

**Before the Proposed Te Tai o Poutini Plan - A Combined District Plan
for the West Coast, Hearings Panel**

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Te Tai o Poutini Plan: A Combined
District Plan for the West Coast – Hearing Topic 1 and
2:

- **Introduction and General Provisions**
- **Strategic Direction**

Between **Te Tai o Poutini Plan Committee**
Comprising the Buller, Grey and Westland District
Councils

And **Transpower New Zealand Limited**
Submitter 229 and Further Submitter FS110

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

Dated 29 September 2023

1 Executive Summary

- 1.1. Transpower New Zealand Limited (“**Transpower**”) owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower has a variety of assets within the West Coast region comprising 110kV and 66kV lines, and substations.
- 1.2. Transpower’s submission on the Proposed Te Tai o Poutini Plan (“**TTPP**”) was extensive. While the approach adopted in the TTPP was broadly supported by Transpower, changes were sought to give effect to the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”). The general nature of comments to the TTPP related to:
 - The relationship of the Energy chapter to other chapters in the plan, and whether electricity transmission would be captured by the Energy or Infrastructure provisions.
 - General support (subject to refinements) of the enabling policies specific to the National Grid to give effect to the NPSET, and to recognise and provide for existing National Grid assets.
 - Specific to third party activities, support for the land use rule managing activities within proximity of the National Grid; support for the provision of a subdivision rule (subject to amendments); provision of a specific earthwork rule to manage activities in proximity of the National Grid; and general support for the policy framework (with refinement).
- 1.3. This is the first hearing on the TTPP at which Transpower is presenting evidence. As such, in addition to addressing the Hearing Topic 1 and 2 submission points, my evidence and the Transpower evidence of Ms Rebecca Eng, provide contextual information on the National Grid, including its role and function, operational and technical requirements and the planning policy framework. This information will inform future hearings. Technical engineering evidence will be provided at later hearings. Given the inter-related nature of the two hearing streams and that they are to be heard concurrently, Transpower considers it more efficient and effective to provide one set of evidence to address both hearing streams.

1.4. The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the NPSET. There are three broad aspects to the NPSET which must be given effect to in local authority plans:

- a. **Enabling the National Grid:** Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising the national, regional, and local benefits.
- b. **Managing the effects of the National Grid:** Policies, plans and decision makers must take into account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
- c. **Managing the effects on the National Grid:** A significant resource management issue across New Zealand is managing inappropriate development, land use and subdivision in close proximity to the National Grid, which can compromise its operation, maintenance, development and upgrade. Under the NPSET, policies and plans must include provisions to protect the National Grid from other activities. Specifically, the NPSET requires that district plans include a buffer corridor around National Grid lines. Within this area “sensitive” activities should not be allowed, while any other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are to be appropriately managed or avoided.

1.5. Specific to Hearing Stream 1, Transpower’s six original and three further submission points relate to:

- Definitions¹;
- General approach and how the plan works²; and
- Statutory context³

1.6. Specific to Hearing Topic 2, Transpower’s two original and six further submissions points relate to:

¹ S299.005, S299.007, S299.012, S299.013, S200.014, S299.020

² FS110.004 (S536.025), FS110.002 (S547.005)

³ FS110.001 (S553.188)

- Strategic direction overview⁴;
- The provision of a new National Grid specific strategic direction objective⁵; and
- Strategic Directions UFD-O1, CR-O1, CR-O2, NENV-O1, NENV-O3, and NENV-O4⁶.

1.7. As outlined in the tables attached as **Appendix C**, I largely accept/support the officer recommendations on the above issues. However, the relief sought in the following provisions remain outstanding:

1. Additional text to the recommended 'general duty' text within the Statutory context section of the TTPP to reflect the wording in Section 17(2) of the RMA to clarify the general duty is not enforceable⁷.
2. How the National Grid/electricity transmission is addressed within the *Energy Activity* and *Infrastructure* definitions and therefore managed in the TTPP⁸.

Specific to Strategic Directions:

3. The lack of reference to *Energy Activity* within UFD-O1⁹, NENV-O3¹⁰, CR-O1¹¹, and Strategic Direction overview clause 6¹²;
4. The absence of a National Grid specific strategic direction objective¹³;
5. The lack of reference to construction and upgrade within Strategic Directions overview clause 6.
6. The conjunctive element within the officer recommended 'functional need and operational need' wording within NENV-O3¹⁴.

⁴ FS110.008 (S547.047)

⁵ S299.021

⁶ S299.022, FS110.012 (S438.028), FS110.013 (S438.029), FS110.011 (S450.014), FS110.0010 (S547.055), FS110.014 (S547.061).

⁷ FS110.001 (S553.188)

⁸ FS110.002 (S547.005)

⁹ S299.022

¹⁰ FS110.013 (S438.029)

¹¹ FS110.0010 (S547.055)

¹² FS110.008 (S547.047)

¹³ S299.021

¹⁴ FS110.013 (S438.029)

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2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 26 years' experience as a resource management planner.
- 2.3. I have been a planning consultant based in Wellington for the past 21 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and energy sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
 - a. Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
 - b. Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 2.4. Specific to Transpower New Zealand Limited ("**Transpower**"), I have been involved with preparing submissions / hearing evidence on numerous planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 12 years.
- 2.5. My evidence is given in support of Transpower's submission on the Proposed Te Tai o Poutini Plan ("**TTPP**"). In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the TTPP.
- 2.6. 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. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

- 2.7. My evidence covers all the submission points (eight original and nine further) lodged by Transpower to Hearing Topic 1 and 2.

3. Scope of Evidence

- 3.1. Transpower lodged an extensive submission to the TTPP with the overall intent to ensure the district plan gives effect to the National Policy Statement on Electricity Transmission 2008.
- 3.2. While the majority of Transpower's submission points will be addressed at subsequent hearings, as this is the first hearing on the TTPP, I consider that it would be helpful at this initial hearing to outline Transpower's interests in the West Coast region as well as the specific policy framework associated with the National Grid. This information, in turn, can then provide a useful basis to inform subsequent hearings. On this basis my evidence will address the following:
- a. The planning background to Transpower's submission, and an outline of the need to provide sufficient recognition of the national significance of the National Grid, particularly in the context of the National Policy Statement on Electricity Transmission 2008 ("**NPSET**");
 - b. An overview of Transpower's submission on the TTPP; and
 - c. My responses to the recommendations within the Hearing Topic 1 and 2 Section 42A Reports on Transpower's submission points.
- 3.3. My evidence should be read together with the evidence Ms Rebecca Eng who describes Transpower and the role and importance of the National Grid and addresses the nature of Transpower's assets within the West Coast region. I note that Transpower will provide technical engineering evidence at subsequent hearings.

4. Transpower's Assets with the West Coast Region

- 4.1. Details of the existing National Grid assets and current asset upgrades and developments, including a plan of the specific existing National Grid assets within the district, are provided in the evidence of Ms Eng.

5. National Direction under the RMA

National Policy Statements

- 5.1. National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 (“**RMA**”). Of particular relevance to the TTPP and Transpower’s submission is the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”) and the supporting Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NESETA**”), the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”), the National Policy Statement on Urban Development 2020 (“**NPS-UD**”), the National Policy Statement for Freshwater Management 2020 (“**NPSFM**”), the National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”) and the National Policy Statement for Indigenous Biodiversity 2023 (“**NPSIB**”). The NPS-HPL and NPSIB were both gazetted after the TTPP was notified. Addressing the interface between these various policy statements and how they are read together is a key aspect of the relief sought by Transpower and will be addressed at subsequent hearings.
- 5.2. I recognise that while the NZCPS is the only mandatory national instrument, all the national policy statements (“**NPS’s**”) sit at the top of the planning instrument hierarchy. I note that other than the NPS-IB (which stipulates it does not apply to the development, operation, maintenance or upgrade of electricity transmission assets and activities), the other NPS’s neither stipulate nor provide direction on their relationship or standing relative to one another. This presents councils with an interpretive and administrative challenge, particularly where effect needs to be given to multiple NPS’s. In my experience to date the relationship between the directives contained within the various NPS’s needs to be carefully assessed and a plan related policy framework developed that addresses obvious tensions between policy statements that need to be given effect to. Key to this is understanding the intent that underlies conflicting or competing directives and developing a tailored policy response to help guide decision makers to reconcile identifiable differences.
- 5.3. The recent (August 2023) case *Port of Otago Limited v Environmental Defence Society*¹⁵ confirms how national direction is to be given effect to under the RMA and provides guidance as to how plan makers should address the conflicts between competing policies in NPS’s. Through this decision, the Supreme Court has provided guidance to plan-makers on how national direction is to be interpreted, reconciled and given effect to, where there are tensions between different directive policies; in that case, two policies within the NZCPS.

