

## Before the Proposed Porirua District Plan Hearings Panel In Porirua

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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

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### Outline of legal submissions for Transpower New Zealand Limited – Hearing Stream 2

Dated 26 October 2021

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## 1 Overview of Transpower's case

### *Transpower's submission*

- 1.1 Transpower New Zealand Limited (**'Transpower'**) operates the National Grid, which transmits electricity throughout New Zealand. Within Porirua City, this includes six high voltage National Grid transmission lines that are either 110 kilovolts (**'kV'**) or 220kV,<sup>1</sup> and one substation at Pāuatahanui (which is designated in the (operative) District Plan).<sup>2</sup>
- 1.2 **Ms Rebecca Eng's** Hearing Stream 1 evidence describes Transpower, the National Grid and Transpower's assets in Porirua City.
- 1.3 Transpower's submission on the Proposed Porirua District Plan (**'PDP'**) was largely in support of the proposed provisions but did seek specific refinements. **Ms Pauline Whitney's** Hearing Stream 1 evidence provides an overview of the amendments sought by Transpower.<sup>3</sup>
- 1.4 Transpower also lodged further submissions on the Proposed Plan. This included a number of further submission points on the original submissions by Kāinga Ora – Homes and Communities (**'Kāinga Ora'**),<sup>4</sup> and the Royal Forest and Bird Protection Society (**'Forest and Bird'**).<sup>5</sup>

### *Hearing Stream 2*

- 1.5 As outlined in the evidence of **Ms Whitney**, Transpower lodged 18 submission points and 7 further submission points in relation to Hearing Stream 2.<sup>6</sup> The majority of these points sought clarification as to the relationship between the provisions within the Infrastructure Chapter and the Natural Environment Chapter.<sup>7</sup>
- 1.6 **Ms Whitney** is in agreement with 19 of the 25 recommendations on Transpower's submission and further submission points.<sup>8</sup> Her evidence contains a table at Appendix C which outlines her position on Transpower's submission points relevant to Hearing Stream 2. Transpower adopts her reasoning and response.

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<sup>1</sup> Eng, 10 September 2021, para 1.1.

<sup>2</sup> Eng, 10 September 2021, para 6.2.

<sup>3</sup> Whitney, 10 September 2021, paras 7.3-7.4.

<sup>4</sup> Submitter number 81; (Transpower) further submitter number 04.

<sup>5</sup> Submitter number 225; (Transpower) further submitter number 04.

<sup>6</sup> Whitney, 15 October 2021, para 1.3.

<sup>7</sup> Whitney, 15 October 2021, para 1.3.

<sup>8</sup> Whitney, 15 October 2021, para 1.4.

- 1.7 The six outstanding submission points were categorised by **Ms Whitney** under two 'topics':<sup>9</sup>
- a Strategic Directions; and
  - b Ecosystem ECO Policies (ECO-P2, ECO-P4, ECO-P11, and ECO-P12).
- 1.8 Broadly, Transpower has concerns with the wording of the new strategic direction, NE-O2 as well as with the role of strategic directions with regard to the other provisions in the PDP. Transpower also has concerns with the mitigation hierarchy in ECO-P2 (as recommended by the officer) and its implications for Policies INF-P6 and INF-P7.
- 1.9 Transpower supports the amendments to the Hearing Stream 2 provisions outlined in **Ms Whitney's** evidence,<sup>10</sup> on the basis that they are necessary and 'most appropriate' (in terms of the requirements of section 32 of the Resource Management Act 1991 ('**RMA**')) to:
- a give effect to the NPSET; and
  - b achieve the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

## **2 Scope of submissions**

- 2.1 These submissions:
- a Briefly address the statutory framework. There is no dispute with the statutory framework described in the Section 42A Report, but these submissions highlight those aspects most relevant to Transpower;
  - b Respond to the outstanding matters raised in the Section 42A Reports for Hearing Stream 2;
  - c Respond to other submitters' evidence; and
  - d Introduce Transpower's witness for Hearing Stream 2.

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<sup>9</sup> Whitney, 15 October 2021, para 8.3.

<sup>10</sup> Whitney, 15 October 2021, paras 8.13 – 8.15, 8.29 – 8.30, 8.36 and 8.41.

