

Before the Wellington City Council Proposed District Plan Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of the Wellington City Council Proposed District Plan–
Hearing Stream 1:

Strategic Direction:

- **Overarching issues including Intensification Streamlined Planning Process (ISPP)/Part One Schedule 1 of the Resource Management Act 1991 (P1Sch1) split**
- **Plan structure**
- **Strategic direction**
- **ISPP vs Pt Section 1 provisions**
- **Cross-plan definitions**

Between **Wellington City Council**
Local authority

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

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

Dated 7 February 2023

1 Executive Summary

- 1.1. Transpower New Zealand Limited (“**Transpower**”) owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower has a variety of assets within Wellington City comprising a range of line voltages, and substations. The Cook Strait cables at Oteranga Bay connect electricity transmission between the North and South Islands.
- 1.2. The Wellington City Council Proposed District Plan (“**PDP**”) is unique in that in effect the PDP will be run as a ‘hybrid’ process in that while Wellington City Council (“**WCC**”) has published a single PDP, in legal terms this is better conceptualised as two distinct documents - a proposed plan which is to follow the Schedule 1 Process, and an Intensification Planning Instrument (IPI) as a variation to that proposed plan which is to follow the Intensification Streamlined Planning Process (“**ISPP**”).
- 1.3. Transpower’s submission on the PDP was extensive. Specific to provisions subject to the ISPP, on the basis the National Grid is to be treated as a qualifying matter (as reflected on the WCC website) Transpower largely supports the IPI but seeks amendment to provide greater clarity as to the presence and role of qualifying matters within the definitions, strategic directions, and rules.
- 1.4. Specific to provisions subject to the Schedule 1 process, while the approach adopted in the PDP was broadly supported by Transpower, a number of changes were sought to give effect to the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”). Particular concerns related to the lack of National Grid specific policies in the plan that specifically recognise the benefits of the National Grid or management of the effects of subdivision, land use and development on the National Grid; Grouping of the National Grid and the Gas Transmission Corridor; Duplication of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NESETA**”) rules in the PDP; and Relationship to the other Infrastructure chapters (specifically Coastal Environment Sub Chapter, Ecosystems and Indigenous Biodiversity Sub Chapter, Natural Features and Landscapes Sub Chapter and Ecosystems and Indigenous Biodiversity Chapter).
- 1.5. This is the first hearing on the PDP at which Transpower is presenting evidence. As such, in addition to addressing the Hearing Stream 1 submission points, my evidence and the Transpower evidence of Mr Campbell, provide contextual information on the

National Grid, including its role and function, operational and technical requirements and the planning policy framework. This information will inform future hearings.

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

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

1.7. Specific to Hearing Stream 1, I broadly categorise Transpower’s 20 original and five further submissions points under four topics (as grouped by the reporting officer):

- General approach and how the plan works;
- National Direction Instruments;
- Strategic directions; and
- Cross-plan definitions.

1.8. I largely accept the officer recommendations on the above issues. However the relief sought in the following three submission points remain outstanding:

- Amendment to Strategic Objective SRCC-O1 to recognise 'associated infrastructure' when supporting an increase in the use of renewable energy sources. As notified the objective supports an increase in the use of renewable energy sources but fails to recognise the associated infrastructure necessary to support the increase in renewable energy sources.
- Provision of a definition of 'Qualifying matter' that reflects Section 2 of the RMA (as recommended in the S42A Report), and the provision of a definition of 'Qualifying matter area' that specifically lists the matters and includes specific reference to the National Grid. Given the importance of qualifying matters in implementing the MDRS policies in the district plan, and specific to the National Grid, the safety and operational infrastructure reasons for restricting development, I recommend clear definitions that ensure there is no (or at the very least, minimal) uncertainty as to what is a qualifying matter. While I am only presenting evidence in relation to Transpower and the National Grid, I also consider such clarity would have benefits in relation to other qualifying matters.

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2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 26 years' experience as a resource management planner.
- 2.3. I have been a planning consultant based in Wellington for the past 21 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and energy sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
 - a. Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
 - b. Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 2.4. Specific to Transpower New Zealand Limited ("**Transpower**"), I have been involved with preparing submissions / hearing evidence on numerous planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 11 years.
- 2.5. My evidence is given in support of Transpower's submission on the Wellington City Council Proposed District Plan ("**PDP**"). For the avoidance of doubt, all references within my evidence to the PDP also include the Intensification Streamlined Planning Process provisions ("**ISPP**"), unless specific reference is made to the ISPP provisions.
- 2.6. In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PDP.
- 2.7. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice Note (2023), and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed

in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

- 2.8. My evidence covers all the submission points (20 original and five further) lodged by Transpower to Hearing Stream 1.

3. Scope of Evidence

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

4. Transpower's Assets with Wellington City

- 4.1. Transpower owns and operates a wide range of infrastructure assets associated with the National Grid within Wellington City. Details of the existing assets and current asset upgrades and developments, including a plan of the specific existing National Grid assets within the district, are provided in the evidence of Mr Campbell.

- 4.2. As outlined by Mr Campbell, an important component of the Wellington Grid assets is the Cook Strait Cables which provide electricity transmission between the North and South Island.

5. National Direction under the RMA

National Policy Statements

- 5.1. National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 (“**RMA**”). Of particular relevance to the PDP and Transpower’s submission is the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”) and the supporting Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NESETA**”), the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”), the National Policy Statement on Urban Development 2020 (“**NPS-UD**”), and National Policy Statement for Freshwater Management 2020 (“**NPSFM**”). Addressing the interface between these various policy statements and how they are read together is a key aspect of the relief sought by Transpower, and will be addressed at subsequent hearings.
- 5.2. I recognise that while the NZCPS is the only mandatory national instrument, all the national policy statements (“**NPS’s**”) sit at the top of the planning instrument hierarchy. I note the NPS’s neither stipulate nor provide direction on their relationship or standing relative to one another. This presents councils with an interpretive and administrative challenge, particularly where effect needs to be given to multiple NPS’s. In my experience to date the relationship between the directives contained within the various NPS’s needs to be carefully assessed and a plan related policy framework developed that addresses obvious tensions between policy statements that need to be given effect to. Key to this is understanding the intent that underlies conflicting or competing directives and developing a tailored policy response to help guide decision makers to reconcile identifiable differences.
- 5.3. Of specific relevance to Hearing Stream 1 is the NPSET and NPS-UD, both of which sit at the top of the RMA policy/plan hierarchy and have equal footing.

The National Policy Statement on Electricity Transmission 2008

- 5.4. The NPSET directs the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**.

- 5.5. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 5.6. The NPSET is comprised of one objective and 14 policies, all of which address the environmental effects of transmission and the management of adverse effects on the National Grid. There are three broad aspects to the NPSET which must be given effect to in local authority policies and plans, as follows:
- a. **Enabling the National Grid:** Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising its national benefits.
 - b. **Managing the effects of the National Grid:** Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
 - c. **Managing the effects on the National Grid:** Policies and plans must include provisions to protect the National Grid from other activities. The NPSET requires that district plans include a buffer corridor around National Grid lines within which “sensitive” activities including residential buildings, hospitals and schools should not be given resource consent. Other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed to avoid those outcomes ‘to the extent reasonably possible’.

- 5.7. The sole objective of the NPSET is as follows:

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

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

- 5.8. This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.
- 5.9. The NPSET policies give direction on how to achieve the objective, including recognising and providing for the benefits of electricity transmission and managing the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers and Transpower itself.
- 5.10. Policy 1 specifies that decision-makers **must recognise and provide** for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation, in managing the effects of climate change.
- 5.11. Policies 2 to 9 relate to managing the environmental effects of electricity transmission. In particular, Policy 2 states: *In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*
- 5.12. As outlined in the evidence of Mr Campbell, Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect to and reliably distribute new forms of electricity generation. In my opinion, it is important that, in context of the NPSET, the PDP provides an appropriate enabling framework for the ongoing operation, maintenance, upgrading and, importantly, development of the National Grid. Such a framework is necessary, in my opinion, to give effect to the NPSET.
- 5.13. Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use and development activities on the transmission network, including informing how adverse effects on the National Grid are to be managed through planning provisions.
- 5.14. These, in turn, are crucial matters that need to be given effect to in District Plans, and of particular relevance to Hearing Stream 1 given the intensification directives under the NPS-UD. Policy 10 is as follows:
- In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity*

transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

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

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

National Policy Statement on Urban Development 2020 (updated 2022)

- 5.16. The National Policy Statement on Urban Development 2020 (“**NPS-UD**”) identifies Wellington Council as a Tier 1 Local Authority. The NPS-UD imposes obligations on Council, with further requirements provided in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**MDRS**”).
- 5.17. In terms of the relationship between the NPS-UD and the NPSET, consideration needs to be given to the explicit wording within the two NPS’s. While the NPS-UD provides clear ‘enabling’ policy directives relating to intensification, in my opinion the NPSET provides a specific and directive policy framework with regard to the National Grid. In particular, Policy 11 requires a buffer corridor to be established within which sensitive activities will ‘generally not be provided for’, while Policy 10 requires activities to be managed to avoid reverse sensitivity or direct effects that could compromise the National Grid network. I further note the NPS-UD identifies the National Grid and the NPSET as ‘qualifying matters’¹ in relation to the Policy 3 NPS-UD intensification directives, thereby recognising and reinforcing the national significance of the National Grid. Additional provisions in relation to qualifying matters are provided in the RMA as amended by the amendment act. The MDRS and status of the National Grid as a Qualifying Matter is addressed later in my evidence (paragraph 8.4).

