

**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

- **Subdivision, Financial Contributions and
Public Access**

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

And **Transpower New Zealand Limited**
Submitter 299 and Further Submitter FS110

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

Dated 14 March 2024

1 Executive Summary

- 1.1. As outlined in my Hearing Topic 1 and 2 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”).
- 1.2. Transpower’s submission on the Proposed Te Tai o Poutini Plan (“**pTTPP**”) was extensive. While the approach adopted in the pTTPP was broadly supported by Transpower, changes were sought to give effect to the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”). Transpower’s submission will be heard across multiple hearings and therefore Transpower requests the panel refer to the Transpower evidence to Hearing Topics 1, 2, 3 and 4 in considering the submission points relevant to the Hearing Topic. For the sake of efficiency, the background and planning contextual information will not be repeated.
- 1.3. Specific to the Hearing Topic (Subdivision, Financial Contributions and Public Access) Transpower’s interest is confined to eight submission points on the topic of Subdivision (four original and four further point), and five points relating to Financial Contributions (four original and one further point).
- 1.4. The matters raised within the Transpower submissions can be grouped under the following topics:

Subdivision

- Relationship to Energy Chapter (provide cross references to National Grid energy policies)
- Rules SUB-R2, SUB-R8 and new non complying rule (retain SUB-R2, seek amendment to the National Grid Subdivision Corridor SUB-R8, and provision of a default non-complying National Grid rule)

Financial Contributions

- Objective FC-O2 (amend)
- Policies FC-P6 and FC-P7 (delete FC-P6 but if retained, retain FC-P7)
- Rules FC-R1 and FC-R12 (delete FC-R1 and amend FC-R12 to not apply to the National Grid)

1.5. The outstanding points and relief sought through my evidence can be summarised as follows:

- **Subdivision Rule SUB-R8 and cross reference to ENG policies** – Through my evidence I support reference within the subdivision chapter to the National Grid Subdivision Corridor policy ENG-P9 within the Energy Chapter, and significant amendment to SUB-R8 to provide a specific rule for subdivision within the National Grid Subdivision Corridor.
- **Financial Contributions Policy FC-P6 and rules FC-R1 and FC-R12** – Through my evidence I raise concerns with the application of the policy and rules as they relate to offsetting and compensation as a financial contribution and how the provisions would be applied to the National Grid.

1.6. Attached as **Appendix B** to my evidence is a table outlining all the submission points relevant to Hearing Topic: Subdivision, Financial Contributions and Public Access.

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2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney. I am a planner with Boffa Miskell Ltd. My evidence is given in support of Transpower's submission on the Proposed Te Tai o Poutini Plan ("TTPP").
- 2.2. For my qualifications and experience and other introductory comments, please refer to paragraphs 2.1 – 2.7 of my statement of evidence for Hearing Topics 1 and 2 ("Hearing 1 and 2 Evidence"), dated 29 September 2023.
- 2.3. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Practice Note (2023), and I agree to comply with it.

3. Scope of Evidence

- 3.1. My evidence will address the following:
 - A brief outline of the National Grid Framework and Transpower's interests in Hearing Topic Subdivision, Financial Contributions and Public Access; and
 - Responses to the officer recommendations, focusing on those outstanding submission points and amendments sought in this evidence.

4. The National Grid Policy Framework

- 4.1. As outlined in my Hearing 1 and 2 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ('NPSET'). This significance applies universally across the country regardless of the nature of the specific National Grid asset.
- 4.2. In my Hearing 1 and 2 evidence I outlined the three broad aspects to the NPSET which must be given effect to in local authority policies and plans, being:
 - a. Enabling the National Grid,
 - b. Managing the effects of the National Grid; and
 - c. Managing the effects on the National Grid.

4.3. All three aspects are relevant to this hearing, with details provided within my Hearing 1 and 2 evidence as to the basis and reasoning for National Grid corridor provisions, and the need for Transpower to operate, maintain and develop the National Grid. Given the linear nature of the National Grid, these needs occur regardless of the underlying zoning and overlays. My earlier evidence stands and is applicable to this hearing.

5. Summary of Hearing Topic: Subdivision, Financial Contributions and Public Access Submission Points

5.1. Specific to the Hearing Topic (Subdivision, Financial Contributions and Public Access) Transpower's interest is confined to eight submission points to the topic of Subdivision (four original and four further point), and five points relating to Financial Contributions (four original and one further point).

5.2. The submission points are summarised as follows:

- **Subdivision:** Given the objectives and policies within the Subdivision zone do not address the effects of subdivision on the National Grid, at a minimum cross reference is required to the policies within the Energy chapter.
- **Subdivision Rules SUB-R2, SUB-R8 and new rule:** In its submission Transpower supports SUB-R2, seeks significant amendment to National Grid Subdivision Corridor SUB-R8, and provision of a default non-complying rule.
- **Financial Contributions Policies FC-P6 and FC-P7:** Transpower seeks deletion of FC-P6 or amend to not apply to the National Grid. Should P6 be retained, Transpower seeks retention of FC-P7.
- **Financial Contributions Rules FC-R1 and FC-R12:** Transpower seeks deletion of FC-R1 and clarification that FC-R12 does not apply to the National Grid.

6. Response to the Section 42A Report Recommendations

6.1. The following section responds to the Hearing Topic S42A Report recommendations on Transpower's submission points. For clarity, attached as Appendix B to my evidence is a table outlining all the submission points relevant to the Hearing Topic, including the relief sought by Transpower, the S42A recommendations, and my response to the recommendations.

6.2. The outstanding points and relief supported through my evidence can be summarised as follows:

- Subdivision Rule SUB-R8 and cross reference to policies – Through my evidence I support reference within the subdivision chapter to the National Grid Subdivision Corridor policy ENG-P9 within the Energy Chapter, and significant amendment to SUB-R8 to provide a specific rule for subdivision within the National Grid Subdivision Corridor.
- Financial Contributions Policy FC-P6 and rules FC-R1 and FC-R12 – Through my evidence I raise concerns with the application of the policy and rule as they relate to offsetting and compensation as a financial contribution and how the provisions would be applied to the National Grid.

6.3. These matters are addressed in turn with specific relief sought.

Subdivision Provisions

- Cross reference to Energy Policies

6.4. In submission point S299.053 Transpower sought cross reference to the energy chapter policies ENG-P3 and ENG-P10 (I acknowledge the submission incorrectly referred to ENG-P10 instead of the National Grid specific policy ENG-P9 noting there is no policy ENG-P10). The cross reference was sought on the basis the objectives and policies within the Subdivision Chapter do not address the effects of subdivision on network utilities/ infrastructure/energy activities. Instead the matter is addressed in policies ENG-P3 and ENG-R9.

6.5. The officer has recommended the submission point be rejected on the basis that given other recommendations, the cross reference is not necessary. I do not support the recommendation. I do acknowledge the officer has recommended an amendment to Policy SUB-P1 to include a new clause f. *Protects the safe and efficient operation and maintenance of infrastructure*. While I support the insertion, it is not as sufficiently directive (or informative) as policy ENG-P9 which is specific to the National Grid and which provides a number of policy considerations in determining subdivision within the National Grid Subdivision Corridor including ensuring the Grid is not compromised, achieving compliance with NZECP34:2001, avoiding exposure to health and safety risks, maintaining access to the Grid, and avoiding reverse sensitivity effects. In my opinion, the National Grid Subdivision Corridor rule SUB-R8 implements policy ENG-P9.