¹⁵ <https://www.courtsofnz.govt.nz/assets/cases/2023/2023-NZSC-112.pdf>

- 5.4. The Court emphasised the need for a close study of the relevant provisions to confirm there was indeed a conflict between them and identified that the particular policies in question were both directive ones, albeit there being a difference in the language used. The Court then provided guidance on how any conflicts should be addressed, directing that decision-makers should provide a 'structured analysis' to provide a disciplined approach to identifying and resolving conflicts between competing directive policies.
- 5.5. In my opinion the approach provided for in the TTPP (as sought to be refined through Transpower's submission and addressed in later hearings) provides a clear framework and policy directive in respect of the National Grid that reconciles the direction in the various NPS's.

The National Policy Statement on Electricity Transmission 2008

- 5.6. The NPSET directs the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**.
- 5.7. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 5.8. The NPSET is comprised of one objective and 14 policies, all of which address the environmental effects of transmission and the management of adverse effects on the National Grid. There are three broad aspects to the NPSET which must be given effect to in local authority policies and plans, as follows:
- a. **Enabling the National Grid:** Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising its national benefits.
 - b. **Managing the effects of the National Grid:** Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
 - c. **Managing the effects on the National Grid:** Policies and plans must include provisions to protect the National Grid from other activities. The NPSET requires that district plans include a buffer corridor around National Grid lines

within which “sensitive” activities including residential buildings, hospitals and schools should not be given resource consent. Other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed to avoid those outcomes ‘to the extent reasonably possible’.

5.9. The sole objective of the NPSET is as follows:

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

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

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

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

5.12. Policy 1 specifies that decision-makers **must recognise and provide** for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation, in managing the effects of climate change.

5.13. Policies 2 to 9 relate to managing the environmental effects of electricity transmission. In particular, Policy 2 states: *In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

5.14. As outlined in the evidence of Ms Eng, Transpower is conscious that the anticipated decarbonisation of New Zealand’s economy is likely to ultimately require sustained investment in Transpower’s assets to connect to and reliably distribute new forms of

electricity generation. In my opinion, it is important that, in context of the NPSET, the TTPP provides an appropriate enabling framework for the ongoing operation, maintenance, upgrading and, importantly, development of the National Grid. Such a framework is necessary, in my opinion, to give effect to the NPSET.

5.15. Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use and development activities on the transmission network, including informing how adverse effects on the National Grid are to be managed through planning provisions.

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

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

5.17. Policy 11 relates to the development of buffer corridors, and is as follows (emphasis added):

*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).*

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

5.18. The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations).

5.19. The relationship between the NESETA and the district plan is such that the NESETA generally prevails. However, for some activities (including earthworks and vegetation

removal), the NESETA defers to the district plan provisions in determining the applicable activity status under the NESETA.

6. Regional Direction under the RMA

The Operative Regional Policy Statement

- 6.1. Section 75(3) of the RMA requires the district plan to give effect to the RPS.
- 6.2. The West Coast Regional Policy Statement was made operative in 2020. The National Grid is explicitly addressed in Chapter 6. Regionally Significant Infrastructure (“**RSI**”) and Chapter 9. Coastal Environment of the West Coast Regional Policy Statement (“**RPS**”) 2020. The RPS references and defines RSI. Of note, the RPS contains no definition or references to ‘Critical Infrastructure’. There is one reference to ‘lifeline infrastructure’¹⁶ and one reference to ‘essential lifeline utilities’¹⁷. I raise this point as the TTPP contains numerous provisions for critical infrastructure and the S42A reports for Hearings 1 and 2 refer to the term in their recommendations.
- 6.3. In addition to general RSI provisions, the following policies within the RPS are of specific relevance:

Chapter 6. Regionally Significant Infrastructure (RSI)

Policy 2. Provide for the development, operation, maintenance and upgrading of new and existing RSI¹⁸ including renewable electricity generation activities and National Grid infrastructure.

Explanation: Policy 2 seeks to ensure that RSI are provided for to meet the needs of the people and communities of the West Coast. RSI is defined in the Glossary. Policy 2 also gives effect

¹⁶ Page 43, Explanation to Policy 5

¹⁷ Page 50. Method 5.

¹⁸ Regionally significant infrastructure means:

- a) The National Grid (as defined by the Electricity Industry Act 2010);
- b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;
- c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;
- d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
- e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;
- f) The regional rail networks
- g) The Westport, Greymouth, and Hokitika airports;
- h) The Regional Council seawalls, stopbanks and erosion protection works;
- i) Telecommunications and radio communications facilities;
- j) Public or community sewage treatment plants and associated reticulation and disposal systems;
- k) Public water supply intakes, treatment plants and distribution systems;
- l) Public or community drainage systems, including stormwater systems;
- m) The ports of Westport, Greymouth and Jackson Bay; and
- n) Public or community solid waste storage and disposal facilities.

to Policies E1-E4 of the NPSREG which requires provision for renewable electricity generation, and Policy 2 of the NPSET which requires recognition of the National Grid.

Policy 4. Recognise that RSI important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.

Explanation: The operation, maintenance and future development of RSI can be significantly constrained by the adverse environmental impact of encroaching activities and development, also known as reverse sensitivity, or by the effects of existing resource use. Policy 4 gives effect to Policies 10 and 11 of the NPSET for managing reverse sensitivity effects on RSI including the National Grid.

Policy 7. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

Policy 7. (2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and the natural character of wetlands, and lakes and rivers and their margins outside the Coastal Environment.

Explanation: Policy 7 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and natural character. Policy 7 sets the policy framework for the effects of the National Grid to be assessed in a considered manner, taking into account the technical and operational constraints of the network and the route, site and method selection process. It enables a case by case merits assessment of specific National Grid projects, taking into account the nature of the adverse effects and the values adversely affected.

Method 3. As part of regional and district plan development or review processes, regional and district councils must consult with the National Grid operator about identifying appropriate buffer corridors to manage the adverse effects of subdivision, use and development on the National Grid.

9. Coastal Environment

Policy 2. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

Policy 2.(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within the coastal environment.

Explanation: Policy 2 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and high or outstanding natural character. The circumstances in which adverse effects must be avoided will be dependent on the nature of the adverse effects and values adversely affected, taking into account the technical and operational constraints of the network and the route, site and method selection process.

- 6.4. The RPS provides a clear policy framework that distinguishes the National Grid from other infrastructure and provides a policy framework relating to the effects of the National Grid as well as the effects of other activities on the National Grid.
- 6.5. Chapter 6 Policy 2 and Policies 7(1) and (2), and Chapter 9 Policies 2(1) and 2(2) provide a clear policy directive to provide for and enable the development, operation, maintenance and upgrading of the National Grid. Method 3 of the RPS is clear in its directive that as part of the district plan development processes, the council(s) must consult with the National Grid operator about identifying appropriate buffer corridors to manage the adverse effects of subdivision, use and development on the National Grid.

7. Transpower Submission on the Proposed Te Tai o Poutini Plan

- 7.1. Given this is the first hearing appearance by Transpower, and the interconnected nature and breadth of all of Transpower's submission points, I consider it helpful to briefly summarise the general nature of Transpower's submission on the TTPP. The main themes within Transpower's submission are:
- Clarity is required as to the relationship of the Energy chapter to other chapters in the plan. Transpower's preference is for the Energy chapter to be entirely self-contained, so that other chapters in the plan do not apply to

the National Grid. However, Transpower has made submissions on other chapters in the Proposed Plan to indicate what changes would be required, whether they are incorporated into the Energy Chapter or remain in their current location.

- General support (subject to refinements) of the enabling policies specific to the National Grid to give effect to the NPSET and recognise and provide for existing National Grid assets.
- Specific to third party activities, support for the land use rule managing activities within proximity of the National Grid; support for the provision of a subdivision rule (subject to amendments); provision of a specific earthwork rule to manage activities in proximity of the National Grid; and general support for the policy framework (with refinement).

7.2. A more detailed summary of the relief sought in the Transpower submission is attached as **Appendix B**.

7.3. In addition to its original submission, Transpower lodged 51 further submission points on the TTPP.

8. Response to the Section 42A Report Recommendations

8.1. The following section responds to the Hearing Topic 1 and 2 S42A Report recommendations on Transpower's submission points.

