electricity (Hazards from Trees) Regulations 2003. Related, is the operational requirement for clearance of vegetation on access tracks to enable Transpower to access the grid infrastructure to undertake its operation, maintenance and upgrade.

---

<sup>20</sup> Submission point 60.79, 60.80, 60.81, and 60.82.

<sup>21</sup> Submission point 60.13 and 60.18.

<sup>22</sup> Submission point 60.121 and 60.122.

- 6.4 In a Resource Management Act ('**RMA**') statutory context, vegetation trimming and removal (in relation to existing transmission lines) is controlled by the PPDP provisions and the NESETA. The NESETA provides for trimming, felling or removal of any vegetation as permitted activities subject to conditions. Under Regulation 30 of the NESETA, resource consent is required under Regulation 31 (for a controlled activity) or Regulation 32 for a restricted discretionary activity) if:
- a A rule prohibits or restricts the works (Reg 30(2)(a)); or
  - b The vegetation is in a "natural area" (a term defined in NESETA<sup>23</sup>) (Reg 30(2)(b)).
- 6.5 Regulation 30(2)(a) is of particular relevance as it means the PPDP rules relating to vegetation trimming or clearance influence how the NESETA applies.
- 6.6 In relation to Regulation 30(2)(b), a number of the Significant Natural Areas ("SNAs") identified by the Council in the PDPP are relevant to the National Grid and would be considered a "natural area" under the NESETA. Transpower's assets subject to the SNA would include conductors (transmission lines and support structures) which are located adjacent to, or traverse identified SNAs.
- 6.7 As such, from Transpower's perspective it is important that an appropriate rule and policy framework is provided in the PPDP to ensure the NPSET is given effect to.

## **7 Regional Policy Statement for the Wellington Region 2013**

- 7.1 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 provisions from the RPS relating to Hearing Stream 2 – Ecosystems, are attached as **Appendix B**, with brief commentary on these provisions provided in the following paragraphs.

---

<sup>23</sup> Means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous biodiversity, or significant habitats of indigenous fauna.

- 7.2 Of particular relevance (relating to Ecosystems) are Objective 16 and supporting Policies 23, 24 and 47.
- 7.3 All the provisions relate to 'indigenous ecosystems and habitats with significant indigenous biodiversity values'. Objective 16 focuses on maintaining the values and restoring to a healthy functioning state.
- 7.4 Policy 23 focuses on identification, with criteria provided. Policy 24 provides for protection of 'indigenous ecosystems and habitats with significant indigenous biodiversity values' from inappropriate subdivision, use and development. Policy 47 provides the policy framework to consider the effects, noting it is an interim policy and will cease to have effect once policies 23 and 24 are in place in an operative plan.

## **8 Response to the Section 42A Report Recommendations**

- 8.1 The following section responds to the Hearing Stream 2 s42A Report recommendations on Transpower's submission points.
- 8.2 For clarity, attached as **Appendix C** is a table outlining all the submission points relevant to Hearing Stream 2, and my response. I note Transpower concurs with my reasoning and response as provided in Appendix C.
- 8.3 Of the 25 submission points, I either accept or support the officer recommendations on 19 of the points. The six outstanding submission points are addressed below and can be broadly categorised under two 'topics':
  - a Strategic Directions;<sup>24</sup> and
  - b Ecosystem ECO Policies (ECO-P2<sup>25</sup>, ECO-P4<sup>26</sup>, ECO-P11<sup>27</sup>, and ECO-P12<sup>28</sup>).

---

<sup>24</sup> Submission point 225.91 Forest & Bird - Oppose Transpower FS04.29; and 225.148 Forest & Bird - Oppose Transpower FS04.42.

<sup>25</sup> Submission Point 60.71 Transpower.

<sup>26</sup> Submission Point 60.73 Transpower.

<sup>27</sup> Submission Point 60.75 Transpower.

<sup>28</sup> Submission Point 60.76 Transpower.

## Strategic Directions

- 8.4 In response to submission points 225.91<sup>29</sup> and 225.148<sup>30</sup> (which Transpower opposed), the officer has recommended a new Strategic Objective as follows:<sup>31</sup>

*NE-O2 Maintaining and restoring indigenous biodiversity values*

*Indigenous biodiversity values in the District are maintained and, where possible, restored.*

- 8.5 My concerns with the recommend provision are twofold:
1. The specific wording; and
  2. Given the provision of a new strategic direction, I query the actual role of the strategic directions and relationship to other provisions in the plan.

These matters are addressed in turn.

### *Recommended wording and basis for NE-O2*

- 8.6 Recommended Strategic Objective NE-O2 applies to all indigenous biodiversity. While I accept that “the maintenance of indigenous biological diversity” is a function under s31(1)(b)(iii) of the RMA, in my opinion such a function does not warrant a strategic direction beyond what is already covered under notified NE-O1<sup>32</sup>.
- 8.7 The higher order policy support for the recommended objective is also unclear. Section 6(c) of the RMA and Objective 16, and Policies 23 and 24 of the RPS relate to ‘significant’ indigenous biodiversity. While Section

---

<sup>29</sup> The submitter sought a new objective as follows: *Indigenous biodiversity and habitats with indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.*

<sup>30</sup> Add a new ECO objective as follows: *The District’s indigenous biodiversity is maintained and enhanced.*

<sup>31</sup> Officer’s Report: Part B - Natural Environment, paras 50 – 51, 57.

<sup>32</sup> NE-O1.

*Natural character, landscapes and features and ecosystems*

*The natural character, landscapes and features and ecosystems that contribute to Porirua’s character and identity and Ngāti Toa Rangatira’s cultural and spiritual values are recognised and protected.*

7(d) of the RMA requires particular regard be had to “the intrinsic value of ecosystems”, there is no reference to ‘maintaining’ such areas.

- 8.8 The second part of the recommended objective “and, where possible, restored” as it applies to all indigenous biodiversity also has no higher order policy support either in the RMA or RPS. I also have particular concerns with the wording “where possible” as it sets a very high bar to demonstrate restoration is not possible. If the objective is retained (which I do not support), I would prefer “where appropriate, restored”.

#### *Role of Strategic Directions*

- 8.9 Strategic Directions are provided for under Clause 7.1 of the National Planning Standards. While commentary as to the purpose of Strategic Directions is provided within the General Approach<sup>33</sup> section of the PPDP, there is no upfront commentary as to the relationship between the strategic directions themselves, or their relationship to objectives and policies, rather each strategic direction ‘topic’ has some introductory commentary as follows:

The strategic objectives set the direction for the District Plan and help to implement the Council’s community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan.

The objectives, policies and rules in Parts 2 and 3 of the District Plan implement the strategic objectives and reconcile any tensions between them.

The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications.

Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.

---

<sup>33</sup> Part 2

*District-Wide Matters*

*This part of the Plan is in two parts; the Strategic Directions and District-Wide Matters.*

*Strategic Direction – The strategic objectives set the direction for the District Plan and help to implement the Council’s community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan. The strategic objectives set the direction for the District Plan and help to implement the Council’s community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan. The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications.*

- 8.10 My interpretation of the PDPP commentary on strategic directions is that all the strategic objectives are interdependent, and do not over-ride any chapter objectives or policies. Instead, the strategic objectives are given effect to through the various chapter objectives, policies and rules. It is at this level that any tensions are reconciled through the more nuanced provisions (rather than plan users having to simply pit the different strategic objectives against one another). I support this approach.
- 8.11 However, I do note the supporting PPDP text that “The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications.”<sup>34</sup> The reference to resource consents here is unclear and could introduce uncertainty; for example, in terms of whether there would be ‘second guessing’ of the more detailed direction in the various chapter objectives, policies and rules in the context of a resource consent hearing by reference to the strategic objectives. It is also unclear and open to interpretation as to what constitutes a ‘significant resource consent application’.
- 8.12 Noting it is not clear what form the strategic objectives will take given they are addressed at multiple future hearings, if recommended NE-O2 is retained (in some form), I would support additional wording to confirm that there is no fixed hierarchy between the strategic directions, that the strategic objectives do not over-ride the more specific chapter objectives and policies, and that they do not apply in the context of specific approvals for individual projects.