### 3 **Statutory framework**

- 3.1 Transpower agrees with the description of the statutory framework contained in the Section 42A reports for Hearing Stream 2.<sup>11</sup>
- 3.2 Transpower's legal submissions for Hearing Stream 1 describe (at a broad, high-level) the statutory framework for preparing the Proposed Plan.<sup>12</sup> Relevant sections of the RMA for these submissions include sections 75 and 32, which are described below.
- 3.3 Section 75 RMA contains requirements for district plans as well as matters "a district plan may state".<sup>13</sup> Section 75(1) requires that district plans state 'the objectives for the district', policies to 'implement the objectives', and rules 'to implement the policies'.
- 3.4 Importantly for Transpower, section 75(3)(a) RMA requires the PDP to give effect to the National Policy Statement on Electricity Transmission ('NPSET'). **Ms Whitney's** Hearing Stream 1 evidence and Transpower's legal submissions for Hearing Stream 1 outline what giving effect to the NPSET requires.<sup>14</sup>
- 3.5 Section 32 RMA, in outlining the requirements for 'evaluation reports', directs that the objectives of the proposal must be evaluated as to whether they are the most appropriate way to achieve the purpose of the RMA.<sup>15</sup> The other provisions, which would include policies, rules and methods in the context of a district plan review, must be examined as to whether they are the most appropriate way to achieve the objectives.<sup>16</sup>

### 4 **Response to matters raised in the Section 42A Report**

- 4.1 As outlined in the evidence of **Ms Whitney**, Transpower largely supports the recommendations of the Section 42A Report on Transpower's submissions for those matters falling within Hearing Stream 2.<sup>17</sup> These are outlined in Appendix C of **Ms Whitney's** evidence.

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<sup>11</sup> Officer's Report: Part B - Natural Environment, paras 25-28; Officer's Report: Part B – Ecosystems and Indigenous Biodiversity, paras 28-31; Officer's Report: Part B – Natural Character and Public Access, paras 27-30; Officer's Report: Part B – Natural Features and Landscapes, paras 33-36; Officer's Report: Part B – Tangata Whenua and Papakāinga, paras 28-31.

<sup>12</sup> Outline of legal submissions for Transpower New Zealand, 22 September 2021, paras 3.2-3.5.

<sup>13</sup> RMA, s75(2).

<sup>14</sup> Whitney, 10 September 2021, paras 5.5 – 5.18, Outline of legal submissions for Transpower New Zealand, 22 September 2021, paras 4.1 – 4.5.

<sup>15</sup> RMA, s32(1)(a).

<sup>16</sup> RMA, s32(1)(b).

<sup>17</sup> Whitney, 15 October 2021, para 8.3.

- 4.2 However, there are six outstanding submission points where **Ms Whitney** does not accept or support the Section 42A Report recommendations,<sup>18</sup> as outlined in Appendix C of her evidence.
- 4.3 The six outstanding submission points were categorised by **Ms Whitney** under two 'topics':<sup>19</sup>
- a Strategic Directions; and
  - b Ecosystem ECO Policies (ECO-P2, ECO-P4, ECO-P11, and ECO-P12).

#### **Strategic Directions**

- 4.4 In response to submission points 225.91<sup>20</sup> and 225.148<sup>21</sup> by Royal Forest and Bird (which Transpower opposed<sup>22</sup>), the officer has recommended a new Strategic Objective as follows:<sup>23</sup>

*NE-O2 Maintaining and restoring indigenous biodiversity values*

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

- 4.5 **Ms Whitney's** evidence seeks deletion of NE-O2 on the basis that:<sup>24</sup>
- a Higher order policy support for NE-O2 is "unclear";<sup>25</sup> and
  - b Porirua City Council's function to maintain "indigenous biological diversity" under section 31(1)(b)(iii) RMA does not require strategic direction beyond existing NE-O1.<sup>26</sup>
- 4.6 Alternatively, **Ms Whitney** supports the following changes to NE-O2:<sup>27</sup>
- a Deletion of the words "Maintaining and restoring" in the heading of the objective, on the basis that section 7(d) RMA contains no reference to 'maintaining' the intrinsic values of ecosystems;<sup>28</sup> and

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<sup>18</sup> Whitney, 15 October 2021, para 8.3.

<sup>19</sup> Whitney, 15 October 2021, para 8.3.

<sup>20</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>21</sup> Add a new ECO objective as follows: *The District's indigenous biodiversity is maintained and enhanced.*

<sup>22</sup> Transpower further submission, pages 15 and 24.