6.6. In terms of the need for cross reference within the plan, while I accept the plan is to be read as a whole, there is no clear direction for plan users to refer to the Energy policies.

I do note the overview to the subdivision chapter contains the following statements to refer to other plan provisions:

Overview

Subdivision of land that contains an identified feature, site or area of natural, cultural, historical or ecological significance, or where there are significant natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving identified features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area.

6.7. And after the policies, the plan provides:

It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs.

6.8. However, there is no cross reference to the energy chapter policies which are not a zone or overlay, or hazard feature. Rather the energy policies are 'District Wide' matters.

6.9. If SUB-R8 is to be retained within the subdivision chapter, at a minimum cross reference is required to the policies within the Energy chapter.

6.10. In my opinion the matter could be readily addressed through the following amendment (shown as red text) to the text following SUB-P9 as follows:

It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs, as well as any District Wide policies.

Subdivision Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

- Subdivision Rule SUB-R8

6.11. In its submission Transpower sought significant amendment to rule SUB-R8. The officer has accepted in part the relief sought, but in essence the relief sought in the Transpower submission has been rejected as the substance of the relief sought by Transpower has not been accepted. Subdivision within proximity of the National Grid is a key issue for Transpower and the rule as notified and proposed to be amended by

the reporting officer has a number of issues including the uncertainty around its application, the matters addressed in the rule, and the activity status.

6.12. The following sections of my evidence outline:

- The rationale and importance of the rule
- The changes (and reasoning for the relief) sought in the Transpower submission
- The S42A report recommendations and my response; and
- The relief sought through this evidence to give effect to the relief sought in the Transpower submission.

6.13. These matters are addressed below.

The rationale and importance of the rule

6.13.1. 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. Policies 10 and 11 on the NPSET are very directive in managing the effects of activities on the National Grid.

6.13.2. Subdivision is considered the most effective point at which to ensure future reverse sensitivity effects, access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). The provision of a rule is even more important in areas where there is greater intensification of land use, such as urban areas and large lot residential and rural lifestyles zones.

Relief sought in the Transpower submission, S42A report recommendations and my response

6.13.3. Refer Table 1 below.

Table 1.

Relief sought in Transpower Submission	S42A Report recommendation	Response to the S42A recommendation
<p>Amendment to the rule title and content to refer to the ‘National Grid Subdivision Corridor’ and not the undefined term used in the rule being “Electricity Transmission and Distribution Yard”.</p> <p>The reference to ‘yard’ is confusing to plan users in that the ‘yard’ essentially relates to land use whereas the rule relates to subdivision and therefore ‘subdivision corridor’ is the correct term (as reflected in the definitions). I also note the rule as notified appears to apply to electricity transmission (being the National Grid) and distribution (being local distribution lines being Westpower on the West Coast).</p>	<p>In relation to the terminology used and application of the rule, while the officer appears to agree¹ with the change sought in terminology, any amendments have not been carried through into the Appendix 1 Recommended provisions or shown in paragraph 305 of the Section 42A Report.</p>	<p>For the reasons outlined in the Transpower submission, I remain concerned as to the confusing use of terms (which are not defined in the pTTPP) and the application of the rule to electricity distribution. Given the terms are not defined, the area and infrastructure that the rule applies to is not clear for plan users. There is also no linkage to the supporting policy framework, in particular Rule ENG-P9 which is specific to subdivision within the defined National Grid Subdivision Corridor.</p> <p>Furthermore, in my opinion 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. As I understand, the intent of the rule is to give effect to Chapter 6 - Policy 5 of the RPS and Method 3 which requires councils to identify appropriate buffer corridors to manage the effects of subdivision, use and development on the National Grid.</p>
<p>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.</p> <p>The appropriate approach is to address these matters under the underlying zoning or overlay subdivision rule and not conflate these effects with effects on the National Grid.</p>	<p>The officer has agreed <i>“that SUB-R8 can be simplified to improve clarity and national consistency and recommend this submission is accepted in part. I support the deletion of SUB-R8.1-SUB-R8.7, and matters a. and m. are amended, and matters b-l are deleted.”</i></p>	<p>The rule has been amended so that only four standards apply. My concerns are that the rule seeks to manage the effects of activities which are not relevant to the National Grid. Instead the matters are best addressed under other rules (i.e. SUB-R5 and SUB-R6). My concerns with the standards numbered 1-4 are as follows:</p> <p><u>Standard 1. 15mx15m area of land</u></p> <p>The requirement for a 15mx15m is not relevant to the National Grid. Rather the sought requirement (in Transpower’s submission) is to locate a building platform outside the defined <i>National Grid Yard</i> (and not the undefined <i>Electricity Transmission and Distribution Yard</i>). The requirement for reasonable access for the subdivision is also not relevant to the Grid (with access addressed as a matter</p>

¹ Section 42A Report, paragraph 292.

<p>Clauses 1, 2, and 4 as notified are not specific to effects on the National Grid and are addressed under other rules (that is SUB-R6, R10, R11 and R15) and as these rules would also apply (as noted in the Note to the subdivision rules), reference is not required within SUB-R8. Their inclusion confuses the purpose of the rule.</p> <p>Similarly, clauses 3, 5 and 9 as notified are not required as the subdivision would need to comply with the rules for the subdivision in the underlying zoning or overlay and compliance with standards assessed as part of that consent. The compliance with the standards is not a matter relevant to the National Grid and is not appropriate for inclusion in the rule or assessed as part of the consent. It is also noted that the one hectare minimum allotment size referenced in clause 9 would apply to all zones and does not reflect the underlying zone features.</p>		<p>of control under zone rules SUB-R5 and R6), nor is compliance with permitted standards.</p> <p><u>Standard 2. Access</u></p> <p>While I support the provision of an access standard, the reference to 'National Grid Yard' should be amended to 'National Grid assets' as access to the assets is the key effect to be managed.</p> <p><u>Standard 3. Consultation</u></p> <p>I am not clear as to the purpose of the standard requiring consultation as it effectively serves no purpose as a standard. Rather this should be an assessment matter. The inclusion of reference to 'distribution operator' is also inappropriately in my opinion, conflates electricity transmission and distribution together. As I understand, the intent of the rule is to give effect to Chapter 6 - Policy 5 of the RPS and Method 3 which requires councils to identify appropriate buffer corridors to manage the effects of subdivision, use and development on the National Grid. The S42A report in paragraph 299 comments: <i>In relation to SUB-R8.10, I agree that the subdivision in the National Grid Subdivision Corridor' and/or National Grid Yard has the potential to affect the electricity Distribution Operator and recommend this submission is accepted.</i> I do not agree or accept that subdivision in the National Grid Subdivision Corridor has the potential to affect the electricity distribution operator. The purpose of the rule is to manage the effect of subdivision on the National Grid.</p> <p><u>Standard 4. 1ha minimum lot size</u></p> <p>The 1 hectare minimum allotment size would apply to all zones and does not reflect the underlying zone features. It also has very limited relevance in assessing the effects of subdivision on the National Grid.</p> <p><u>Note: Exclusion for Network Utilities</u></p>
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		The exclusion for network utilities is not appropriate as the matters are appropriately addressed under the framework of SUB-R8. SUB-R4 does not adequately address effects on the National Grid.
<p>Amendment to the underlying activity status from controlled to restricted discretionary.</p> <p>The main concern is that a controlled activity status is not able to be declined. Given the national significance of the National Grid and potential for adverse effects, a controlled activity status is not supported. A restricted discretionary activity status for subdivision provides an appropriate incentive and opportunity to design subdivision layouts that avoid building sites within the National Grid Yard. Subdivision is considered the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located).</p>	The officer has recommended retention of the controlled activity standards, subject to compliance with appropriate clauses.	Notwithstanding the appropriateness of the compliance standards, I do not support retention of the controlled activity status. For the reasons outlined in Transpower's submission (being the ability to decline the application and the opportunity and incentive to appropriately design the subdivision layout), I support a restricted discretionary activity status. There may well be circumstances where the standards are met, but there remain issues with the subdivision layout and this may not give effect to NPSET policies 10 and 11. Such an activity reflects the approach sought across New Zealand.
<p>Rearrangement of the rule to make the access and building platform standards clear.</p>	The specifics of the relief sought in the Transpower submission are not specifically addressed in the S42A report.	My concerns with the pTTPP standards 1 and 2 (as amended through the S42A Report) are outlined above. The approach I support is two clear standards – one relating to being able to demonstrate the location of a building platform outside the National Grid Yard, and the second relating to ensuring access to National Grid support structures is maintained.

