

**Before the Wellington City Council Proposed District Plan Hearings
Panel**

Under the Resource Management Act 1991 (the Act)

In the matter of the Wellington City Council Proposed District Plan–
Hearing Stream 11
Indigenous Biodiversity

- **Ecosystems and Indigenous Biodiversity (ECO)**
- **Indigenous**
- **Infrastructure - Ecosystems and Indigenous Biodiversity (INF-ECO)**
- **Schedule 8 – Significant Natural Areas**
- **Appendix 2 – Biodiversity Compensation**
- **Appendix 3 – Biodiversity Offsetting**
- **Appendix 15 – Ecological Assessment**
- **Definitions**

Between **Wellington City Council**
Local authority

And **Transpower New Zealand Limited**
Submitter 315 and Further Submitter FS29

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

Dated 28 August 2024

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**”).
- 1.2. Transpower’s submission on the Wellington City Proposed District Plan (“**PDP**”) was extensive. Transpower’s submission has been heard across multiple hearings and therefore I refer the panel to the Transpower evidence for Hearing Stream 1, Hearing Stream 5 and particularly Hearing Stream 9 in considering the submission points relevant to Hearing Stream 11. For the sake of efficiency, the background, and planning contextual information will not be repeated.
- 1.3. As the Panel will be aware, the Infrastructure chapters of the PDP have been drafted to largely be standalone, with specific indigenous biodiversity provisions (within Significant Natural Areas) relating to Infrastructure captured in the Infrastructure – Ecological and Indigenous Biodiversity (“**INF-ECO**”) sub chapter. As such, the Ecosystems and Indigenous Biodiversity Chapter (“**ECO**”) is not applicable to Infrastructure¹ (other than where there are cross references in the INF-ECO chapter). The INF-ECO chapter as notified has five policies, three of which are specific to the National Grid.
- 1.4. Specific to Hearing Stream 11, at a broad level in its submission Transpower raised concerns the policies within the INF-ECO chapter (and by default ECO-P1 as it is cross referenced in the notified INF-ECO National Grid policies) do not give effect to the NPSET. Transpower further sought that reference to the National Grid be deleted from the operation, maintenance and upgrade rules given the NESETA regulates such activities.
- 1.5. Specific to the National Grid, the reporting officer during Hearing Stream 9 recommended substantive changes to the policy and rule framework for the National

¹ PART 2 – DISTRICT-WIDE MATTERS Natural Environment Values Ecosystems and Indigenous Biodiversity
Other relevant District Plan provisions
Infrastructure – Policies and rules relating to activities associated with the development, maintenance, upgrading and operation of the national grid, regionally significant infrastructure and network utilities located within significant natural areas are addressed within the Infrastructure chapter.

Grid in terms of the creation of a National Grid Infrastructure (“**INF-NG**”) sub chapter which contains:

- the policy framework as it relates to the National Grid;
- rules relating to the National Grid within the Coastal Environment and Natural Features and Landscapes overlays;
- as well as a specific rule and standard that applies to proposed activities within the defined National Grid Yard.

- 1.6. Rules outside the aforementioned overlays are contained within the Infrastructure chapter (and also within the Infrastructure Natural Hazards and Other Overlays sub chapters where applicable). Other than the ‘seek to avoid’ policy directive within recommended INF-NG-P62 and P63, the recommended INF-NG chapter was silent on SCHED8 SNAs on the basis the topic would be heard at Hearing Stream 11.
- 1.7. The S42A report for Hearing Stream 11 has recommended substantive changes to the policy and rule framework for Ecosystems and Indigenous biodiversity, largely to implement the National Policy Statement for Indigenous Biodiversity 2023. Within context of the substantive nature of the changes to the ECO provisions, of specific relevance to the National Grid is clause 1.3(3) of the NPS-IB which provides a clear direction that nothing in the NPS applies to electricity transmission activities. Given the clear exemption for electricity transmission within the NPS-IB I support the S42A Report recommendation² for the continuation of the Hearing Stream 9 recommended approach that the National Grid be managed within its own Infrastructure – National Grid sub chapter, and not be subject to the ECO or INF-ECO chapters. I note a similar approach is provided for Renewable Electricity Generation.
- 1.8. On that basis I largely support the Section 42A Report recommendations. The relief sought in my evidence is therefore confined to addressing the rule gaps in ensuring an appropriate framework for SNAs within the Infrastructure – National Grid sub chapter, noting I support the associated policy framework as recommended.
- 1.9. Attached as Appendix A is the National Policy Statement on Electricity Transmission 2008. Attached as Appendix B to my evidence is a table outlining all the Transpower original submission points relevant to Hearing Stream 11.

² S42A Report: Ecosystems and Indigenous Biodiversity, para 766, 766, 788

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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 dated 7 February 2023.
- 2.3. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice Note (2023), and I agree to comply with it.

3. Scope of Evidence

- 3.1. My evidence will address the following:
 - 3.1.1. A brief outline of the National Grid framework and Transpower's interests in Hearing Stream 11; and
 - 3.1.2. Responses to the officer recommendations, focusing on the amendments I support in this evidence.
- 3.2. My evidence should be read together with the evidence of Ms Shand who describes Transpower, and the approach to managing the effects on indigenous vegetation (biodiversity) in undertaking its role for the operation, maintenance, upgrade and development of the National Grid.

4. National Grid assets within Wellington City

- 4.1. As outlined in the Transpower submission, the National Grid assets within Wellington City are a crucial component of the linear grid network. In essence, Wellington acts as the corridor that primarily allows for the transmission of electricity from the south to the north of the country.
- 4.2. In terms of Hearing Stream 11 Overlay - Significant Natural Areas (“**SNAs**”) there are numerous existing National Grid assets within the overlay. As evident from the image below, the notified SNAs are extensive in their number and their extent. This has implications for the National Grid, both in terms of the development of the Grid as well as for existing assets (in that consent is automatically required under the National Environmental Standards for Electricity Transmission 2009 (“**NESETA**”) where the existing transmission line is within an SNA). Refer Figure 1 for the SNAs as notified.