8.2. Specific to Hearing Stream 1, Transpower's six original and three further submissions points relate to:

- Definitions¹⁹;
- General approach and how the plan works²⁰; and
- Statutory context²¹

8.3. Specific to Hearing Topic 2, Transpower's two original and six further submissions points relate to:

- Strategic direction overview²²;

¹⁹ S299.005, S299.007, S299.012, S299.013, S200.014, S299.020

²⁰ FS110.004 (S536.025), FS110.002 (S547.005)

²¹ FS110.001 (S553.188)

²² FS110.008 (S547.047)

- The provision of a new National Grid specific strategic direction objective²³; and
- Strategic Directions UFD-O1, CR-O1, CR-O2, NENV-O1, NENV-O3, and NENV-O4²⁴.

8.4. As outlined in the tables attached as **Appendix C**, I largely accept/support the officer recommendations on the above issues. However, the relief sought in the following provisions remain outstanding:

1. Additional text to the recommended 'general duty' text within the Statutory context section of the TTPP to reflect the wording in Section 17(2) of the RMA to clarify the general duty is not enforceable²⁵.
2. How the National Grid/electricity transmission is addressed within the *Energy Activity* and *Infrastructure* definitions and therefore managed in the TTPP²⁶.

Specific to Strategic Directions:

3. The lack of reference to *Energy Activity* within UFD-O1²⁷, NENV-O3²⁸, CR-O1²⁹, and Strategic Direction overview clause 6³⁰;
4. The absence of a National Grid specific strategic direction objective³¹;
5. The lack of reference to construction and upgrade within Strategic Directions overview clause 6.
6. The conjunctive element within the officer recommended 'functional need and operational need' wording within NENV-O3³².

8.5. The above matters are addressed in turn. For completeness, a combined suite of the amendments sought through this evidence are provided as Appendix D.

²³ S299.021

²⁴ S299.022, FS110.012 (S438.028), FS110.013 (S438.029), FS110.011 (S450.014), FS110.0010 (S547.055), FS110.014 (S547.061).

²⁵ FS110.001 (S553.188)

²⁶ FS110.002 (S547.005)

²⁷ S299.022

²⁸ FS110.013 (S438.029)

²⁹ FS110.0010 (S547.055)

³⁰ FS110.008 (S547.047)

³¹ S299.021

³² FS110.013 (S438.029)

Outstanding Point 1. Recommended General duty text within the Statutory context section

- 8.6. In its further submission point FS110.001 Transpower opposed the relief sought by a submitter to insert a default 'non-complying' clause within the introductory text of the TTPP. In response to the relief sought the S42A reporting officer has recommended a General Duty to comply statement³³ within the 'How the Plan works' section of the TTPP.
- 8.7. While I am not opposed to the statement, I would support clarification to the last clause that "Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity..." to clarify that while the wording reflects Section 17(1) of the RMA, Section 17(2) further clarifies that "The duty referred to in subsection (1) is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty." In my opinion the additional wording would correctly reflect the context in which Section 17(1) is intended.
- 8.8. Based on the above, I support amendment to the officer recommended text "General Duty to Comply" as follows: Amendments recommended in the S42A report are shown as **red text** and those further amendments I support are shown as **green underlined/strikethrough text**.

Part One: Introduction and General Provisions

General Approach - Te Huarahi Whānui

General Duty to Comply:

Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

³³ General Duty to Comply:

Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation."

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation. However, this duty is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.

Outstanding Point 2. Definitions – Energy Activity and Infrastructure, and how the activities are managed in the TTPP.

8.9. In its submission Transpower sought clarification over the relationship and applicability of the Energy and Infrastructure Chapter provisions. While I appreciate the definitions are to be addressed at the Energy/Infrastructure Chapter hearing, the definitions are relevant to this Hearing 1 and 2 as they are used (or not) within the Strategic Direction objectives and the officer has made recommendations on the inclusion of the definitions.

8.10. The TTPP provides three terms that are all applicable to the National Grid. For ease of reference I have highlighted in grey references specific to the National Grid.

CRITICAL INFRASTRUCTURE means the rail network, state highways, special purpose roads, airports, wastewater, reticulated water and stormwater plants, defence facilities, telecommunications networks and electricity generation, **transmission** and distribution assets.

INFRASTRUCTURE has the same meaning as in section 2 of the RMA (as set out below) means

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy;
- b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;
- c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989;
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures if a person-
 - i. uses them in connection with the generation of electricity for the person's use; and
 - ii. does not use them to generate any electricity for supply to any other person;
- e. a water supply distribution system, including a system for irrigation;
- f. a drainage or sewerage system;
- g. structures for transport on land by cycleways, rail, roads, walkways, or any other means;
- h. facilities for the loading or unloading of cargo or passengers transported on land by any means;

- i. an airport as defined in section 2 of the Airport Authorities Act 1966;
- j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988;
- k. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.

ENERGY ACTIVITY means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.

- 8.11. I note the definition for Infrastructure does not reflect that of the RMA in that clause d) is incorrect and as I read it, would exclude any generation or transmission that is not for an individual's use. I assume this is not the intent.
- 8.12. Notwithstanding the anomaly with clause d) above, the National Grid is 'covered' by all three definitions. While this approach is acceptable, the multiple definitions do have implications for how the Grid is managed and provided for across the plan in that in some parts of the plan (i.e. Strategic Directions) there are numerous references to infrastructure, six references to Critical Infrastructure but none to Energy Activities (which is the more specific definition for electricity transmission). I do have concerns the definition of Infrastructure will be amended in subsequent hearings to separate out (exclude) Energy Activities from the definition of Infrastructure (refer S42A Report Strategic Direction commentary at para 89, 216, 218, 278 and 286). To allay these concerns, I suggest references to Energy Activities be inserted across the plan. Specific to Hearing Stream 1 and 2, the sought references are provided in my recommendations detailed below relating to the strategic direction provisions.

Outstanding Point 3. The lack of reference to Energy Activity within UFD-O1, NENV-O3, CR-O1, and Strategic Direction overview clause 6

- 8.13. As detailed in **Appendix C** Table 2: Strategic Directions, as notified in the TTPP, UFD-O1, NENV-O3, CR-O1, and Strategic Direction overview point 6, all reference Infrastructure with no reference to Energy Activity. While I appreciate the National Grid (and therefore electricity transmission) is technically covered in the definition of Infrastructure (and there are references to Critical infrastructure within the objectives), given the TTPP provisions and officer recommendation that the Infrastructure Chapter provisions do not apply to Energy Activities, I have concerns regarding the mixed messaging to plan users. In addition, there is a potential argument that the terms capture different activities and the intent is not to capture Energy Activities within the Strategic Directions. The potential for further confusion and for Energy Activities to be

ignored is further compounded by potential changes to the definitions to exclude Energy Activities from the definition of Infrastructure.

8.14. Given the Strategic Directions apply to all activities, I would support insertion of reference to Energy Activities within UFD-O1, NENV-O3, CR-O1, and Strategic Direction overview point 6. This would provide clarity to plan users, give effect to the higher order policy instruments (being the NPS on Electricity Transmission and the NPS for Renewable Electricity Generation) both of which are further recognised in the RPS as RSI; and appropriately recognise these activities which also have their own chapter and specific provisions in the TTPP. To my mind there is no logical reason for the lack of reference to Energy Activities within the strategic direction provisions.

8.15. Based on the above, I support amendment to UFD-O1, NENV-O3, CR-O1, and Strategic Direction overview point 6 as follows. Amendments recommended in the S42A report are shown as red text and those further amendments I support are shown as green underlined/strikethrough text.

Urban Form and Development Strategic Objective

UFD-O1

To have urban environments and built form on the West Coast/Te Tai o Poutini that:

....

8. Promote the safe, efficient and effective provision and use of ~~infrastructure~~ and Energy Activities, including the optimisation of the use of existing ~~infrastructure~~ Energy Activities, and protection of critical infrastructure including from reverse sensitivity effects;

9. Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments;

10. Promote and enhance the distinctive character of the districts' towns and settlements;

11. Promotes the identification, recognition and protection of heritage resources which are significant to Te Tai o Poutini/the West Coast's character and cultural heritage, to ensure their protection for future generations;

12. Uses low environmental impact practices, materials and design; and

13. Recognises Poutini Ngāi Tahu values as part of the urban environment.

Natural Environment Strategic Objective

NENV-O3

To recognize:

- a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land. ~~In protecting significant areas, habitats and features.~~
- b. The functional need and operational need for ~~i~~infrastructure and Energy Activities to sometimes be located in significant areas; and
- c. That there are existing lawfully established activities located in significant areas;
- d. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in protecting natural environment values achieving the requirements of the RMA; and
- e. The need for weed and pest control to protect, maintain and enhance the natural environment values.

Connections and Resilience Strategic Objective

CR-01

To build greater resilience in West Coast/Te Tai o Poutini communities and infrastructure, including critical infrastructure and Energy Activities recognising the effects of climate change and the need to adapt to the changes associated with those effects

Connections and Resilience Strategic Objective

CR-02

To enable and protect the continued function and resilience of critical infrastructure, Energy Activities and connections and facilitate their quick recovery from adverse events, but not necessarily in the same location.