- 8.13 For the above reasons I do not support the provision of recommended strategic objective NE-O2.
- 8.14 While not supported, should the recommendation be adopted and an objective be provided, I would support amendment as follows (Amendments proposed through this evidence are shown in **red strikethrough/underline** text, while those recommended by the s42A report are shown in black underline/strikethrough text):
- NE-O2 ~~Maintaining and restoring~~ Indigenous biodiversity values

<sup>34</sup> Proposed Porirua District Plan, General Approach, Page 6.

Indigenous biodiversity values in the District are maintained and, where ~~possible-appropriate~~, restored.

8.15 Further to paragraph 8.14 above, should the recommendation be adopted and objective NE-O2 be provided, I would support clarification within the introductory commentary of each of the Strategic Direction topics (CEI, EP, FC, HCH, HO, NE, REE, RE, Tangata Whenua, UFD) regarding the relationship and role of the strategic objectives, as follows:

*The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan.*

*The objectives, policies and rules in Parts 2 and 3 of the District Plan implement the strategic objectives and reconcile any tensions between them. As such, the strategic objectives do not over-ride the chapter provisions, and have no fixed hierarchy.*

*The strategic objectives will be particularly relevant for any future changes to the Plan rather than being determinative of the specific approvals for individual projects, and any significant resource consent applications.*

## **Ecosystem Policy ECO-P2**

8.16 In its submission<sup>35</sup> Transpower noted its support for the mitigation hierarchy within Policy ECO-P2 (noting the National Grid specific policies INF-P6 and INF-P7 require application of the mitigation hierarchy in ECO-P2).

8.17 In response to other submission points<sup>36</sup>, the officer has recommended amendment to the mitigation hierarchy within ECO-P2, with the primary reason being to give effect to clause 3.9(1)(a) i to iv. of the draft National Policy Statement on Indigenous Biodiversity (“**NPS-IB**”).<sup>37</sup> In essence, as notified ECO-P2 contained a clear stepped ‘effects management’

<sup>35</sup> Submission Point 60.71.

<sup>36</sup> Primarily Submission Point 225.151 Forest & Bird.

<sup>37</sup> Officer's Report: Part B – Ecosystems and Indigenous Biodiversity, para 289.



'mitigation hierarchy' (and was referred to as such in other parts of the PPDP<sup>38</sup>) whereby effects are avoided where possible, and then minimising (etc) effects 'where avoidance is not possible'. This defining feature of the policy would be lost by the amendments to ECO-P2 which simply provides unqualified 'avoid' directions without any graduated pathway (I would however note that "where possible" is on its face a rather high threshold, and wording such as "where practicable" would ordinarily be more appropriate for the National Grid).

- 8.18 Given the draft status of the NPS-IB and the significant policy change proposed through the amended ECO-P2, I have significant concerns with the recommended amendments in terms of the basis of the changes, the workability of the amended policy, and relationship to the NPSET.
- 8.19 In terms of the basis for the recommendation to amend ECO-P2, the provisions within the draft NPS-IB are draft only and I understand they are to be consulted on again through an exposure draft. The draft NPS-IB has not been approved by cabinet or gazetted. As such the provisions cannot be given any weight as a higher order policy document (they are at most a 'relevant consideration' without any statutory weight). The officer notes that "it is possible that the wording will change in the gazetted version of the NPS-IB, and this policy will need to be reviewed through a wider plan change to give effect to the NPS-IB."<sup>39</sup> I also note that the recommendation is based on clause 3.9(1) of the draft NPS-IB, with no reference or acknowledgement to clause 3.9(2)<sup>40</sup> of the draft NPS-IB which applies the 'effects management' hierarchy (which is defined in the draft NPS-IB) to certain activities, such as the National Grid. That is very clearly a hierarchy, providing for effects to be remedied or mitigated where they cannot be avoided. In other words, the proposed change to ECO-P2 is in effect more onerous than the (draft) NPS that it purports to implement.
- 8.20 In my opinion, given the scale and significance of the recommended changes to ECO-P2, the more effective and efficient approach would be

---

<sup>38</sup> For example policies INF-P6 and P7 both state (as notified) "applying the *mitigation hierarchy* in ECO-P2". It is in concept the same as the 'effects management hierarchy' in the Draft NPS-IB, and I use the terms somewhat interchangeably in this evidence.

<sup>39</sup> Officer's Report: Part B - Ecosystems and Indigenous Biodiversity, para 290.

<sup>40</sup> <https://environment.govt.nz/assets/Publications/Files/draft-npsib.pdf>, page 21.

to implement the NPS-IB at the time the NPS provisions are gazetted, rather than adopting selective and premature draft provisions. This would allow for the comprehensive and cohesive implementation of the yet to be determined NPS-IB provisions, rather than the interim and piece-meal approach on which the recommendation is based.

- 8.21 In terms of the workability of the resulting provisions, my interpretation of the proposed amendments to policy ECO-P2 is that effectively all effects (regardless of scale or significance) would be required to be avoided. Any loss of extent, reduction in population size (even by one) or loss of buffering, regardless of the degree or extent of the effect, must be avoided – there is effectively no ‘hierarchy’ (i.e. no ability to remediate, mitigate, or offset where complete avoidance is not possible).
- 8.22 While the mitigation hierarchy aspect of the policy then applies to ‘other’ adverse effects (through notified clauses 1. to 5.), I do not see in practice what other effects would not otherwise be captured by the avoid policy directive within recommended amendment clause 1. and be able to be assessed under the hierarchy. In my opinion, the amendments to Policy ECO-P2 effectively nullify the whole policy being considered an ‘effects management’ or ‘mitigation’ hierarchy.
- 8.23 Specific to the National Grid, I do not consider the development or substantial upgrade of the National Grid network (or even operation, maintenance or minor upgrades should these be subject to ECO-P2<sup>41</sup>) could navigate beyond recommended clause 1. For example, if Transpower were required to provide necessary clearance distances between the transmission lines and the vegetation, this would in reality trigger one of the recommended clauses 1, i to iv) in that the works would result in a loss of extent (given vegetation would be removed), potential loss of connectivity (in that there would be a break in vegetation), and a reduction in population occupancy (as a result of the vegetation removal or trimming). The ‘avoid’ directive would therefore apply. I am not aware what ‘other adverse effects’ would result that would be subject to the subsequent mitigation hierarchy. As noted in paragraph 8.19 above,

---

<sup>41</sup> As notified, it would appear ECO-P2 would not apply to the National Grid as infrastructure activities are managed solely under the Infrastructure chapter unless otherwise specified. I do note in its submission Transpower sought a new policy for the maintenance operation and minor upgrade of the National Grid.

there is no acknowledgment or provision within the recommended amended policy to other parts of the draft NPS-IB including the provision for nationally significant infrastructure at Clause 3.9(2).

- 8.24 In my opinion, the amendments do not create a hierarchy within the policy in that the recommended clause 1 would in reality apply to all effects and therefore no pathway is provided to the notified clauses 1 to 5.
- 8.25 When applied to the National Grid, the provisions are simply not workable in a practical sense and do not give effect to the NPSET, specifically Policies 2, 3, 4 and 5. Nor does it give effect to the 'seek to avoid' directive within Policy 8. Moreover, the proposed changes are in my view not even consistent with or directed by the NPS-IB, when applied to the National Grid (leaving aside the issue that the NPS-IB is only in draft, and even if it were 'live' there may be some need to reconcile its direction with that of the NPSET).
- 8.26 While NPSET Policy 8 does not specifically reference indigenous biodiversity, given the high value of the areas within the policy, it would be consistent to include SNA's within the PDPP INF-P6 and P7 policy directive. The inclusion would be consistent for the intent of the NPSET to provide a comprehensive enabling regime for the National Grid recognising its national significance, and for the 'seek to avoid' policy to address RMA section 6 matters in a consistent manner. Logically, policies 1-5 of the NPSET require some tempering of plan provisions that may otherwise be applied to the National Grid, in order to provide for the need to operate, maintain, develop and upgrade the electricity transmission network as a matter of national significance.
- 8.27 INF-P6 and P7 then provide a framework in which to assess the effects, including the extent to which adverse effect has been avoided, remedied or mitigated by the route, site and method selection process. (I note SNA's were included in the 'seek to avoid' clause within INF-P6(6) as notified but Transpower sought it to be removed in its submission as the policy also had specific reference to the ECO policies and the duplication was not considered helpful – that position was premised on the ECO

policies being able to (with some amendments) provide a workable framework when applied to the National Grid).