		<p>In relation to a building platform, the standard is to ensure usable lots are created that can comply with the rule that sensitive activities not be located within the National Grid Yard.</p> <p>In relation to access, the benefit of an access standard is to provide certainty that Transpower can access its structures for maintenance and repair. There is a risk that an alternative access may not be useable by Transpower due to gradient, width, surface, topography. The costs are significant to the district and nationally if Transpower cannot access its assets to repair faults or maintain assets and will result in loss of electricity.</p>
<p>Insertion of matters of discretion to accompany the restricted discretionary activity status.</p>	<p>The officer has recommended two new matters of control, amendment to other matters, and deletion of other matters, however not all the matters sought in the Transpower submission have been included. The S42A Report commentary does not elaborate on why all the matters have not been included.</p>	<p>Notwithstanding that I seek the matters of control become matters of discretion (to accompany a restricted discretionary activity status), I support the provision of matters as outlined in Transpower's submission. While the officer has accepted the insertion of two new matters a. and b., and an amendment to c., to reflect that in the submission, the other sought matters are not included, with no reasoning provided. The other matters provided in the Transpower submission provide a comprehensive package of considerations to enable a thorough assessment of an application. Such matters include the location and nature of proposed vegetation, health and safety effects, location of any potential building platforms, and outcome of consultation with Transpower.</p> <p>Matters o. to q. as amended in the S42A Report are not specific or relevant to the National Grid and are better addressed under the specific subdivision zone rules SUB-R5 and R6.</p>
<p>Insertion of a non-complying activity status for any activity that cannot meet clauses 1 or 2 as notified.</p>	<p>The officer has supported the retention of the non complying activity status where the clauses specific to the National Grid are infringed.</p>	<p>I support the retention of the non complying activity status, noting the clause references need updating.</p>

The relief sought through this evidence to give effect to the relief sought in the Transpower submission

6.14. Based on the above, I support amendment to the subdivision rule SUB-R8 as follows (amendments are shown as red text):

SUB-R8	Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard within the National Grid Subdivision Corridor	
<p>Activity Status Controlled Restricted Discretionary</p> <p>Where</p> <p>1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB-R7;</p> <p>2. This is not within one of the following locations in the coastal environment:</p> <p>.....</p> <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB-R4</p> <p>1. <u>All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating the principal building or any dwelling or sensitive activity located entirely outside of the National Grid Yard.</u></p> <p>2. <u>Vehicle access to National Grid support structures is maintained.</u></p> <p><u>Matters of discretion are:</u></p> <p>a. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;</u></p> <p>b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;</u></p> <p>c. <u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms;</u></p> <p>d. <u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines;</u></p> <p>e. <u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid;</u></p> <p>f. <u>The outcome of any consultation with Transpower; and</u></p> <p>g. <u>The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or any dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment.</u></p>		<p>Activity status where compliance not achieved:</p> <p>Restricted</p> <p>Discretionary</p> <p>where 1, 3 or 4 is</p> <p>Non Complying</p>

Financial Contribution Provisions

- Policy FC-P6

- 6.15. In its submission Transpower opposed Policy FC-P6 on the basis applying the policy to critical infrastructure and extending the offsetting and compensation requirement beyond significant natural areas is not clear. It sought deletion of the policy or its exclusion from application to the National Grid. The S42A Report rejects the relief sought on the basis critical infrastructure can have adverse effects that cannot be avoided, remedied or mitigated and it is appropriate such effects be addressed through financial contributions in accordance with Chapter 7 of the WCRPS, and that Policy 6 is intended to be an enabling policy in accordance with section 108(1) of the RMA, and does not require offsetting or compensation beyond SNAs where this is not proposed by the applicant.
- 6.16. While I accept the notion of financial contributions, I make the following comments in relation to FC-P6:
- 6.16.1. Clause a. of the policy applies generally but also specifically applies to outstanding natural landscapes, outstanding natural features, outstanding natural character, and areas of significant habitat of indigenous fauna. It is not clear from the policy on what basis and to what calculation financial contributions would be required in relation to the residual adverse effects.
- 6.16.2. Clause b. of the policy has very wide application in that it applies to all significant indigenous biodiversity – not only those areas identified. As drafted the clause imposes an additional requirement for financial contributions on mineral extraction, renewable electricity generation, and regionally significant infrastructure.
- 6.16.3. The approach in the pTTPP is unique and in my opinion not tested. In reviewing other recent second generation proposed district plans (being Wellington, New Plymouth, Selwyn, Porirua and Wairarapa), only the Wairarapa Proposed District Plan² has financial contribution provisions and these do not provide for financial contributions to address environmental effects, rather contributions are required for reserves, water, wastewater and stormwater and transport. I note the S32 Report³ on this topic to the pTTPP references how other council are addressing the same issue. Of the five plans listed, only two refer to contributions for securing

² [651e2f8fdd0417e429e15255_16 Proposed FC 20230927.pdf \(website-files.com\)](#)

³ [Microsoft Word - Te Tai o Poutini Plan S32 Report 6 Subdivision and Financial Contributions Final.docx \(tpp.nz\)](#), page 41

environmental compensation. Of these, Hamilton⁴ was made operative in 2017. While the operative 2021 Opotiki District Plan⁵ has a policy relating to offsetting any adverse environmental effect, there is no corresponding rule to require the payment of such compensation.

6.16.4. While I appreciate S108 of the RMA allows for financial contributions as a condition of consent, I am also cognisant of S77E(2) of the RMA which provides mandatory requirement in relation to financial contributions:

(2) A rule requiring a financial contribution must specify in the relevant plan or proposed plan—

(a) the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and

(b) how the level of the financial contribution will be determined; and

(c) when the financial contribution will be required.