Strategic Directions Overview

This chapter sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions. Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant zone or overlay objectives and policies when assessing resource consents.

These directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Westland, Grey and Buller Districts.

The Strategic Directions are intended to demonstrate:

.... 6. Operation and maintenance of critical infrastructure, Energy Activities and Infrastructure;

.....

Outstanding Point 4. The absence of a National Grid specific strategic direction objective

8.16. In its submission Transpower sought a National Grid specific strategic direction objective³⁴. The following reasoning was provided in the submission:

8.17. *“While Transpower supports CR-O1 to CR- O4, they are not specific to the operation, upgrade or development of infrastructure, rather are linked to natural hazards and resilience. While Transpower does not oppose this, in order to recognise the significance and importance of the National Grid and give effect to the NPSET, Transpower would support the provision of a strategic objective specific to the National Grid.”*

8.18. The S42A report (para 116) recommends rejection of the submission point on the basis there is no need for an additional objective, the NPSET and WCRPS provide insufficient rationale, there are multiple NPS’s, the National Grid is included in the definition of Critical Infrastructure, and there is a specific Energy chapter with a strong focus on supporting these activities.

8.19. I have carefully reviewed the relief sought in the Transpower submission, the notified strategic provisions (and as recommended to be amended through the S42A Reports) and the reasoning put forward by the reporting officer. Having considered the above, in my opinion the insertion of a specific National Grid objective is appropriate for the following reasons:

- a. The TTPP is required to give effect to the NPSET. There are no strategic objectives which specifically recognise the role and importance of electricity transmission (or Energy Activities). While CR-O1 to CR- O4 are supported, they are not specific to the operation, upgrade or development of Energy Activities, rather they relate to critical infrastructure and are linked to natural hazards, resilience and self-sufficiency and therefore have a different focus and purpose. While UFD-O1.clause 8. relates to the provision and use of Infrastructure, arguably it is aligned to urban areas as opposed to built form generally. The application of the clause is also unclear given it is specific to Infrastructure and it is unclear if it would relate to Energy Activities (depending on how the definitions are framed).

³⁴ CR-O5 National Grid

The national significance of the National Grid is recognised, and sustainable, secure and efficient electricity transmission is provided through and within the district.

b. The TTPP contains specific tourism and mineral extraction objectives which unlike electricity transmission, are not recognised in a national policy instrument.

c. The RPS contains a specific chapter for RSI, with the two issues being:

1. Resilient RSI is essential for the social, economic and cultural wellbeing of the West Coast.

2. Strategically integrating infrastructure and land use.

Specific National Grid policies are provided, as well as specific references to electricity transmission and generation through the other policies. Given the importance of RSI and recognition of electricity transmission and generation, a specific National Grid strategic objective would give effect to the RPS (as required by S75(3)(c) of the RMA).

8.20. Based on the above, I support a new Strategic Objective as follows: I note that while I have indicated the objective be within the Connections and Resilience Strategic Objectives, I am open to the location of the sought objective.

CR-05 National Grid

The national significance of the National Grid is recognised, and sustainable, secure and efficient electricity transmission is provided through and within the district.

Outstanding Point 5. The lack of reference to construction and upgrade within Strategic Directions overview clause 6.

8.21. In its further submission point FS110.008 Transpower supported the relief sought by S547.047 to insert the terms “construction and upgrading” within clause 6³⁵ of the Strategic Direction Overview. The S42A report rejects the relief sought (para 49) on the basis that ‘operation and maintenance in the description is sufficient’.

8.22. I oppose the recommendation and am of the opinion it:

a. Ignores the importance of construction and upgrading activities and that these may well be required in the life of the district plan; and

³⁵ *The Strategic Directions are intended to demonstrate:.....*
6. Operation and maintenance of critical infrastructure;

- b. completely misunderstands the differences between operation and maintenance, and upgrade and development activities. The activities are not alike, as reflected in the differing policy and activity status in the TTPP for such activities.

8.23. The NPSET provides a clear directive to recognise and provide for the construction and upgrade of electricity transmission, including with the NPSET Objective and Policy 2.

8.24. Based on the above, I support amendment to Strategic Directions Overview clause 6 as follows. Amendments recommended in the S42A report are shown as **red text** and those further amendments I support are shown as **green** underlined/strikethrough text. For clarity, I note the relief sought below is in addition to that sought in Outstanding point 3.

Strategic Directions Overview

The Strategic Directions are intended to demonstrate:

....

6. Construction, ~~operation, and~~ maintenance, and upgrade of critical infrastructure;

.....

Outstanding Point 6. The conjunctive ‘functional need and operational need’ wording within NENV-O3

8.25. In its further submission point FS110.013 Transpower supported the relief sought by S438.029 to retain NENV-O3 as notified, specifically clause b. the explicit recognition that there is a need sometimes for regionally significant infrastructure to be located in significant natural areas. In response to other submissions points the S42A report recommends amendment to the strategic direction objective, including to insert reference to ‘functional need and operational need’ as follows:

NENV-O3 To recognise:

..

b. The functional need and operational need for infrastructure to sometimes be located in significant areas; and

.....

- 8.26. While the inserted wording is not in itself opposed, I have concerns the reference to ‘functional need and operational need’ should not be a conjunctive reference, rather read ‘functional need or operational need’ as there may well be instances where both needs are not met. I note that Policy 4 of the NPSET references to “the technical and operational requirements of the network” when considering the environment effects of new transmission activities or major upgrades (which in essence reflects the National Planning Standards definition of Operational Need). The NPSET does not contain a reference to Functional Need.
- 8.27. It is also noted the officer recommended amendment to CR-O3 refers to ‘functional or operational need to be in that location’. The amendment I support would be consistent with that recommendation.
- 8.28. Based on the above, I support amendment to NENV-O3 as follows. Amendments recommended in the S42A report are shown as red text and those further amendments I support are shown as green underlined/strikethrough text. For clarity, I note the relief sought below is in addition to that sought in Outstanding point 3.

Natural Environment Strategic Objectives NENV-O3

To recognise:

..

b. The functional need and or-operational need for infrastructure to sometimes be located in significant areas; and

.....

9. Part 2 of the RMA

- 9.1. The purpose of the RMA is to achieve the sustainable management of natural and physical resources, with corresponding obligations relating to the use, development and protection of resources while providing for the wellbeing and health and safety of people and communities.
- 9.2. In the context of the National Grid, I support or accept the majority of the s42A Report recommendations on the basis they appropriately reflect the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, having particular regard to:

- a. The role of, and reliance on, electricity within our society and the increasing demand for it; and
- b. The need to operate, maintain, upgrade and develop the National Grid.

9.3. There are six outstanding provisions within my evidence, as outlined above, which can be readily resolved to give effect to Part 2 of the Act.

10. Conclusion

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

10.2. The matters of relevance to Transpower within Hearing Stream 1 and 2 are limited in nature and I largely accept the officer recommendations on the above. However, the relief sought in the following submission points remain outstanding:

- Additional text to the recommended ‘general duty’ text within the Statutory context section of the TTPP to reflect the wording in Section 17(2) of the RMA to clarify the general duty is not enforceable³⁶.
- How the National Grid/electricity transmission is addressed within the *Energy Activity* and *Infrastructure* definitions and therefore managed in the TTPP³⁷.

Specific to Strategic Directions:

- The lack of reference to *Energy Activity* within UFD-O1³⁸, NENV-O3³⁹, CR-O1⁴⁰, and Strategic Direction overview clause 6⁴¹;
- The absence of a National Grid specific strategic direction objective⁴²;
- The lack of reference to construction and upgrade within Strategic Directions overview clause 6.

³⁶ FS110.001 (S553.188)

³⁷ FS110.002 (S547.005)

³⁸ S299.022

³⁹ FS110.013 (S438.029)

⁴⁰ FS110.0010 (S547.055)

⁴¹ FS110.008 (S547.047)

⁴² S299.021

- The conjunctive element within the officer recommended ‘functional need and operational need’ wording within NENV-O3⁴³.

10.3. In my opinion the outstanding matters can be readily addressed.

Pauline Mary Whitney

29 September 2023

⁴³ FS110.013 (S438.029)

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

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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 of relief sought in the Transpower submission

In its submission Transpower identified a number of provisions which Transpower specifically supports, as well as those to which amendment are sought. On a topic/chapter basis, these can be summarised as follows:

Definitions - Ngā Tautuhinga

- i. Minor amendments are required to the definitions relating to the National Grid, to ensure that they are consistent with the NPSET requirements and consistent with those applied in many planning documents across the country. Specific to the definition of National Grid Subdivision Corridor, it is erroneous to apply the NPSET requirements to distribution lines, as the NPSET (and buffer corridor provided for within Policy 10 and 11) only applies to the National Grid electricity transmission network (noting this will be addressed at the Infrastructure/Energy hearing).
- ii. Transpower also seeks a new definition for the term 'minimise'. This is used throughout the natural environment chapters and a definition is critical to the accurate interpretation of these chapters and would assist in plan interpretation and application.