<sup>23</sup> Officer's Report: Part B - Natural Environment, paras 50 – 51, 57.

<sup>24</sup> Whitney, 15 October 2021, para 8.7 and 8.13.

<sup>25</sup> Whitney, 15 October 2021, paras 8.6-8.7.

<sup>26</sup> Whitney, 15 October 2021, paras 8.6-8.7.

<sup>27</sup> Whitney, 15 October 2021, para 8.14.

<sup>28</sup> Whitney, 15 October 2021, para 8.7.

- b Replacing the word 'possible', as it has no higher order policy support and also sets a very high bar to determine restoration is not possible, with 'appropriate'.<sup>29</sup>

4.7 Transpower agrees with the relief sought by **Ms Whitney** and submits that:

- a While the "maintenance of indigenous biological diversity" is a function of Porirua City Council,<sup>30</sup> this is already covered by NE-O1 which seeks to 'recognise' and 'protect' a broad range of "natural character, landscapes and features and ecosystems" under which "indigenous biological diversity" would be covered and would receive a higher level of protection;
- b The direction in section 6(c) RMA only provides for protection of 'significant' indigenous vegetation and fauna. It is also to be applied or 'particularised' in planning documents alongside other section 6-8 matters and 'in achieving the purpose of the Act';<sup>31</sup> and
- c An unqualified direction to 'maintain' (all?) values and restore 'where possible' has the potential to cut across more nuanced directions in relation to infrastructure contained elsewhere in the PPDP.

4.8 In terms of the role of Strategic Directions in the PPDP, **Ms Whitney**:

- a Is concerned that there is no upfront commentary as to the relationship between the strategic objectives themselves, or their relationship to objectives and policies elsewhere in the PPDP;<sup>32</sup>
- b Supports an approach whereby strategic objectives are given effect to through the various chapter objectives, policies and rules and that any tensions between these provisions are reconciled through the more nuanced provisions ("rather than plan users having to simply pit the different strategic objectives against one another");<sup>33</sup> and
- c Suggests, in the alternative to deleting new NE-O2 entirely, adding additional wording to confirm that there is no fixed hierarchy between the strategic directions, that the strategic objectives do not over-ride the more

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<sup>29</sup> Whitney, 15 October 2021, para 8.8.

<sup>30</sup> RMA, s31(b)(iii).

<sup>31</sup> In terms of *NZ King Salmon*, it could be said that a direction like this might be legally open to decision makers, in the sense that a particular planning document can give primacy to some elements of Part 2 in particular circumstances, but this direction is not required by section 6 itself. Refer *EDS v NZ King Salmon* [2014] NZSC 38 at [149].

<sup>32</sup> Whitney, 15 October 2021, para 8.9.

<sup>33</sup> Whitney, 15 October 2021, para 8.10.

specific chapter objectives and policies, and are not intended to be determinative in the context of specific approvals for individual projects.<sup>34</sup>

- 4.9 Transpower agrees with **Ms Whitney**.
- 4.10 The RMA provides for a hierarchical relationship between objectives, policies and rules within a plan. Both section 75 and section 32 require that 'objectives' are implemented by other policies/ provisions. The RMA does not however specifically contemplate different 'levels' of objectives (though nor does it preclude them).
- 4.11 The Environment Court has observed that strategic objectives do not inherently have 'primacy' over other objectives within a district plan as they start off on an equal footing with no specific hierarchy and are assessed when relevant as a whole. Nonetheless, strategic objectives can be "overarching".<sup>35</sup>
- 4.12 The Environment Court has recently considered the provisions of the Strategic Directions chapter of the Proposed Queenstown Lakes District Plan ('QLDP'). In its final decision<sup>36</sup> on the Strategic Directions chapter the Court added explanatory text (agreed between the parties) outlining the role of the strategic objectives and strategic policies for the purposes of both plan development (including plan changes) and plan implementation (including determining resource consent applications and notices of requirement). Importantly, clause 3.1B.4 of the QLDP states:
- For the purpose of plan implementation (including in the determination of resource consent applications and notices of requirement):
- a. the Strategic Objectives and Strategic Policies in this Chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues:
- b. the relevant objectives and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them.
- 4.13 Transpower submits that, in the context of the PPDP, the strategic objectives should not be seen as overriding of other more detailed objectives and policies, or as being determinative for individual projects when compared to other

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<sup>34</sup> Whitney, 15 October 2021, para 8.12.