8.28 Based on the above I do not support the officer's recommendation to amend ECO-P2. The recommended amendments as applied to the National Grid do not give effect to the NPSET. I appreciate INF-P6 and INF-P7 (which reference ECO-P2) are to be addressed at Hearing Stream 4. However, given the uncertainty as to what form ECO-P2 will take and the significant implications of any policy changes to policy ECO-P2 to the National Grid, I see merit in outlining my suggested relief as provided below which seeks to include (or retain in relation to INF-P6(6)) SCHED7 - Significant Natural Areas within the 'seek to avoid' policy directive of the National Grid specific policies, as opposed to being subject to ECO-P2. By deleting the ECO specific clause within INF-P6 and P7, the policy directive would be to 'seek to avoid' the SNA's as applying to the National Grid. This would be the most efficient and effective solution in respect of the NPSET. I understand INF-P6 and INF-P7 will be addressed at Hearing Stream 4, at which time I will be in a more informed position to comprehensively address the National Grid specific policies.

8.29 Based on the above, I do not support the officer's recommendation and instead, support retention of ECO-P2 as notified (on the basis it has a workable hierarchy).

8.30 If ECO-P2 is amended (in any form), I would support corresponding amendment to the National Grid specific policies INF-P6 and INF-P7 to delete the cross reference to ECO-P2, as follows: (Amendment to the notified PDPP provisions proposed through this evidence are shown in ~~red~~ underline text)

*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:*

.....

~~3. Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, ECO-P11 and ECO-P12 when considering any upgrade within an area identified in SCHED7 – Significant Natural Areas;~~

...

6. Seeking to avoid adverse effects on areas identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED11 - Coastal High Natural Character Areas, SCHED7 - Significant Natural Areas, SCHED10 - Special Amenity Landscapes and Open Space and Recreation Zones; and

*INF-P7 Development of the National Grid*

*Provide for the development of the National Grid, while:*

.....

2. Seeking to avoid the adverse effects of the National Grid within areas identified in SCHED7 - Significant Natural Areas, SCHED9 - Outstanding Natural Features and Landscapes outside of the Coastal Environment, SCHED10 - Special Amenity Landscapes and Open Space and Recreation Zones;

...

~~4. Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, ECO-P11 and ECO-P12 when considering the effects of the National Grid in an area identified in SCHED7 – Significant Natural Areas; and~~

....

### **Ecosystem Policy ECO-P4**

8.31 Policy ECO-P4 is relevant to the National Grid in that it is referenced within the National Grid specific policies INF-P6 and INF-P7 (which require “assessing the matters in ECO-P4”). While it is not clear what is required by “assessing the matters”, I would interpret this as more akin to ‘applying’ the matters within the policy ECO-P4, as opposed to ‘having regard to’.

- 8.32 In its submission<sup>42</sup> Transpower sought amendment to ECO-P4 to remove reference to the need for an ecological assessment (on the basis this would be required in any event if consent was needed under section 88 and Schedule 4 of the RMA). The officer recommended deletion of clause 2(a) of ECO-P4 on the basis it is not required within the policy.<sup>43</sup> I support the recommendation (in addition to the other recommended amendment to ECO-P4).
- 8.33 While the recommendation is supported, the recommended amendments to ECO-P2 have implications for ECO-P4 in that ECO-P4 clause 1 requires development to “Appl[y] the effects management hierarchy approach in ECO-P2”. For the reasons outlined above in relation to ECO-P2, the approach creates an ‘avoid’ policy directive and in reality, no workable mitigation hierarchy. In addition, the recommended avoid directive within ECO-P2 would mean the matters to be taken into account (to determine appropriateness) within clause 2. of ECO-P4, in effect become obsolete given the requirement to apply the “effects mitigation hierarchy approach within ECO-P2”.
- 8.34 For the reasons provided in my evidence above on ECO-P2, the avoid policy directive does not give effect to the NPSET.
- 8.35 I am also unclear as to the need for the reference to ECO-P2 within ECO-P4 given both policies relate to the subdivision, use and development with a SNA, and therefore ECO-P2 would apply notwithstanding of any cross reference within ECO-P4.

8.36 Given the unworkable mitigation hierarchy within ECO-P2, while I support the recommended amendments to ECO-P4, the amendments to ECO-P2 have consequential implications for the National Grid. I therefore support deletion of the reference to ECO-P4 within INF-P6 and P7, and instead inclusion of SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies. To avoid duplication of the specific relief sought, the sought relief is outlined in italics within

---

<sup>42</sup> Submission Point 60.73.

<sup>43</sup> Officer’s Report: Part B – Ecosystems and Indigenous Biodiversity, paras 314 and 315.

paragraph 8.30 above. Alternately I would support deletion of ECO-P4 clause 1<sup>44</sup>.

### **Ecosystem Policy ECO-P11 and ECO-P12**

- 8.37 Policy ECO-P11 and ECO-P12 are relevant to the National Grid because they are referenced within the National Grid specific policies INF-P6 and INF-P7 (which require “assessing the matters in ECO-P11 and ECO-P12”). While it is not clear what is required by “assessing the matters”, I would interpret this as more akin to ‘applying’ the matters within policies ECO-P11 and P12, as opposed to ‘having regard to’ them.
- 8.38 In its submission,<sup>45</sup> Transpower sought deletion of reference to ECO-P11 and P12 from INF-P6 and INF-P7 on the basis the matters are either addressed under ECO-P2 and ECO-P4 (which are cross referenced within the policies), or otherwise under INF-P6 and P7. The Officer has recommended amendment to ECO-P11 and ECO-P12, noting that cross reference to ECO-P2 and ECO-P4 are retained.<sup>46</sup>
- 8.39 As with ECO-P4, the recommended amendments to ECO-P2 have implications for ECO-P11 and P12 in that they require things to occur “in accordance with ECO-P2”. For the reasons outlined above in relation to ECO-P4, the approach creates an ‘avoid’ policy directive and in reality, no workable mitigation hierarchy, and fails to give effect to the NPSET.
- 8.40 I am also unclear as to the necessity or utility of the reference to ECO-P2 within ECO-P11 and P12, given ECO-P2 would apply regardless of any cross reference within ECO-P11 and P12.
- 8.41 As outlined in the relief sought for ECO-P2 and ECO-P4, I support deletion of reference to ECO-P11 and P12 within INF-P6 and P7, and instead support inclusion of SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies. To avoid duplication of the specific relief sought, the sought relief is outlined in italics within paragraph 8.30 above.

<sup>44</sup> 1. *Applies the effects management hierarchy approach in ECO-P2; and.*

<sup>45</sup> Submission Point 60.75 and 60.76.

<sup>46</sup> Officer’s Report: Part B – Ecosystems and Indigenous Biodiversity, paras 379 and 389.

## **9 Conclusion**

- 9.1 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.
- 9.2 While the Infrastructure Chapter is largely stand alone, there is cross reference within the Infrastructure policies to policies within the Natural Environment Chapter.
- 9.3 Transpower lodged 25 submission points (18 original and 7 further points) to Hearing Stream 2 with six submission points in contention, which can be broadly categorised under two 'topics':
- a Strategic Directions<sup>47</sup>
  - b Ecosystem ECO Policies (ECO-P2<sup>48</sup>, ECO-P4<sup>49</sup>, ECO-P11<sup>50</sup>, and ECO-P12<sup>51</sup>)
- 9.4 In its submission and refined through my evidence, I have outlined clear relief to address the concerns identified with the above provisions and ensure the PPDP gives effect to the NPSET.

**Pauline Mary Whitney**

15 October 2021

---

<sup>47</sup> Submission point 225.91 Forest & Bird - Oppose Transpower FS04.29; and 225.148 Forest & Bird - Oppose Transpower FS04.42.

<sup>48</sup> Submission Point 60.71 Transpower.