Strategic Outcomes/Objectives- Te Pae Tawhiti

- iii. Transpower supports the Strategic Objectives but seeks the provision of a new Strategic Objective specific to the National Grid.

Energy Chapter - Te Pūngao

- iv. Transpower is generally comfortable with the application of the NPSET in the Energy Chapter, however has concerns that other chapters in the Proposed Plan do not reflect the nuances of the NPSET and as such are not considered to give effect to the NPSET. A self-contained Energy Chapter that incorporates all of these matters would negate many of the comments Transpower has made on specific Proposed Plan provisions.
- v. Clarity is required as to the relationship of the Energy chapter to other chapters in the plan. Transpower's preference is for the Energy chapter to be entirely self-contained, so that other chapters in the plan do not apply to the National Grid. However, Transpower has made submissions on other chapters in the Proposed Plan to indicate what changes would be required, whether they are incorporated into the Energy Chapter or remain in their current location.
- vi. The term 'minimise' is used throughout the Energy chapter. Notwithstanding the appropriateness of the term when applied to non-quantifiable effects, Transpower

would support a definition for this term given its wide application and directive application.

- vii. Transpower generally supports the rules in this chapter, subject to amendment/clarification.

Infrastructure Chapter – Te Tūahanga

- viii. Transpower supports the direction provided in the Infrastructure Chapter that it does not apply to energy activities. Transpower seeks additional wording to make it clear that it does not apply to the National Grid.

Subdivision Chapter – Te Wawaetanga

- ix. Transpower supports the provision of a specific rule relating to subdivision in proximity of the National Grid. However, amendments are sought to the rule including clarifying that it only applies to the National Grid, amending the activity status, deletion of provisions which do not relate to the effects of the subdivision on the National Grid (but instead are general subdivision matters for consideration), and inclusion of matters for discretion.

Earthworks Chapter – Te Huke Whenua

- x. A specific National Grid Yard earthworks rule is sought with amended activity status and permitted activity conditions.

Coastal Environment Chapter – Te Taiao o te Takutai

- xi. Transpower largely supports the references to the National Grid within the Coastal Environment chapter but seeks clarification to the Energy chapter noting policy ENG-P8 specifically addressed the National Grid within the Coastal Environment.

Natural Character and Outstanding Natural Features and Landscapes Chapter

- xii. As currently drafted, the NFL and NC chapters would apply to the National Grid and while Transpower would prefer that the Energy Chapter is self-contained, it is not necessarily opposed to this approach. Transpower does seek clarification as to the relationship to the Energy Chapter, particularly in light of the sought National Grid specific policies within the ENG chapter which adopts a “seek to avoid’ approach for the National Grid.

Ecosystems and Indigenous Biodiversity Chapter

- xiii. As currently drafted, the ECO chapter would apply to the National Grid and while Transpower is not necessarily opposed to this approach, it does seek clarification as to the relationship to the Energy Chapter, particularly in light of the sought National Grid specific policies within the ENG chapter which adopts a “seek to avoid’ approach for the National Grid.
- xiv. It is further noted that many provisions within the ECO Chapter apply to indigenous vegetation and are not confined to significant indigenous vegetation. This has wide

implications for many activities. While Transpower supports the recognition of vegetation clearance and disturbance for the construction and operation of the National Grid within ECO rules R1 and R2 which apply to indigenous biodiversity, it notes the wide application of the rule and would have implications for any change in the rules as they apply to the National Grid.

- xv. The activity status and rule cascade of Rule R1 requires clarification – the application of the rules is currently very unclear.

Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori

- xvi. Transpower generally supports the provisions in this chapter.

Appendix C

Summary Table - Response to s42A Report Officer Recommendations

Table 1. Hearing 1: Introduction and General Provisions – Response to officer recommendations on Transpower submission points

Submitter	Plan Section	Decision Requested and Reasons	S42A Recommendation and recommended text changes	Response to recommendation
S299.005 Transpower NZ Ltd	Interpretation FUNCTIONAL NEED	Relief sought: Retain the definition Reasons: Transpower supports this definition as it reflects the National Planning Standards.	Accept. Para 356. <i>I consider that this is a very wide definition. I therefore propose no change to the definition.</i> No recommended change.	The retention of the definition as notified is supported and reflects that sought in the Transpower submission.
S299.007 Transpower NZ Ltd	Interpretation MAINTENANCE	Relief sought: Retain the definition Reasons: Notwithstanding that the NESETA regulates maintenance associated with existing National Grid lines, the definition of maintenance is supported as it recognises activities associated with the ongoing operation and functioning of existing infrastructure.	Accept. Para 353. <i>There are several submissions on the definition of Maintenance. Transpower New Zealand Limited (S299.007), Heritage New Zealand Pouhere Taonga (S140.005), Radio New Zealand (S476.006), Forest and Bird (S560.068), KiwiRail Holdings Limited (S442.005) and Manawa Energy (S438.013) all support the definition. This support is noted.</i> No recommended change.	The retention of the definition as notified is supported and reflects that sought in the Transpower submission.
S299.012 Transpower NZ Ltd	Interpretation OPERATIONAL NEED	Relief sought: Retain the definition Reasons: Transpower supports this definition as it reflects the National Planning Standards.	Accept in part No specific reasoning is provided. The definition is retained as notified. No recommended change.	The retention of the definition as notified is supported and reflects that sought in the Transpower submission.
S299.014 Transpower NZ Ltd	Interpretation SENSITIVE ACTIVITY	Relief sought: Retain the definition Reasons: Transpower supports this definition as it is generally consistent with the definition of 'sensitive activities' in the National Policy Statement on Electricity Transmission 2008.	Accept. Para 370 <i>There are a range of submissions on the definition of Sensitive Activity. This definition is used in relation to rules around Noise and Natural Hazards. Westpower Limited (S547.037), Transpower New Zealand Limited (S299.014), Waka Kotahi NZ Transport Agency (S450.008), Ministry of Education Te Tāhuhu o Te Mātauranga (S456.003), Radio New Zealand (S476.005), Horticulture New Zealand (S486.005) and Federated Farmers of New Zealand (S524.022) support the definition as notified.</i> No recommended change.	The retention of the definition as notified is supported and reflects that sought in the Transpower submission.

<p>S299.013 Transpower NZ Ltd</p>	<p>Interpretation REVERSE SENSITIVITY</p>	<p>Relief sought: Retain the definition</p> <p>Reasons: Transpower supports this definition as it provides clarity to plan users.</p>	<p>Accept Para 367. <i>There are several submissions on the definition of Reverse Sensitivity. New Zealand Agricultural Aviation Association (S166.009), New Zealand Defence Force (S519.006), Radio New Zealand (S476.008) and Transpower New Zealand Limited (S299.013) support the definition. This support is noted.</i></p> <p>The definition be amended as follows: <i>Reverse Sensitivity: means the potential for an approved, existing-lawfully established or permitted activity to be compromised, constrained by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by a <u>lawfully established</u> n-approved, existing or permitted activity.</i></p>	<p>The retention of the definition (with amendments) is supported. A minor correction is sought to retain the first permitted 'activity' within the amended definition. Refer yellow highlighted text. <i>Reverse Sensitivity: means the potential for an approved, existing-lawfully established or permitted activity.....</i></p>
<p>S299.014 Transpower NZ Ltd</p>	<p>Interpretation SENSITIVE ACTIVITY</p>	<p>Relief sought: Retain the definition</p> <p>Reasons: Transpower supports this definition as it is generally consistent with the definition of 'sensitive activities' in the National Policy Statement on Electricity Transmission 2008.</p>	<p>Accept. Para 370 <i>There are a range of submissions on the definition of Sensitive Activity. This definition is used in relation to rules around Noise and Natural Hazards. Westpower Limited (S547.037), Transpower New Zealand Limited (S299.014), Waka Kotahi NZ Transport Agency (S450.008), Ministry of Education Te Tāhuhu o Te Mātauranga (S456.003), Radio New Zealand (S476.005), Horticulture New Zealand (S486.005) and Federated Farmers of New Zealand (S524.022) support the definition as notified.</i></p> <p>No recommended change</p>	<p>The retention of the definition as notified is supported and reflects that sought in the Transpower submission.</p>
<p>S299.020 Transpower NZ Ltd</p>	<p>Interpretation Definitions</p>	<p>Relief sought: Insert a definition as follows: <u>MINIMISE</u> <u><i>means to reduce to the smallest amount reasonably practicable.</i></u></p> <p>Reasons: The term 'minimise' is used across the plan in multiple policies and matters of discretion. Transpower has concerns with the use of the term when applied to non-quantifiable effects and would refer the directive to 'avoid, remedy or mitigate' or greater articulation within policies as to what is sought to be achieved. The provision of a definition would assist with plan interpretation.</p>	<p>Accept. Para 400. <i>Transpower (S299.020) seeks that the term "Minimise" be defined and provide suggested wording. Manawa Energy (S438.001) seek that term be deleted and replaced with "avoid, remedy or mitigate". I support the proposal from Transpower New Zealand to define the term which is used widely within policies across the Plan – often because the terms "avoid, remedy or mitigate" do not capture the policy intent. I support the wording proposed by Transpower.</i></p> <p>New recommended definition: <u><i>MINIMISE means to reduce to the smallest amount reasonably practicable.</i></u></p>	<p>The provision of a definition is supported and reflects that sought in the Transpower submission.</p>