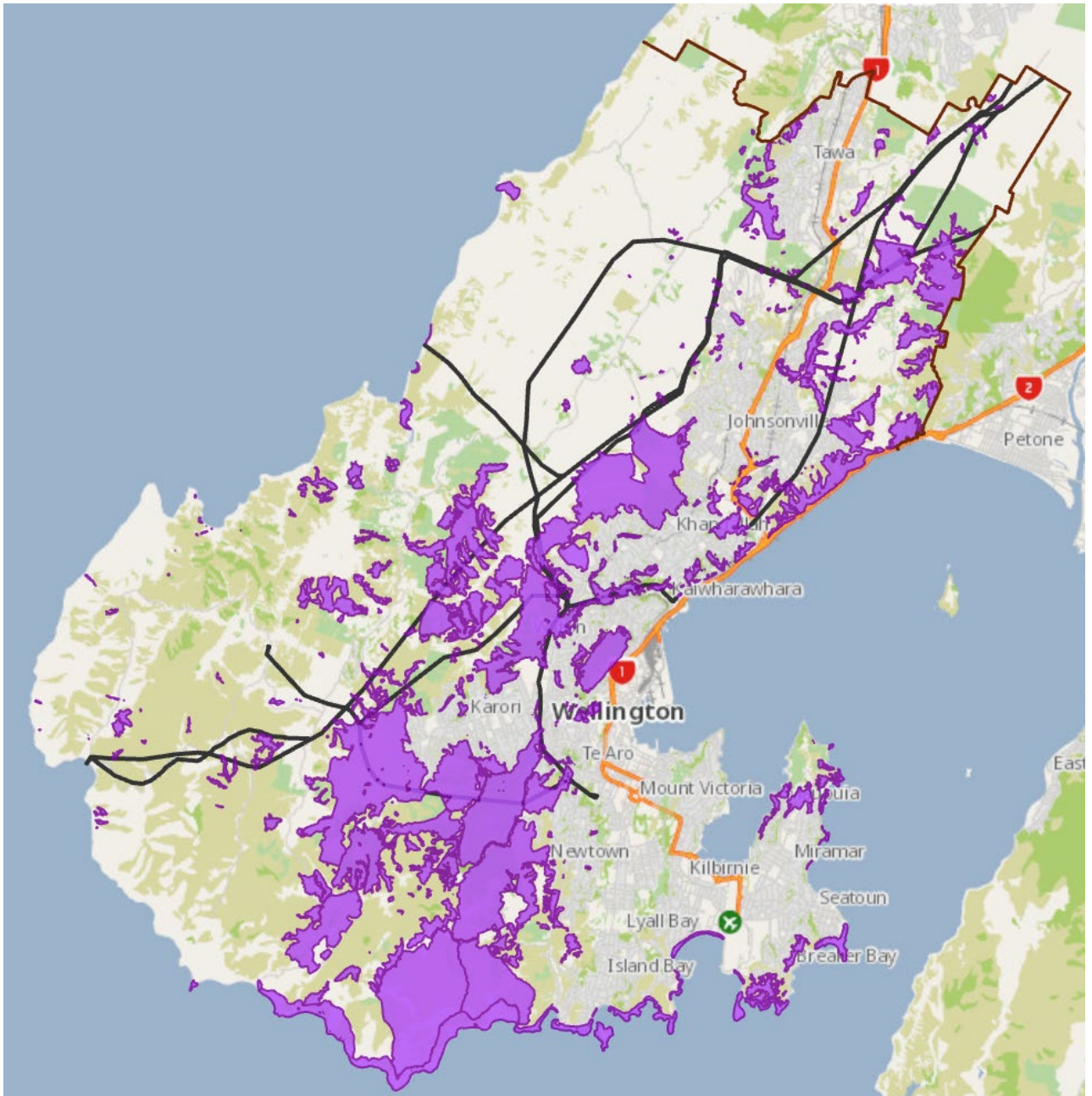


Figure 1. PDP notified SNAs are shown in purple and existing National Grid assets shown as black lines

5. The National Grid Policy Framework

National Policy Statement on Electricity Transmission 2008

- 5.1. 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.

5.2. In my Hearing 1 evidence I outlined the three broad aspects to the NPSET which must be given effect to in local authority policies and plans, being:

- Enabling the National Grid,
- Managing the effects of the National Grid; and
- Managing the effects on the National Grid.

5.3. My earlier evidence stands and is applicable to this hearing.

National Policy Statement for Indigenous Biodiversity 2023

5.4. Within context of the substantive nature of the changes to the ECO chapter provisions, the majority of which I understand are recommended to implement NPS-IB provisions, of specific relevance to the National Grid is clause 1.3(3) of the National Policy Statement for Indigenous Biodiversity 2023 (“**NPSIB**”) which provides:

Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.

5.5. For context within WCC PDP, the above exemption is important as it relates to the National Grid (being electricity transmission) in that it directs policies and rules recommended by the reporting officer to give effect to the NPS-IB effects management hierarchy (clauses 3.10 and 3.11) and provisions relating to indigenous biodiversity outside SNAs (to implement clause 3.16 of the NPS-IB) are not to be applied to the National Grid. Given the clear directive within the NPS-IB within clause 1.3(3), I support the S42A Report recommendation³ for the continuation of the Hearing Stream 9 recommended approach that the National Grid be managed within its own stand alone Infrastructure – National Grid sub chapter.

Wellington Regional Policy Statement

5.6. I also reconfirm my assessment within the Hearing Stream 1 evidence relating to the Wellington Regional Policy Statement stands with no decisions yet released on

³ S42A Report: Ecosystems and Indigenous Biodiversity, para 766, 766, 788

Proposed Change 1. I understand no decision is anticipated before early October 2024.

6. Summary of Hearing Stream 11 Submission Points

6.1. The 23 original submission points lodged by Transpower to Hearing Stream 11 were relatively confined and are summarised as follows:

- Definitions – Support for the notified definitions of Biodiversity Compensation, Biodiversity Offsetting, and Significant Natural Area.
- Policies – Transpower sought to amend the ECO and INF-ECO chapters to recognise and provide for the National Grid and clarify that the National Grid is subject to specific provisions and that other general sub-chapter provisions do not apply to the National Grid. In its submission on INF-ECO-P36 (upgrading) and INF-ECO-P37 (development) Transpower sought deletion of the cross reference to ECO-P1 and instead reliance on the NPSET Policy 8 “seek to avoid approach”. If ECO-P1 was to apply to the National Grid, Transpower sought it be amended to recognise vegetation removal to enable the safe and efficient operation and maintenance of the National Grid. Amendment was sought to INF-ECO-P35 to better recognise the existing National Grid assets.
- Rules and Standards – Transpower sought deletion of reference to the National Grid from INF-ECO-R44 and R45 (as the activities are covered by the NESETA), and as a consequential change, clarification the standards INF-ECO-S19 and S20 do not apply to the National Grid, and retention of the discretionary rule R47 for new National Grid infrastructure.

7. Response to the Section 42A Report Recommendations

7.1. The following section responds to the Hearing Stream 11 S42A Report recommendations on Transpower’s submission points.

7.2. For clarity, attached as **Appendix B** is a table outlining all the submission points relevant to Hearing Stream 11. Where I have not specifically addressed a provision below, it can be assumed I accept the officer recommendation.

7.3. As the Panel will be aware, as notified, Infrastructure in the PDP was managed within the Infrastructure chapter (and sub chapters), with Ecosystems and Indigenous Biodiversity managed within the INF-ECO sub chapter.