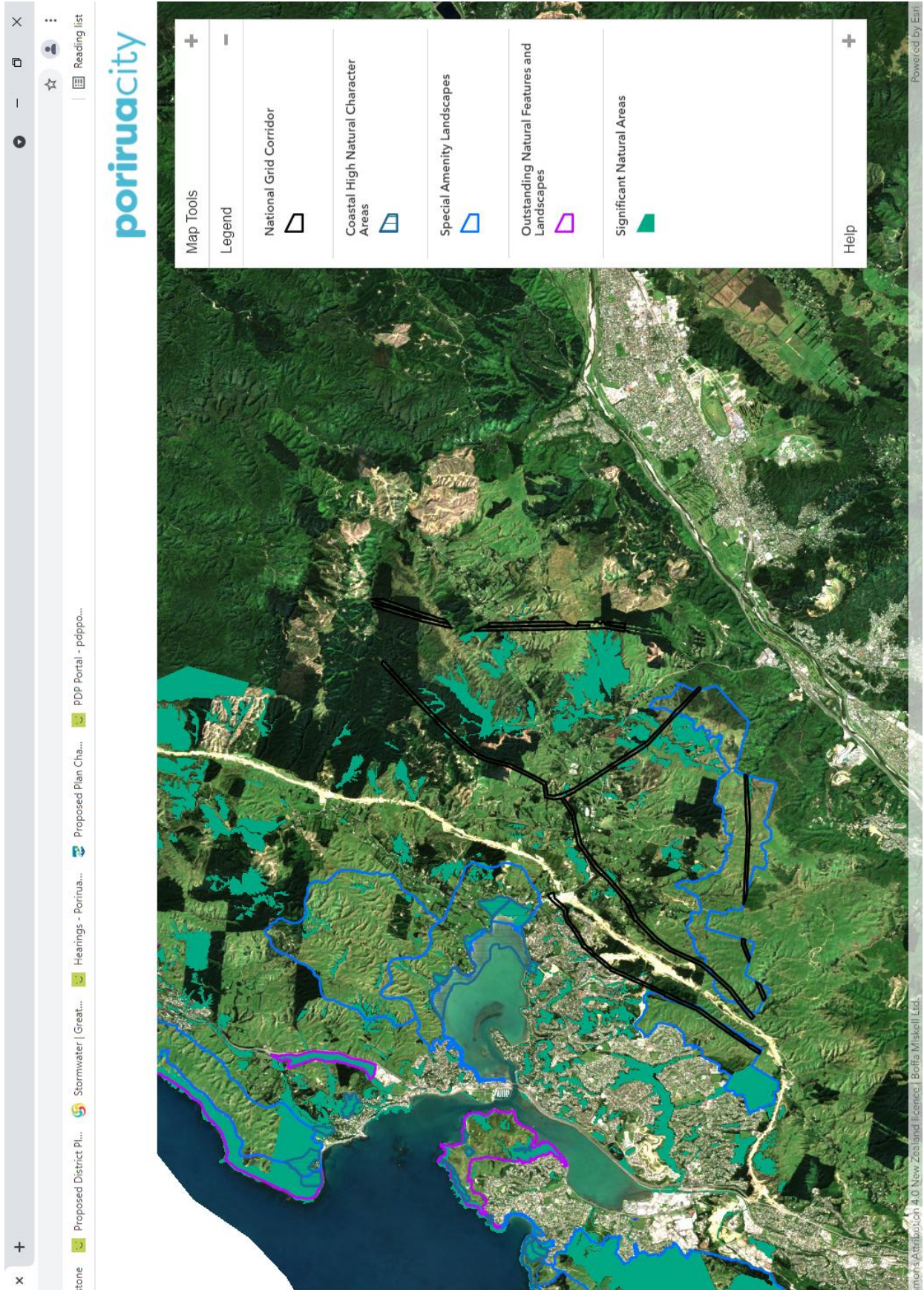
<sup>49</sup> Submission Point 60.73 Transpower.

<sup>50</sup> Submission Point 60.75 Transpower.

<sup>51</sup> Submission Point 60.76 Transpower.



# Appendix A Natural Environment Values and Existing National Grid Assets within Porirua City



## **Appendix B      Greater Wellington Regional Council – Relevant RPS Indigenous Biodiversity provisions**

### **3.6 Indigenous ecosystems**

#### Objective 16

Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.

District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:

- (a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and:
  - (i) are no longer commonplace (less than about 30% remaining); or
  - (ii) are poorly represented in existing protected areas (less than about 20% legally protected).
- (b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.
- (c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.
- (d) Ecological context of an area: the ecosystem or habitat:
  - (i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or
  - (ii) provides seasonal or core habitat for protected or threatened indigenous species.
- (e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori.

Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
- (c) managing wetlands for the purpose of aquatic ecosystem health;
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- (e) providing seasonal or core habitat for indigenous species;
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;
- (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats

## **Appendix C      Response to s42A Report Officers Recommendations**

Officer recommendations on Transpower submission and further submission points

Transpower original submission points are shown in black text

Transpower further submission points are shown in blue text

Those s42A recommendations opposed are shaded orange

Sub Red	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
<b>Natural Character and Public Access</b>				
60.78 Transpower	NATC – Natural Character	Retain the Natural Character Chapter. If the chapter applies to the National Grid, amend provisions to reflect the relief sought in submission. Neutral on the provisions within the chapter on the basis the provisions within the Natural Character chapter do not apply to infrastructure, and specifically the National Grid.	Recommendation: <b>Accept in part</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i>  <i>51. As is explained both in the How the Plan Works – General Approach and INF- Infrastructure Chapters, the provisions in the NATC - Natural Character Chapter do not apply to infrastructure. Accordingly, I agree with Transpower to retain this approach and I consider there is no need to address their alternative relief.</i>	Support the recommendation on the basis the reporting officer has confirmed the provisions within the Natural Character chapter do not apply to infrastructure, and specifically the National Grid. This is the view of Transpower in interpreting the plan. As outlined in paragraph 7.2 of my Hearing 1 Evidence, the ‘stand-alone’ nature of the Infrastructure Chapter is expressed in notes to the INF- Infrastructure chapter, and Part 1 of the PPDP. Transpower supports the retention of the provisions.
<b>Strategic Directions - Natural Environment</b>				
225.91 Forest & Bird  Oppose Transpower FS04.29	Natural Environment NE-O1 New provision	Retain NE-O1  Add new <u><i>Indigenous biodiversity and habitats with indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.</i></u>  <b>Transpower – Opposes</b> the submission point in so far as it seeks a new objective/policy above. <i>The sought clause is opposed on the basis it goes beyond Section 6 of the RMA in that it applies to all indigenous biodiversity and is not confined to</i>	Recommendation: <b>Accept in part</b> s42A Reference: 3.2 Amend PDP: Yes Reasoning: <i>See body of report</i>  <i>50. I agree with Forest and Bird and QEII that the NE strategic objectives do not adequately address the Council’s function under s31(1)(b)(iii) to maintain indigenous biodiversity. However, neither section 6 of the RMA nor the RPS include a requirement to maintain, restore and enhance indigenous biodiversity as sought by the submitters. Section 7(d) requires that the Council does have particular regard to the intrinsic values of ecosystems. Policies 23 and 24 of the RPS are focused on district plans identifying, evaluating and protecting indigenous ecosystems and habitats with significant indigenous biodiversity values.</i>	Oppose.  For the reasons outlined in paragraphs 8.4 to 8.12 of the main body of my evidence, I oppose aspects of the wording of the recommended strategic objective NE-O2, and seek clarification on the relationship between strategic objectives.