<p>S536.025 Straterra</p> <p>FS110.004 Transpower</p>	<p>Interpretation</p>	<p>Relief sought: Remove the word "avoid" from the plan where it is not used within the wider effects management hierarchy</p> <p>Reasons: Throughout the proposed plan there are numerous mentions of the word 'avoid'. Because of case law¹ which deems 'avoid' to mean avoid in a prohibitive sense, we request that care be taken in using the word and it be avoided wherever possible. 'Avoid' is, of course, an important part of the effect management hierarchy and so we support it being used in this context, i.e. if you can't avoid it then you have to remedy, mitigate, offset and compensate in that order. Where the word is used by itself without the rest of the hierarchy there is a risk it is interpreted as prohibited and so it should be avoided.</p> <p>Oppose - Transpower opposes the submission point in so far as it applies to provisions relating to the effect of activities on the National Grid. The NPSET uses 'avoid'.</p>	<p>Reject. Para 144. <i>Straterra (S536.025) seek that the term "avoid" be removed from the Plan where it is not used within the wider effects management hierarchy. Straterra is concerned that where it is used without the terms, remedy or mitigate that this is implying that an activity should not occur. The term "avoid" is indeed used within policies in the Plan where the policy is making clear that an activity is inappropriate and is used to support a number of non-complying activity rules. The term is providing that exact clarity about what activities are inappropriate. Examples where this use of the word avoid in policy supports rules include the more restrictive natural hazards rules, as well as the protection of the most significant natural values. This is supported by the direction of Section 6 of the RMA and the weight that should be placed on these matters. I do not support this submission.</i></p> <p>No recommended change.</p>	<p>The recommendation to retain the word 'avoid' within the plan is supported, and reflects the relief sought in the further submission by Transpower.</p>
<p>S547.005 Westpower Limited</p> <p>FS110.002 Transpower</p>	<p>Step 2 - Locate the relevant zone rules</p>	<p>Relief sought: (1) Amend second paragraph of Step 2 commentary by adding a sentence,... <i>will refer you to other chapters, as required. <u>The Area Specific Provisions (Zone Chapters) do not apply to the Energy Activities and Infrastructure Chapters, and the provisions of the Infrastructure Chapter do not apply to Energy Activities.</u></i></p> <p>Reasons: "Energy Chapter" operates slightly differently to Zone Chapters</p> <p>Support - Transpower supports the sought amendment to clarify the relationship between the various Proposed Te Tai O Poutini Plan chapters, and what provisions apply. Such clarification will assist with plan interpretation and application.</p>	<p>Accept. Para 247. <i>Westpower Limited (S547.005) seek amendments to the text which discusses the relationship between the Energy and Infrastructure Chapters and the zone chapters. I support this text; however, I consider that if such an addition is to be made it should also refer to the Transport Chapter – as this functions in the same way so the wording I recommend reflects this.</i></p> <p>New recommended text: <i>General Approach Step 2 - Locate the relevant zone rules Go to the Zone Chapters and find the relevant zone rules that apply to your property (e.g. General Residential Zone rules). The Infrastructure, Energy, Transport, Subdivision and Temporary Activities Chapters operate slightly differently to the rest of the Plan. If you are undertaking any activities relating to infrastructure, energy, transport or are wanting to undertake any temporary activities or subdivide your property, you should start by looking at those chapters first. These chapters will then refer you to other chapters, as required. <u>The Area Specific Provisions (Zone Chapters) do not apply to the Energy, Transport and Infrastructure Chapters, and the provisions of the Infrastructure Chapter do not apply to Energy Activities.</u></i></p>	<p>The recommendation to insert the wording within the plan is supported. However, Transpower reserves its position on the application of the Infrastructure and Energy provisions in that as notified, both the definition of 'Energy' and that of 'Infrastructure' apply to the National Grid. As such, the application of, and relationship between the chapters remain unclear. The relationship requires clarification.</p>

<p>S553.188 Frida Inta</p> <p>FS110.001 Transpower</p>	<p>Statutory Context</p>	<p>Relief sought: Amend: <u>General Duty to Comply No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent</u></p> <p>Reasons: Consistent with Buller District Plan and RMA</p> <p>Oppose - Transpower opposes the sought default 'non-complying' clause within the introductory text of the Proposed Te Tai O Poutini Plan. The statement does not reflect S87B of the RMA and will add unnecessary confusion.</p>	<p>Reject. Para 227. <i>Frida Inta (S552.188) and the Buller Conservation Group (S552.188) seek that a General Duty to Comply statement within this section. They provide wording beyond this however which suggests that any activity that is not a Permitted, Controlled or Discretionary Activity is deemed to be a non-complying activity which is not correct. I consider that having a General Duty to Comply statement has merit, although I propose different wording that covers the range of statutory instruments under the RMA and consider this is best located in the "How the Plan Works" section.</i></p> <p>Recommended amendment to "How the Plan Works" section as follows: <u>"General Duty to Comply:</u> <u>Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with. Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation. Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent. Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation."</u></p>	<p>While the recommended text is not opposed, the reference to an overall duty to avoid, remedy or mitigate any adverse effect on the environment (reflecting Section 17(1) RMA) should also include the direction within Section 17(2) of the RMA that <i>The duty referred to in subsection (1) is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.</i> This is addressed in hearing evidence.</p>
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Table 2. Hearing 2: Strategic Directions – Response to officer recommendations on Transpower submission

Submitter	Plan Section	Decision Requested and Reasons	S42A Recommendation and recommended text changes	Response to recommendation
S299.021 Transpower NZ Ltd	STRATEGIC DIRECTION Connections and Resilience	<p>Relief sought: Provide a new Strategic Direction CR-05 as follows: <u>CR-05 National Grid</u> <u>The national significance of the National Grid is recognised, and sustainable, secure and efficient electricity transmission is provided through and within the district.</u></p> <p>Reasons: While Transpower supports CR-01 to CR- 04, they are not specific to the operation, upgrade or development of infrastructure, rather are linked to natural hazards and resilience. While Transpower does not oppose this, in order to recognise the significance and importance of the National Grid and give effect to the NPSET, Transpower would support the provision of a strategic objective specific to the National Grid.</p>	<p>Reject. Para 116. <i>In relation to the National Grid, I do not consider that there is any need to include an additional objective. Transpower argue that the NPSET and WCRPS provides the rationale for a separate objective for the National Grid, but I feel that is insufficient rationale for a separate strategic objective. There are multiple NPS and NES instruments, the point of the strategic objectives in TTPP is to provide the strategic direction of specific importance to the West Coast, in accordance with national instruments or WCRPS policies. The National Grid is already included in the definition of critical infrastructure (as electricity transmission and distribution assets). Alongside this there is a specific chapter relating to Energy within the plan, with a strong focus on supporting these activities.</i></p> <p>No recommended change</p>	<p>The recommendation is opposed on the basis there is insufficient strategic direction that would apply to the National Grid and electricity transmission. This is addressed in hearing evidence.</p>