- 7.4. At Hearing Stream 9 the reporting officer recommended substantive changes to the policy and rule framework for the National Grid in terms of the creation of a National Grid infrastructure sub chapter (“**INF-NG**”) which contains:
- a. the policy framework as it relates to the National Grid
 - b. rules relating to the National Grid within overlays⁴, and
 - c. specific rules that apply to proposed activities within the defined National Grid Yard⁵.
- 7.5. National Grid applicable rules outside the Coastal Environment and Natural Features overlays are contained within the Infrastructure chapter (and also within the *Natural Hazards* and *Other Overlays* sub chapters where applicable).
- 7.6. The S42A Report to Hearing Stream 11 has recommended⁶ the continuation of this stand alone chapter approach and recommended the following clarification within the Introduction to the ECO chapter, and the ECO-INF chapter (recommendations of the reporting officer are shown as red text):

ECO	Ecosystems and Indigenous Biodiversity
Introduction	
<p>There are also additional For allowances provisions related to for the removal of vegetation in a SNA relating to Infrastructure and the <u>National Grid</u> refer to the INF-ECO <u>and INF-NG</u> subchapters.</p>	

INF-ECO	Infrastructure – Ecosystems and Indigenous Biodiversity
Introduction	
<p>This sub-chapter applies to infrastructure <u>(with the exception of the National Grid and renewable electricity generation)</u> within the significant natural areas <u>overlays</u> identified within <u>SCHED8 the Ecosystems and Indigenous Biodiversity Chapter</u>. It applies in addition to the principal Infrastructure Chapter.</p>	

- 7.7. I support the recommended structural approach and therefore within this context, my evidence addresses the approach within the INF-NG chapter relating to Ecosystems

⁴ Being the Coastal Environment Overlay, and the natural features overlays being Outstanding Natural Features and Landscapes Overlay, Special Amenity Landscapes Overlay and the Ridgelines and Hilltops Overlay.

⁵ Noting earthworks within the National Grid Yard are addressed in the Earthworks Chapter

⁶ S42A Report: Ecosystems and Indigenous Biodiversity, para 766, 766, 788

and Indigenous Biodiversity given the issue was effectively parked at Hearing Stream 9.

- 7.8. I note the reporting officer to Hearing Stream 11 has not recommended any specific amendments to the INF-NG chapter and therefore the focus of my evidence is to address where I perceive there to be gaps in the provisions.
- 7.9. For ease of reference, I address the provisions under the following topics as they relate to the INF-NG chapter:
- a. INF-NG Introduction
 - b. INF-NG Policies
 - c. INF-NG Rules
- 7.10. For completeness, I have no specific comments on the INF-NG Objective O7, or INF-NG Standard S18 and my evidence on these provisions presented at Hearing Stream 9 stands.

INF-NG Introduction

- 7.11. Hearing Stream 9 recommended introductory text⁷ to the INF-NG Chapter, which I supported. I remain supportive of the text but note there is no reference to SNAs (as the issue was parked at Hearing Stream 9). I would support amendment to include reference to SNAs as outlined below, which would reflect the approach for other Natural Environment overlays.
- 7.12. As a general comment on the Introduction (and not confined to the topic of Ecosystems and Indigenous Biodiversity), the text refers to “...and new National Grid Infrastructure within the Coastal Environment overlay,.....” While the reference to ‘new’ is correct and reflects the relief sought in my Hearing Stream 9 evidence to introduce rules for new National Grid infrastructure within the overlays, the statement ignores the officer recommended rules for the operation, maintenance and upgrade of the National Grid.

⁷ ~~*This sub-Chapter applies to infrastructure within the National Grid Subdivision Corridor Overlays: The Infrastructure – National Grid sub chapter provides a specific policy framework for the National Grid, and specific rules for activities within the National Grid Yard, and new National Grid Infrastructure within the Coastal Environment overlay, Outstanding Natural Features and Landscapes overlay, Special Amenity Landscapes overlay, and Hilltops and Ridgelines overlay. For activities outside these specific overlays, in addition to the policies in the Infrastructure National Grid sub chapter, the Infrastructure chapter applies, as do the Infrastructure - Natural Hazards sub chapter and the Infrastructure – Other Overlays sub chapter. It applies in addition to the principal Infrastructure Chapter.*~~

While I would support deletion of the operation, maintenance and upgrade rules (on the basis such activities are regulated by the NESETA as opposed to district plan rules) should the recommended rules INF-NG-R59, R60, R61, R64 and R65 be retained, I would support clarification within the introductory text (and in the existing asset rules as provided below) that the sub chapter also applies to existing National Grid assets not regulated by the NESETA.

- 7.13. The amendments supported through this evidence are as follows: (recommendations of the reporting officer for Hearing Stream 9 are shown as black underline and strikethrough text, with amendments sought through this evidence shown as blue text):

Introduction
<p>This sub Chapter applies to infrastructure within the National Grid Subdivision Corridor Overlays: The Infrastructure – National Grid sub chapter provides a specific policy framework for the National Grid, and specific rules for activities within the National Grid Yard, and new (and existing where not regulated by the NESETA) National Grid Infrastructure within the Coastal Environment overlay, Outstanding Natural Features and Landscapes overlay, Special Amenity Landscapes overlay, Significant Natural Areas overlay, and Hilltops and Ridgelines overlay. For activities outside these specific overlays, in addition to the policies in the Infrastructure National Grid sub chapter, the Infrastructure chapter applies, as do the Infrastructure - Natural Hazards sub chapter and the Infrastructure – Other Overlays sub chapter. # applies in addition to the principal Infrastructure Chapter.</p>

INF-NG Policies

- 7.14. INF-NG Policies relevant to Hearing Stream 11 are INF-NG-P58, P59, P61 and P62. Policies P61 and P62 have specific reference to SNAs with the policies adopting a 'seek to avoid' policy directive. I support the recommended policy approach.

INF-NG Rules

- 7.15. While the reporting officer to Hearing Stream 11 has recommended the deletion of the National Grid rules within the INF-ECO chapter, no corresponding changes have been recommended to the rules within the INF-NG chapter to include reference to SNAs. I suspect this is an oversight as I understand (and expressed in the S42A Report) the intent is to create a stand alone National Grid – Infrastructure chapter. My comments below are confined to amendments to address this gap.

Operation, maintenance and upgrade of existing National Grid assets

- 7.16. The Hearing Stream 9 recommended rules INF-NG-R59, R60, R61, R64 and R65 provide for the operation, maintenance and upgrade of existing National Grid assets within the Coastal Environment and/or Natural Features and Landscape overlays.

Notwithstanding my earlier comments in 7.11 that the existing National Grid activities are regulated by the NESETA (and therefore the rules are not required at this stage) I expressed that I was not opposed to their retention should they be required for new National Grid assets. Having considered this further, their removal would in my opinion be the preferred approach and avoid confusion for plan users. I would anticipate any new consent/NOR for new assets would include conditions for their operation, maintenance and potentially upgrade.

- 7.17. If the above rules for existing National Grid assets are to be retained, I would support inclusion of reference to SNAs within INF-NG-R61, R64 and R65. This would provide consistency with the approach to other overlays and also carry over rules INF-ECO-R44, R45 and R46 which the reporting officer (for Hearing Stream 11) has recommended be deleted from the INF-ECO chapter.