In my opinion it is questionable whether the test under S77E(2)(b) and (c) are satisfied through the rules FC-R1 and FC-R12. Specially, the rules do not enable costs to be clearly calculated and how the level of contribution will be determined.

6.16.5. In response to the commentary of the reporting officer to Chapter 7 of the WCRPS, I note Policy 4 and 5 of the chapter only relate to offsetting and compensation in relation to significant natural areas, and does not extend to the other features/values prescribed in FC-P6 clauses a. and b.

6.17. Based on the above, I support deletion of the policy FC-P6 as follows:

Financial Contributions Policies	
FC—P6	<p>To provide for <u>allow</u> the use of financial contributions for managing <u>to address residual adverse environmental effects, including those on:</u></p> <p>a. Significant indigenous biodiversity and outstanding natural landscapes, <u>outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna</u> where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical <u>regionally significant</u> infrastructure.</p> <p>b. Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and <u>regionally significant infrastructure.</u></p>

⁴ [District Plan - Hamilton City Operative District Plan \(isoplan.co.nz\)](http://isoplan.co.nz)

⁵ [Chapter 16 - Financial Contributions \(odc.govt.nz\)](http://odc.govt.nz)

- Rule FC-R1

- 6.18. In its submission Transpower sought deletion of rule FC-R1 as it applies to the National Grid, largely on the basis there is no clear policy direction or guidance as to the circumstances in which a contribution is required. The officer rejects the relief on the basis the circumstances requiring a financial contribution are set out under FC-R1(1). Again, I do not support the officer recommendation.
- 6.19. FC-R1 (and arguably FC-R2) appear the overarching rules which set the basis for when financial contributions will be required. Rules FC-R3 to R12 then provide specific details as to how the contributions will be calculated. From a plan structure perspective, I question whether the ‘calculation’ rules FC-R3 to R12 should be framed as standards to rules R1 and R2.
- 6.20. My primary concern with rule FC-R1 relates to the general and subjective nature and wide application of clause 1.ii. ii. *Securing environmental offsetting or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, minimised, remedied or ~~otherwise~~ mitigated.* As drafted the rule would apply to any land use application and not only be confined to overlays. The related ‘calculation’ rule FC-R12 provides no method for how the level of contribution will be calculated.
- 6.21. I also note there is inconsistency in the terminology used between FC-P6 and FC-R12. FC-P6 refers to *outstanding natural features* and *outstanding natural character*, whereas FC-R12 refers to *outstanding natural landscape values*. Such inconsistency adds further confusion to the application of the policy and how effects on *outstanding natural features* and *outstanding natural character* will be calculated. It is also not clear whether the outstanding natural character is confined to the coastal environment given wider outstanding natural character is not identified in the pTTPP.
- 6.22. While the financial contribution rules are framed as ‘rules’ there is no activity status provided, or default activity status should any applicant wish to apply to council through a resource consent to reduce or waiver the financial contribution.
- 6.23. Based on the above, I support amendment to rule FC-R1 as follows:

Financial Contribution Rules	
FC - R1	Financial Contributions as Conditions of Consent
Activity Status	

1. A condition ~~may~~ shall be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes (unless determined otherwise by Council):
 - ~~i. The management of potential adverse effects arising from the activity;~~
 - ii. Securing environmental offsetting or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, minimised, remedied or ~~otherwise~~ mitigated;
 - iii. Providing and/or upgrading public network utility services and transport infrastructure;
 - iv. Providing and/or upgrading public reserves, public access and community facilities; and
2. No financial contribution is payable for:
 - i. Additions and alterations to residential buildings;
 - ii. A residential building replacing one previously on the site;
 - iii. An approved boundary adjustment;
 - iv. An approved subdivision creating a certificate of title solely for a utility;
 - v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; ~~and~~
 - vi. Infrastructure for which a financial contribution has been made previously;
 - vii. Any allotment that is vested in the Council or the Crown; and
 - viii. An approved subdivision resulting in the amalgamation of or a reduction in the number of titles. and
 - viii. The National Grid

- **Rule FC-R12**

6.24. In its submission Transpower raised concerns with how the contribution would be calculated, including to address effects on landscape values. In response the reporting officer responded that FC-R12 is only relevant to offsetting or compensation where it forms part of a resource consent application. While I accept this might be the case, the reasoning in the S42A Report does not address the concerns relating to the subjective nature of the rule and how it would be applied to landscape values. My specific concerns are as follows:

6.24.1. My earlier comments in paragraph 6.21 relating to the mixed use of terminology between FC-P6 and FC-R1 and FC-R12 stand. This will create confusion for plan users.

6.24.2. I am not clear how the proposition of offsetting and compensation would be applied to landscape values. While I accept there are methodologies for calculating offsetting and compensation in relation to indigenous biodiversity, I am not aware of any such methodology or framework for assessing offsetting and compensation in relation to landscape values. The potential for confusion and implementation issues is exacerbated by the lack of clarity provided within the rule as to how the offset and compensation will be calculated.

- 6.24.3. Clause 2. of the rule relates to biodiversity offsetting and compensation. I am not clear why rule ENG- R12 applies to indigenous biodiversity (or is needed) when the matter is addressed within the ECO chapter, specifically ECO-P9⁶.
- 6.24.4. The rule refers to ‘the amount of money needed to fully offset or compensate (or any combination of these) any adverse effects ...’ The wording does not provide any clarity as to what would be included in the calculation. I therefore do not consider the rule meets the requirements of S77E(2)(b) of the RMA in terms of meeting the test of how the level of the financial contribution will be determined.
- 6.25. Based on the above outstanding concerns (and within context of Transpower’s submission) , I support amendment to rule FC-R12 to clarify it does not apply to the National Grid as follows:

FC - R12	Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values
<p>Activity Status</p> <p>1. The maximum <u>minimum</u> financial contribution for offsetting or compensation for <u>residual</u> adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, <u>minimised</u>, remedied or mitigated as <u>assessed through the consent process</u>.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p> <p><u>Note: FC-R12 does not apply to the National Grid.</u></p>	

7. Conclusion

- 7.1. 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.
- 7.2. Specific to the Hearing Topic (Subdivision, Financial Contributions and Public Access) Transpower’s interest is confined to eight submission points to the topic of Subdivision

⁶ ECO-P9 Provide for biodiversity offsets and compensation to manage residual adverse effects of an [activity](#) where:

- a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;
- b. The conservation outcomes are measurable and positive; and
- c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.

(four original and four further point), and five points relating to Financial Contributions (four original and one further point).

7.3. The outstanding points and relief sought through my evidence can be summarised as follows:

- **Subdivision policies and Rule SUB-R8** – Through my evidence I support reference within the subdivision chapter to the National Grid Subdivision Corridor policy ENG-P9 within the Energy Chapter, and significant amendment to SUB-R8 to provide a specific rule for subdivision within the National Grid Subdivision Corridor. As drafted, SUB-R8 does not give effect to the NPSET and does not reflect the approach adopted in district plans across New Zealand.
- **Financial Contributions Policy FC-P6 and rules FC-R1 and FC-R12** – Through my evidence I raise concerns with the application of the policy and rules as they relate to offsetting and compensation as a financial contribution and how the provisions would be applied to the National Grid. In my evidence I have highlighted my concerns with the subjective nature of the provisions, the inconsistent use of terminology, the lack of certainty and clarity provided in the rules in calculating the contribution, how offsetting and compensation would be applied to landscape values, and specific to indigenous biodiversity, how the provisions differ from that provided in ECO-P9.

