

## 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 4:  
Strategic Directions, Energy, Infrastructure and Transport,  
General District-Wide Matters

Between **Porirua City Council**  
Local authority

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

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### Supplementary Evidence of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 11 February 2022

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## **1 Introduction**

- 1.1 My full name is Pauline Whitney. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd. I have the qualifications and experience set out in my statement of evidence on Hearing 4: Strategic Directions, Energy, Infrastructure and Transport, General District-Wide Matters<sup>1</sup> (**'Primary Evidence'**).
- 1.2 I repeat the confirmation that I provided in my Primary Evidence that I have read and note that while that is a district plan hearing, I and agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014).

## **2 Supplementary Evidence**

- 2.1 This statement of supplementary evidence responds to matters raised in the legal submissions for the Director-General of Conservation (4 February 2022) (**'DOC'**) and discussed between the parties.
- 2.2 In response to the concerns raised within DOC's legal submissions (paragraphs 7- 10) I recommend amendments to policies INF-P7, INF-P8 and INF-P9. The recommended changes and reasoning are outlined in the table attached as Appendix A.

**Pauline Whitney**

**11 February 2022**

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<sup>1</sup> Dated 21 January 2022.

## **Appendix A      Recommended provisions and reasoning**

Changes recommended in my primary evidence are identified in red, and changes recommended in this supplementary evidence are identified as blue text.

Reasoning

**INF-P7 Operation, and maintenance and minor upgrade repair of the National Grid**

Provide for the operation, and the maintenance and minor upgrade repair of the National Grid while managing the adverse effects of these activities, that is not permitted by the National Environmental Standards for Electricity Transmission Activities, that:

~~1. Minimises adverse effects on the environment; and~~

~~2. Where located within a specified Overlay, is of a nature and scale that does not adversely impact on the values and characteristics of the areas identified by the specified overlays that it is located within.~~

Having considered the DOC legal submissions in relation to INF-P7, I have revisited the policy and propose an amendment.

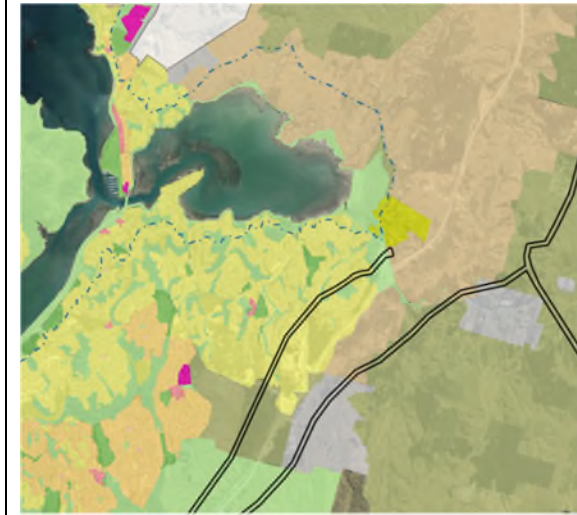
The reference to ‘managing the adverse effects of these activities’ reflects Policy 5 of the NPSET ‘When considering the environmental effects of transmission activities .....’. I remain of the opinion that the ‘(must) minimise’ directive as proposed by the reporting officer goes beyond that required in the NPSET with respect to the operation, maintenance and minor upgrading of the National Grid, and in the absence of any definition of minimise in the PPDP or consideration of technical or operational constraints, the policy is overly directive with respect to the activities to which it relates.

With respect to overlays, I note the policy will apply where consent is required under the NESETA. The absence of any specific reference to overlays in my recommended policy does not discount their consideration, rather the consideration will be framed by the matters of control and discretion in the NESETA for which consent is required. In many instances (such as earthworks and vegetation works) this includes visual, landscape and ecological effects and effects on historic heritage, As such any overlay on the site would be considered as part of the assessment. In my opinion, the directive nature of the wording within clause 2. ‘does not adversely impact’ does not give effect to the NPSET, specifically Policy 5. While some of the identified values/characteristics within the schedule are defined, some are very broad (such as SCHED 7 SNA which refer to the RPS policy 23 values in very general terms (for example Representative, Rarity, Diversity). The requirement to ‘not adversely impact’ on such broad values is in my opinion overly onerous

given the policy relates to the operation, maintenance, and minor upgrade of the National Grid.

Specific to the NZCPS, I note there are no existing National Grid assets within the Coastal Environment (inland extent) as identified on the PPDP planning maps and therefore the NZCPS is not applicable to the policy.

Figure 1. below shows the relationship of existing National Grid assets to the Coastal Environment, with the closest National Grid assets being approximately 200m from the Coastal Environment line. The National Grid is shown as black double line and the Coastal Environment shown as blue hatched line.