New National Grid assets

- 7.18. Consistent with the evidence to Hearing Stream 9, in order to provide the complete set of rules within the INF-NG sub chapter and give effect to the officer recommendation (to provide a stand alone INF-NG chapter), I would support the insertion of reference to SNAs within the Hearing Stream 9 recommended rules for **new** National Grid assets, being INF-NG-R66 and R67⁸. This would address the rule gap resulting from the recommended deletion of rule INF-ECO R47.
- 7.19. The reporting officer has not commented on the activity status. However, I support the activity status for the recommended rules INF-NG-R66 and R67 (being restricted discretionary for new National Grid assets within an SNA overlay, and discretionary for new National Grid assets within a SNA overlay within the Coastal Environment). This rule framework (and activity status) would reflect that for other overlays and give effect to the NPSET, reiterating the NPS-IB does not apply to electricity transmission (i.e. the National Grid).
- 7.20. The amendments I support through this evidence to address existing and new National Grid assets are as follows: (recommendations of the reporting officer for Hearing Stream 11 I support are shown as **red** text, those of the reporting officer for Hearing Stream 9 are shown as black underline and strikethrough text, and those amendments sought through this evidence shown as **blue** text):

⁸Hearing Stream 9 Officer Right of Reply, July 2024, [Appendix A - Recommended Amendments - Infrastructure - National Grid \(wellington.govt.nz\)](#)

Infrastructure – Ecosystems and Indigenous Biodiversity

INF-ECO-R44	Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within a significant natural area
All Zones	<p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is achieved with the following standards:</u></p> <p><u>i. INF-ECO-S19; and</u></p> <p><u>ii. INF-ECO-S20.</u></p>
All Zones	<p><u>2. Activity Status: Controlled</u></p> <p><u>Where:</u></p> <p><u>a. Trimming, felling or removing any tree or vegetation is undertaken to reduce the risk to a transmission line within significant natural area.</u></p> <p><u>Matters of control are:</u></p> <p><u>1. Replanting;</u></p> <p><u>2. Disposal of trees and vegetation; and</u></p> <p><u>3. Ecological effects assessment in accordance with the effects management hierarchy in ECO-P2.</u></p>
All Zones	<p><u>3. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance with the requirements of INF-ECO-R44.1 or INF-ECO-R44.2 cannot be achieved.</u></p> <p><u>Matters of discretion are:</u></p> <p><u>1. The extent and effect of non-compliance with any relevant standard not met as specified in the associated assessment criteria for the infringed standard; and</u></p> <p><u>2. The matters in INF-ECO-P33.</u></p>
INF-ECO-R45	Upgrading of existing National Grid (NG) infrastructure within a significant natural area
All Zones	<p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are:</u></p> <p><u>1. The matters in INF-ECO-P36.</u></p>

Infrastructure — National Grid

INF-NG-R61	Upgrading of existing National Grid infrastructure <u>(that are not regulated by the NESETA)</u> within the coastal environment: <ul style="list-style-type: none"> <u>• Within high coastal natural character areas; or</u> <u>• Within coastal or riparian margins; or</u> <u>• Within significant natural areas</u>
All Zones	<p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are:</u></p> <p><u>1. The matters in INF-NG-P672</u></p>
INF-NG-R64	Operation, maintenance and repair of existing National Grid (NG) infrastructure <u>(that are not regulated by the NESETA)</u> within outstanding natural features and outstanding landscapes, <u>significant natural areas</u> , special amenity landscapes or identified ridgelines and hilltops (including within the coastal environment)
All Zones	<p><u>1. Activity status: Permitted</u></p>
INF-NG-R65	Upgrading of existing National Grid (NG) infrastructure <u>(that are not regulated by the NESETA)</u> within outstanding natural features and outstanding landscapes, <u>significant natural areas</u> , special amenity landscapes or identified ridgelines and hilltops
All Zones	<p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are:</u></p> <p><u>1. The matters in INF-NG-P672</u></p>
INF-NG-R66	New National Grid (NG) infrastructure within outstanding natural features and

	<u>outstanding landscapes, significant natural areas, special amenity landscapes or identified ridgelines and hilltops, outside the coastal environment</u>
All Zones	1. <u>Activity status: Restricted Discretionary</u> <u>Matters of discretion are:</u> 1. <u>The matters in INF-NG-P58 and INF-NG-P62</u>
INF-NG-R67	<u>New National Grid (NG) infrastructure within outstanding natural features and outstanding landscapes, significant natural areas, special amenity landscapes or identified ridgelines and hilltops, inside the coastal environment</u>
All Zones	1. <u>Activity status: Discretionary</u>

8. Conclusion

- 8.1. 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. Specific to Hearing Stream 11, Transpower lodged a confined number of number of submission points, largely to provide a specific policy and rule framework for the National Grid and Ecosystems and Indigenous biodiversity.
- 8.2. The Section 42A reports recommends substantive changes to the policy and rule framework for Ecosystems and Indigenous biodiversity, largely to implement the NPS-IB. Within context of the substantive nature of the changes to the ECO provisions, of specific relevance to the National Grid is clause 1.3(3) of the NPS-IB which provides a clear direction that nothing in the NPS applies to electricity transmission activities. Given the clear directive within the NPS-IB within clause 1.3(3). I support the S42A Report recommendation⁹ for the continuation of the Hearing Stream 9 recommended approach that the National Grid be managed within its own Infrastructure – National Grid sub chapter.
- 8.3. On that basis I largely support the Section 42A Report recommendations, and the relief sought in my evidence is confined to addressing the gaps in ensuring an appropriate framework for SNAs within the Infrastructure – National Grid sub chapter.

Pauline Mary Whitney

28 August 2024

⁹ S42A Report: Ecosystems and Indigenous Biodiversity, para 766, 766, 788

Appendix A

National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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Preamble

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

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

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

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

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

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

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

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

1. Title

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

2. Commencement

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

3. Interpretation

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

Act means the Resource Management Act 1991.

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

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

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

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

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

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

5. Objective

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

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

6. Recognition of the national benefits of transmission

POLICY 1

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

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

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

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

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

POLICY 4

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

POLICY 5

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

POLICY 6

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

POLICY 7

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

POLICY 8

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

POLICY 9

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

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

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

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

10. Long-term strategic planning for transmission assets

POLICY 13

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

POLICY 14

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

Explanatory note

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

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

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

Appendix B

Summary Table - Response to s42A Report Officer Recommendations

Transpower NZ Limited Submission Points – Response to S42A Officer Recommendations – Hearing Stream Indigenous Biodiversity