7.4. Included in my evidence is suggested relief that would address the above concerns and issues and give effect to the relief sought in the Transpower submission.

Pauline Mary Whitney

14 March 2024

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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3. Interpretation
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5. Objective
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8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

newzealand.govt.nz

Preamble

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

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

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

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

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

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

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

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

1. Title

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

2. Commencement

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

3. Interpretation

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

Act means the Resource Management Act 1991.

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

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

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

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

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

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

5. Objective

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

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

6. Recognition of the national benefits of transmission

POLICY 1

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

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

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

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

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

POLICY 4

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

POLICY 5

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

POLICY 6

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

POLICY 7

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

POLICY 8

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

POLICY 9

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

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

POLICY 10

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

POLICY 11

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

9. Maps

POLICY 12

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

10. Long-term strategic planning for transmission assets

POLICY 13

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

POLICY 14

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

Explanatory note

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

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

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

Appendix B

Summary Table - Response to s42A Report Officer Recommendations

Those officer recommendations opposed and addressed in evidence are shaded light orange.

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

Submitter	Plan Section	Decision Requested and Reasons	S42A Recommendation and recommended text changes	Response to recommendation
Subdivision				
299.053 Transpower NZ Ltd	Subdivision	<p>Relief Sought Provide a cross reference within SUB-R8 to the Energy chapter policies ENG-P3 and ENG-P10</p> <p>Reasons The objectives and policies within the Subdivision zone do not address the effects of subdivision on network utilities/ infrastructure/ energy activities. Instead the matter is addressed in ENG-P3 and the recommended Transpower specific policy ENG-R10. If SUB-R8 is to be retained within the subdivision chapter, at a minimum cross reference is required to the policies within the Energy chapter.</p>	<p>Reject</p> <p>S42A Reasoning: Para 290. <i>Transpower (S299.053) requests to provide a cross reference within SUB-R8 to the Energy chapter policies ENG-P3 and ENG-P10 on the basis that the objectives and policies within the SUB chapter do not address the effects of subdivision on network utilities, infrastructure, and energy activities. In my view, subject to the amendments recommended to the matters of control below, cross reference to the Energy Chapter is not necessary.</i></p> <p><i>291. I note that ENG-P10 is not included within the pTTPP, and ENG-R10 relates to monitoring and meteorological facilities. The submitter is invited to clarify the relief sought. At this stage it is recommended that the submission point is rejected.</i></p> <p>While the rule is amended, no cross reference to the policy is provided.</p>	<p>The recommendation is opposed. While the reference to ENG-P10 in the submission was an error, the recommendation does not address the wider submission point and concern regarding the lack of accompanying policy framework within the Subdivision chapter.</p>
S299.054 Transpower NZ Ltd	SUB - R2	<p>Relief Sought Retain this rule</p> <p>Reasons Transpower supports this provision as it provides for those limited situations where subdivision may be required for its National Grid infrastructure. The permitted activity standards are appropriate, as is controlled activity status where the standards are not met.</p>	<p>Accept in part</p> <p>S42A Reasoning: Para 207. <i>Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.417), Transpower (S299.054), KiwiRail (S442.069), Margaret Montgomery (S446.050), and Waka Kotahi (S450.121) support Rule 2 and seek that it is retained as notified. The support for SUB-R1 is noted, however I have recommended amendments in response to submissions as outlined below.</i></p> <p><i>208. Westpower Limited (S547.357) requests the following amendments to SUB-R2.2:</i></p> <p><i>... any existing buildings ... Activity standards, <u>or the requirements of any land use consent</u></i></p>	<p>The recommendation is supported noting the recommend amendments are of limited relevance to Transpower.</p>

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

<p>S299.055 Transpower NZ Ltd</p>	<p>SUB - R8</p>	<p>Relief Sought Amend SUB - R8 SUB - R8 – Subdivision to create allotment(s) of Land that contains or is within the National Grid Subdivision Corridor Electricity-Transmission and Distribution Yard Activity Status <u>Restricted discretionary Controlled</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating the principal building or any dwelling or sensitive activity located entirely outside of the National Grid Yard.</u> 2. <u>Vehicle access to National Grid assets is maintained.</u> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> a. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;</u> b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;</u> c. <u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms;</u> d. <u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines;</u> e. <u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid;</u> f. <u>The outcome of any consultation with Transpower; and</u> g. <u>The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or any dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment.</u> <p>1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7;</p> <p>.....</p> <p>Reasons Transpower supports the provision of a rule relating to subdivision within proximity of the National Grid. However, significant</p>	<p>Accept in part</p> <p>S42A Reasoning: Para 292. <i>Transpower (S299.055) and Te Tai o Poutini Plan Committee (S171.014) request that references to the ‘Electricity Transmission Corridor’ and ‘Electricity Transmission Yard’ are replaced with ‘National Grid Subdivision Corridor’ and ‘National Grid Yard’. I agree with the submitters that this amendment will improve clarity and national consistency, and recommend these submissions are accepted. I note this approach is consistent with recommended amendments in other hearing streams.</i></p> <p>293. <i>Transpower (S299.055) request a number of amendments to SUB-R8, including a restricted discretionary activity status instead of controlled, and that non-compliance with the clauses results in a non-complying activity. The submitter also requests that the SUB-R8 is simplified to be focussed to only those matters which are relevant to the National Grid, on the basis that a number of general subdivision matters can be managed within the relevant rule for the underlying zone.</i></p> <p>294. <i>With regard to activity status, I consider that a controlled status is appropriate subject to compliance with appropriate clauses, as recommended to be amended below. I agree that a non-complying activity status is appropriate where the clauses specific to the National Grid are infringed, and recommend that this status be retained.</i></p> <p>295. <i>I agree with Transpower that SUB-R8 can be simplified to improve clarity and national consistency and recommend this submission is accepted in part. I support the deletion of SUB-R8.1-SUB-R8.7, and matters a. and m. are amended, and matters b-l are deleted.</i></p> <p>.....</p> <p>299. <i>In relation to SUB-R8.10, I agree that the subdivision in the National Grid Subdivision Corridor’ and/or National Grid Yard has the potential to affect the electricity Distribution Operator and recommend this submission is accepted.</i></p> <p>Policy SUB-R8 is recommended to be amended as follows:</p>	<p>The recommendation is opposed. The issues raised in the submission point have not been addressed. Refer evidence.</p>
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Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