¹ Territorial authorities can (if they consider it necessary) modify the building height or densities directed by the NPS-UD in the district plan to provide for a ‘qualifying matter’, para 3.31(2). A ‘qualifying matter’ includes ‘nationally significant infrastructure’ which is defined to include the National Grid, and ‘matters required in order to give effect to any other National Policy Statement’ (which would include the NPSET), para 3.32.

- 5.18. In my opinion the National Grid corridor approach provided for in the PDP (as sought to be refined through Transpower's submission and addressed in later hearings) provides a clear framework and policy directive in respect of the National Grid that reconciles the direction in these two NPS's.

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

- 5.19. The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations). The transmission lines within Wellington City described in Mr Campbell's evidence are subject to the NESETA as 'existing transmission lines'.
- 5.20. The relationship between the NESETA and the district plan is such that the NESETA generally prevails. However, for some activities (including earthworks and vegetation removal), the NESETA defers to the district plan provisions in determining the applicable activity status under the NESETA.

6. Regional Direction under the RMA

The Operative Regional Policy Statement

- 6.1. The Wellington Regional Policy Statement ("**RPS**") was made operative in 2013. Section 75(3)(c) of the RMA requires that a District Plan must give effect to any Regional Policy Statement (as well as any NPS). Relevant provisions from the RPS are attached as Appendix B, with brief commentary on these provisions provided in the following paragraphs.
- 6.2. Of particular relevance to the National Grid are Objectives 9 and 10 and supporting Policies 7, 8 and 39.
- 6.3. Objective 9 seeks to ensure that the Wellington region's energy needs are met in ways that, amongst other matters, improve energy efficiency, maximise the use of renewable energy resources and reduce dependency on fossil fuels. As outlined in the evidence of Mr Campbell, Aotearoa New Zealand needs to be ready for the energy transformation that is coming through the electrification of the energy network. A modern, flexible and resilient National Grid will need to provide a safe and secure supply of electricity to industrial and residential consumers under a wider than ever

range of operating conditions. In addition to facilitating and protecting the existing grid network, new connections to major users – particularly to enable the decarbonisation of transport and heat process – will be needed.

- 6.4. Objective 9 is further complemented by Objective 10, which is centred on recognising and protecting the social, economic, cultural and environmental benefits of regionally significant infrastructure. Regionally significant infrastructure ('RSI') includes, by definition, "the national electricity grid, as defined by the Electricity Governance Rules 2003". Objective 10 of the RPS largely reflects policy 1 of the NPSET, noting that the NPS requires benefits to be 'recognised and provided for' whereas the RPS requires benefits of RSI to be 'recognised and protected'.
- 6.5. Under Policy 7 of the RPS all District Plans across the region are required to include policies and/or methods that recognise the benefits of regionally significant infrastructure. Policy 8 extends this further by requiring that plans include policies and rules to protect such infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to it. The explanation to Policy 8 specifically references Policy 11 of the NPSET and states that "in achieving protection for the transmission network, consultation occurs with the operator of the national grid to identify appropriate buffer corridors".

Proposed Plan Change 1 to the Regional Policy Statement

- 6.6. Also of relevance is the recently notified Proposed Plan Change 1 to the Regional Policy Statement (2022) ("**RPS PC1**"). Section 74(2)(a) of the RMA directs that a territorial authority must have regard to a proposed RPS when changing a district plan.
- 6.7. RPS PC1 amends the operative RPS and includes changes to take account of new national direction, including the NPS-UD, as well as addressing issues relating to climate change, indigenous biodiversity, and high natural character.
- 6.8. Relevant provisions from RPS PC1 are contained within Appendix B.
- 6.9. No specific National Grid provisions are proposed. However, Policy 7 and Policy 39 (Recognising the benefits for renewable energy and regionally significant infrastructure) is introduced to a proposed Climate Change chapter.
- 6.10. Changes are proposed to RPS Policy 7 and Policy 39 to give greater recognition of low and zero carbon regionally significant infrastructure, and the benefits of regionally significant infrastructure where it contributes to reducing greenhouse emissions. The

National Grid is key in providing for the transmission (and therefore delivery) of renewable energy and achieving a zero-carbon economy. In effect, New Zealand's electricity transmission system is the infrastructure on which New Zealand's zero-carbon future will be built.

- 6.11. Of specific relevance to the PDP, RPS Policy 55 is amended to "provide for appropriate urban expansion" with specific recognition of the protection of regionally significant infrastructure as identified by RPS Policy 8 (which is not proposed to be amended). The identification of the National Grid as a qualifying matter is consistent with the amended policy approach within Policy 55.

7. Transpower Submission on the Wellington City Council Proposed District Plan

- 7.1. Given this is the first hearing appearance by Transpower, and the interconnected nature and breadth of all of Transpower's submission points, I consider it helpful to briefly summarise the general nature of Transpower's submission on the PDP.
- 7.2. The PDP is unique in that in effect the PDP will be run as a 'hybrid' process in that while WCC has published a single PDP, in legal terms this is better conceptualised as two distinct documents - a proposed plan which is to follow the Schedule 1 Process, and an IPI as a variation to that proposed plan which is to follow the ISPP process.
- 7.3. In terms of amendments sought, the main themes within Transpower's submission are that:
 - 7.3.1. Specific to provisions subject to the **Intensification Streamlined Planning Process** ("ISPP"), on the basis the National Grid is to be treated as a qualifying matter (as reflected on the WCC website), Transpower largely supports the IPI but seeks amendment to provide greater clarity as to the presence and role of qualifying matters within the definitions, strategic directions, and rules.
 - 7.3.2. Specific to provisions subject to the **Schedule 1 process**, while the approach adopted in the PDP is broadly supported by Transpower, the primary concerns relate to:
 - The lack of National Grid specific policies in the plan that specifically recognise the benefits of the National Grid or management of the effects of subdivision, land use and development on the National Grid. While there are 18 policies within other sub chapters specific to the National Grid, these

only relate to managing the effects of the National Grid and do not address effects on the Grid. Transpower considers the lack of recognition within the general infrastructure chapter does not give effect to the NPSET, and the provision of 18 other National Grid specific policies excessive. Given the national significance of the National Grid and that this significance is recognised in the NPSET, Transpower seeks a separate set of provisions within the infrastructure section.

- Grouping of the National Grid and the Gas Transmission Corridor.
- Duplication of NESETA rules in the PDP.
- Relationship to the other Infrastructure chapters (specifically Coastal Environment Sub Chapter, Ecosystems and Indigenous Biodiversity Sub Chapter, Natural Features and Landscapes Sub Chapter and Ecosystems and Indigenous Biodiversity Chapter).

7.3.3. It is noted that while the policies relating to the effect of other activities on the National Grid are lacking, the rules are broadly supported, subject to refinement.

7.3.4. Amendments are sought to:

- The enabling policies specific to the National Grid to give effect to the NPSET, and recognise and provide for existing National Grid assets.
- The activity status for the upgrade and development of the National Grid to be no more restrictive than discretionary.
- Provide a robust policy relating to the effects of other activities on the National Grid.
- Amend rules and standards relating to existing National Grid assets to reflect the relationship of the PDP provisions to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”).

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

7.5. In addition to its original submission, Transpower has lodged 41 further submissions on the PDP.

8. Response to the Section 42A Report Recommendations

- 8.1. The following section responds to the Hearing Stream 1: s42A Report recommendations on Transpower's submission points. I broadly categorise Transpower's submission points under four topics (as grouped by the reporting officer):
- General approach and how the plan works²
 - National Direction Instruments³
 - Strategic directions⁴
 - Cross-plan definitions⁵
- 8.2. Attached as **Appendix D** is a summary table of all the Transpower submission points relating to Hearing Stream 1 and whether the s42A Report recommendations are accepted, supported or opposed. I accept the majority of the recommendations with only three outstanding points (relating to Strategic Objective SRCC-O1, and definitions of 'Qualifying matter area' and 'Qualifying matter') as outlined below in my evidence.