Sub Red	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>“significant”. The Proposed Plan should not pre-empt the draft NPS Indigenous Biodiversity.</i></p>	<p><i>The PDP has given effect to these two policies through the SNA provisions contained in the Ecosystems and Indigenous Biodiversity chapter.</i></p> <p><i>51. In respect of their request for additional objectives, I consider that their requested relief is addressed through my recommended amendments to Strategic Objective NE-O1 and by the inclusion of a new objective to address broader indigenous biodiversity.</i></p> <p>The following Strategic objective is proposed.  <u>NE-O2 Maintaining and restoring indigenous biodiversity values</u>  <u>Indigenous biodiversity values in the District are maintained and, where possible, restored.</u></p>	
<p>225.166 Forest &amp; Bird  Oppose Transpower FS04.43</p>	<p>ECO - Ecosystems and Indigenous Biodiversity - New Rule in all zones</p>	<p>Add a new rule applying to All Zones as follows or similar:  Refer submission:  <u>Indigenous vegetation removal outside of the Significant Natural Area Overlay</u>  <u>1. Activity status: Permitted</u>  <u>Where</u>  <u>a. the indigenous vegetation removal is for the following purposes:</u>  <u>i. to address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;</u>  <u>ii. for the operation or maintenance of lawfully established buildings, infrastructure, walking cycling or private vehicle access or fences or existing farming activities;</u>  <u>iii for the construction of new buildings, infrastructure, walking cycling or private vehicle access or fences outside of any ONFL and HNC overlays within the coastal environment; and</u></p>	<p>Recommendation: <b>Accept in part</b>  s42A Reference: 3.2  Amend PDP: No  Reasoning: <i>See body of report</i></p> <p><i>52. Forest and Bird in particular has sought amendments through the PDP to include specific consideration of indigenous biodiversity and SNAs throughout the Zone chapters. While I appreciate their concern about this “slipping through the cracks”, the submitters should be assured that the PDP is to be read as a whole. This is clearly explained in the “How the Plan Works – General Approach” chapter in Part 1, which is referenced directly in the introduction to the NE strategic objectives. For instance, any development on a site in the General Rural Zone which has a SNA located on it will be subject to the rules in both the General Rural Zone and Ecosystems and Indigenous Biodiversity chapters, and any resource consent application would require consideration of the relevant objectives and policies from both chapters.</i></p>	<p>Support the recommendation.</p> <p>Transpower opposed the provision of a rule managing indigenous vegetation removal outside an SNA. The SNA overlays provide the mechanism to manage effects on significant indigenous vegetation and that approach is supported.</p>

Sub Red	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>b. the indigenous vegetation removal does not exceed:</i></p> <p><i>i. 100m2 within the coastal environment; or</i></p> <p><i>ii. 200m2 beyond the coastal environment, per title as of (date of decision); or beyond 5m of the national grid .</i></p> <p><i>.....</i></p>		
<b>Natural Environment (Ecosystems and Indigenous Biodiversity)</b>				
60.71 Transpower	ECO - Ecosystems and Indigenous Biodiversity - ECO-P2	<p>Retain Infrastructure Chapter policy INF-P7 requires consideration of ECO-P2 in the development of the National Grid. Support the mitigation hierarchy approach within ECO-P2 on the basis biodiversity offsets and compensation are only a consideration as opposed to a mandatory requirement. Support the term ‘minimise’ within clause 2 given the biodiversity context of the policy.</p>	<p>Recommendation: <i>Accept in part</i></p> <p>s42A Reference: <i>Various, including 3.25.2</i></p> <p>Amend PDP: <i>Yes</i></p> <p>Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i></p> <p>Amend ECO-P2 as follows:</p> <p><i>ECO-P2 Protection of Significant Natural Areas</i></p> <p><i>Protect the biodiversity values of Significant Natural Areas identified within SCHED7 – Significant Natural Areas, by requiring subdivision, use and development to:</i></p> <p><i><u>1.Avoid the following adverse effects on indigenous biodiversity values:</u></i></p> <p><i><u>i.Loss of ecosystem representation and extent;</u></i></p> <p><i><u>ii.Disruption to sequences, mosaics or ecosystem function;</u></i></p> <p><i><u>iii.Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and</u></i></p> <p><i><u>iv. A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle;</u></i></p> <p><i>1. Avoid <u>other</u> adverse effects on <del>identified</del> indigenous biodiversity values where possible;</i></p> <p><i>2. Minimise <u>other</u> adverse effects on the <del>identified</del> indigenous biodiversity values where avoidance is not possible;</i></p> <p><i>3. Remedy <u>other</u> adverse effects on the <del>identified</del> indigenous biodiversity values where they cannot be avoided or minimised;</i></p>	<p>Oppose.</p> <p>For the reasons outlined in paragraph 8.16 to 8.29 of the main body of my evidence, I oppose the recommended amendments to the policy.</p> <p>Given the recommended amendments are based on the draft NPS-IB and the significant policy change proposed through the amended ECO-P2, I have significant concerns on the recommended amendments in terms of the basis of the changes, the workability of the amended policy, and relationship to the NPSET.</p> <p>In reality the amendments remove the hierarchy in that Clause 1 would capture all adverse effects. Given Policy ECO-P2 applies to the National Grid, the avoid directive within the policy does not give effect to the NPSET.</p>

Sub Red	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. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 – Biodiversity Offsetting are met; and</p> <p>5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 – Biodiversity Compensation are met.</p>	
60.73 Transpower	ECO - Ecosystems and Indigenous Biodiversity – ECO-P4	<p>Amend Policy ECO-P4 by deleting clause a. as follows: ECO-P4 Other subdivision, use and development in Significant Natural Areas Only allow subdivision, use and development in Significant Natural Areas listed in SCHED7 - Significant Natural Areas where it: Applies the effects management hierarchy approach in ECO-P2; and Can demonstrate that it is appropriate by taking into account: <del>The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;</del> .....</p>	<p>Recommendation: <b>Accept</b> s42A Reference: 3.25 Amend PDP: Yes Reasoning: <i>See body of report</i></p> <p><i>314. In regards to Transpower [60.73], I consider that it is appropriate that an ecological assessment is required for any activity that requires resource consent, as activities outside the permitted baseline potentially have more than minor adverse effects that need to be managed following expert ecological advice.</i></p> <p><i>315. However, I consider that criterion 'a.' is unnecessary. It duplicates ECO-P2, as well as s88 requirements that are detailed under most rules that require resource consent. Therefore I recommend that this submission be accepted and criterion 'a.' deleted.</i></p> <p>Amend ECO-P2 as follows: 1. Applies the effects management hierarchy approach in ECO-P2; and 2. Can demonstrate that it is appropriate by taking into account: <i>a. The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;118</i> <i>b. The provision of any protective covenants of the Significant Natural Area as part of the subdivision, use or development;</i> <i>c. Whether the fragmentation of the Significant Natural Area is minimised, including connectivity with other Significant Natural Areas;</i></p>	<p>Oppose.</p> <p>Given the unworkable “mitigation hierarchy” within ECO-P2 (which would no longer function as such), for the reasons outlined in paragraph 8.31 to 8.36 of the main body of my evidence, while I support the recommended amendments to ECO-P4, the amendments to ECO-P2 (which is referenced within ECO-P4) have consequential implications for the National Grid. I therefore support deletion of reference to ECO-P4 within INF-P6 and P7, and instead seek to include SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies.</p>



Sub Red	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>d. The extent to which building platforms and vehicle accessways are proposed to locate outside the Significant Natural Area;</i></p> <p><i>e. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area;</i></p> <p><i>f. The extent to which earthworks are minimised within Significant Natural Areas; and</i></p> <p><i>g. The potential cumulative effects of activities and the extent to which any adverse effect on the values of the Significant Natural Area are minimised.119</i></p>	
60.75 Transpower	ECO – Ecosystems and Indigenous Biodiversity - ECO-P11	<p>Either delete Policy ECO-P11 as it applies to the National Grid, or delete the reference to ECO-P11 from Policy INF-P7, as follows:</p> <p>.....</p> <p>Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, <del>ECO-P11 and ECO-P12</del> when considering the effects of the National Grid in an area identified in SCHED7 – Significant Natural Areas; and ..</p>	<p>Recommendation: <b>Reject</b></p> <p>s42A Reference: 3.25</p> <p>Amend PDP: Yes</p> <p>Reasoning: <i>See body of report</i></p> <p>379. In regard to the submission from Transpower, the national grid is addressed in the Infrastructure Chapter so I consider no changes are required to the provision in response to this submission. Part B Infrastructure s42A report addresses the substance of this submission point in relation to INF-P7.</p> <p>P11 is amended as follows:</p> <p><i>ECO-P11</i></p> <p><i>Only allow earthworks within a Significant Natural Area where it can be demonstrated that:</i></p> <ol style="list-style-type: none"> <li><i>1. Any adverse effects on <del>identified</del> indigenous biodiversity values of a Significant Natural Area listed in SCHED7 – Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12;</i></li> <li><i>2. <del>Any biodiversity offsetting proposed is in accordance with APP8 – Biodiversity Offsetting; and</del></i></li> <li><i>3. <del>Any earthworks within a wetland are avoided.</del></i></li> <li><i>4. <u>Any adverse effects on areas identified as a significant habitat for lizards are avoided, remedied or mitigated</u></i></li> </ol>	<p>Oppose.</p> <p>Given the unworkable “mitigation hierarchy” within ECO-P2, for the reasons outlined in paragraph 8.37 to 8.40 of the main body of my evidence, I support deletion of reference to ECO-P11 within INF-P6 and P7, and instead seek to include SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies.</p>