		<p>amendments are sought to the rule.</p>	<table border="1"> <thead> <tr> <th data-bbox="1086 172 1236 225">SUB - R8</th> <th data-bbox="1236 172 1832 225">Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard</th> </tr> </thead> <tbody> <tr> <td data-bbox="1086 225 1608 1211"> <p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7; 2. This is not within one of the following locations in the coastal environment: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or 3. This is not within an area of: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. Sites of Historic Heritage as identified in Schedule One; iv. Sites and Areas of Significance to Māori as identified in Schedule Three; v. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay; 4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay; 5. All Subdivision Standards are complied with; and 6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site. 7. This is not within the Earthquake Hazard Overlay; <ol style="list-style-type: none"> 1. Any allotment created can contain a 15x15m area of land which: <ol style="list-style-type: none"> i. Is located entirely outside of the Electricity Transmission and Distribution Yard; ii. Has reasonable physical and legal access; and iii. Could accommodate a building which can comply with <u>the standards for a all Permitted Activity in the District Plan⁵³ standards for the Zone it is located in.</u> 2. The subdivision maintains any existing access to the <u>National Grid Yard Electricity Transmission and Distribution Yard⁵⁴;</u> 3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission <u>or Distribution⁵⁵ Operator</u> including any response from the operator; and 4. The minimum lot size for any allotment that contains any </td> <td data-bbox="1608 225 1832 1211"> <p>Activity status where compliance not achieved: Restricted Discretionary where 1, 3 or 4 is not complied with. Discretionary where 2 or 5 is not complied with Non-complying where 6⁵⁴- 11 is not complied with.</p> </td> </tr> </tbody> </table>	SUB - R8	Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard	<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7; 2. This is not within one of the following locations in the coastal environment: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or 3. This is not within an area of: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. 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Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

			<p>part of the Electricity Transmission Corridor shall be 1ha.</p> <p>Matters of control are:</p> <p>a. <u>⁵⁶The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;</u></p> <p>b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;</u></p> <p>c. <u>The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;</u></p> <p>d. <u>Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;</u>⁵⁷</p> <p>e. <u>Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;</u></p> <p>f. <u>The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;</u></p> <p>g. <u>The adequacy of water supply for firefighting;</u></p> <p>h. <u>The requirement for financial contributions as outlined in Rules FC R1 to FC R12;</u></p> <p>i. <u>Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;</u></p> <p>j. <u>Management of any contaminated land;</u></p> <p>k. <u>Management of reverse sensitivity effects on the national grid to ensure the ongoing operation, maintenance, upgrade, or development of energy activities;</u></p> <p>l. <u>The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created</u>⁵⁸</p> <p>m. <u>Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;</u></p> <p>n. <u>Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and</u></p> <p>o. <u>Management of potential reverse sensitivity effects on</u></p>		
			<p>existing land uses, including <u>regionally significant infrastructure</u>⁵⁹ <u>network utilities</u>, rural activities or significant hazardous facilities;</p> <p>p. <u>Natural hazards and geotechnical considerations; and</u></p> <p>q. <u>The provision of easements</u>⁶⁰.</p> <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4</p>		

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

S299.056 Transpower NZ Ltd	Subdivision Rules	<p>Relief sought: Insert a new rule as follows: <u><i>SUB - R27 – Subdivision to create allotment(s) of Land within the National Grid Subdivision Corridor not meeting Restricted Discretionary Activity Standards Activity Status Non-complying</i></u></p> <p>Reasons: Transpower requests non-complying activity status for any rule that does not comply with SUB-R8. This rule provides that link.</p>	<p>Reject</p> <p>S42A Reasoning: Para 64. <i>Transpower (S608.077 (error – this should be 299.056) seek the inclusion of a new rule where a non-complying activity status applies to subdivision within the national Grid Subdivision Corridor unable to comply with the restricted discretionary activity standards. I note that the relief sought is provided for under SUB-R8, and consider that the inclusion of a new rule is not necessary.</i></p>	<p>Notwithstanding the issues with rule SUB-R8, the recommendation is accepted on the basis a non-complying activity is recommended.</p>
S171.014 Te Tai o Poutini Plan Committee (S171) Transpower FS 11.034	SUB - R8	<p>Transpower supports the relief sought to: Replace references to the Electricity Transmission Corridor and Electricity Transmission Yard with references to the National Grid Subdivision Corridor and National Grid Yard.</p> <p>Reasons: The rule incorrectly refers to the Electricity Transmission Corridor and Transmission Yard and should refer to the National Grid</p>	<p>Accept FS</p> <p>S42A Reasoning: Para 292. <i>Transpower (S299.055) and Te Tai o Poutini Plan Committee (S171.014) request that references to the ‘Electricity Transmission Corridor’ and ‘Electricity Transmission Yard’ are replaced with ‘National Grid Subdivision Corridor’ and ‘National Grid Yard’. I agree with the submitters that this amendment will improve clarity and national consistency, and recommend these submissions are accepted. I note this approach is consistent with recommended amendments in other hearing streams.</i></p>	<p>While the recommendation is to amend the references, this has not been carried through into Appendix 1 – Recommended Provisions. On this basis the recommendation is opposed.</p>
Martin & Lisa Kennedy (S545) S545.012 Transpower FS 11.035	SUB - R8	<p>Transpower opposes the relief sought to: Replace the rules with those developed in the operative Grey District Plan with regard to National Grid matters.</p> <p>Reasons: While Transpower understands the intent behind the submission to replace the rules with those in the operative Grey District Plan, there are some discrete differences in the rules sought in the Transpower submission and those in the Grey Plan (including activity status). Transpower submits the wording in its sought rule is clearer and more certain. It also reflects and is consistent with the approach sought across New Zealand. Transpower notes the 14m width of the National Grid Subdivision Corridor (for single poles) reflects the width in the Grey Plan. The width for pi poles at 16m is slightly wider.</p>	<p>Accept FS</p> <p>S42A Reasoning: Para 303. <i>Martin and Lisa Kennedy (S545.012) and Nick Pupich request that SUB-R8 is replaced with those developed in the operative Grey District Plan with regard to National Grid matters. This is opposed by Transpower (FS110.035; FS110.036) on the basis that there are discrete differences between the rules Transpower support in its primary submission and those in the Grey District Plan. I agree with Transpower and consider that SUB-R6, subject to amendments set out above, will provide improved clarity and achieve greater national consistency in terms of the management of subdivision in the National Grid Subdivision Corridor and National Grid Yard.</i></p>	<p>The recommendation is accepted in so far as it does not recommend reverting to the operative Grey District Plan with regard to National Grid matters.</p>

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

<p>Nick Pupich Sandy Jefferies (S546) S546.012 Transpower FS 11.036</p>	<p>SUB - R8</p>	<p>Transpower opposes the relief sought to: Replace the rules with those developed in the operative Grey District Plan with regard to National Grid matters Reasons: In its submission Transpower opposed SUB-R8 and sought a new specific rule for subdivision within the National Grid Subdivision Corridor. While Transpower understands the intent behind the submission to replace the rules with those in the operative Grey District Plan, there are some discrete differences in the rules sought in the Transpower submission and those in the Grey Plan (including activity status). Transpower submits the wording in its sought rule is clearer and more certain. It also reflects and is consistent with the approach sought across New Zealand. Transpower notes the 14m width of the National Grid Subdivision Corridor (for single poles) reflects the width in the Grey Plan. The width for pi poles at 16m is slightly wider.</p>	<p>Accept FS S42A Reasoning: <i>Para 303. Martin and Lisa Kennedy (S545.012) and Nick Pupich request that SUB-R8 is replaced with those developed in the operative Grey District Plan with regard to National Grid matters. This is opposed by Transpower (FS110.035; FS110.036) on the basis that there are discrete differences between the rules Transpower support in its primary submission and those in the Grey District Plan. I agree with Transpower and consider that SUB-R6, subject to amendments set out above, will provide improved clarity and achieve greater national consistency in terms of the management of subdivision in the National Grid Subdivision Corridor and National Grid Yard.</i></p>	<p>The recommendation is accepted in so far as it does not recommend reverting to the operative Grey District Plan with regard to National Grid matters.</p>
<p>Transpower New Zealand Limited (S299) S299.055 Transpower FS 11.037</p>	<p>SUB - R8</p>	<p>Transpower opposes the relief sought to: Amend R8 as follows: <i>SUB - R8 - Subdivision to create allotment(s) of Land that contains or is within the National Grid Subdivision Corridor Electricity Transmission and Distribution Yard Activity Status <u>Restricted discretionary Controlled</u></i> <i>Where:</i> <i>Advice Note:</i> <i>This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4</i> Reasons: Transpower supports the relief sought in its original submission point but seeks a further refinement to delete the advice note such that subdivision for network utilities is also addressed within the sought rule framework. SUB-R2 and SUB-R4 provide a permitted and controlled activity framework (with no standards or matter of control specific to the National Grid) which is not appropriate for other network utilities and critical infrastructure within the National Grid Subdivision Corridor.</p>	<p>Accept in part S42A Reasoning: No specific reasoning is provided.</p>	<p>The recommendation is opposed. The issues raised in the submission point have not been addressed. Refer evidence.</p>