General approach and how the plan works

- 8.3. In its submission Transpower sought the National Grid be recognised as a qualifying matter in the district plan and accordingly sought that National Grid specific provisions INF-R22, INF-S12 and SUB-R28 be included as part of the ISPP, rather than the Part One Schedule One process as notified.
- 8.4. The concept of Qualifying matters is identified in the NPS-UD subpart 6 - section 3.33, and s771 and s770 of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021. As the panel will be aware, Sections 771 and 770 of the RMA provide a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development to accommodate a qualifying matter. A qualifying matter is defined by sections 771 and 770 of the RMA.
- 8.5. While I accept the primary focus of qualifying matters is through the IPI process and the resulting legal effect of MDRS provisions, they also have an important and ongoing role in any future intensification plan changes under NPS-UD clause 3.33. Qualifying matters also have relevance in the ongoing application of PDP policies MRZ-P4 and HRZ-P4 (which give effect to Policy 2 within Schedule 3A Part 1 of the Resource

² WCC s.42A Report Section 4.15

³ WCC s.42A Report Section 10

⁴ WCC s.42A Report Section 14.1, 14.7 and 14.9

⁵ WCC s.42A Report Section 6.4, 5.11, 5.19, 5.22, 5.27, 5.28

Management (Enabling Housing Supply and other Matters) Amendment Act 2021). The purpose of these policies is to provide a clear policy directive that the enabling component of the MDRS standards is not appropriate in certain areas or where features apply. As such, the clear identification of qualifying matters would in my opinion assist with plan interpretation and application and assist in reconciling the various policy directives in the district plan.

8.6. In its submission to the IPI and PDP Transpower provided a comprehensive evaluation and assessment of the National Grid as a qualifying matter⁶. I agree with the assessment and in my opinion, the National Grid Corridor rules framework clearly meets the definition of a qualifying matter as:

- It is a matter required to give effect to the NPSET being a national policy statement (other than the NPS-UD);
- It is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (being the high voltage electricity transmission network);
- Provisions that restrict development in relation to the National Grid are included in the Operative District Plan (Rule 5.3.4(10) and Standard 5.6.2.12); and
- Provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the proposed district plan (INF-R22, INF-S12, SUB-R28).

8.7. The s42A report outlines the approach adopted in the PDP and IPI in respect of the National Grid as a qualifying matter. While the approach adopted by the elected council is disappointing in that the PDP does not clearly identify the National Grid as a qualifying matter, and this approach is totally unaligned with the approach of all the other tier 1 Councils across the country who have notified their IPI, I accept that the 'horse has bolted' in respect of the notification of the PDP and the legal effect of provisions. However, I do not believe this means the district plan cannot be changed through submissions and the s32 evaluation cannot be altered. While Transpower would have supported a variation to include the National Grid as a Qualifying matter, it appreciates this would not have been instigated by the elected council. On that basis I accept the approach by Council officers that operative district plan 'high voltage transmission line buffer' provisions are a qualifying matter for the purpose of resource

⁶ Transpower New Zealand Limited submission, reference S315. Appendix D

consenting. I would add that this is not ideal as the activity status and buffer under the operative district provisions do not reflect Transpower's current engineering approach⁷. However, as outlined by the S42A reporting officer⁸, the buffer within the operative district plan is wider than that proposed under the PDP and therefore in reality, all activities within vicinity of the National Grid Yard will be triggered by resource consent and the appropriateness of the activity can then be assessed accordingly.

- 8.8. Specific to Hearing Stream 1, Transpower lodged two submissions points relating to the general approach in the plan, specifically the legal effect of specific provisions. I accept the officer recommendation to amend the introductory text to the PDP, as sought in the Transpower submission, to recognise qualifying matters.
- 8.9. I do note that I am not aware that any submitters have disputed the National Grid as a qualifying matter (noting submission point 315.15 from Kainga Ora appears to oppose the provision of a definition of 'qualifying matter area' as opposed to the National Grid being a qualifying matter). Any specific objections to specific National Grid provisions will be addressed at subsequent hearings.
- 8.10. In terms of the ongoing application of qualifying matters, I recommend a clear definition of qualifying matter that specifically references the National Grid. This was sought in the Transpower submission and is addressed in paragraph 8.26 of my evidence.

National Direction Instruments

- 8.11. The retention of the National Direction Statements as sought in the Transpower submission⁹ is supported.

⁷ In summary, the National Grid Corridor approach comprises:

Within the PDP:

- As measured from the centreline at ground level and from the edge of support structures, a 10-12m wide yard for land use, and 14-39m wide corridor for subdivision
- New sensitive activities, buildings (including additions) and structures within the yard are a non-complying activity
- Subdivision within the subdivision corridor is a restricted discretionary activity, defaulting to a non-complying activity where the standards are not met.

Within the Operative DP:

- A 32m wide transmission line buffer area (as measured from the centreline at ground level)
- Any buildings (including additions), and structures over 2m in height, within the buffer area are a restricted discretionary activity
- Subdivision within the buffer area requires resource consent as a discretionary activity (unrestricted) where any new allotment does not include sufficient land area outside of the transmission corridor to accommodate a complying building.

⁸ S42A Report, Paragraph 80

⁹ S315.38

Strategic direction

- 8.12. In its submission Transpower sought amendment to the Purpose and context of the Strategic Directions section of the PDP regarding their application¹⁰, retention of SCA-O1¹¹, SCA-O4¹², SCA-O5¹³, and amendment to SCA-O6¹⁴ and SRCC-O1¹⁵ to recognise infrastructure. An amendment was also sought to UFD-O3¹⁶ to recognise the appropriateness of development within qualifying matter areas.
- 8.13. In response to the officer recommendation to not amend the purpose and context, on the basis of the recommended changes to SCA-O6 and UFD-O3, and retention of SCA-O1, SCA-O4 and SCA-O5, I accept the retention of the guidance clause.
- 8.14. While not sought in the Transpower submission, the amendments to SCA-O1, SCA-O4 and SCA-O5 are accepted on the basis the majority of the objectives wording are retained. Specific to SCA-O5, the change in wording from 'technical to 'functional' is accepted on the basis the retained 'operational' wording would cover technical needs.
- 8.15. I support the officer recommended amendment to SCA-O6 on the basis Policy 10 of the NPSET requires that in addition to avoiding reserve sensitivity effects, the National Grid is not compromised. While I accept the objective has wider application than the National Grid, in my opinion the objective to ensure infrastructure is considered appropriate and gives effect to RPS policy 39(b) "protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure;".
- 8.16. I support the officer recommended amendment to UFD-O3 to reference 'Qualifying matter areas' as such areas directly influence the capacity for intensification. No other strategic objectives within the chapter reference qualifying matters and given the importance of such matters, I consider it appropriate some form of reference be provided within the PDP. As discussed in section 8.18 onwards of my evidence, I

¹⁰ S315.40

¹¹ S315.41

¹² S315.42

¹³ S315.43

¹⁴ S315.44 and S315.45

¹⁵ Note – this submission point is not captured in the summary of submission points and therefore has not been allocated a submission point number. The relief sought was to amend the objective as follows:

The City's built environment supports:

1. A net reduction in the City's carbon emissions by 2050;

2. More energy efficient buildings;

3. An increase in the use of renewable energy sources and associated infrastructure; and

4. Healthy functioning of native ecosystems and natural processes.

¹⁶ S315.46 and S315.47. Note – the submission point content is duplicated in both points.

recommend a definition of 'Qualifying matter' and 'Qualifying matter area' to assist in the application of the terms and provide clarity for plan users.

- 8.17. Although not specifically addressed in the S42A Report, I support the relief sought in the Transpower submission for amendment to SRCC-O1 to recognise that any increase in the use of renewable energy will need associated infrastructure to ensure the transmission and distribution of the energy. As outlined in the evidence of Mr Campbell, the National Grid is essential in the electrification of the energy sector and reducing carbon emissions. Although a proposed RPS policy, the relief recommended gives effect to the RPS PC1 Policy 7 and Policy 39.

For the above reasons, I recommend amendment (shown as red text) to the following strategic objective as follows:

SRCC-O1

The City's built environment supports:

- 1. A net reduction in the City's carbon emissions by 2050;*
- 2. More energy efficient buildings;*
- 3. An increase in the use of renewable energy sources and associated infrastructure; and*
- 4. Healthy functioning of native ecosystems and natural processes.*

Cross Plan Definitions

- 8.18. In its submission Transpower submitted on five notified definitions and sought two new definitions relating to qualifying matters.
- 8.19. I accept the officer recommendation to retain the definitions of 'Functional need'¹⁷, and 'Operational need'¹⁸ on the basis they reflect the National Planning Standards, and that of 'Regionally significant infrastructure'¹⁹ on the basis it reflects the RPS. The retention of the definition for 'Sensitive activities'²⁰ is also supported.
- 8.20. Although an amendment was not sought by Transpower, I support the officer recommended amendment to the definition of 'Reserve sensitivity' as the additional

¹⁷ S315.20

¹⁸ S315.30

¹⁹ S315.52

²⁰ S315.34

wording provides clarity as to the application of the definition. As outlined in the Transpower submission²¹, the term 'Reverse sensitivity' is used within the NPSET (specifically Policy 10) and therefore there is national direction for its use.