Sub Ref	Plan Part	Summary of Submission and Relief Sought	S42A response	Transpower's response to S42A recommendation
315.16	Definitions / BIODIVERSITY COMPENSATION	<p>Relief Sought: Support Retain the definition of Biodiversity Compensation as notified.</p>	<p>Recommendation: Accept in part Reasoning: 258. I recommend that the NPS-IB definition is adopted into the District Plan, albeit with the amended reference to Appendix 4, which should be replaced with 'Appendix 3 – Biodiversity Compensation'. 259. I therefore recommend the following responses to the submission points: a. Accept in part Transpower [315.16] and the Director-General of Conservation [385.11], on the basis the definition is retained, albeit with amended wording. Change to provisions: Yes <u>biodiversity compensation means a conservation outcome that meets the requirements in Appendix 3 – Biodiversity Compensation and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.</u></p>	The recommendation is accepted on the basis it reflects the NPS-IB definition.
315.17	Definitions / BIODIVERSITY OFFSETTING	<p>Relief Sought: Support Retain the definition of Biodiversity Offsetting as notified. Reasoning: Supports the definition in respect of the reference to achieving the goal of no net loss, as opposed to a requirement for a net gain.</p>	<p>Recommendation: Accept in part Reasoning: 263. On the basis that the definition is retained but amended, I recommend the submission points from Transpower [315.17], Forest and Bird [345.6] and the Director-General of Conservation [385.12] are accepted in part. Change to provisions: Yes <u>biodiversity offset means a measurable conservation outcome that meets the requirements in Appendix 2 – Biodiversity Offsetting and results from actions that are intended to:</u> <u>(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and</u> <u>(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.</u></p>	The recommendation is accepted on the basis it reflects the NPS-IB definition.
315.35	Definitions / SIGNIFICANT NATURAL AREA	<p>Relief Sought: Support Retain the definition of Significant Natural Area as notified. Reasoning: Supports the identification of such areas on the basis it assists plan users and provides clarity on the application of the plan provisions that relate to the definition.</p>	<p>Recommendation: Accept Reasoning: 280. For clarity and simplicity I recommend retaining the notified District Plan definition. The NPS-IB definition is more appropriate to that document as it references appendix 1 of the NPS-IB and the technicalities around anything that has already been identified in a plan after the NPS-IB commencement date. 281. As such, my recommendations on the submission points are as follows: a. Accept the submission from Transpower [315.35] as the definition is retained as notified; and b. Reject the submission point from Forest and Bird [345.14, opposed by FS101.11]. Change to provisions: No</p>	The recommendation to retain the definition is supported and reflects the relief sought in the Transpower submission.
315.104	General INF-ECO	<p>Relief Sought: Amend Seeks to amend the Infrastructure - Ecosystems and Indigenous Biodiversity (INF-ECO) chapter provisions to recognise and provide for the National Grid as set out in subsequent submission points. Reasoning: Considers Transpower's operational activities involve upgrading and 'recutting' access tracks, vegetation trimming and vegetation removal. Transpower's maintenance and climate change adaptation activities will involve making foundations stronger/bigger, and relocating assets (among other things). Transpower is required to clear paths and undertake vegetation trimming/clearance to:</p> <ul style="list-style-type: none"> • Ensure clearance under and adjacent to the lines; • Provide access to the lines and support structure assets, including for fault response purposes; • Enable maintenance of support structures including painting, foundation strengthening and replacement; and • Reconductor lines. <p>Transpower has a cyclical maintenance programme, but typically inspections can occur any time between 6 and 18 months. The decision to trim or clear vegetation on inspection depends on factors such as the age of the support structure, nature of the vegetation, landowner relationships, and the operational requirements of the asset. The requirement to provide sufficient clearance under the lines is a regulatory requirement of the Electricity (Hazards from Trees) Regulations 2003. Clearance is required for safety reasons (primarily to prevent flashovers). While trimming/ clearance is a safety requirement, it is subject to local authority plan provisions (such as when the site is an SNA which is a 'Natural Area' for the purpose of the National Environmental Standards for Electricity Transmission Activities (NESETA)). Considers that it is important that it is recognised in the PDP that some of these activities will have unavoidable impacts and will sometimes be in SNAs given the extent and location of Transpower's assets. These activities are critical to the functioning of the National Grid, and should be provided.</p>	<p>Recommendation: Accept in part Reasoning: 766. In terms of the Transpower submission points [315.104, 315.106 - 315.109], the Infrastructure – National Grid (INF-NG) chapter, which was recommended through Hearing Stream 9, is a standalone chapter that provides for the national grid. It is not subject to the ECO chapter, rather it reconciles the national grid and SNAs within that chapter. Consequently, it is not necessary to refer to the National Grid in the INF-ECO chapter. This is also true of Renewable electricity generation which is reconciled through the REG chapter. As such, I recommend that explanatory text is included in the introduction to the INF-ECO chapter to this effect. Change to provisions: Yes Introduction This sub-chapter applies to infrastructure (with the exception of the National Grid and renewable electricity generation) within the significant natural areas overlays identified within SCHED8 the Ecosystems and Indigenous Biodiversity Chapter. It applies in addition to the principal Infrastructure Chapter.</p>	The recommendation is accepted in that the recommended wording makes it clear to refer to the INF-NG chapter in relation to ecosystems and indigenous biodiversity provisions.
315.105	General INF-ECO	<p>Relief Sought: Amend Amend the introduction to the Infrastructure - Ecosystems and Indigenous Biodiversity (INF-ECO) as follows: <i>This sub-chapter applies to infrastructure within Natural Features and Landscape Overlays. It applies in addition to the principal Infrastructure Chapter.</i></p>	<p>Recommendation: Accept in part Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid.</p>	The recommendation is supported on the basis a new

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Sub Ref	Plan Part	Summary of Submission and Relief Sought	S42A response	Transpower's response to S42A recommendation
		<p><u>Included within the sub-chapter are provisions specific to the National Grid (NG) and Gas Transmission Pipelines Corridor (GTPC). For the avoidance of doubt, other sub-chapter policies and rules within this sub-chapter do not apply to the National Grid.</u></p> <p><i>Note: The objectives of the Infrastructure Chapter apply.</i></p> <p>Reasoning: Supports the introductory text but seeks clarification that the National Grid is subject to specific policies and rules and the general sub-chapter provisions do not apply.</p>	<p>788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Recx below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety.</p> <p>789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	INF-NG chapter is provided.
315.106 and 107	General INF-ECO	<p>Relief Sought: Oppose in part Seeks to delete reference to INF-ECO-S19 (Trimming or removal of indigenous vegetation or trees within a significant natural area) from any National Grid specific rules.</p> <p>Reasoning: Considers that on the basis INF-ECO-R44 is to be amended [as requested in other submission point regarding this rule] so it does not apply to the National Grid, considers Standard S19 will not be applicable to the National Grid. If the intent is for S19 to apply to the National Grid Transpower opposes its application as the submitter considers the NESETA manages vegetation works for existing National Grid infrastructure and the provision of a standard to apply to the National Grid adds unnecessary confusion and interpretation issues.</p>	<p>Recommendation: Accept in part Reasoning: 857. The relief sought by Transpower [315.110 – 314.111] (315.108 and 315.109), has been given effect to through the recommendation at Hearing Stream 9 to include a standalone INF-NG chapter in the PDP.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	The recommendation is supported on the basis a new INF-NG chapter is provided.
315.108 and 109	General INF-ECO	<p>Relief Sought: Amend Seeks to delete reference to INF-ECO-S20 (Earthworks within a significant natural area) from any National Grid specific rules.</p> <p>Reasoning: Considers that on the basis INF-ECO-R44 is to be amended so it does not apply to the National Grid, Standard S20 will not be applicable to the National Grid. If the intent is for S20 to apply to the National Grid Transpower opposes its application as it duplicates the NESETA and adds unnecessary confusion and interpretation issues.</p>	<p>Recommendation: Accept in part Reasoning: 857. The relief sought by Transpower [315.110 – 314.111] (315.108 and 315.109), has been given effect to through the recommendation at Hearing Stream 9 to include a standalone INF-NG chapter in the PDP.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	The recommendation is supported on the basis a new INF-NG chapter is provided.
315.110	New INF-ECO	<p>Relief Sought: Amend Add a new National Grid specific policy as follows: <u>INF-NG-P2 Operation, and maintenance and minor upgrade of the National Grid</u> <u>Provide for the operation, maintenance and minor upgrade of the National Grid while managing the adverse effects of these activities.</u></p> <p>Reasoning: Considers that Transpower has existing assets within identified SNAs. 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. Submitter considers the policy does not give effect to the NPS-ET. Considers the policy directive within INF-ECO-P35 that works “do not adversely affect the biodiversity values” does not give effect to the NPS-ET. Considers the policy is drafted such that all and any adverse effects are to be avoided. Considers that such a requirement is onerous given the policy relates to existing infrastructure which will often have safety requirements and obligations in respect of adjacent vegetation. Transpower seeks amendment to the policy to reflect the realities of maintaining the National Grid and ensuring safe and necessary vegetation clearance distances.</p>	<p>Recommendation: Accept in part Reasoning: 776. The relief sought by Transpower [315.110 – 314.111], has been given effect to through the recommendation at Hearing Stream 9 to include a standalone INF-NG chapter in the PDP.</p> <p>Change to provisions: Yes Refer INF-NG-P59</p>	The recommendation is accepted on the basis a new INF-NG chapter is provided, with a specific policy for the operation, maintenance and minor upgrade of the National Grid. This policy was assessed at Hearing Stream 9.
315.111	New INF-ECO	<p>Relief Sought: Amend Add new National Grid specific policy to replace INF-ECO-P37 (New development of National Grid within significant natural areas) as follows: <u>INF-NG-P6 Development of the National Grid</u> <u>Provide for the development of the National Grid</u></p> <ol style="list-style-type: none"> 1. <u>In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the Commercial and Mixed-Use zones, and areas of high recreational or amenity value and existing sensitive activities.</u> 2. <u>Seek to avoid the adverse effects of the National Grid within areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED8 - Significant Natural Areas, and SCHED11 – Special Amenity Landscapes, outside the coastal environment.</u> 3. <u>Where the National Grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:</u> <ol style="list-style-type: none"> a) <u>Seeking to avoid adverse effects on areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes, and the Coastal Margin.</u> 	<p>Recommendation: Accept in part Reasoning: 776. The relief sought by Transpower [315.110 – 314.111], has been given effect to through the recommendation at Hearing Stream 9 to include a standalone INF-NG chapter in the PDP.</p> <p>Change to provisions: Yes Refer INF-NG-P62</p>	The recommendation is accepted on the basis a new INF-NG chapter is provided, with a specific policy for the development of the National Grid with provides a ‘seek to avoid’ policy directive for SNAs.