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

Financial Contributions						
<p>Manawa Energy Limited (S438)</p> <p>S438.115</p> <p>FS110.033 Transpower NZ Ltd</p>	<p>FC - O2</p>	<p>Transpower support the relief sought to:</p> <p>Delete FC - O2</p> <p>OR</p> <p>Amend FC - O2 as follows <i>To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.</i></p> <p>Reasons:</p> <p>As per earlier comments Manawa do not consider that financial contributions should be used as the sole mechanism to ensure that subdivision, land use and development does not adversely affect natural and physical resources.</p>	<p>Reject FS (noting the original submission is accepted in part)</p> <p>S42A Reasoning: <i>Para 462. I also support the deletion of reference to infrastructure resources as requested by Manawa Energy as the use of financial contributions for infrastructure is provided for under FC-O1.</i></p> <p>Objective FC-O2 is recommended to be amended as follows:</p> <table border="1" data-bbox="1097 438 1915 550"> <tr> <td style="background-color: #c8e6c9;">FC - O2</td> <td>To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing¹⁰¹ adverse effects on the environment and infrastructure resources¹⁰² of the West Coast/Te Tai o Poutini.</td> </tr> </table>	FC - O2	To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing ¹⁰¹ adverse effects on the environment and infrastructure resources ¹⁰² of the West Coast/Te Tai o Poutini.	<p>The recommendation is supported on the basis it reflects the relief sought in the submission.</p>
FC - O2	To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing ¹⁰¹ adverse effects on the environment and infrastructure resources ¹⁰² of the West Coast/Te Tai o Poutini.					
<p>S299.086 Transpower NZ Ltd</p>	<p>FC - P6</p>	<p>Relief sought:</p> <p>Either delete Policy FC-P6 or amend the policy to not apply to the National Grid.</p> <p>Reasons:</p> <p>Transpower opposes the policy as: The basis for applying the policy to critical infrastructure is unclear. The basis for extending the offsetting and compensation requirement beyond significant natural areas is not clear and not supported. The policy does not adopt the mitigation hierarchy.</p>	<p>Reject</p> <p>S42A Reasoning: <i>Para 487. Transpower (S299.086) seek to delete Policy 6 or to amend the Policy so it does not apply to the National Grid. Transpower submits that the basis for applying the policy to critical infrastructure is unclear and the basis for extending the offsetting and compensation requirement beyond SNAs is not clear. I recommend that the request from Transpower is rejected as infrastructure activities, including those relating to the National Grid, have the potential to generate adverse effects that cannot be avoided, remedied, minimised, or mitigated. It is appropriate to allow for these effects to be addressed through financial contributions in accordance with Chapter 7 of the WCRPS. In my view, Policy 6 is intended to be an enabling policy in accordance with section 108(1) of the RMA, and does not require offsetting or compensation beyond SNAs where this is not proposed by the applicant.</i></p> <p>Policy FC-P6 is recommended to be amended as follows:</p> <table border="1" data-bbox="1097 1093 1825 1412"> <tr> <td style="background-color: #e0e0e0;">FC - P6</td> <td>To provide for allow the use of financial contributions for managing to address residual adverse environmental effects, including those on: <ol style="list-style-type: none"> Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna¹⁰⁵ where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical regionally significant¹⁰⁶ infrastructure. Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure¹⁰⁷. </td> </tr> </table>	FC - P6	To provide for allow the use of financial contributions for managing to address residual adverse environmental effects, including those on: <ol style="list-style-type: none"> Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna¹⁰⁵ where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical regionally significant¹⁰⁶ infrastructure. Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure¹⁰⁷. 	<p>The recommendation is opposed in part. While it is accepted the recommended policy does not require offsetting or compensation, recommended clause 2 is opposed on the basis its application is unclear.</p>
FC - P6	To provide for allow the use of financial contributions for managing to address residual adverse environmental effects, including those on: <ol style="list-style-type: none"> Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna¹⁰⁵ where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical regionally significant¹⁰⁶ infrastructure. Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure¹⁰⁷. 					

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

<p>S299.087 Transpower NZ Ltd</p>	<p>FC -P7</p>	<p>Relief sought: Either delete Policy FC-P6 or amend the policy to not apply to the National Grid.</p> <p>Reasons: While Transpower opposes the requirement for financial contributions for critical infrastructure, if it is retained, Transpower is supportive of this policy.</p>	<p>Reject</p> <p>S42A Reasoning: <i>Para 497. Manawa Energy (S438.118) and DoC (S602.115) seek to delete Policy 7 on the basis that it does not provide a clear formula or method of calculation, and that the benefits of the activity should not have any bearing on whether compensation to address residual effects is needed. I agree with the submitters that the policy lacks clarity and is ambiguous, and that the proposed provisions do not clearly identify how the benefits of a proposed activity are to be quantified. In my view, Policy 7 is not necessary, and is not efficient or effective in achieving FC-O1 and FC-O2. The effects of an activity, subdivision or land use both negative and positive are considered during the resource consent assessment process and I therefore it unnecessary to consider that again at the point of financial contributions. If financial contributions are being applied, then the consent has reasonably been granted. I also consider that there would be too much uncertainty and risk in quantifying the benefit and the commensurate impact that may have on the amount of financial contributions required. I recommend that Policy 7 is deleted in its entirety.</i></p> <p><i>498. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.387), Westpower (S547.336), Chris & Jan Coll (S558.154), Chris J Coll Surveying Limited (S566.154), William McLaughlin (S567.230) and Laura Coll McLaughlin (S574.154) support Policy 7 as notified and seek that it is retained. Transpower seek that Policy 7 is retained in the event Policy 6 is retained. I reject these requests for the reasons set out above.</i></p> <p>Rule FC-P7 is recommended to be deleted as follows:</p> <table border="1" data-bbox="1099 879 1928 962"> <tr> <td data-bbox="1099 879 1265 962">FC - P7</td> <td data-bbox="1265 879 1928 962">When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.</td> </tr> </table>	FC - P7	When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.	<p>The recommendation is accepted.</p>
FC - P7	When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.					