- 8.21. The primary issue for Transpower for this hearing relates to the definition of 'Qualifying matters'. In its submission²² Transpower sought definitions for 'Qualifying Matter' and 'Qualifying Matter Area'. The s42A report recommends the provision of a definition for 'Qualifying Matter' but not for 'Qualifying Matter Area'. I note the sought definition of 'Qualifying matter area' is not specifically addressed in the S42A table but is within the S42A Appendix B Response to submission points (page 3, S315.15)
- 8.22. As outlined in paragraphs 8.4 and 8.5 of my evidence, the concept of Qualifying matters are identified in the NPS-UD and s771 and s770 of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021. They have relevance in terms of the legal effect of provisions but also an ongoing role in the implementation of the MDRS policies within the district plan.
- 8.23. Within the PDP, references to Qualifying matter/s are provided within the introductory text to the MRZ and HRZ zones, policies MRZ-P4, HRZ-P4 and the introduction to the Metropolitan Centre Zone. The S42A Report recommends further reference to Qualifying matters (specifically 'Qualifying matter areas') within UFD-O3 and the General Approach (legal effect of rules) chapter of the PDP.
- 8.24. Within the Greater Wellington region and notified IPI's there is variation in the adopted approach to the definition of qualifying matters.
- Kapiti Coast District Council PC2²³ has notified a definition of 'Qualifying matter area' which contains a prescriptive list which includes the National Grid Yard and National Grid Subdivision Corridor;
 - Porirua City Council Variation 1²⁴ has notified a definition of 'Qualifying matter' which reflects Section 2 of the RMA (which refers to section 771 or 770);

²¹ S315.33

²² S315.14 and 15

²³ https://www.kapiticoast.govt.nz/media/33be5xmp/pc2_ipi.pdf, page 166

²⁴ <https://eplan.porirua.govt.nz/districtplan/rules/0/231/0/0/2/141>

- Hutt City Council PC56²⁵ has notified a definition of ‘Qualifying matter’ which refers to the NPS-UD; and
- Upper Hutt City Council ²⁶ has notified a definition of ‘Qualifying matter’ which refers to Section 2 of the RMA and also provides a prescriptive list within the proposed definition of ‘Qualifying matter area’ which specifically refers to the high voltage electricity transmission line.

8.25. Given the role and importance of qualifying matter areas to the implementation of the RMA and in implementing the MDRS policies in the district plan, and specific to the National Grid, the safety and operational infrastructure reasons for restricting development, in my opinion there should be no (or at the very least, minimal) uncertainty as to what is a qualifying matter. Specific to the National Grid, I agree with the assessment provided within the Transpower submission of the National Grid in context of Sections 77I and 77O of the RMA and in my opinion, there is no uncertainty the National Grid is a qualifying matter.

8.26. Based on the above, I recommend a definition of qualifying matters as recommended by the reporting officer but recommend specific reference to the National Grid. Ideally this would be through a definition of ‘Qualifying matter’ that reflects Section 2 of the RMA, and the provision of a definition of ‘Qualifying matter area’ that specifically lists the matters and includes specific reference to the National Grid. Should a definition of ‘Qualifying matter area’ not be provided, in order to ensure effective and efficient plan interpretation and implementation, greater clarity is needed to the S42A recommended definition of ‘Qualifying matter’ and specific reference be made to the National Grid.

For the above reasons, I recommend a new definition as follows: (the amendment recommended in this evidence is shown as red text) and that recommended in the S42A report are shown as black underlined text)

QUALIFYING MATTER

Has the same meaning as in section 2 of the RMA: means a matter referred to in section 77I or 77OEnd of inserted text

The matters referred to in section 77I and 77O are listed below:

25

<https://hccpublicdocs.azurewebsites.net/api/download/7210cb015bf3423eb849e753bed7dbae/districtplann/867e7af5144159b62497bad4d069e5fa3580a>

²⁶ <https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/uhcc-proposed-ipi-provisions.pdf>, page 13 and 14

- a. a matter of national importance that decision makers are required to recognise and provide for under section 6:
- b. a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010;
- c. a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:
- d. a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:
- e. a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:
- f. open space provided for public use, but only in relation to land that is open space
- g. the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:
- h. a matter necessary to implement, or to ensure consistency with, iwi participation legislation:
- i. the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:
- j. any other matter that makes higher density development as provided for by policy 3, as the case requires, inappropriate in an area, but only if section 77R is satisfied/any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.

QUALIFYING MATTER AREA Means a qualifying matter listed below:

- The National Grid Yard
- The National Grid Subdivision Corridor
-

9. Part 2 of the RMA

- 9.1. The purpose of the RMA is to achieve the sustainable management of natural and physical resources, with corresponding obligations relating to the use, development

and protection of resources while providing for the wellbeing and health and safety of people and communities.

9.2. In the context of the National Grid, I support or accept the majority of the s42A Report recommendations on the basis they appropriately reflect the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, having particular regard to:

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

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

10. Conclusion

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

10.2. The matters of relevance to Transpower within Hearing Stream 1 are limited in nature and I largely accept the officer recommendations on the above, subject to the following:

- Amendment to Strategic Objective SRCC-O1 to recognise associated infrastructure when supporting an increase in the use of renewable energy sources
- Provision of a definition of 'Qualifying matter' that reflects Section 2 of the RMA (as recommended in the S42A Report), and the provision of a definition of 'Qualifying matter area' that specifically lists the matters and includes specific reference to the National Grid

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

Pauline Mary Whitney

7 February 2023

Appendix A

National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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Preamble

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

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

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

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

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

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

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

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

1. Title

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

2. Commencement

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

3. Interpretation

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

Act means the Resource Management Act 1991.

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

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

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

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

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

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

5. Objective

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

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

6. Recognition of the national benefits of transmission

POLICY 1

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

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

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

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

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

POLICY 4

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

POLICY 5

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

POLICY 6

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

POLICY 7

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

POLICY 8

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

POLICY 9

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

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

POLICY 10

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

POLICY 11

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

9. Maps

POLICY 12

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

10. Long-term strategic planning for transmission assets

POLICY 13

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

POLICY 14

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

Explanatory note

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

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

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

Appendix B

Relevant provisions from the Regional Policy Statement for the Wellington 2013

Objective 9

The region's energy needs are met in ways that:

- (a) improve energy efficiency and conservation;*
- (b) diversify the type and scale of renewable energy development;*
- (c) maximise the use of renewable energy resources;*
- (d) reduce dependency on fossil fuels; and*
- (e) reduce greenhouse gas emissions from transportation.*

Objective 10

The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and/or methods that recognise:

- (a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:
 - (i) people and goods can travel to, from and around the region efficiently and safely;*
 - (ii) public health and safety is maintained through the provision of essential services:
 - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;**
 - (iii) people have access to energy so as to meet their needs; and*
 - (iv) people have access to telecommunication services.*
- (b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:
 - (i) security of supply and diversification of our energy sources;*
 - (ii) reducing dependency on imported energy resources; and*
 - (iii) reducing greenhouse gas emissions.**

Policy 8: Protecting regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and*
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and*
- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and*
- (d) significant wind and marine renewable energy resources within the region.*

Relevant provisions from Proposed Plan Change 1 to the Regional Policy Statement

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans

District and regional plans shall include policies and/or methods that recognise:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure, and in particular low and zero carbon regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely and in ways that support transitioning to low or zero carbon multi modal travel modes;

(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;

(iii) people have access to energy, and preferably low or zero carbon energy, so as to meet their needs; and

(iv) people have access to telecommunication services.

(b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:

(i) security of supply and diversification of our energy sources;

(ii) reducing dependency on imported energy resources; and

(iii) reducing greenhouse gas emissions.

Explanation Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that these activities can provide benefits both within and outside the region, in particular if regionally significant infrastructure is a low or zero carbon development.

~~Energy generated from renewable energy resources and regionally significant infrastructure can provide benefits both within and outside the region.~~

~~Renewable energy benefits are not only generated by large scale renewable energy projects but also smaller scale projects.~~

~~Renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal wave and ocean current sources~~

~~Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances. Imported and non-renewable energy sources include oil, gas, natural gas and coal.~~

~~When considering the benefits from renewable energy generation the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.~~

~~Regionally significant infrastructure is defined in Appendix 3.~~

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

(a) the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure, in particular where it contributes to reducing greenhouse gas emissions; and

(b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and

- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and
- (d) significant wind, solar and marine renewable energy resources within the region.

Explanation

Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 39 recognises that these activities can provide benefits both within and outside the region, particularly to contribute to reducing greenhouse gas emissions.