<sup>35</sup> *Darby Planning Limited Partnership and others v Queenstown Lakes District Council* [2019] NZEnvC 133 at [75].

<sup>36</sup> *Darby Planning Limited Partnership and others v Queenstown Lakes District Council* [2021] NZEnvC 29.

objectives. It would be appropriate for the explanatory text to confirm that no fixed hierarchy is intended between the strategic objectives and chapter provisions. Instead, it would be helpful for the explanatory text to clarify that the strategic directions are, in essence, the PPDP 'showing its working' and their themes are given more detail and operationalised through the objectives and policies in the other chapters, including the INF chapter.

- 4.14 Accordingly, Transpower submits that Ms Whitney's suggested additions better describe the function and role of the strategic objectives.<sup>37</sup>

### **Ecosystem Policy ECO-P2**

- 4.15 In its original submission<sup>38</sup> Transpower recorded support for the 'mitigation hierarchy' within Policy ECO-P2 (noting the National Grid specific policies INF-P6 and INF-P7<sup>39</sup> require application of "the mitigation hierarchy in ECO-P2", alongside other matters drawn from the NPSET).

- 4.16 However in response to the submissions of other parties,<sup>40</sup> the officer has recommended significant amendments to ECO-P2, with the intention of giving effect to clause 3.9(1)(a) i. to iv. of the draft National Policy Statement on Indigenous Biodiversity ("**NPS-IB**").<sup>41</sup>

- 4.17 **Ms Whitney** outlines the following concerns with the amendments to ECO-P2 recommended in the s 42A report:

- a The draft NPS-IB has not been approved by cabinet or gazetted and as such the provisions cannot be given any weight as a higher order policy document;<sup>42</sup>
- b The proposed changes to ECO-P2 are in effect more onerous than the (draft) NPS that it purports to implement;<sup>43</sup>
- c The proposed changes to Policy ECO-P2 effectively nullify the whole policy being considered an 'effects management' or 'mitigation' hierarchy as the recommended clause 1 would in reality apply to all effects and therefore no pathway is provided to the notified clauses 1 to 5. In other words, the "if avoidance is not possible, then minimise/remedy" approach would no longer

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<sup>37</sup> Whitney, 15 October 2021, para 8.15.

<sup>38</sup> Submission Point 60.71.

<sup>39</sup> More specifically, INF-P6 clause 3 and INF-P7 clause 4.

<sup>40</sup> Primarily Submission Point 225.151 Forest & Bird.

<sup>41</sup> Officer's Report: Part B – Ecosystems and Indigenous Biodiversity, para 289.

<sup>42</sup> Whitney, 15 October 2021, para 8.19.

<sup>43</sup> Whitney, 15 October 2021, para 8.19.



apply to the majority of effects, and would be replaced by a dead-end “avoid” directive;<sup>44</sup> and

- d When applied to the National Grid, the revised ECO-P2 is “simply not workable” in a practical sense and does not give effect to the NPSET, specifically Policies 2, 3, 4, 5, and is not consistent with Policy 8.<sup>45</sup>

4.18 To address these concerns, **Ms Whitney** suggests retaining ECO-P2 as notified on the basis it provides a workable hierarchy.<sup>46</sup> In the alternative to that preferred relief, **Ms Whitney** suggests:

- a Implementing the NPS-IB (in relation to the PPDP) at the time the NPS provisions are gazetted, rather than adopting selective and premature draft provisions;<sup>47</sup>
- b Including (or retaining in relation to INF-P6(6)) a reference to SCHED7 - Significant Natural Areas within the ‘seek to avoid’ policy directive of the National Grid specific policies;<sup>48</sup> and
- c Removing the references in INF-P6 and P7 to ‘applying’ the mitigation hierarchy in ECO-P2.<sup>49</sup>

4.19 Under **Ms Whitney’s** alternative relief the policy directive would be to ‘seek to avoid’ effects of the National Grid on SNA’s.

4.20 Transpower agrees with and adopts **Ms Whitney’s** relief and reasoning. In addition to the points made in her evidence, it submits that:

- a It is premature to attempt to implement the NPS-IB when that instrument is still in draft:
  - i Notably the PDPP defers implementation of the NPS-UD (an operative NPS) until a later date, rather than attempting to address it in the proposed plan. It is incongruous with that approach to attempt to respond to the draft NPS-IB which is not even gazetted yet.
  - ii There is no statutory requirement to ‘give effect to’, or even ‘have regard to’ a draft NPS (in contrast there is a requirement to have regard

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<sup>44</sup> Whitney, 15 October 2021, paras 8.22 – 8.24.