## INF-P68 Upgrading of the National Grid

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

~~1.6. 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, and SCHED10 – Special Amenity Landscapes and Open Space and Recreation Zones; and~~

~~2. 4. When considering major upgrades, Having regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection;~~

~~3. 2. Recognising the constraints arising from the operational needs and functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects;~~

~~3. Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, ECO-P14 and ECO-P12 when considering any upgrade within an area identified in SCHED7 – Significant Natural Areas;~~

~~4. Recognising the potential benefits of upgrades to the National Grid existing transmission lines to people and communities;~~

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

~~6. (The clause is largely reinstated and no longer deleted as recommended in the primary planning evidence of Ms Whitney, but moved to the start of the policy INF-P8 as clause 1.)~~

~~5.7. Where appropriate, substantial upgrades should be used as an considering opportunities to reduce existing adverse effects of the National Grid as part of any substantial upgrade.~~

As noted above in my reasoning on INF-P7, there are no existing National Grid assets within the Coastal Environment (inland extent) as identified on the PPDP planning maps and no realistic possibility that the existing lines could be upgraded such that they extend into the identified Coastal Environment. As such the NZCPS is not applicable to policy INF-P8 relating to upgrading.

However, in recognition of the relief sought by the Director-General of Conservation to include the 'seek to avoid' directive within INF-P8, I recommend amendment to the policy (as set out in my Primary Evidence), in the form of the reinstatement of clause 6 (which was in the PDPP as notified and unchanged in the Officer's Report, but which I proposed to delete in my Primary Evidence). In order to prioritise the 'seek to avoid' directive, I have moved the clause to the start of the policy clauses. I note the clause is not specific to the Coastal Environment and would therefore apply across all the scheduled sites.

I also remain of the view that reference to 'Open space and recreation zone' in clause 5 (now clause 1) should be deleted, as I consider that areas of 'high recreation value and amenity' (as recognised in NPSET Policy 8) would be captured by SCHED10 – Special Amenity Landscapes, but the 'seek to avoid' directive in NPSET Policy 8 does not apply to all open space zoned areas.

## INF-P79 Development of the National Grid

~~In providing~~ for the development of the National Grid, ~~while~~:

1. In urban ~~zoned~~ areas, ~~development should~~ minimise ~~ing~~ adverse effects on urban amenity and ~~should~~ avoid ~~ing material~~ adverse effects on the City Centre Zone, ~~Open Space and Recreation Zones and areas of high recreational or amenity value~~ and existing sensitive activities

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~~, ~~SCHED11 - Coastal High Natural Character Areas~~, and SCHED10 - Special Amenity Landscapes ~~and Open Space and Recreation Zones~~;

3. ~~Avoiding the adverse effects of the National Grid within areas identified in SCHED9 - Outstanding Natural Features and Landscapes in the Coastal Environment; Where the National Grid has a functional need or operational need to locate within the Coastal Environment, manage adverse effects by:~~

~~a. Seeking to avoid adverse effects on areas identified in SCHED7 - Significant Natural Areas, SCHED9 - Outstanding Natural Features and Landscapes in the Coastal Environment, SCHED10 - Special Amenity Landscapes, and SCHED11 - Coastal High Natural Character Areas;~~

~~b. Where it is not practicable to avoid adverse effects on the values of the areas in SCHED7 - Significant Natural Areas, SCHED9 - Outstanding Natural Features and Landscapes in the Coastal Environment, SCHED10 - Special Amenity Landscapes, and SCHED11 - Coastal High Natural Character Areas because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values;~~

~~c. Seeking to avoid significant adverse effects on:~~

~~i. other areas of natural character~~

~~ii. natural attributes and character of other natural features and natural landscapes~~

~~iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010~~

~~d. e. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and~~

~~e. d. Recognising there may be some areas within SCHED7 - Significant Natural Areas, SCHED9 - Outstanding Natural Features and Landscapes in the Coastal Environment, and~~

In recognition of the relief sought by the Director-General of Conservation to include SNA's within the 'seek to avoid' directive for the coastal environment, and give effect to NZCPS policies 11(b), 13(b) and 15(b), I recommend amendment to policy INF-P9 to:

- Include reference to SCHED7 Significant Natural Areas within clause 3. For completeness, I have also included reference to SCHED10 Special Amenity Landscapes.
- Include a new policy directive to avoid significant adverse effects on NZPCS policy 11(b), 13(b) and 15(b) features. This policy approach for the National Grid within the Coastal Environment reflects that agreed through consent order in the PNRP (Policy 13A). Included is a clause recognising that there may be some areas in the coastal environment in specified overlays where avoidance of adverse effects is required.
- In light of the above amendments, amendment to clause 4.b. to clarify that the considering of constraints is not confined to operational and functional needs as a conjunctive. Given the definition of 'functional need', there may be instances where there is not a functional need. The amendment would give effect to NPSET Policy 3 which refers to "technical and operational requirements".

Minor amendments are recommended to remove references to the 'coastal environment' where the term is superfluous. Reference to



SCHED11 - Coastal High Natural Character Areas, where avoidance of adverse effects is required to protect the identified values and characteristics.

~~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~~

~~54.~~ When considering the adverse effects in respect of 1-43 above;

a. Having regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection ~~and techniques and measures proposed~~; and

b. Considering the constraints arising from the operational needs ~~and or~~ functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.

SCHED10 – Special amenity landscapes is not included within clause 3.e. as there is no higher order policy support to the directive for SAL's.