~~The benefits of energy generated from renewable energy resources include:~~

- ~~• Security of and the diversification of our energy sources~~
- ~~• Reducing our dependency on imported energy resources — such as oil, natural gas and coal~~
- ~~• Reducing greenhouse gas emissions~~
- ~~• Contribution to the national renewable energy target~~

~~The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.~~

~~The benefits of regionally significant infrastructure include:~~

- ~~• People and goods can efficiently and safely move around the region, and to and from~~
- ~~• Public health and safety is maintained through the provision of essential services — such as potable water and the collection and transfer of sewage or stormwater~~
- ~~• People have access to energy to meet their needs~~
- ~~• People have access to telecommunication services~~

~~Energy generation from renewable energy and regionally significant infrastructure (as defined in Appendix 3) can provide benefits both within and outside the region.~~

~~Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.~~

~~When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.~~

~~Potential significant sites for development of Wellington region's marine and wind resources have been identified in reports 'Marine Energy — Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008' and 'Wind Energy — Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008'.~~

~~Policy 39(a) shall cease to have effect once policy 9 is given effect in a relevant district or regional plan.~~

~~Policy 39(b) shall cease to have effect once policy 8 is given effect in a relevant district or regional plan.~~

Policy 55: Providing for appropriate urban expansion Maintaining a compact, well designed and sustainable regional form – consideration

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at ~~March 2009~~ August 2022), particular regard shall be given to whether:

- (a) the urban proposed development is the most appropriate option to achieve Objective 22 contributes to establishing or maintaining the qualities of a well-functioning urban environment, including:

- (i) the urban development will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;

(ii) the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:

1. Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,
2. Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,
3. Protecting outstanding natural features and landscape values as identified by Policy 25,
4. Protecting historic heritage values as identified by Policy 22,
5. Integrates Te Mana o Te Wai consistent with Policy 42,
6. Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.
7. Recognises and provides for values of significance to mana whenua / tangata whenua,
8. Protecting Regionally Significant Infrastructure as identified by Policy 8; and

(b) the proposed urban development is consistent with any Future Development Strategy, or the Council's regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the Future Development Strategy be yet to be released; and/or

(c) a structure plan has been prepared.; and/or

(d) Any urban development that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.

Explanation

Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region's existing urban areas. This includes ensuring that the qualities and characteristics of a well-functioning urban environment are provided for through clause (a), which includes recognising values or resources identified elsewhere in the RPS.

Clause (b) requires consideration to be given to the consistency of the development with the Future Development Strategy which will look to deliver well-functioning urban environments through a regional spatial plan. To provide for the interim period where the Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional strategic growth and/or development framework which is currently the Wellington Regional Growth Framework.

Clause (c) requires consideration to be given to whether a structure plan has been provided. A structure plan is a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features and constraints that influence how the effects of development are to be managed.

Clause (d) requires consideration of any proposal that would add significantly to development capacity, regardless of whether it is out of sequence or unanticipated by growth or development strategies. This clause gives effect to Policy 8 of the National Policy Statement on Urban Development. Clause (d) should be considered in conjunction with Policy UD.3.

Urban development beyond the region's urban areas has the potential to reinforce or undermine a compact and well designed regional form.

The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.

Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lot sizes of less than 3000 square metres.

Examples of growth and/or development frameworks or strategies in the region are:

- The Upper Hutt City Council Urban Growth Strategy
- Wellington City Northern Growth Management Framework

- ~~Porirua City Development Framework~~
- ~~Kapiti Coast: Choosing Futures Development Management Strategy and local outcome statements contained in the Kapiti Coast Long Term Council Community Plan~~

~~Policies 54 and 56 also need to be considered in conjunction with policy 55. In addition, there are also a range of 'related policies' in the Regional Policy Statement that set out matters to be considered in order to manage effects on natural and physical resources.~~

~~Structure planning integrates land use with infrastructure — such as transport networks, community services and the physical resources. Structure planning should also deliver high quality urban design.~~

~~The content and detail of structure plans will vary depending on the scale of development.~~

~~Notwithstanding this, structure plans, as a minimum, should address:~~

- ~~Provision of an appropriate mix of land uses and land use densities~~
- ~~How environmental constraints (for example, areas at high risk from natural hazards) and areas of value (for example, indigenous ecosystems, rivers, streams and ephemeral streams, wetlands, areas or places with historic heritage, outstanding landscapes, or special amenity landscapes) are to be managed~~
- ~~Integration with existing and proposed infrastructure services, such as, connections to existing and proposed transportation systems and provision of public and active transport linkages by undertaking an integrated transport assessment~~
- ~~The integration of the development with adjoining land use activities including measures to avoid, remedy or mitigate reverse sensitivity effects~~
- ~~Integration of social infrastructure and essential social services as necessary~~
- ~~Development staging or sequencing~~

~~How the region's urban design principles⁸ will be implemented~~

Appendix C

Summary of relief sought in the Transpower submission

IPI – Intensification Streamlined Planning Process

Noting it has no legal weight, the guidance material on the PDP website refers to and lists qualifying matters that will limit development potential, and Operative DP rules which “are not superseded and will apply as well as the MDRS”. The National Grid is identified as a Qualifying Matter. Arguably, while the section 32 reports should have done more to justify the National Grid as a Qualifying Matter, reference to the National Grid Buffer is included with specific commentary on the buffer and its application in relation to the MDRS.

The Transpower submission seeks the PDP be made clear the NG Corridor provisions are a Qualifying Matter. On the basis the National Grid is a qualifying matter (as defined by section 77I and 77O of the RMA) Transpower has identified a number of provisions within the IPI it specifically supports, as well as those to which amendment are sought.

On a topic/chapter basis, the amendments sought can be summarised as follows:

General Approach

- Clearly reference qualifying matters in the statement regarding legal effect.

Definitions

- Insert qualifying matter definitions to provide clarity to plan users and assist in plan interpretation and application.

Strategic Directions

- Insert reference to qualifying matters area within UFD-O3 given they directly influence the capacity for intensification.

Subdivision

- Insert reference to the National Grid as a qualifying matter within the introductory/plan relationship text of the subdivision chapter of the PDP to assist in plan interpretation and application.

Medium Density Residential Zone

- Amend the introductory text, objective MRZ-O2, and Rules MRZ-R2 and R13 to include clearer references to qualifying matter provisions.

National Grid Yard and National Grid Subdivision Corridor rules

- Assess the National Grid Yard and National Grid Subdivision rules as part of the ISPP.

PDP - Schedule 1 Process

Specific to the Schedule 1 components of the PDP, Transpower has identified a number of provisions which Transpower specifically supports, as well as those to which amendment are sought. On a topic/chapter basis, these can be summarised as follows:

Definitions

- The definitions are largely supported, with confined amendments sought to the definition of National Grid Yard and National Grid Subdivision Corridor to reflect two unique National Grid assets within the city, and that the definition of Coastal Margin be amended to provide certainty as to the area to which the definition applies.

Strategic Outcomes/Objectives

- General support for the Strategic Objectives but amendment is sought to SCA-O6 to recognise effects on infrastructure are not only related to reverse sensitivity. Clarification is also sought as to how the strategic directions are to be applied.

Infrastructure Chapter

- As a general comment, Transpower queries the number of Infrastructure sub chapters, policies (62) and rules relating to Infrastructure and specifically the National Grid. The myriad of provisions is confusing and creates the potential for contradiction or inconsistency between provisions (particularly as they may evolve through the PDP process).
- There are no National Grid specific policies within the infrastructure subchapter. However, there are 18 policies within other sub chapters specific to managing the effects of the National Grid, as follow:
 - Five within the Infrastructure – Coastal Environment Chapter (INF-CE P26, P27, P28, P31, P32)
 - Three within the Infrastructure – Ecosystems and Indigenous Biodiversity Chapter (INF-ECO P35, P36, P37)
 - Ten within the Infrastructure – Natural Features and Landscape Chapter (INF-NFL P51 – P60)
- As such, there are no National Grid specific policies in the plan that specifically recognise the benefits of the National Grid or management of the effects of subdivision, land use and development on the National Grid. While there are 18 policies within other sub chapters specific to the National Grid, these only relate to managing the effects of the National Grid. Transpower considers the lack of recognition within the general infrastructure chapter does not give effect to the NPSET, and the provision of 18 other National Grid specific policies excessive. Given the national significance of the National

Grid and that this significance is recognised in the NPSET, Transpower seeks a separate set of provisions within the infrastructure section.