<sup>45</sup> Whitney, 15 October 2021, paras 8.25 – 8.26.

<sup>46</sup> More so when applied together with other matters in INF-P6 and P7 – she observes that in isolation the ‘where possible’ wording might be cause for concern.

<sup>47</sup> Whitney, 15 October 2021, para 8.20.

<sup>48</sup> Whitney, 15 October 2021, paras 8.28 and 8.30.

<sup>49</sup> Whitney, 15 October 2021, paras 8.28 and 8.30.

to a proposed regional policy statement<sup>50</sup>). As such the NPS-IB has no weight in this context whatsoever; at most it is (arguably) relevant to broader questions of 'appropriateness' (akin to an 'other matter') but again the more appropriate course is to wait until it is finalised.

- b Even if the PDPP were to attempt to implement the NPS-IB now, the proposed amendments to ECO-P2 are inconsistent with clause 3.9(2) of the draft NPS-IB which provides for a mitigation hierarchy (in that instrument called a 'effects management hierarchy') be applied to nationally significant infrastructure.<sup>51</sup>
- c The overly directive approach in the amended ECO-P2 would, if applied to the National Grid, fail to give effect to the NPSET. In particular it is submitted that NPSET policies 2, 3, 4 and 5 support a 'mitigation hierarchy' approach to managing transmission activities, in a way that acknowledges the importance of 'keeping the lights on'. The approach is also inconsistent with the 'seek to avoid' direction in Policy 8 (acknowledging that Policy 8 does not specifically reference indigenous biodiversity).

4.21 Accordingly, if the Panel is minded to accept the amendments proposed to ECO-P2 then INF-P6 and P7 will need to be amended so that the (so called) "mitigation hierarchy" in that policy is not 'applied' to the National Grid. Anything less would be unlawful in terms of section 75.<sup>52</sup>

### **Ecosystem Policy ECO-P4, ECO-P11 and ECO-P12**

4.22 Policies ECO-P4, ECO-P11 and ECO-P12 are also relevant to the National Grid in that they are referenced within the National Grid specific policies INF-P6 and INF-P7 as notified, (which require "assessing the matters in ECO-P4, ECO-P11 and ECO-P12").

4.23 In its submission<sup>53</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 accepted Transpower's submission and removed reference

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<sup>50</sup> RMA, s74(2)(i).

<sup>51</sup> At least in respect of SNAs classified as being of 'medium' value. Another reason for deferring application of the draft NPS-IB in a piecemeal fashion is that the SNAs in the PDPP have not been identified or assessed in the manner set out in Appendix 2 of the NPS-IB.

<sup>52</sup> Alternatively, there may be some formula short of 'applying' ECO-P2 that could be considered (e.g. to qualify its application and/or give due weight to the other matters in INF-P6 and P7). However that is a matter that is better addressed in the context of Hearing Stream 4.

<sup>53</sup> Submission Point 60.73

to the need for an ecological assessment on the basis it is not required within the policy.<sup>54</sup>

- 4.24 Transpower also sought deletion of the references to ECO-P11 and P12 in INF-P6 and INF-P7, on the basis the matters in those ECO policies are either already addressed under ECO-P2 and ECO-P4 (which are cross referenced within the policies INF-P6 and INF-P7).<sup>55</sup> The Officer recommended amendments to ECO-P11 and ECO-P12, and retaining the cross references to ECO-P2 and ECO-P4.<sup>56</sup>
- 4.25 **Ms Whitney** supports the amendments to ECO-P4 proposed in the Section 42A Report, however, the officer's proposed amendments to ECO-P2 also have implications for ECO-P4 because clause 1 of that policy requires development to "Appl[y] the effects management hierarchy approach in ECO-P2".<sup>57</sup>
- 4.26 As with ECO-P4, the amendments to ECO-P2 proposed by the Officer have implications for ECO-P11 and P12 because those policies require things to occur "in accordance with ECO-P2".<sup>58</sup>
- 4.27 To address Transpower's concerns in relation to ECO-P4, ECO-P11 and ECO-P12, **Ms Whitney** suggests the same relief as for ECO-P2, which was to amend INF-P6 and INF-P7 to remove the need to cross reference to these ECO Policies, instead replacing those references with a 'seek to avoid' direction with respect to adverse effects of the National Grid on SNAs.<sup>59</sup> Transpower supports this relief.