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Sub Ref	Plan Part	Summary of Submission and Relief Sought	S42A response	Transpower's response to S42A recommendation
		<p>b) <u>Where it is not practicable to avoid adverse effects on the values of the areas in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes; and the Coastal Margin because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.</u></p> <p>c) <u>Seeking to avoid significant adverse effects on:</u></p> <p>i) <u>i. other areas of natural character</u></p> <p>ii) <u>ii. natural attributes and character of other natural features and natural landscapes</u></p> <p>iii) <u>iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010</u></p> <p>d) <u>Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</u></p> <p>e) <u>Recognising there may be some areas within SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes; and the Coastal Margin, where avoidance of adverse effects is required to protect the identified values and characteristics.</u></p> <p>4. <u>Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable; and</u></p> <p>5. <u>When considering the adverse effects in respect of 1-3 above;</u></p> <p>a) <u>Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and</u></p> <p>b) <u>Consider the constraints arising from the operational needs or functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.</u></p> <p>Reasoning: The submitter does not oppose the identification of SNAs, but considers the policy approach has to be cognisant of the need to develop the National Grid and also give effect to the NPS-ET. Transpower proposes an amended policy approach specific to the National Grid [in general]. Considers that key to the approach is the recognition of the need to provide and enable the National Grid, whilst also providing a robust framework to manage effects. Specific to INF-ECO-P37, while Transpower accepts the policy does have regard to the route, site and method selection process, and operational needs, considers they apply in context of the policy chapeau to 'give priority to avoiding adverse effects'. Submitter queries how the term "give priority to avoiding adverse effects" would be implemented. Queries if this requires avoidance as the default position. Transpower's preference is for development within SNA's to be addressed in the specific National Grid development policy (within the INF chapter). Considers this would enable any new National Grid development to be considered in a comprehensive manner.</p>		
315.112	INF-ECO-P35	<p>Relief Sought: Amend Amend policy INF-ECO-P35 (Operation, maintenance and repair of existing National Grid infrastructure within a significant natural area) as follows: <u>Provide for the operation, maintenance, and repair and minor upgrade of existing transmission lines within significant natural areas where the activity, including associated earthworks, does not adversely affect the biodiversity values, while managing the adverse effects of these activities.</u></p> <p>Reasoning: Considers that Transpower has existing assets within identified SNAs. 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. Submitter considers the policy does not give effect to the NPS-ET. Considers the policy directive within INF-ECO-P35 that works "do not adversely affect the biodiversity values" does not give effect to the NPS-ET. Considers the policy is drafted such that all and any adverse effects are to be avoided. Considers that such a requirement is onerous given the policy relates to existing infrastructure which will often have safety requirements and obligations in respect of adjacent vegetation. Transpower seeks amendment to the policy to reflect the realities of maintaining the National Grid and ensuring safe and necessary vegetation clearance distances.</p>	<p>Recommendation: Accept in part Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid. 788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Rex below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety. 789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid. Change to provisions: Yes Refer recommended INF-NG chapter</p>	The recommendation is supported on the basis a new INF-NG chapter is provided.
315.113 and 114	INF-ECO-P36	<p>Relief Sought: Amend Amend policy INF-ECO-P36 (Upgrading the National Grid within significant natural areas) as follows: <u>INF-ECO-P36 Upgrading the National Grid within significant natural areas</u> <u>Provide for upgrading of the National Grid within significant natural areas by applying the effects management hierarchy in ECO-P2.</u> <u>In providing for the upgrading of existing National Grid (NG) infrastructure within significant natural areas:</u></p>	<p>Recommendation: Accept in part Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid. 788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by</p>	The recommendation is supported on the basis a new