- The policy relating to the effects of activities on infrastructure (INF-P7) is general in nature and insufficiently directive to give effect the NPSET. Clause 1. of the policy is limited to subdivision, ignoring that land use and other development activities (such as earthworks) can compromise the National Grid. Clause 4. is general in nature and insufficiently directive to give effect the NPSET.
- Transpower also notes that the majority of the above identified 18 policies in the sub chapters apply to the National Grid and the Gas Transmission Pipeline Corridor. Notwithstanding the significance and importance of the Gas Transmission Pipeline Corridor, Transpower seeks standalone policies specific to the National Grid in order to give effect to the NPSET, noting the Gas Corridor does not have the higher order policy support of an NPS.
- Specific to the rules, there are rules relating to the operation, maintenance and upgrade of existing National Grid assets. Given existing assets are regulated by the NESETA, Transpower does not support the duplication of rules in the PDP. The purpose of the NESETA is to provide a complete and nationally consistent regulatory framework for existing National Grid assets. The inclusion of rules for existing assets (covered by the NESETA in the PDP is confusing and, in some instances, inconsistent with the NESETA. The provisions will lead to plan interpretation and application issues, as well as constituting a degree of 'duplication' and/or 'conflict' that is at odds with section 44A RMA.
- Included in this submission is specific relief sought. Transpower's preference is for a separate suite of National Grid provisions policies and rules within a separate Infrastructure sub- chapter. Sought policies are attached as Appendix F. All rules relating to existing National Grid assets should be removed (as these are regulated by the NESETA).
- Alternately, should this approach not be accepted by decision makers, Transpower seeks the amendments as outlined in this submission, specifically:
 - In order to give effect to the NPSET, a separate policy framework be provided within the infrastructure chapter for the National Grid which recognises and provides for the benefits of the National Grid, manages the effects of the development of National Grid, and the effects of other activities on the National Grid.

- On the basis the approach to provide National Grid specific policies within the sub-chapters is retained, significant amendments are sought to the policies including rationalisation, and amendments to give effect to the NPSET. Specific National Grid policies relating to the development of the National Grid are sought to be deleted from the sub-chapters and instead, a comprehensive 'seek to avoid' development policy be provided in the Infrastructure chapter. The provision of a comprehensive 'development' policy gives effect to the NPSET, recognises the linear nature of the network and that any new development will traverse a number of overlays, and accordingly provides an integrated policy framework.
- The National Grid be separated from the Gas Transmission Pipeline Corridor
- The number of National Grid specific policies and rules be condensed and reduced; and
- Rules relating to existing National Grid assets be removed and instead the NESETA be relied on (as is the intent of the NESETA).

Infrastructure – Coastal Environment Sub Chapter

- Specific to the Infrastructure - Coastal Environment chapter, Transpower has existing assets within the coastal environment, including the Kaiwharawhara Supply Point substation (designation TPR6) and underground cable, Oteranga Bay (designation TPR4) and associated lines, and Te Hikowhenua Shore Electrode Station (designation TPR5) and associated lines. Both the Oteranga Bay (designation TPR4) and Te Hikowhenua Shore Electrode Station (designation TPR5) are within areas of "High Coastal Natural Character" noting there are no existing assets within the identified "High Coastal Natural Character" outside the designations. Transpower has no existing assets in area of "Very High Coastal Natural Character". Transpower seeks amendment to policies P28 and P31 relating to the upgrade and development of the National Grid in that the policies as proposed do not give effect to the NPSET and impose requirements that go beyond the NPSET.
- Reference to the National Grid is sought to be deleted from the operation, maintenance and upgrade rules given the NESETA regulates such activities.

Infrastructure – Ecosystems and Indigenous Biodiversity Sub Chapter

- Specific to Infrastructure - Ecosystems and Indigenous Biodiversity, the proposed National Grid policies do not give effect to the NPSET. Transpower has existing assets within identified SNAs. A key component of Transpower's Statement of Corporate Intent

is to reliably and efficiently transport electricity. Essential to achieving this are the operation and maintenance activities associated with maintaining the National Grid. Relevant to vegetation, Transpower is required to undertake vegetation trimming/clearance necessary for the safe and efficient operation, maintenance, upgrading and development of the National Grid, including (but not limited to) trimming that may be required by the Electricity (Hazards from Trees) Regulations 2003. Related, is the operational requirement for clearance of vegetation on access tracks to enable Transpower to access the grid infrastructure to undertake its operation, maintenance and upgrade. The intent of the NPSET is to provide a comprehensive enabling regime for the National Grid recognising its national significance. The cross references to the ECO policies 2 and 4 (noting there is no ECO-P10) do not give effect to the NPSET.

- Reference to the National Grid is sought to be deleted from the operation, maintenance and upgrade rules given the NESETA regulates such activities.

Infrastructure – Natural Features and Landscapes Sub Chapter

- Specific to Infrastructure - Natural Features and Landscapes, existing National Grid assets traverse Outstanding Natural Landscapes (at Oteranga Bay noting that while some of the assets are within the Oteranga Bay designation, others are not), Special Amenity Landscapes across the city, and Ridgelines and Hilltops across the city. In addition to the number of National Grid policies within the sub chapter (some of which are not applicable to the National Grid given the matters they relate to), Transpower has concerns the policies do not give effect to the NPSET in that:
 - The NPSET does not require activities to be of a scale that protects the identified values.
 - The NPSET does not require adverse (and or significant) effects be avoided.
 - In context of the National Grid and the NPSET, the policy approach for hilltops and ridgelines is not supported as they are not a section 6 RMA matter and are distinct from section 7 RMA significant amenity landscapes.
 - Specific to INF-NFL-P59, the policy directive to ‘avoid’ new National Grid infrastructure within the coastal environment has no higher order policy support and is contrary to the NPSET.
 - The NPSET does not require the activity to be of a scale that protects the identified values for ONFLs, nor maintains or restores those for SALs. Furthermore, it does not require the avoidance of visually obtrusive structures within Ridgelines and Hilltops.

- The reference to 'reasonably practical alternative locations' is not necessary given the definitions of operational and functional need which provide clear parameter as to the necessity of the activity to occur in that location. Transpower also has concerns with the term 'practical' as it is not a commonly used planning term and therefore introduces uncertainty in how the policy could be interpreted and applied. The term 'practicable' is more readily understood.
- Transpower in particular opposes INF-NFL-P58. Policy P58 has implications for any new Cook Strait cables at Oteranga Bay. The avoid directive within the policy does not give effect to the NPSET, including Policy 8. The policy is outright opposed. The Policy and associated (non-complying) Rule R57 would mean essential new National Grid assets (such as a new Cook Strait Cable within the existing Cook Strait Cable Protection Zone) would likely not be able to secure regulatory approval.
- Reference to the National Grid is sought to be deleted from the operation, maintenance and upgrade rules given the NESETA regulates such activities, and the non-complying activity status for new assets is opposed.

Infrastructure - Natural Hazards Sub Chapter

- Specific to Infrastructure - Natural Hazards, given the linear nature of the National Grid and locational constraints, while Transpower would endeavour to avoid hazard areas, this may not always be possible. Transpower supports the rule and policy framework.

Ecosystems and Indigenous Biodiversity Chapter

- Infrastructure Ecosystem Chapter policy INF-ECO-P36 and P37 requires application of the effects management hierarchy (which is incorrectly referenced as ECO-P2 within the aforementioned policies) to the upgrade and development of the National Grid. In its comments on INF-ECO-P36 and P37 Transpower sought deletion of the cross reference and instead reliance on the NPSET Policy 8 "seek to avoid approach".

Subdivision Chapter

- Transpower supports SUB-R28 on the basis the rule gives effect to Policy 10 and Policy 11 of the NPSET and provides for the outcomes sought in INF-P7 (noting Transpower is seeking amendment to the policy). In particular the activity status is supported, and reflects the approach in other district plans across New Zealand. Minor rule amendments are sought.

Earthworks Chapter

- Specific to earthworks, Transpower supports the provision of standards specific to earthworks on the basis such activities can compromise the National Grid and are a form

of development contemplated by the NPSET. However, amendments are sought to the rule and policy provisions sought.

Mapping and Designations

- The mapping and designations are largely supported.