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

<p>S299.088 Transpower NZ Ltd</p>	<p>FC - R1</p>	<p>Relief sought: Delete FC-R1 as it applies to the National Grid</p> <p>Reasons: The policy support for the application of R1 to requiring authorities is not evident. A financial contribution differs from offsetting and compensation. There is no clear policy direction or guidance as to the circumstances in which a contribution will be required.</p>	<p>Reject</p> <p>S42A Reasoning: <i>Para 503. Transpower (S299.088) seek to delete Rule 1 as it applies to the National Grid on the basis that there is no clear policy direction or guidance as to the circumstances in which a contribution will be required. In my view, the circumstances requiring a financial contribution are set out under FC-R1(1), and it is unnecessary to exclude the National Grid from this Rule. I do not support the amendment sought by Transpower.</i></p> <p>Rule FC-R1 is recommended to be amended as follows:</p> <table border="1" data-bbox="1086 459 1921 1383"> <thead> <tr> <th data-bbox="1086 459 1256 496">FC - R1</th> <th data-bbox="1256 459 1921 496">Financial Contributions as Conditions of Consent</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="1086 496 1921 1383"> <p>1. A condition may <u>shall</u> be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes <u>(unless determined otherwise by Council)</u>¹⁰⁸:</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity¹⁰⁹; ii. Securing environmental offsetting or¹¹⁰ compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>¹¹¹, remedied or otherwise mitigated; iii. Providing and/or upgrading public network utility services and transport infrastructure; iv. Providing and/or upgrading public reserves, public access and community facilities; and <p>2. No financial contribution is payable for:</p> <ul style="list-style-type: none"> i. Additions and alterations to residential buildings; ii. A residential building replacing one previously on the site; iii. An approved boundary adjustment; iv. An approved subdivision creating a certificate of title solely for a utility; v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and vi. Infrastructure for which a financial contribution has been made previously; vii. <u>Any allotment that is vested in the Council or the Crown; and</u>¹¹² viii. <u>An approved subdivision resulting in the amalgamation of or a reduction in the number of titles</u>¹¹³. <p>3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:¹¹⁴</p> <ul style="list-style-type: none"> i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development; ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made <u>by the relevant District Council</u>; iii. In the event that the relevant District Council does not contribute to the funding at that </td> </tr> </tbody> </table>	FC - R1	Financial Contributions as Conditions of Consent	<p>1. A condition may <u>shall</u> be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes <u>(unless determined otherwise by Council)</u>¹⁰⁸:</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity¹⁰⁹; ii. Securing environmental offsetting or¹¹⁰ compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>¹¹¹, remedied or otherwise mitigated; iii. Providing and/or upgrading public network utility services and transport infrastructure; iv. Providing and/or upgrading public reserves, public access and community facilities; and <p>2. No financial contribution is payable for:</p> <ul style="list-style-type: none"> i. Additions and alterations to residential buildings; ii. A residential building replacing one previously on the site; iii. An approved boundary adjustment; iv. An approved subdivision creating a certificate of title solely for a utility; v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and vi. Infrastructure for which a financial contribution has been made previously; vii. <u>Any allotment that is vested in the Council or the Crown; and</u>¹¹² viii. <u>An approved subdivision resulting in the amalgamation of or a reduction in the number of titles</u>¹¹³. <p>3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:¹¹⁴</p> <ul style="list-style-type: none"> i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development; ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made <u>by the relevant District Council</u>; iii. In the event that the relevant District Council does not contribute to the funding at that 		<p>The recommendation is opposed.</p>
FC - R1	Financial Contributions as Conditions of Consent							
<p>1. A condition may <u>shall</u> be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes <u>(unless determined otherwise by Council)</u>¹⁰⁸:</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity¹⁰⁹; ii. Securing environmental offsetting or¹¹⁰ compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>¹¹¹, remedied or otherwise mitigated; iii. Providing and/or upgrading public network utility services and transport infrastructure; iv. Providing and/or upgrading public reserves, public access and community facilities; and <p>2. No financial contribution is payable for:</p> <ul style="list-style-type: none"> i. Additions and alterations to residential buildings; ii. A residential building replacing one previously on the site; iii. An approved boundary adjustment; iv. An approved subdivision creating a certificate of title solely for a utility; v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and vi. Infrastructure for which a financial contribution has been made previously; vii. <u>Any allotment that is vested in the Council or the Crown; and</u>¹¹² viii. <u>An approved subdivision resulting in the amalgamation of or a reduction in the number of titles</u>¹¹³. <p>3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:¹¹⁴</p> <ul style="list-style-type: none"> i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development; ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made <u>by the relevant District Council</u>; iii. In the event that the relevant District Council does not contribute to the funding at that 								

Table 1. Hearing Topic: Subdivision, Financial Contributions and Public Access – Response to officer recommendations on Transpower submission points

			<p><u>the time the infrastructure is required by the proposed land-use, subdivision or development, the developer will be reimbursed by the relevant District Council;</u></p> <p>iv. <u>Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in relevant District Council's Long Term Plan; and</u></p> <p>ix. <u>Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.</u></p>					
<p>S299.089 Transpower NZ Ltd</p>	<p>FC - R12</p>	<p>Relief sought: Clarify that R12 does not apply to the National Grid</p> <p>Reasons: Transpower has significant concerns with the open nature of the rule and implications for the National Grid. Transpower has concerns how the contribution would be calculated, including to address effects on landscape values.</p>	<p>Reject</p> <p>S42A Reasoning: <i>Para 582. Transpower (S299.089) seek to amend FC-R12 to exclude the National Grid on the basis that that it is unclear how the contribution would be calculated, including to address effects on landscape values. In my view, FC-R12 is only relevant to offsetting or compensation where it forms part of a resource consent application. Subject to the amendments to FC-R12 to refer to the resource consent process, I do not consider that further amendments are necessary to address issues raised by Transpower.</i></p> <p>Rule FC-R12 is recommended to be amended as follows:</p> <table border="1" data-bbox="1093 694 1917 986"> <tr> <td data-bbox="1093 694 1261 783">FC - R12</td> <td data-bbox="1261 694 1917 783">Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values</td> </tr> <tr> <td colspan="2" data-bbox="1093 783 1917 986"> <p>1. The maximum <u>minimum</u>¹⁴⁰ financial contribution for offsetting or compensation for <u>residual</u>¹⁴¹ adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna-will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, <u>minimised</u>¹⁴², remedied or mitigated <u>as assessed through the consent process</u>.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p> </td> </tr> </table>	FC - R12	Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values	<p>1. The maximum <u>minimum</u>¹⁴⁰ financial contribution for offsetting or compensation for <u>residual</u>¹⁴¹ adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna-will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, <u>minimised</u>¹⁴², remedied or mitigated <u>as assessed through the consent process</u>.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p>		<p>The recommendation is opposed on the basis the application of the rule is unclear. Refer evidence.</p>
FC - R12	Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values							
<p>1. The maximum <u>minimum</u>¹⁴⁰ financial contribution for offsetting or compensation for <u>residual</u>¹⁴¹ adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna-will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, <u>minimised</u>¹⁴², remedied or mitigated <u>as assessed through the consent process</u>.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p>								