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Sub Ref	Plan Part	Summary of Submission and Relief Sought	S42A response	Transpower's response to S42A recommendation
		<p><u>1. Seek to avoid adverse effects on biodiversity values</u></p> <p><u>2. When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection;</u></p> <p><u>3. Recognise 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; and</u></p> <p><u>4. Recognise the potential benefits of upgrades to the National Grid to people and communities;</u></p> <p>Reasoning: Considers that Transpower has existing assets within identified SNA's and is required to provide a reliable and efficient transmission network. The SNA's across the city are extensive and cover both the open space and rural environments. The intent of the NPS-ET and NESETA is to provide a comprehensive regime for the National Grid recognising its national significance. Of relevance to the upgrading of the National Grid are policies 1-6. Considers that, as currently drafted, Transpower has concerns INF-ECO-P36 does not give effect to the NPS-ET. The cross references to the ECO hierarchy policy 2 (noting this cross reference appears an error and it should be ECOP1) does not give effect to the NPS-ET. While Transpower is not outright opposed to the cross reference to the ECO policies, it has reservations that a direct cross reference to general policies will not reflect the nuanced approach that is required in order to give effect to the NPS-ET. Furthermore the cross reference to the effects management hierarchy is not appropriate for all maintenance activities given the necessity of the works. Transpower has proposed an amended policy approach to give effect to the NPS-ET.</p>	<p>Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Recx below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety.</p> <p>789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	<p>INF-NG chapter is provided.</p>
315.115	INF-ECO-P37	<p>Relief Sought: Oppose Delete INF-ECO-P37 (New development of National Grid within significant natural areas) in its entirety.[And add a new National Grid specific policy]</p> <p>Reasoning: The submitter does not oppose the identification of SNAs, but considers the policy approach has to be cognisant of the need to develop the National Grid and also give effect to the NPS-ET. Transpower proposes an amended policy approach specific to the National Grid [in general]. Considers that key to the approach is the recognition of the need to provide and enable the National Grid, whilst also providing a robust framework to manage effects. Specific to INF-ECO-P37, while Transpower accepts the policy does have regard to the route, site and method selection process, and operational needs, considers they apply in context of the policy chapeau to 'give priority to avoiding adverse effects'. Submitter queries how the term "give priority to avoiding adverse effects" would be implemented. Queries if this requires avoidance as the default position. Transpower's preference is for development within SNA's to be addressed in the specific National Grid development policy (within the INF chapter). Considers this would enable any new National Grid development to be considered in a comprehensive manner.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid.</p> <p>788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Recx below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety.</p> <p>789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	<p>The recommendation is supported on the basis a new INF-NG chapter is provided.</p>
315.116 and 117	INF-ECO-R44	<p>Relief Sought: Amend Amend INF-ECO-R44 (Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within a significant natural area) by deleting reference to the National Grid from the rule.</p> <p>Reasoning: Considers that, specific to the National Grid, the NESETA manages the trimming, felling and removal of vegetation and earthworks, with the activity status under the NESETA determined by the provisions in the PDP. The NESETA provides for earthworks and trimming, felling or removal of any vegetation as permitted activities subject to conditions. Considers that the default activity status of Restricted discretionary under clause 3 does not reflect that provided under regulation 34 of the NESETA. Given the NESETA prevails, Transpower considers clause 1 of Rule R44 is not required as the control of earthworks within an SNA is managed under the NESETA. With respect to vegetation works, 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:</p> <p>a) A rule prohibits or restricts the works (Reg 30(2)(a)); or</p> <p>b) The vegetation is in a "natural area" (a term defined in NESETA) (Reg 30(2)(b)). It is noted the standards within INF-ECO-S19 do not reflect that in the NESETA and therefore Transpower does not support them applying to the National Grid. The purpose of the NESETA is to provide a comprehensive, nationally consistent framework for existing National Grid Assets. Transpower opposes the imposition of rules to manage existing assets, noting those provided in Rule R44 do not reflect the NESETA. Considers the potential is for confusion over plan interpretation and implementation.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid.</p> <p>788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Recx below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety.</p> <p>789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	<p>The recommendation is supported on the basis a new INF-NG chapter is provided.</p>

Transpower NZ Limited Submission Points – Response to S42A Officer Recommendations – Hearing Stream Indigenous Biodiversity

Sub Ref	Plan Part	Summary of Submission and Relief Sought	S42A response	Transpower's response to S42A recommendation
315.118	INF-ECO-R45	<p>Relief Sought: Oppose Delete Rule INF-ECO-R45 (Upgrading of existing National Grid (NG) infrastructure within a significant natural area) in its entirety.</p> <p>Reasoning: Considers that, specific to the National Grid, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) provides prevailing provisions for maintenance, reconductoring, increasing voltage, structure addition or replacement, and removal, for the National Grid, and on this basis, INF-ECO-R45 for existing National Grid structures captured by the NESETA is of limited relevance to Transpower in respect of rule application. It is noted the NESETA provides a Discretionary activity status under Regulations 39 of the NESETA for those activities subject to the NESETA but not otherwise captured under other regulations in the NESETA. The purpose of the NESETA is to provide a comprehensive, nationally consistent framework for existing National Grid Assets. Transpower opposes the imposition of rules to manage existing assets and instead seeks reliance on the NESETA.</p>	<p>Recommendation: Accept in part Reasoning: 783. Transpower [315.105] seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid. 788. Mr Anderson has recommended that all references to the National Grid be removed from the INF-ECO chapter and a new standalone National Grid chapter be added to the District Plan. I consider that this would give effect to the relief sought by Transpower [315.105]. Given this recommendation, I recommend at HS11-ECO-Recx below that all policies and rules referencing the National Grid are deleted from the INF-ECO chapter in their entirety. 789. I note that this recommendation also gives effect to the remaining Transpower submission points [315.106, 315.107, 315.108, 315.109, 315.112, 315.113, 315.114, 315.115, 315.116, 315.117, 315.118 and 315.119], as well as addressing other submitters who submitted on the INF-ECO policies and rules relating to the National Grid.</p> <p>Change to provisions: Yes Refer recommended INF-NG chapter</p>	The recommendation is supported on the basis a new INF-NG chapter is provided.
315.119	INF-ECO-R47	<p>Relief Sought: Support Retain INF-ECO-R47 (New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within a significant natural area) as notified.</p> <p>Reasoning: Considers the activity status and associated policies provide an appropriate framework in which to manage the National Grid.</p>	<p>Recommendation: Accept in part Reasoning: Change to provisions: No</p>	The recommendation is supported on the basis a new INF-NG chapter is provided. However, a new rule is recommended within the INF-NG chapter to address new Grid assets within an SNA.
315.162	General ECO	<p>Relief Sought: Support Retain the Introduction to the Ecosystems and Indigenous Biodiversity chapter as notified.</p> <p>Reasoning: Supports the introductory text which clarifies that provisions specific to infrastructure are addressed in the infrastructure chapter.</p>	<p>Recommendation: Accept in part Reasoning: 424. Transpower [315.162] supports the Introduction to the ECO chapter whereby this identifies that provisions specific to infrastructure are addressed in the INF-ECO chapter. 427. In this respect, I agree with Forest and Bird [345.172, supported by WCCERG FS112.24] that the NPS-IB directs that the Council's function includes maintaining biodiversity outside of SNAs (clause 3.16 of the NPS-IB). I recommend that the Introduction is amended including changes to the arrangement of paragraphs, deletion of outdated references to the RPS and previous Council decisions which I consider are minor and inconsequential. 428. While my recommended wording does not match that requested by the submitter with respect to biodiversity outside SNAs, it achieves the relief sought. As such, I recommend the submission point is accepted in part. For the reasons discussed in section 8.1 of this report, I do not support the inclusion of residential SNAs or the requested reference to Schedule 9, which was not part of the notified PDP. Change to provisions: Yes ... There are also additional For allowances provisions related to-for the removal of vegetation in a SNA relating to Infrastructure and the National Grid refer to the INF-ECO and INF-NG subchapters, and also for the removal of branches near power lines in accordance with Electricity (Hazards from Trees) Regulations 2003. Other activities could result in a greater level of effect, and such activities will require a resource consent. This is to enable an assessment of the activity and effects against the SNA values.</p>	The recommendation is accepted in that the recommended wording makes it clear the Ecosystems and Indigenous Biodiversity chapter does not apply to the National Grid.
315.163	ECO-P1	<p>Relief Sought: Support Retain Policy ECO-P1 (Protection of significant natural areas) as notified, subject to deletion of reference to the policy within INF-ECO-P36 and INF-ECO-P37. <i>ECO-P1 Protection of significant natural areas</i> <i>Protect the biodiversity values of the identified significant natural areas within SCHED8 by requiring subdivision, use and development to:</i> 1. Avoid adverse effects on indigenous biodiversity values where practicable; 2. Minimise adverse effects on the biodiversity values where avoidance is not practicable; 3. Remedy adverse effects on the biodiversity values where they cannot be avoided or minimised; 4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP2 – Biodiversity Offsetting are met; and</p>	<p>Recommendation: Accept in part Reasoning: 489. In my assessment of New Ecosystems and Indigenous Biodiversity Provisions at Section 11.2 I have explained the requirements of the effects management hierarchy. 490. The intent of notified ECO-P1 was to incorporate the effects management hierarchy. It was also the primary policy for the assessment of effects on SNAs. 491. Given that the NPS-IB is now in effect and that the effects management hierarchy it details is clear, in my view the best approach is to align the wording of ECO-P1 with the definition provided in clause 1.6 of the NPS-IB and amend the policy accordingly. 492. As I have also noted in Section 11.2 the hierarchy is used for specific purposes: a. For effects on a SNA not otherwise specified in clause 3.10; and b. For those specific activities that are able to use an effects management hierarchy to manage their effects 'as of right' instead of the avoidance directives of clause 3.10. 493. I recommend that this be reflected in the policy chapeau and those relevant policies referenced.</p>	Accept the recommendation (acknowledging it reflects the EMH provided in the NPS-IB) on the basis it does not apply to the National Grid.