Appendix D

Summary Table - Response to s42A Report Officer Recommendations

Appendix D - Transpower New Zealand Limited – Response to s42A Officer Recommendations – Hearing Stream 1

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
General Approach and How the Plan Works						
315.11 And 315.12	Part 1 / How the Plan Works Subpart / How the Plan Works / How the Plan Works General	Amend	Supports the provided clarification in the IPI and PDP as to the legal effect of specific provisions. An amendment is sought to highlight to plan users the existence of qualifying matters and that if a development is located in an area where a qualifying matter applies, the MDRS does not have immediate legal effect. While submitter is aware the provision relating to legal effect and qualifying matters will technically not be required once the plan is made operative, considers that in the interim period it has concerns as to the lack of reference to qualifying matters and therefore supports any clarification that can be provided.	Amend the section Legal effect of rules, as follows: In addition, the District Plan gives effect to the 'Medium Density Residential Standards' (MDRS). The MDRS will replace the existing building standards in the residential zones (MRZ and HRZ) and set out the level of development that can occur on a site as a permitted activity. Specifically, MRZ-S1 to MRZ-S9 and HRZ-S1 to HRZ-S9 (excluding MRZ-S2 and HRZ-S2) have immediate legal effect, along with the related objectives, policies and rules, <u>except within a new residential zone or a qualifying matter area.</u> Note that where one or more of the PDP building standards are not met, the proposal is assessed against the equivalent standard in the Operative District Plan and not this Proposed District Plan.	Accept. Changes recommended. S42A Report Section 4.15, Point 498, page 121 "Agree with the changes requested by Transpower as they accurately reflect the implementation of the MDRS under the Act and will be relevant until the entire plan process has been completed. This is because the hearings for some qualifying matters are not part of the ISPP and will not be determined until 2024." Amend the introductory text (General Approach – Legal effect of rules) as follows: <i>In addition, the District Plan gives effect to the 'Medium Density Residential Standards' (MDRS). The MDRS will replace the existing building standards in the residential zones (MRZ and HRZ) and set out the level of development that can occur on a site as a permitted activity. Specifically, MRZ-S1 to MRZ-S9 and HRZ-S1 to HRZ-S9 (excluding MRZ-S2 and HRZ-S2) have immediate legal effect, along with the related objectives, policies and rules, <u>except within a new residential zone or a qualifying matter area.</u> Note that where one or more of the PDP building standards are not met, the proposal is assessed against the equivalent standard in the Operative District Plan and not this Proposed District Plan.</i>	Support the Officer's recommendation to amend the text as sought in the Transpower submission but seek definitions for qualifying matter and areas.
315.13	How the Plan Works Subpart / How the Plan Works / General Approach	Support	Supports the references to the standalone nature of the Infrastructure provisions. Such a reference assists in plan interpretation and application.	Retain the introductory text in the "Using the Plan" section as notified.	Accept. No changes recommended. Not specifically addressed in S42A Report but is within S42A Appendix B Recommended response to submissions	Support the Officer's recommendation to retain the standalone nature of the infrastructure provisions
National Direction Instruments						
315.38	Part 1 / National Direction Instruments Subpart / National Direction Instruments / National Environmental Standards	Support	Supports reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, noting the NES prevails over the district plan provisions.	Retain the reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.	Accept. No changes recommended. S42A Report Section 10, Point 763, page 155: No change	Support the Officer's recommendation to retain the provisions as notified.
Strategic Directions						
315.39 and 315.40	Part 2 / Strategic Direction / General point on Strategic Directions / General point on Strategic Directions	Amend	Considers that although required under the National Planning Standards, the exact role of strategic direction and relationship to objectives and policies is not clear in the "Purpose and context of Strategic Direction" section. Transpower supports the guidance as drafted and the specific reference to the lack of a hierarchy. However, Transpower does have concerns with the section relating to plan implementation as it considers the objectives and policies will articulate and give effect to the strategic direction objectives and therefore there is no need to refer back 'up the chain'.	Retain the section but reference to plan implementation be removed as follows: ... For the purpose of plan implementation (including the assessment of resource consents and notices of requirement): - The Strategic Objectives may provide guidance on what the objectives and policies in other chapters of the Plan are seeking to achieve. - The relevant objectives and policies of the plan (including Strategic Objectives)	Reject. No changes recommended. S42A Report Section 14.1, Point 782, page 158, point 787, page 158: "Several requiring authorities have sought plan provisions to enable and manage aspects of their operations which would be subject to consideration against the strategic direction chapter should the objectives be triggered. I see no reason why notices of requirements for similar works should not also. It may also be in the best interest of a requiring authority that the provisions, particularly of the 'Strategic City Assets and Infrastructure' chapter be able to be considered."	Subject to amendment to specific strategic objectives, accept the officer recommendation.

Appendix D - Transpower New Zealand Limited – Response to s42A Officer Recommendations – Hearing Stream 1

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
				<p>are to be considered together, and no fixed hierarchy exists between them.</p> <p>- In addition to the specific objectives and policies contained in topic chapters of the Plan relevant Strategic Objectives in this chapter will also need to be assessed for any activity identified as Discretionary or Non-Complying.</p>		
315.41	Part 2 / Strategic Direction / Strategic City Assets and Infrastructure / SCA-O1	Support	Supports the provision of a strategic objective specific to Infrastructure, given its importance to the city, region and nation. Considers the objective gives effect to RPS Objective 10 and policies 7 and 8.	Retain SCA-O1 as notified.	<p>Accept in part. No changes recommended.</p> <p>S42A Report Section 14.7, Point 969, page 184, page 1005-1008, pages 188-189:</p> <p>“I agree with the submission of Meridian [228.17] in part. The submission point aligns with the city’s zero carbon emission goals as set out in the Te Atakura strategy and action plan.”</p> <p>Amend SCA-O1 as follows:</p> <p><i>Infrastructure is established, operated, maintained, and upgraded in Wellington City so that:</i></p> <ol style="list-style-type: none"> 1. <i>The social, economic, cultural, and environmental benefits of this infrastructure are recognised;</i> 2. <i>The City is able to function safely, efficiently and effectively;</i> 3. <i>The infrastructure network is resilient in the long term;</i> 4. <i>It contributes to meeting the city’s zero carbon capital (net zero emissions) goal;</i> <p><i>and</i></p> <ol style="list-style-type: none"> 5. <i>Future growth and development is enabled and can be sufficiently serviced.</i> 	Support retention of the objective. The amended wording is accepted on the basis the majority of the objective wording is retained.
315.42	Part 2 / Strategic Direction / Strategic City Assets and Infrastructure / SCA-O4	Support	Supports SCA-O4 on the basis that it recognises the development of new infrastructure, noting SCA-O1 relates to existing infrastructure.	Retain Objective SCA-O4 as notified.	<p>Accept. No changes recommended.</p> <p>S42A Report Section 14.7, Point 988-990, page 186, point 1017-1018, page 190: No change</p>	Support the Officer’s recommendation to retain the objective as notified.
Transpower Further Submission FS29.14	Strategic Direction / Strategic City Assets and Infrastructure / SCA-O4	Oppose original submission	The submitter 345.30 sought amendment SCA-O4. Transpower submitted that Policy 1 of the NPSET requires that the “decision makers must recognise and provide for the national, regional, and local benefits of sustainable, secure, and efficient electricity transmission”. SCA-O4 as notified is therefore supported.	Transpower opposed the relief sought in the original submission	<p>Reject original submission</p> <p>S42A Report Section 14.7, Point 1018 page 190</p> <p>“I do not agree with Forest and Bird [345.30] that amendments are necessary, considering my recommendation to add another objective to this effect in the Natural Environment Strategic Direction chapter”</p>	Support the Officer’s recommendation to retain the objective as notified.
315.43	Part 2 / Strategic Direction / Strategic City Assets and Infrastructure / SCA-O5	Support	Supports the provision of a strategic objectives specific to infrastructure, given its importance to the city, region and nation. Considers the objective gives effect to RPS Objective 10 and policies 7 and 8.	Retain Objective SCA-O5 as notified.	<p>Accept in part. Changes recommended.</p> <p>S42A Report Section 14.7, Point 992-994, page 186, point 1019-1021, page 190:</p> <p>“I agree with Meridian [228.20] in part that ‘technical needs’ should be amended to ‘functional’. I am uncertain whether the incomplete strikethrough of the submitter’s relief sought is intentional, but for completeness do not support it as this amendment would be inconsistent with Policy 7 of the RPS.”</p> <p>Amend SCA-O5 as follows:</p> <p><i>The adverse effects of infrastructure are managed having regard to the economic, social, environmental and cultural benefits, and the <u>functional</u> technical and operational needs of infrastructure.</i></p>	Support retention of the objective. The amended wording is accepted on the basis the majority of the objective wording is retained and the retained ‘operational’ wording would cover technical needs.