<p>S450.014 Waka Kotahi</p> <p>FS110.011 Transpower NZ Ltd</p>	<p>CR - O2</p>	<p>Relief sought: Retain as proposed.</p> <p>Reasons: The objective is supported as it provides for the continued function and resilience of critical infrastructure, such as the state highway, to facilitate in the quick recovery from adverse events.</p> <p>Transpower supports the strategic objective as it recognises the need to enable and protect the continuing functioning of critical infrastructure and connections.</p>	<p>Accept in part. Para 95 and 98. 95. WMS (S599.019), TiGa Minerals and Metals Limited (S493.016), Te Mana Ora (S190.008), Birchfield Coal Mines Ltd (S601.015), Peter Langford (S615.007), Karamea Lime Company (S614.007), EQC (S612.002), KiwiRail (S442.016), Radio New Zealand (S476.012), Waka Kotahi (S450.014), Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.003) 98. In relation to the submission of Ngāi Tahu (S620.061), they raise an important issue that, particularly in the face of natural hazards and climate change, or the rupture of the Alpine Fault, some critical infrastructure may need to locate. I support the proposed amendment and also refer this submission to the Energy, Infrastructure and Transport s42A report. and New Zealand Defence Force (S519.007)) support CR – O2. This support is noted.</p> <p>Recommended amendment to CR-O2 CR–O2 To enable and protect the continued function and resilience of critical infrastructure and connections and facilitate their quick recovery from adverse events, <u>but not necessarily in the same location.</u></p>	<p>The recommendation is supported.</p>
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<p>S299.022 Transpower NZ Ltd</p>	<p>STRATEGIC DIRECTION</p> <p>Urban form and development UFD-O1</p>	<p>Relief sought: Retain the objective.</p> <p>Reasons: Transpower supports this objective, particularly the following point: 8. <i>Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure.</i></p>	<p>Accept. Para 71, 277 and 278 271. <i>Jane Whyte and Jeff Page (S467.007), Terra Firma Mining Limited (S537.010), Ara Poutama (S349.006), Snodgrass Road submitters (S619.008), Toka Tū Ake EQC (S612.113), Transpower New Zealand Limited (S299.022), Margaret Montgomery (S446.007), Waka Kotahi (S450.023) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.008) support the objective. Radio New Zealand supports the objective subject to their relief sought in relation to the definition of</i> <i>Te Tai o Poutini Plan – Section 42A Report: Strategic Directions 81 critical infrastructure – that is discussed in the Energy, Infrastructure and Transport s42A report. This support is noted.</i> 277. <i>KiwiRail Holdings Limited (S442.019) seeks that reverse sensitivity be included in this policy. The wording proposed implies that critical infrastructure needs to be protected from reverse sensitivity effects only. This is not the case. I support the inclusion of a reference to reverse sensitivity but only as one of a number of things that critical infrastructure needs to be protected from.</i> 278. <i>Westpower Limited (S547.064) seeks that point 8 includes reference to Energy Activities. I consider that the addition of a reference to energy activities is unnecessary. This is because the definition of Infrastructure used in TTPP includes generation and distribution of electricity as well energy transmission lines. I am aware however that there are a range of submissions on the definition of Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, then I would support this addition as a consequential amendment.</i></p> <p>Recommended amendment UFD-O1 as follows: <i>To have urban environments and built form on the West Coast/Te Tai o Poutini that:</i> 8. <i>Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure <u>including from reverse sensitivity effects;</u></i> 9. <i>Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments;</i> 10. <i>Promote and enhance the distinctive character of the districts' towns and settlements;</i> <i><u>11. Promotes the identification, recognition and protection of heritage resources which are significant to Te Tai o Poutini/the West Coast's character and cultural heritage, to ensure their protection for future generations;</u></i> <i><u>12. Uses low environmental impact practices, materials and design; and</u></i> <i><u>13. Recognises Poutines Ngāi Tahu values as part of the urban environment.</u></i></p>	<p>The recommendation to amend the objective is largely supported.</p> <p>However, I also support any consequential amendments depending on how electricity transmission is addressed in the definitions of 'energy activities' and 'infrastructure'. This issue is identified in the S42A Report, as follows: 286. <i>In addition, if, as a consequence of decisions in the Energy, Infrastructure and Transport topic, energy activities are separated out from the definition of Infrastructure, I recommend a consequential amendment to this objective to read "...8 Promote the safe, efficient and effective provision and use of infrastructure and energy activities, including the optimisation of the use of existing infrastructure and energy activities and protection...</i></p>
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<p>S547.047 Westpower Limited</p> <p>FS110.008 Transpower NZ Ltd</p>	<p>Strategic Directions Overview</p>	<p>Relief sought: Amend 6: <u>Construction</u>, operation, maintenance <u>and upgrade</u> of <u>Energy Activities and Infrastructure</u>, <u>including</u> Critical Infrastructure; ...</p> <p>Reasons: Item 5 overlooks that construction and upgrading may also be required.</p> <p>Support - Transpower supports the insertion of reference to construction and upgrading within Item 6 as it recognises that such activities may be required and needed in the life of the district plan. As such its inclusion in the strategic direction overview is supported.</p>	<p>Reject. Para 49. 49. Westpower Limited (S547.045, S547.046) seek that the terms “energy activities and infrastructure, including...” be added to point 6. I do not support this amendment. The focus of the strategic direction, and the other parts of the Plan that support this is very much “critical infrastructure”. This reflects the direction of the West Coast Regional Policy Statement – not all infrastructure is strategically significant. They also seek that the terms “construction and upgrading” be added to the description. I consider that “operation and maintenance” in this description is sufficient.</p> <p>No recommended change</p>	<p>The recommendation is opposed on the basis energy activities are not appropriately recognized, and operational and maintenance are completely different from upgrade and maintenance. This is addressed in evidence.</p>
<p>S438.028 Manawa Energy Limited</p> <p>FS110.012 Transpower NZ Ltd</p>	<p>NENV- O1</p>	<p>Relief sought: Amend NENV - O1 as follows: <i>To recognise and protect the <u>outstanding</u> natural character, landscapes and features, <u>significant</u> ecosystems and indigenous biodiversity that contribute to the West Coast's character and identify and Poutini Ngāi Tahu's cultural and spiritual values</i></p> <p>Reasons: Manawa supports the intent of this policy, however seeks that the wording used is consistent with that used in the Resource Management Act 1991.</p> <p>Support - Transpower supports the sought amendment on the basis they are consistent with the RMA.</p>	<p>Accept. Para 194. 194. New Zealand Agricultural Aviation Association (S166.003), Horticulture New Zealand (S486.010) and Federated Farmers (S524.030) all seek amendments to make the wording more consistent with Section 6 of the RMA. While I support being consistent with the RMA, the intent of strategic objectives is not to parrot the Act, I therefore support some rewording but not to the extent proposed by these submitters. Manawa Energy Limited (S438.028) has a submission with similar intent but with fewer changes to the objective wording and I support these proposed changes.</p> <p>Recommended amendment to NENV-O1 is as follows: <i>To recognise, and protect <u>and enhance</u> the <u>outstanding</u> natural character, landscapes and features, <u>significant</u> ecosystems and indigenous biodiversity that contribute to the West Coast's character, and identity and <u>to</u> Poutini Ngāi Tahu's cultural and spiritual values.</i></p>	<p>The recommendation is supported, in particular the inclusion of reference to ‘outstanding’ and ‘significant’.</p>