Sub Red	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
60.76 Transpower	ECO – Ecosystems and Indigenous Biodiversity – ECO-P12	<p>Either delete Policy ECO-P12 as it applies to the National Grid, or delete the reference to ECO-P12 from Policy INF-P7, as follows:</p> <p>....</p> <p>Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, <del>ECO-P11 and ECO-P12</del> when considering the effects of the National Grid in an area identified in SCHED7 - Significant Natural Areas; and ..</p>	<p>Recommendation: <b>Reject</b></p> <p>s42A Reference: 3.25</p> <p>Amend PDP: <i>No</i></p> <p>Reasoning: <i>See body of report</i></p> <p>389. In regard to the submission from Transpower, the National Grid is addressed in the Infrastructure chapter so I consider no changes are required to the provision in response to this submission. Part B Infrastructure s42A report addresses the substance of this submission point in relation to INF-P7.</p> <p>Policy 12 is amended as follows:  <i>ECO-P12 Significant Natural Areas within the coastal environment  Only allow activities within an identified Significant Natural Area in the coastal environment where it can be demonstrated that they;</i>  1. <i>Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010, and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities” on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010; and</i>  2. <i>Protect the <del>identified</del> indigenous biodiversity values in SCHED7 – Significant Natural Areas in accordance with ECO-P2 and ECO-P4.</i></p>	<p>Oppose.</p> <p>Given the unworkable “mitigation hierarchy” within ECO-P2, for the reasons outlined in paragraph 8.37 to 8.40 of the main body of my evidence, I support deletion of reference to ECO-P12 within INF-P6 and P7, and instead seek to include SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies.</p>
137.54 GWRC  Oppose Transpower FS04.44	ECO - Ecosystems and Indigenous Biodiversity - General	<p>Amend rules in the Chapter to change ‘indigenous vegetation’ to ‘vegetation’.</p> <p>Transpower - Opposes</p> <p>As outlined in its original submission, the NESETA provides prevailing provisions for the maintenance, reconductoring, increasing voltage, structure addition or replacement, and removal, for the National Grid. Under the NESETA Regulation 30, removal of any vegetation is permitted where it is not subject to a rule or within a natural area.</p> <p>The proposed plan also provides the ECO chapter rules do not apply to infrastructure.</p>	<p>Recommendation: <b>Accept in part</b></p> <p>s42A Reference: 3.18</p> <p>Amend PDP: <i>Yes</i></p> <p>Reasoning: <i>See body of the report</i></p> <p><i>197. I accept the advice provided by Wildlands, and agree with submitters that the chapter should manage the clearance of non-indigenous vegetation. I consider that this would be best achieved not by deleting ECO-R2, but by amending it to set a permitted activity standard for clearance of non-indigenous vegetation in line with the advice provided by Wildlands and add an escalation to restricted activity status with ECO-P2 and ECO-P4 forming matters of discretion.</i></p>	<p>Accept the recommendation.</p> <p>Transpower opposed the amendment to the term (in part given the specific relief sought was not clear).</p> <p>Given ECO-R1 and ECO-R2 do not apply to infrastructure, and on the basis the recommended changes are confined to the ECO chapter, I accept the recommendation.</p>

Sub Red	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>The amendment sought by the submitter would result in the removal of non-indigenous vegetation being subject to proposed rule ECO-R1 (although without specific relief the exact changes sought are not clear). The relief sought by the submitter would have wide application and its impact on the National Grid is not clear given other submission points have sought amendment to the relationship between chapters within the proposed plan. Transpower has general concerns with the workability of the proposed rule and impact and its application in respect of infrastructure activities and on this basis seeks the submission point be disallowed.</p>	<p>198. I consider that references to ‘indigenous vegetation’ elsewhere in the chapter should generally be amended to ‘vegetation’, except for policies related to restoration including ECO-P7 and ECO-P3.</p>	
<p>216.4 QEII Trust  Oppose Transpower FS04.11</p>	<p>Definitions – Include new definition: Vegetation removal</p>	<p>Include new definition: <u>Vegetation removal means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.</u></p> <p>Transpower - Opposes <i>While the provision of a definition is not itself opposed, the introduction of the definition may cause confusion to plan users given the term itself is only used approximately 14 places within the plan, and may cause confusion with the references to “removal of vegetation” that is more frequently used in the plan.</i></p>	<p>Recommendation: <b>Accept in part</b> s42A Reference: 3.22 Amend PDP: No Reasoning: <i>See body of report</i></p> <p>240. <i>I agree with submitters with regard to defining ‘vegetation removal’. I consider that this term could be misinterpreted if not defined. For example, a landowner could spray or otherwise damage vegetation beyond repair and argue in the PDP that is hasn’t been removed. The intent of using this term is to cover all forms of removal whether immediate or delayed. 241. I note that the terms ‘vegetation removal’ and ‘removal of indigenous vegetation’ are used interchangeably throughout the chapter, but the latter is used much more frequently. Therefore I consider that the term ‘removal of vegetation’ should be defined, and I broadly agree with the definitions proposed by the submitters.</i></p> <p>A new definition is recommended as follows: <u>Removal of vegetation4 means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of</u></p>	<p>Support the recommendation.</p> <p>In its submission Transpower did not outright oppose the definition, rather the further submission raised concerns with how the definition was framed and used. The s42A Report has considered this issue and on this basis, the provision of a definition as recommended is accepted.</p>

Sub Red	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><u>vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.</u></p>	
81.36 Kainga Ora  Support Transpower FS04.12	Definitions – Biodiversity Compensation	<p>Retain definition of Biodiversity compensation as notified</p> <p>Transpower - Supports <i>Transpower supports the provision of a definition as it provides clarity and certainty.</i></p>	<p>Recommendation: <b>Accept in part</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i></p> <p>The definition is amended as follows: <del><i>Biodiversity compensation means a commitment to redress residual adverse impacts and must only be contemplated after the mitigation hierarchy steps in ECO-P1 have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented.</i></del> <u><i>Means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in APP9 – Biodiversity Compensation.</i></u></p>	<p>Support the recommendation.</p> <p>While amended, the retention of a definition is supported as it assists plan users and provides clarity.</p>
60.1 Transpower	Definitions – Biodiversity offset	<p>Supports reference to no net loss, as opposed to requiring a net gain.</p>	<p>Recommendation: <b>Accept</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Agree with submitter</i></p> <p>The definition is amended as follows: <i>Means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been taken applied. The goal of a biodiversity offsets is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in APP 8 – Biodiversity offsetting.</i></p>	<p>Support the recommendation.</p> <p>While amended, the retention of a definition is supported.</p>
60.70 Transpower	ECO - Ecosystems and Indigenous Biodiversity	<p>Retain</p> <p>Supports the objective in that it provides for the protection of identified SNA's from inappropriate activities, and for restoration where appropriate.</p> <p>Supports reference to 'inappropriate' as such</p>	<p>Recommendation: <b>Accept</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Agree with submitter</i></p>	<p>Accept the recommendation.</p> <p>While amended, the retention of the objective is supported.</p>