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		<p>5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP3 – Biodiversity Compensation are met.</p> <p>Reasoning: Considers policy INF-ECO-P36 and P37 requires application of the effects management hierarchy (which is incorrectly referenced as ECO-P2 within the aforementioned policies) to the upgrade and development of the National Grid. Submitter notes that in its comments on INF-ECO-P36 and P37 deletion of the cross reference to Policy ECOP1 is sought.</p> <p>Submitter is not opposed to ECO-P1 (and is supportive of the mitigation hierarchy approach within ECO-P1 on the basis biodiversity offsets and compensation are only a consideration as opposed to a mandatory requirement). However, given the uncertainty as to what form ECO-P1 will take and the significant implications of any policy changes to policy ECO-P1 to the National Grid, Transpower seeks to include Significant Natural Areas within the 'seek to avoid' policy directive of the sought National Grid specific policies, as opposed to being subject to ECO-P1. By deleting the ECO specific clause within INF-ECO-P36 and P37, the policy directive would be to 'seek to avoid' the SNA's as applying to the National Grid. Considers this would be the most efficient and effective solution in respect of the NPS-ET. While NPS-ET Policy 8 does not specifically reference indigenous biodiversity, given the high value of the areas within the policy, considers it would be consistent to include SNA's within the sought "seek to avoid" policy directive. Considers the inclusion would be consistent for the intent of the NPS-ET 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. Considers policies 1-5 of the NPS-ET 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.</p>	<p>494. I note that the effects management hierarchy is also used for the management of significant effects on indigenous biodiversity outside of SNAs(New ECO-P8), and Coastal SNAs (notified ECO-P5 now renumbered ECO-P6) but I do not think that these need to also be reflected in the chapeau. In my view it is cleaner that both these issues be dealt with comprehensively in their own policies. I have recommended clear references to this now renumbered ECO-P5 (effects management hierarchy) for wayfinding.</p> <p>495. On this basis, my recommendations on the submission points are as follows: a. The submission points from the Director-General of Conservation are accepted as the relief sought is achieved [385.40, 385.41 supported by FS101.13]. b. The submission points in support of ECO-P1 are accepted in part, on the basis that the policy is retained but with amended wording [221.36, 271.22, 303.14, 435.8, 315.163]</p> <p>Change to provisions: Yes Delete ECO-P1 Insert a new policy ECO-P5 <u>ECO-P5 Effects management hierarchy</u> <u>Manage any adverse effects of use and development on SNAs that are not referred to in ECO-P1 or that are specified activities in ECO-P2 by applying the effects management hierarchy as follows:</u></p> <p><u>a. Adverse effects are avoided where practicable; then</u> <u>b. Where adverse effects cannot be avoided, they are minimised where practicable; then</u> <u>c. Where adverse effects cannot be minimised, they are remedied where practicable; then</u> <u>d. Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided in accordance with APP2 – Biodiversity Offsetting where possible ; then</u> <u>e. Where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided in accordance with APP3 – Biodiversity Compensation; then</u> <u>f. If biodiversity compensation is not appropriate, the activity itself is avoided.</u></p>	
315.164 and 315.165	ECO-P2	<p>Relief Sought: Not specified</p> <p>Seeks that if the intent is that Policy ECO-P2 (Appropriate vegetation removal in significant natural areas) applies to the National Grid, it is amended to recognise vegetation removal to enable the safe and efficient operation and maintenance of the National Grid.</p> <p>Reasoning: Considers that, on the basis ECO-P2 is not applicable to Infrastructure, Transpower is neutral on the policy. However, if the intent is that it does and should apply to the National Grid, seeks amendment to recognise vegetation removal to enable the safe and efficient operation and maintenance of the National Grid. [position is specified as neutral]</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 500. Transpower [315.164] supports ECO-P2 on the basis this is not applicable to infrastructure. Should the policy apply to infrastructure then it is amended to recognise vegetation removal necessary to enable the safe and efficient operation of the National Grid [315.165]. No suggested wording has been supplied by the submitter.</p> <p>514. I recommend that Transpower's submission point [315.164] be accepted in part and [315.165] rejected. This chapter does not apply to the national grid. The INF-NG standalone chapter considered as part of Hearing Stream 9 would apply to Transpower's national grid operations.</p> <p>Change to provisions: Yes That ECO-P2 (Appropriate vegetation removal in significant natural areas) is amended and renumbered to be ECO-P7 <u>ECO-P27 – Appropriate <u>trimming, pruning or</u> vegetation removal in significant natural areas</u> <u>Enable vegetation <u>trimming, pruning or</u> removal within significant natural areas identified within SCHED8 where it is of a scale and nature that maintains the biodiversity values, including to provide for:</u></p> <ol style="list-style-type: none"> 1. Maintenance around existing buildings; or 2. Safe operation of <u>lawfully established</u> roads or rail corridors, tracks and access ways; or 3. Restoration and conservation activities including plant and animal pest control activities; or 4. Natural hazard management activities; or 5. Reduction of wildfire risk through the removal of highly flammable vegetation near existing residential units on rural property; or 6. Opportunities to enable t<u>angata whenua to exercise customary harvesting practices (excluding commercial use);</u> <u>or</u> 7. <u>The continued operation and maintenance of quarries for aggregate extraction.</u> 	Accept the recommendation on the basis it does not apply to the National Grid.