<p>S438.029 Manawa Energy Limited</p> <p>FS110.013 Transpower NZ Ltd</p>	<p>NENV - O3</p>	<p>Relief sought: Retain NENV - O3 as notified. Accept in part</p> <p>Reasons: Manawa supports the explicit recognition that there is a need sometimes for regionally significant infrastructure to be located in significant natural areas.</p> <p>Support - Transpower supports the objective as notified as while not explicitly referenced, it recognises the functional and operational needs of infrastructure.</p>	<p>Accept in part. Para 206, 209, 215 and 216. 206. <i>Te Mana Ora (S190.019), Peter Langford (S615.018), Karamea Lime Company (S614.018), KiwiRail Holdings Limited (S442.018), Manawa Energy (S438.029), Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.006) and Grey District Council (S608.666) support the objective. This support is noted.</i> 210. <i>In relation to infrastructure, I consider that the Department of Conservation proposed amendments are appropriate and address the concerns of several of the other submitters. I do not support removing the reference to infrastructure, as it is a fact that in many locations (e.g. the Paparoa and Westland National Parks) there is infrastructure such as state highways and electricity lines that is located within, and needs to be located within, significant areas. For example almost all of the Paparoa and Westland National Parks are an Outstanding Natural Landscape. The reference to the functional need and operational need proposed by the Department of Conservation assists in the interpretation of this objective however. Clearly where possible infrastructure should not be located in significant areas, however national direction does specifically recognise functional and operational needs of infrastructure, for example in the New Zealand Coastal Policy Statement.</i> 215. <i>Westpower Limited (S547.060) seeks that the objective reference energy activities and critical infrastructure. They also seek amendments that expand the types of areas where infrastructure may need to be located.</i> 216. <i>I consider that the addition of a reference to energy activities and critical infrastructure is unnecessary. This is because the definition of Infrastructure used in TTPP includes generation and distribution of electricity as well energy transmission lines. I am aware however that there are a range of submissions on the definition of Infrastructure, Critical Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, and changes to add additional types of facilities not caught within the general Infrastructure definition then I would support this addition as a consequential amendment. I otherwise do not consider that the other changes sought to the objective by Westpower Limited improve the readability of the objective, and are not necessary as they are a subset of the descriptions already used.</i></p> <p>Recommended amendment to NENV-O3 is as follows: To recognise:</p> <p>a. <i>The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land. in protecting significant areas, habitats and features.</i></p> <p>b. <i>The <u>functional need and operational need</u> for infrastructure to sometimes be located in significant areas; and</i></p> <p>c. <i><u>That there are existing lawfully established activities located in significant areas;</u></i></p> <p>d. <i>The need to support the ethic of stewardship and to consider the positive effects of the</i></p>	<p>The recommendation to amend the objective is largely supported, noting the reference to ‘functional need and operational need’ should not be a conjunctive reference, rather read ‘functional need <u>or</u> operational need’ as there may well be instances where both needs are not met.</p> <p>I also support any consequential amendments depending on how electricity transmission is addressed in the definitions of ‘energy activities’ and ‘infrastructure’. This issue is identified in the S42A Report, as follows: Para 218. <i>In addition, if, as a consequence of decisions in the Energy, Infrastructure and Transport topic, energy activities are separated out from the definition of Infrastructure, and additional facilities not captured by the definition of infrastructure are included in the definition of critical infrastructure I recommend a</i></p>
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			<p>conservation estate in <u>protecting natural environment values achieving the requirements of the RMA; and</u> e. <u>The need for weed and pest control to protect, maintain and enhance the natural environment values.</u></p>	<p>consequential amendment to this policy to read "...for infrastructure, including critical infrastructure and energy activities to be located...."</p>
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<p>S547.055 Westpower Limited</p> <p>FS110.0010 Transpower NZ Ltd</p>	<p>CR - O1</p>	<p>Relief sought: Amend CR-01: <i>To build greater resilience in West Coast communities and <u>Energy Activities and Infrastructure</u>, including Critical Infrastructure, recognising the effects of climate ...</i></p> <p>Reasons: Reference should be to Energy Activities & Infrastructure, including Critical Infrastructure.</p> <p>Support - Transpower supports the sought reference to Energy activities and Critical infrastructure on the basis such activities are a critical component of building resilience within West Coast communities.</p>	<p>Accept in part. Paragraph 89 – 91 <i>Westpower Limited (S547.055) seek an amendment to the wording to include reference to energy activities and critical infrastructure in the objective. I consider that the addition of a reference to energy activities is unnecessary. This is because the definition of Infrastructure used in TTPP includes generation and distribution of electricity as well as energy transmission lines. I am aware however that there are a range of submissions on the definition of Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, then I would support this addition as a consequential amendment. In relation to including the words “including critical infrastructure” in this objective, the definition of critical infrastructure includes additional facilities not included in the definition of “infrastructure” – as follows “Critical Infrastructure means the rail network, state highways, special purpose roads, airports, wastewater, reticulated water and stormwater plants, defence facilities, telecommunications networks and electricity generation transmission and distribution assets.” Of these items, defence facilities does not also fall within the definition of Infrastructure. Defence facilities are considered critical infrastructure, and are important to the resilience of the West Coast in the face of disaster – as defence personnel are often critically involved in rescue and response efforts. I therefore support this amendment.</i></p> <p>Recommended amendment to CR-01 <i>CR - O1 To build greater resilience in West Coast/Te Tai o Poutini communities and infrastructure, <u>including critical infrastructure</u> recognising the effects of climate change and the need to adapt to the changes associated with those effects</i></p>	<p>The recommendation is supported on the basis the definition of ‘Critical infrastructure’ includes the National Grid as electricity transmission. However, for consistency, I would support inclusion of reference to energy activities within the objective.</p>
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<p>S547.061 Westpower Limited</p> <p>FS110.014 Transpower NZ Ltd</p>	<p>NENV - O4</p>	<p>Relief sought: Amend NENV-04: a. Unique and important <u>Significant and/or outstanding</u> natural environment areas ... which must be protected from <u>inappropriate subdivision, use or development</u>; and ...</p> <p>Reasons: That potentially activities may occur where effects are appropriately managed.</p> <p>Support - Transpower supports identification of areas but supports the sought amendments as they are consistent with the RMA. The words 'important and unique' introduce a new concept that will not assist with plan interpretation and application.</p>	<p>Accept. Para 223 - 225</p> <p>223. Westpower Limited (S547.061) seeks that the reference to “unique and important” natural environment areas and features be replaced with “significant and/or outstanding” and that there be reference to their protection from inappropriate subdivision, use or development. Terra Firma Limited (S537.009) seeks that the object better reflect the purpose of the RMA. The Department of Conservation (S602.031) seeks that the objective include reference to inappropriate subdivision use and development. Forest and Bird (S560.101) seeks that the word “unique” be deleted from point a. of the objective and that the wording of point b. be amended to refer to appropriate activities and activities that are appropriate with conditions. Te Tumu Paeroa (S440.007) seeks that the objective specifically reference significant natural areas.</p> <p>224. With regard to point a., I consider that the objective could be usefully reworded to take on board the feedback of submitters and better align with the RMA. In terms of the various proposed wording, I prefer the wording of Westpower Limited – as I consider this flows best as well as best reflects the purpose of the RMA. I am not convinced that the wording for point b. proposed by Forest and Bird has significant merit and do not support this proposed amendment, however I consider that the reference to the effects management hierarchy as proposed in the Te Mana Ora amendment may in part address their concern.</p> <p>225. Forest and Bird (S560.436) considers there may be a need for a definition of “important natural environment areas and features, I consider the amendment to “significant and/or outstanding” helps address that issue.</p> <p>Recommended amendment to NENV-O1 To clearly identify: a. Unique and important <u>Significant and/or outstanding</u> natural environment areas and features on the West Coast/ Te Tai o Poutini which must be protected from <u>inappropriate subdivision, use or development</u>; and b. Areas where subdivision, use and development to enable community economic, cultural, and social wellbeing can be sustainably managed <u>using the effects management hierarchy</u>.</p>	<p>The recommendation is supported and reflects that supported in the Transpower further submission.</p>
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Appendix D

Amendment sought in evidence

Amendments recommended in the S42A report are shown as red text and those further amendments I support are shown as green underlined/strikethrough text.

Part One: Introduction and General Provisions

General Approach - Te Huarahi Whānui

General Duty to Comply:

Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation. However, this duty is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.

Urban Form and Development Strategic Objective

UFD-01

To have urban environments and built form on the West Coast/Te Tai o Poutini that:

....

8. Promote the safe, efficient and effective provision and use of ~~infrastructure~~ and Energy Activities, including the optimisation of the use of existing ~~infrastructure~~, Energy Activities, and protection of critical infrastructure including from reverse sensitivity effects;

9. Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments;

10. Promote and enhance the distinctive character of the districts' towns and settlements;

11. Promotes the identification, recognition and protection of heritage resources which are significant to Te Tai o Poutini/the West Coast's character and cultural heritage, to ensure their protection for future generations;

12. Uses low environmental impact practices, materials and design; and

13. Recognises Poutini Ngāi Tahu values as part of the urban environment.

Natural Environment Strategic Objective

NENV-O3

To recognise:

a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land. ~~in protecting significant areas, habitats and features.~~

b. The functional need and or-operational need for ~~Infrastructure~~ and Energy Activities to sometimes be located in significant areas; and

c. That there are existing lawfully established activities located in significant areas;

d. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in protecting natural environment values achieving the requirements of the RMA; and

e. The need for weed and pest control to protect, maintain and enhance the natural environment values.

Connections and Resilience Strategic Objective

CR - O1

To build greater resilience in West Coast/Te Tai o Poutini communities and infrastructure, including critical infrastructure and Energy Activities recognising the effects of climate change and the need to adapt to the changes associated with those effects

Connections and Resilience Strategic Objective

CR-O2

To enable and protect the continued function and resilience of critical infrastructure, Energy Activities and connections and facilitate their quick recovery from adverse events, but not necessarily in the same location.

CR-O5 National Grid

The national significance of the National Grid is recognised, and sustainable, secure and efficient electricity transmission is provided through and within the district.

Strategic Directions Overview

This chapter sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions. Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant zone or overlay objectives and policies when assessing resource consents.

These directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Westland, Grey and Buller Districts.

The Strategic Directions are intended to demonstrate:

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6. Construction, operation, ~~and~~ maintenance, and upgrade of critical infrastructure, Energy Activities and Infrastructure;

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