

**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

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

Dated 12 April 2024

- 1.1. The following responds to the *Te Tai o Poutini Plan Addendum to Section 42A Report on Subdivision, Financial Contributions and Public Access*, under the Proposed Te Tai o Poutini Plan (pTTPP).
- 1.2. I have reviewed the addendum and agree with the officer recommendations in respect of:
 - Deletion of rule SUB-R8 and inclusion of a new rule SUB-R13A specific to the National Grid Subdivision Corridor
 - Deletion of policy FC-P6
 - Deletion of rule FC-R1.1.ii
 - Deletion of rule FC-R12
- 1.3. Attached as Table 1 is a table comparing the relief sought in my evidence, to that recommended by the reporting officer in the addendum, and my response.
- 1.4. I can confirm there are no outstanding matters from my evidence.

Pauline Mary Whitney

12 April 2024

Provision	Requested changes	S42A changes	Response						
SUB-P9 (Note)	It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs, <u>as well as any District Wide policies.</u>	It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs, <u>and any District Wide policies</u> ²⁴ .	Support recommendation as like for like.						
SUB-R8	<table border="1" data-bbox="181 293 1077 357"> <tr> <td data-bbox="181 293 331 357">SUB-R8</td> <td data-bbox="331 293 1077 357">Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard within the National Grid Subdivision Corridor</td> </tr> </table> <p data-bbox="181 362 846 410">Activity Status Controlled Restricted Discretionary Where</p> <p data-bbox="181 414 846 510">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:</p> <p data-bbox="181 515 846 611">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 data-bbox="181 616 846 770">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 support structures is maintained.</u></p> <p data-bbox="181 775 846 823"><u>Matters of discretion are:</u></p> <p data-bbox="181 828 846 1439">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> <p data-bbox="853 362 1077 537">Activity status where compliance not achieved: Restricted Discretionary where 1, 3 or 4 is Non Complying</p>	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	<table border="1" data-bbox="1084 293 1980 357"> <tr> <td data-bbox="1084 293 1272 357">SUB-R8</td> <td data-bbox="1272 293 1980 357">Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard</td> </tr> </table> <p data-bbox="1084 362 1704 410">Activity Status Controlled Controlled Where:</p> <p data-bbox="1084 414 1704 834">1. ⁶⁶This 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: 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: 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;</p> <p data-bbox="1711 362 1980 659">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 86⁶⁴-11 is not complied with</p> <table border="1" data-bbox="1084 839 1980 935"> <tr> <td data-bbox="1084 839 1272 935">SUB-R13A</td> <td data-bbox="1272 839 1980 935">Subdivision to create allotment(s) in the National Grid Subdivision Corridor⁷⁸</td> </tr> </table> <p data-bbox="1084 940 1704 987">Activity Status Restricted Discretionary Restricted Discretionary Where:</p> <p data-bbox="1084 992 1704 1168">1. <u>All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating a building platform for the principal building or any dwelling or sensitive activity entirely outside of the National Grid Yard; and</u> 2. <u>The subdivision maintains any existing access to National Grid support structures.</u></p> <p data-bbox="1084 1173 1704 1189">Discretion is restricted to:</p> <p data-bbox="1084 1193 1704 1439">a. ⁷⁹The 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; 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 data-bbox="1711 940 1980 1024">Activity status where compliance not achieved: Non-complying</p>	SUB-R8	Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard	SUB-R13A	Subdivision to create allotment(s) in the National Grid Subdivision Corridor ⁷⁸	<p data-bbox="1986 293 2190 544">The deletion of SUB-R8 and replacement with a new rule SUB-R13A based on that sought in evidence, is supported.</p> <p data-bbox="1986 549 2190 683">Of note, there is a spelling error in clause c with 'nay' misspelt.</p>
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								
SUB-R8	Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard								
SUB-R13A	Subdivision to create allotment(s) in the National Grid Subdivision Corridor ⁷⁸								

		<p>c. <u>The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or nay dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment.</u></p> <p>d. <u>The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects, including visual and reverse sensitivity effects on the National Grid and on public safety and property, are mitigated through the location of building platforms, roads, and reserves;</u></p> <p>e. <u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and</u></p> <p>f. <u>The outcome of any consultation with the owner and operator of the National Grid.</u></p>		
<p>FC-P6</p>	<p>Financial Contributions Policies</p> <p>FC—P6 To provide for <u>allow</u> the use of financial contributions for managing to address residual adverse environmental effects, including those on:</p> <p>a. <u>Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna 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 significant infrastructure.</u></p> <p>b. <u>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 infrastructure.</u></p>	<p>FC—P6</p> <p>To provide for <u>allow</u> the use of financial contributions for managing to address residual adverse environmental effects, including those on:</p> <p>a. <u>Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna¹¹⁸ 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 significant¹¹⁹ infrastructure.</u></p> <p>b. <u>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 infrastructure^{120, 121}.</u></p>		<p>The deletion of FC-P6 is supported and reflects the relief sought in evidence</p>

FC-R1	Financial Contribution Rules		FC - R1	Financial Contributions as Conditions of Consent	The deletion of FC-R1(1)(ii) in its entirety is supported. While no exemption is provided for the National Grid, the relief sought is no longer required given the deletion of FC-R1(1)(ii)
	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 (unless determined otherwise by Council)¹²²:</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity¹²³; ii. Securing environmental <u>offsetting</u> or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>, remedied or otherwise mitigated;¹²⁴ 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. 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 		
	Activity Status		<p>Activity status where compliance not achieved:¹²⁷</p>		
	<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 (unless determined otherwise by Council):</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity; ii. Securing environmental <u>offsetting</u> or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>, 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. 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 		<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 (unless determined otherwise by Council)¹²²:</p> <ul style="list-style-type: none"> i. The management of potential adverse effects arising from the activity¹²³; ii. Securing environmental <u>offsetting</u> or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u>, remedied or otherwise mitigated;¹²⁴ 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. Any allotment that is vested in the Council or the Crown; and¹²⁸ viii. An approved subdivision resulting in the amalgamation of or a reduction in the number of titles¹²⁹. 		
FC-R12	FC - R12 Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values		FC-R12	Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values ¹⁵⁷	The deletion of FC-R12 is supported and gives effect to the relief sought in evidence in that Clause 1. no longer exists. It is noted Policy ECO-P9 will be addressed at a later hearing.
	Activity Status		<p>1. The maximum <u>minimum</u>¹⁵⁸ financial contribution for offsetting or compensation for <u>residual</u>¹⁵⁹ 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>¹⁶⁰, 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>Note: FC-R12 does not apply to the National Grid.</p>		<p>1. The maximum <u>minimum</u>¹⁵⁸ financial contribution for offsetting or compensation for <u>residual</u>¹⁵⁹ 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>¹⁶⁰, 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>		