Sub Red	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
	– ECO-O1	reference is consistent with Section 6(a) of the RMA and recognises that not all development is to be avoided, rather the emphasis is on that which is inappropriate.	The Objective is amended as follows: <i>ECO-O1 Significant Natural Areas</i> <i>The <del>identified</del> values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.</i>	
225.148 Forest & Bird  Oppose Transpower FS04.42	ECO - Ecosystems and Indigenous Biodiversity - New Provision	Add a new ECO objective as follows: <u><i>The District's indigenous biodiversity is maintained and enhanced.</i></u>  Transpower – Opposes <i>Transpower does not support the provision of a policy that directs the maintenance and enhancement of all indigenous biodiversity. Such a requirement extends beyond section 6(c) of the RMA.</i>	Recommendation: <b>Reject</b> s42A Reference: 3.24 Amend PDP: No Reasoning: <i>See body of report</i>  <i>265. In regard to the second requested objective, I consider that this is addressed by the addition of a new objective at the strategic level rather than within the ECO chapter which is focused on SNA (see Part B s42A Report for Strategic Directions – Natural Environment and related submissions).</i>  The following Strategic objective is proposed. <u><i>NE-O2 Maintaining and restoring indigenous biodiversity values</i></u> <u><i>Indigenous biodiversity values in the District are maintained and, where possible, restored.</i></u>	Oppose.  For the reasons outline in paragraph 8.4 to 8.12 of the main body of my evidence, I oppose aspects of the wording of the recommended strategic objective NE-O2, and seek clarification on the relationship between strategic objectives.
60.72 Transpower	ECO - Ecosystems and Indigenous Biodiversity – ECO-P3	Retain Limited relevance given the Infrastructure Chapter contains provisions of relevance. Supports the directive within policy ECO-P3 to enable vegetation clearance where required for the safe operation of roads, tracks and accessways.	Recommendation: <b>Accept in part</b> s42A Reference: N/A Amend PDP: Yes Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i>  The Policy is amended as follows: <i>ECO-P3 Appropriate use and development in Significant Natural Areas</i> <i>Enable vegetation removal within Significant Natural Areas identified within SCHED7 – Significant Natural Areas where it is of a scale and nature that maintains the <del>identified</del> biodiversity values, including;</i> <i>1. <u>Trimming and pruning to maintain access to sunlight;</u></i> <i>2. <u>Maintenance around existing buildings;</u></i> <i>3. <u>Safe operation of roads, tracks and accesses ways;</u></i> <i>4. <u>Restoration and conservation activities; and</u></i>	Support the recommendation.  While amended, the retention of the policy (and in particular clause 3.) is supported, noting the policy has limited actual relevance to Transpower.

Sub Red	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>5. Opportunities to enable tangata whenua to exercise <u>hauhake customary harvesting practices</u>.</i>	
60.74 Transpower	ECO - Ecosystems and Indigenous Biodiversity – ECO-P5	Retain Policy ECO-P5. If the policy applies to the National Grid, amend provisions to reflect the relief sought in submission in so far as the avoid directive within the policy does not apply to the National Grid. Neutral on the policy on the basis Policy ECO-P5 does not apply to the National Grid. If the policy applies, seek relief consistent with the relief sought in its submission. Also aware the policy framework and rule framework associated with wetlands may change to give effect to the NPSFM 2020 and NESFM 2020, and on this basis there is an ongoing interest in the PDP provisions relating to wetlands.	Recommendation: <b>Accept in part</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i>  The Policy is amended as follows: <i>ECO-P5 Protection of wetlands</i> <i>Avoid activities that would result in the loss or degradation of the <del>identified</del> indigenous biodiversity values of wetlands within a Significant Natural Area listed in SCHED7 – Significant Natural Areas, while providing for restoration activities in accordance with ECO-P7.</i>	Support the recommendation.  The policy is largely retained with one minor amendment.
225.167 Forest & Bird  Oppose Transpower FS04.45	ECO - Ecosystems and Indigenous Biodiversity – General – ECO-R1	Forest and Bird [225.167] seek extensive amendments to the rule ECO-R1.  Transpower – Opposes <i>As notified, the ECO rules do not apply to the National Grid (on the basis the rules do not apply to infrastructure).</i> <i>The relief sought by the submitter in terms of its impact on the National Grid is not clear given other submission points have sought amendment to the relationship between chapters within the proposed plan (the result being that the ECO rules could apply to the National Grid). If the ECO rules were to apply, the sought clause “Maintain other existing infrastructure or renewable electricity generation activity and the trimming or removal is within 1m of the infrastructure” would result in the rule applying to the National Grid and therefore if the standard is not complied with, consent would be required under Regulation 31 of the NESETA.</i>	Recommendation: <b>Accept in part</b> s42A Reference: 3.26 Amend PDP: No Reasoning: <i>See body of the report</i>  <i>404. The amendments sought by Forest and Bird are extensive. I consider that the following amendments requested in their submission should be rejected as I consider:</i> <ul style="list-style-type: none"> <li><i>There is no need to add the word ‘minor’ in the rule title as the rule escalates to restricted discretionary to cover all trimming, pruning and removal;</i></li> <li><i>ECO-R1-1.a.iv should be deleted rather than amended as rules relating to infrastructure are addressed in the Infrastructure Chapter (Part B Infrastructure s42A report addresses the substance of this submission point);</i></li> <li><i>It is necessary to add “lawfully established” as anything that is legally established has existing use rights, and if something is not legally established it would be a matter for compliance and enforcement officers to investigate and address;</i></li> </ul>	Support the recommendation.  The submission point is rejected in so far as it relates to the concerns raised by Transpower in its further submission. This is supported as it reflects the existing framework where relevant rules for the National Grid are addressed in the infrastructure chapter.

Sub Red	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>Transpower has general concerns with the workability of the proposed rule and impact, and its application in respect of infrastructure activities. For example, reference to a 1m setback is not clear in its application and would not be sufficient to enable trimming to ensure the ongoing operation and maintenance of the National Grid, including Transpower’s obligations under the Electricity (Hazards from Trees) Regulations 2003 . The application of the rule to the National Grid would mean Regulation 31 or 32 of the NESETA would apply, should the 1m standard be triggered. Transpower’s preference is for the INF rules to apply (as sought to be amended in its submission) in considering the activity status under the NESETA.</i></p> <p>On this basis Transpower seeks the submission point be disallowed in respect of the sought clause: <i>“Maintain other existing infrastructure or renewable electricity generation activity and the trimming or removal is within 1m of the infrastructure”.</i></p>	<ul style="list-style-type: none"> <li>• <i>It is appropriate to permit the construction of pest and stock perimeter fences, as these are complimentary to the sustainable management of SNA;</i></li> <li>• <i>It is appropriate to permit the construction of flood protection works, as these are necessary to protect life and property;</i></li> <li>• <i>It is inappropriate to address vegetation clearance in natural wetlands as this activity is now regulated by clause 54 of the NES-FW;</i></li> <li>• <i>It is inappropriate to add the qualifier ‘traditional’ before customary harvesting, as while the term ‘customary’ practices imply that they are traditional, it is inappropriate to limit to past practices as mātauranga Māori is an evolving concept;</i></li> <li>• <i>It is appropriate to reference ECO-P2 and ECO-P4 as matters of discretion, application of the effects management hierarchy is consistent with NPS-FM, Draft NPS-IB, PNRP and national best practice. Offsetting and compensation is provided for by RMA ss104, 168 and 171.</i></li> </ul> <p><i>405. However, I agree with the submitter that the term ‘indigenous vegetation’ should be amended to ‘vegetation’ as outlined in section 3.17 of this report.</i></p>	
60.77 Transpower	ECO – Ecosystems and Indigenous Biodiversity – ECO-R9	<p>Retain ECO-R9.</p> <p>If the rule applies to the National Grid, amend the provision to reflect the relief sought in submission and provide a discretionary activity status (at worst) for the planning and development of the National Grid.</p> <p>Neutral on the rule on the basis the ECO-R9 does not apply to the National Grid. If the rule applies, oppose a non-complying activity status applying to the National Grid.</p>	<p>Recommendation: <b>Accept in part</b></p> <p>s42A Reference: N/A</p> <p>Amend PDP: No</p> <p>Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i></p>	<p>Support the recommendation.</p> <p>Although not directly relevant to the National Grid, the amendment in activity status from non-complying to discretionary is supported. I agree with the s42A that discretionary activity status is more appropriate for any activities not anticipated by the chapter and is consistent with the catch all rule in other chapters.</p>