## 5 **Response to other submitters' evidence**

- 5.1 Transpower has reviewed the evidence for other submitters on Hearing Stream 2 and can confirm that there is nothing raised that changes Transpower's position.

### *ECO-O1*

- 5.2 However, Transpower does wish to respond to the evidence of Mr Joao Paulo Silva for the Director-General of Conservation which suggests deleting the words "from inappropriate use and development" from ECO-O1.<sup>60</sup> As recorded in its

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<sup>54</sup> Officer's Report: Part B – Ecosystems and Indigenous Biodiversity, paras 314 and 315.

<sup>55</sup> Submission Point 60.75 and 60.76.

<sup>56</sup> Officer's Report: Part B – Ecosystems and Indigenous Biodiversity, paras 379 and 389.

<sup>57</sup> Whitney, 15 October 2021, para 8.33.

<sup>58</sup> Whitney, 15 October 2021, para 8.39.

<sup>59</sup> Whitney, 15 October 2021, paras 8.30, 8.36 and 8.41.

<sup>60</sup> Silva, 15 October 2021, para 7.49. This relates to Forest and Bird submission point 225.146 which the Director-General of Conservation further submitted on in support (further submission point 39.15).

original submission,<sup>61</sup> Transpower supported the text of ECO-O1 as notified, and accepts the Officer's recommendation to remove the word 'identified'.<sup>62</sup>

- 5.3 Transpower does not however support the suggested deletion of the phrase "from inappropriate use and development",<sup>63</sup> on the basis that this phrase provides guidance to decision makers and is consistent with the direction in section 6(a) RMA.

*New rule sought for indigenous vegetation*

- 5.4 Mr Silva's evidence also proposes a new rule for indigenous vegetation clearance in all zones.<sup>64</sup> This would limit indigenous vegetation disturbance to a specified list of activities (including conservation activities, customary activities, and the operation/maintenance/repair of network utilities), or otherwise not exceeding 250m<sup>2</sup> over a five year period, otherwise consent as a restricted discretionary activity would be required.

- 5.5 Notwithstanding the ECO rules do not apply to Infrastructure and that the rule includes a permitted status for "the operation, maintenance, repair or upgrading of existing network utilities", Transpower is not supportive of a rule that limits vegetation clearance applying outside SNAs, including for the reasons outlined in the Section 32 report on Ecosystems and Indigenous Biodiversity:<sup>65</sup>

- a While Section 31 (RMA) requires indigenous biodiversity to be maintained, this broad function has been refined within the RPS policy direction through policies 23 and 24 to focus on identifying and protecting indigenous ecosystem and habitats with significant indigenous biodiversity values;
- b Non regulatory methods (including funding and pest control) are outlined in the RPS to promote maintenance, restoration or enhancement of indigenous vegetation in general;
- c The SNAs identified in the PPDP are comprehensive in nature and capture the majority of existing indigenous vegetation within the district, with any remaining areas very limited in nature; and

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<sup>61</sup> Submission point 60.70.

<sup>62</sup> Whitney, 15 October 2021, Appendix C at page 8.

<sup>63</sup> As sought by Forest and Bird in its original submission (Submission point 225.146), the Director-General of Conservation's further submissions (submission point 39.15), and Mr Silva in his evidence (para 7.49).

<sup>64</sup> Silva, 15 October 2021, para 7.40.

<sup>65</sup> [https://storage.googleapis.com/pcc-wagtail-media/documents/Section\\_32\\_Evaluation\\_Report\\_Part\\_2\\_-\\_Ecosystems\\_and\\_Indigenous\\_Biodiversity.pdf](https://storage.googleapis.com/pcc-wagtail-media/documents/Section_32_Evaluation_Report_Part_2_-_Ecosystems_and_Indigenous_Biodiversity.pdf), pages 32-33.

- d Additional indigenous vegetation provisions are provided within the Outstanding Natural Feature and Landscapes; Special Amenity Landscape; and High Natural Character areas overlays.

6 **Evidence to be presented**

- 6.1 Transpower has lodged evidence by **Ms Pauline Whitney** (Planning) in support of its submissions and further submissions.



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