Sub Red	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
<b>Natural Features and Landscapes</b>				
60.79 Transpower	NFL – Natural Features and Landscapes – Whole Chapter	Retain the Natural Features and Landscapes Chapter. If the chapter apply to the National Grid, amend provisions to reflect the relief sought in submission. Neutral on the provisions within the chapter on the basis the provisions within the Natural features and Landscapes chapter do not apply to infrastructure, and specifically the National Grid. However, if the provisions apply seek relief consistent with the relief sought in submission.	Recommendation: <b>Accept in part</b> s42A Reference: 3.2 Amend PDP: <i>No</i> Reasoning: <i>See body of report</i>  <i>57. With respect to the infrastructure matter, the provisions in the NFL - Natural Features and Landscapes Chapter do not apply to infrastructure. The Infrastructure chapter manages infrastructure within overlays, with this approach described in Part 1 - General Approach of the PDP. In addition, the introduction to the Infrastructure Chapter states "... This chapter also manages infrastructure within Overlays, which require management in a different manner from underlying zone provisions...". Accordingly, I agree with Transpower to retain this approach and I consider there is no need to address their alternative relief.</i>	Support the recommendation.  As outlined in paragraph 7.2 of my Hearing 1 Evidence, the ‘stand-alone’ nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter, and Part 1 of the PPDP. The reporting officer has confirmed the provisions within the Natural Features and Landscapes Character chapter do not apply to infrastructure, and specifically the National Grid. This is the view of Transpower in interpreting the plan. Transpower supports the retention of the provisions.
60.80 Transpower	NFL – Natural Features and Landscapes – NFL-P1	Retain Neutral on the provisions within the chapter on the basis the provisions within the Natural features and Landscapes chapter do not apply to infrastructure, and specifically the National Grid. However, if the provisions apply seek relief consistent with the relief sought in submission. Supports the identification of outstanding natural features and landscapes on the basis they assist plan users and provides clarity on the application of the PDP provisions that apply, particularly in context of the directive policy framework.	Recommendation: <b>Accept</b> s42A Reference: <i>N/A</i> Amend PDP: <i>No</i> Reasoning: <i>Agree with submitter</i>	Support the recommendation.  As outlined in paragraph 7.2 of my Hearing 1 Evidence, the ‘stand-alone’ nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter, and Part 1 of the PPDP. The reporting officer has confirmed the provisions within the Natural Features and Landscapes Character chapter and specifically NFL-P1 do not apply to infrastructure and the National Grid.



Sub Red	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
				This is the view of Transpower in interpreting the plan. Transpower supports the retention of the provisions.
60.81 Transpower	NFL – Natural Features and Landscapes - NFL-P2	Retain Supports the identification of special amenity landscapes on the basis they assist plan users and provides clarity on the application of the PDP provisions that apply, particularly in context of the directive policy framework.	Recommendation: <b>Accept</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Agree with submitter</i>	Support the recommendation.  As outlined in paragraph 7.2 of my Hearing 1 Evidence, the ‘stand-alone’ nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter, and Part 1 of the PPDP. The reporting officer has confirmed the provisions within the Natural Features and Landscapes Character chapter and specifically NFL-P2 do not apply to infrastructure and the National Grid. This is the view of Transpower in interpreting the plan.
60.82 Transpower	NFL – Natural Features and Landscapes – NFL-R12	Retain NFL-R12. If the rules applies to the National Grid, amend provision to reflect the relief sought in submission and provide a discretionary activity status for the planning and development of the National Grid. Neutral on Rule NFL-R12 on the basis the provisions within the Natural Features and Landscapes chapter do not apply to infrastructure, and specifically the National Grid. Oppose a non-complying activity status applying to the National Grid if the rule applies.	Recommendation: <b>Accept in part</b> s42A Reference: 3.17 Amend PDP: No Reasoning: <i>See body of report</i>  <i>238. I agree with Transpower to retain this rule for the reasons that the Infrastructure chapter manages infrastructure within overlays. For the reasons I have set out earlier in respect to how Infrastructure is addressed in the PDP, I have not evaluated the alternative request.</i>	Support the recommendation.  As outlined in paragraph 7.2 of my Hearing 1 Evidence, the ‘stand-alone’ nature of the Infrastructure Chapter is expressed in notes to the INF-Infrastructure chapter, and Part 1 of the PPDP. The reporting officer has confirmed the provisions within the Natural Features and Landscapes Character chapter and specifically NFL-R12 do not apply to infrastructure and the National Grid.

Sub Red	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
				This is the view of Transpower in interpreting the plan. Transpower supports the retention of the provisions.
60.13 Transpower	Definitions – <i>Outstanding natural features and landscapes</i>	Retain Supports the identification of such areas on the basis it assists plan users and provides clarity on the application of the related PDP provisions.	Recommendation: <b>Accept in part</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Accept in part, subject to amendments made in response to other submissions</i>  The definition is amended as follows: <i>Means an area <del>of outstanding natural features and landscapes</del> identified in SCHED9 - Outstanding Natural Features and Landscapes.</i>	Support the recommendation.  While amended, the retention of a definition is supported as it assists plan users and provides clarity.
60.18 Transpower	Definitions – <i>Special amenity landscapes</i>	Retain Supports the identification of such areas on the basis it assists plan users and provides clarity on the application of the related PDP provisions.	Recommendation: <b>Accept</b> s42A Reference: N/A Amend PDP: No Reasoning: <i>Agree with submitter</i>	Support the recommendation.  The retention of a definition is supported as it assists plan users and provides clarity.
60.121 Transpower	SCHED10 - Special Amenity Landscapes	Amend SAL004 as follows : <ol style="list-style-type: none"> <li>1. <i>Shared and recognised Inland forested areas with important resources and links to other areas for Maori;</i></li> <li>2. <i>Northern end forms backdrop to Maraeroa Marae in Waitangirua;</i></li> <li>3. <i>Part of Belmont Regional Park which forms local backdrop for Aotea/Cannons Creek and wider area;</i></li> <li>4. <i>Includes walkway entrance to Belmont Regional Park from Porirua through Waitangirua Farm and Cannons Creek Lakeside Reserve</i></li> <li>5. <i>Landcorp farm - historic values associated with Belmont Regional Park including Old Coach Road - the original route between</i></li> </ol>	Recommendation: <b>Accept</b> s42A Reference: 3.19 Table 3: Recommendations on Submissions: SCHED9– <i>Outstanding Natural Features and Landscapes and SCHED10 – Special Amenity Landscapes</i> Amend PDP: Yes Reasoning: <i>Accept submitters’ request (consistent with Ms Armstrong’s recommendation).</i>  <i>Summary of recommendations I recommend that the Hearings Panel: a. Amend the schedule for Cannons Creek and SAL 005 Belmont Hills as set out in Appendix A. I recommend the submission of Transpower [60.121,60.122] be accepted.</i>	Support the recommendation.  The amendment to SAL004 accurately recognises the presence of the National Grid. On the basis that Policies direct an evaluation of the appropriateness of future activities against the characteristics and values set out in APP10, it is critical that the presence of the National Grid is acknowledged.

Sub Red	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>Normandale and Pāuatahanui and crosses Waitangirua Farm.</i></p> <p>6. <i><u>Presence of the National Grid.</u></i></p>		
60.122 Transpower	SCHED10 - Special Amenity Landscapes	<p>Amend SAL005 as follows:</p> <p>.....</p> <ol style="list-style-type: none"> <li>1. <i>Shared and recognised Belmont Regional Park is highly valued for a diverse range of active recreational opportunities which include walking, cycling, running and horse-riding;</i></li> <li>2. <i>Views from these hills provide open vistas onto the wider Porirua area and harbour to Mana Island;</i></li> <li>3. <i>Historic associations include the original Belmont Coach Road from Wellington, built as the area came under increasing pressure from settlement in the 1860s - the original route between Normandale and Pāuatahanui, now a recreational track through Belmont Regional Park;</i></li> <li>4. <i>Contained inland forested areas with important resources and links to other areas for Maori.</i></li> <li>5. <i><u>Presence of the National Grid</u></i></li> </ol>	<p>Recommendation: <b>Accept</b></p> <p>s42A Reference: 3.19 Table 3: Recommendations on Submissions: SCHED9– Outstanding Natural Features and Landscapes and SCHED10 – Special Amenity Landscapes</p> <p>Amend PDP: Yes</p> <p>Reasoning: <i>Accept submitters’ request (consistent with Ms Armstrong’s recommendation).</i></p> <p><i>Summary of recommendations I recommend that the Hearings Panel: a. Amend the schedule for Cannons Creek and SAL 005 Belmont Hills as set out in Appendix A. I recommend the submission of Transpower [60.121,60.122] be accepted.</i></p>	<p>Support the recommendation.</p> <p>The amendment to SAL005 accurately recognises the presence of the National Grid. On the basis that Policies direct an evaluation of the appropriateness of future activities against the characteristics and values set out in APP10, it is critical that the presence of the National Grid is acknowledged.</p>