Appendix D - Transpower New Zealand Limited – Response to s42A Officer Recommendations – Hearing Stream 1

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
Transpower Further Submission FS29.15	Strategic Direction / Strategic City Assets and Infrastructure / SCA-05	Oppose original submission	The submitter 345.31 sought amendment SCA-05. Transpower submitted that notwithstanding whether the strategic objective should apply to RSI or infrastructure generally, a blanket avoid directive with no consideration of the scale or nature of the adverse effect is not supported at a strategic objective level.	Transpower opposed the relief sought in the original submission	Reject original submission. S42A Report Section 14.7, Point 1020 page 190 “I do not agree with Forest and Bird [345.31] that the strategic objective should require that the adverse effects of infrastructure be ‘avoided’. I accept the scope of the objective is infrastructure generally and solely ‘regionally significant infrastructure’ and is not subject to Policy 7 of the RPS. However, I consider the submitters request unreasonably constraining, does not recognise that some parts of the environment are less sensitive to effects than others (ie existing urban areas), does not recognise the functional and operational needs of infrastructure, is inconsistent with the effects management hierarchy and does not recognise that the continued operation and necessary upgrade of existing infrastructure may not be able to avoid adverse effects.”	Support retention of the objective. The amended wording is accepted on the basis the majority of the objective wording is retained and the retained ‘operational’ wording would cover technical needs.
315.44 and 315.45	Part 2 / Strategic Direction / Strategic City Assets and Infrastructure / SCA-06	Support in part	Supports the provision of a strategic objective specific to Infrastructure, given its importance to the city, region and nation. However, an amendment is sought to the SO to reflect that in addition to reverse sensitivity, infrastructure needs to be protected to ensure it is not compromised. Considers the sought amendment would make it clear that effects on infrastructure are not confined to reverse sensitivity.	Amend Strategic Direction SCA-06 as follows: Infrastructure operates efficiently and safely and is protected from incompatible development and activities, <u>including those that may create reverse sensitivity effects or compromise the Infrastructure.</u>	Accept in part. Changes recommended. S42A Report Section 4.7, Point 998-1000, page 187, point 1022, page 190: “I agree with Transpower [315.45] that the objective be expanded to also include effects the operation of infrastructure. I consider this can be done by largely rearranging the text of the notified objective which also increased consistency of the drafting with RPS Policy 8.” Amend SCA-06 as follows: <i>Infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects or <u>compromise its efficient and safe operation.</u></i>	Support the Officer’s recommendation to amend the objective as sought in the Transpower submission.
Transpower Further Submission FS29.16	Strategic Direction / Strategic City Assets and Infrastructure / SCA-06	Oppose original submission	The submitter 345.32 sought amendment SCA-06. Transpower submitted that notwithstanding whether the strategic objective should apply to RSI or infrastructure generally, Strategic Objective SCA-06 is supported in that it recognises the effect of other activities on infrastructure. The provision of such an objective does not negate the need for infrastructure to manage its adverse effects on the environment. On that basis, the relief sought by the submitter is opposed.	Transpower opposed the relief sought in the original submission	Reject original submission. S42A Report Section 4.7, Point 1002 page 188 “I disagree with Forest and Bird [345.26] that the chapter fails to integrate environmental outcomes. SCA-05 provides direction to manage adverse effects of infrastructure, which includes those on the environment. I also note that if consideration of the strategic objectives is triggered in the assessment of a Discretionary or Non-complying activity (for example new infrastructure within an SNA), the Natural Environment Strategic Objectives can be considered. With the recommended addition of a new objective in that chapter focussed on integrated management/kia uta ki tai, and direction to protect and where possible enhance indigenous biodiversity I consider that the strategic direction chapters as a package sufficiently cover biodiversity matters. “	Support the Officer’s recommendation to amend the objective as sought in the Transpower submission.
315.46 And 315.47	Part 2 / Strategic Direction / Urban Form and Development / UFD03	Amend	Considers that within the General Residential Zone qualifying matter areas may limit the amount of permitted medium density development possible on an allotment. While the policy directive within UFD-03 is supported, the submitter supports reference to qualifying matter areas as they directly influence the capacity for intensification.	Amend Objective UFD-03 as follows: UFD-03 Medium to high density and assisted housing developments are located in areas that are: 1. Connected to the transport network and served by multi-modal transport options; or 2. Within or near a Centre Zone or other area with many employment opportunities; and 3. Served by public open space and other social infrastructure;	Accept in part. Change recommended. S42A Report Section 4.9, Point 1129, page 204, point 1172, page 210: “I agree with Transpower [315.46] [315.47] that a statement identifying the limitations of qualifying matters on medium and high density development be included below the objective, at least until decisions have been made on the entire plan. At that time the rules in the plan regarding building height and density will be as decided and the relative importance of ‘qualifying matters’ is reduced. Such an amendment is consistent with my recommendation on Transpower [315.11] [315.12]” Amend UFD-03 as follows: <i>Medium to high density and assisted housing developments are located in areas that are:</i> <i>1. Connected to the transport network and served by multi-modal transport options; or</i>	Support the Officer’s recommendation to amend the objective as sought in the Transpower submission.

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Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
				Noting that medium to high density housing developments may not be appropriate in qualifying matter areas.	2. Within or near a Centre Zone or other area with many employment opportunities; and 3. Served by public open space and other social infrastructure. <i>Noting that medium to high density housing developments may not be appropriate in qualifying matter areas.</i>	
Not allocated a submission point reference	Part 2 / Strategic Direction / Sustainability, Resilience and Climate Change / SRCC-O1	Amend	Transpower supports the goal for Wellington City to be a net 'zero emission city' by 2050, and the strategic objectives. An amendment is sought to reference associated infrastructure to support an increase in the use of renewable energy sources.	Amend SCR-O1 as follows: The City's built environment supports: 1. A net reduction in the City's carbon emissions by 2050; 2. More energy efficient buildings; 3. An increase in the use of renewable energy sources and associated infrastructure; and 4. Healthy functioning of native ecosystems and natural processes.	Not addressed in S42A report or accompanying Appendix B	Oppose Seek amendment to the strategic objective as set out in the Transpower submission.
Definitions						
315.14	Interpretation Subpart / Definitions / New definition	Amend	Considers that as defined by section 771 and 770 of the RMA, the National Grid Corridor framework is considered a qualifying matter as: - it is a matter required to give effect to the NPSET being a national policy statement (other than the NPS-UD); - it is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure; - provisions that restrict development in relation to the National Grid are included in the Operative District Plan; and - provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the proposed district plan. Considers given the role and importance of qualifying matters to the implementation of the RMA, the submitter supports the provision of a definition as an effective and practical method to clearly identify the existing qualifying matter provisions and provide clarity to plan users as to the provisions that will continue to apply where the MDRS and NPSUD intensification provisions would otherwise apply unrestricted	Add a new definition for Qualifying Matter as follows: <u>Qualifying matter means a matter referred to in section 771 or 770 of the RMA.</u>	Accept in part. Changes recommended. S42A Report Section 6.4, Point 717-723, page 148-150 "Given that in my opinion, the priority or elevated importance for desired provisions to be identified as a qualifying matter at the end of a plan that is to have effect for several years wanes once decisions are made, and there are provisions that should have been progressed through the ISPP but decided against, I do not consider it beneficial to develop and exhaustive list for the purpose of the Wellington City District Plan, and instead recommended that the definition of 'Qualifying Matter' from the Act itself is used. Doing so would be future proof for when decisions are made, and consistent with Porirua City Council." Insert definition of "qualifying matter": <u>Qualifying matter</u> <u>Has the same meaning as in Section 2 of the RMA: means a matter referred to in section 771 or 770.</u> <u>The matters referred to in section 771 and 770 are listed below:</u> a. <u>a matter of national importance that decision makers are required to recognise and provide for under section 6;</u> b. <u>a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010;</u> c. <u>a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River;</u> d. <u>a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008;</u> e. <u>a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;</u> f. <u>open space provided for public use, but only in relation to land that is open space</u> g. <u>the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order;</u> h. <u>a matter necessary to implement, or to ensure consistency with, iwi participation legislation;</u> i. <u>the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand;</u>	Accept in part. Seek definitions for qualifying matter and qualifying matter areas. Refer evidence.

Appendix D - Transpower New Zealand Limited – Response to s42A Officer Recommendations – Hearing Stream 1

Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
					j. <i>any other matter that makes higher density development as provided for by policy 3, as the case requires, inappropriate in an area, but only if section 77R is satisfied/any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.</i>	
315.15	Part 1 / Interpretation Subpart / Definitions / New definition	Amend	<p>Considers that as defined by section 77I and 77O of the RMA, the National Grid Corridor framework is considered a qualifying matter as:</p> <p>it is a matter required to give effect to the NPS-ET being a national policy statement (other than the NPS-UD);</p> <p>it is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure; provisions that restrict development in relation to the National Grid are included in the Operative District Plan; and provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the proposed district plan.</p> <p>Considers given the role and importance of qualifying matters to the implementation of the RMA, the submitter supports the provision of a definition as an effective and practical method to clearly identify the existing qualifying matter provisions and provide clarity to plan users as to the provisions that will continue to apply where the MDRS and NPSUD intensification provisions would otherwise apply unrestricted.</p>	<p>Add a new definition for Qualifying Matter Area as follows:</p> <p>Qualifying matter area means a qualifying matter listed below:</p> <p>a) <u>The National Grid Yard / Transmission Line Buffer (32 metres)</u></p> <p>b) <u>The National Grid Subdivision Corridor/ Transmission Line Buffer (32 metres) (c)</u></p>	No specifically addressed in S42A report. No changes recommended.	<p>Oppose</p> <p>Seek definitions for qualifying matter and qualifying matter areas. Refer evidence.</p>
315.20	Part 1 / Interpretation Subpart / Definitions / FUNCTIONAL NEED	Support	Considers the definition reflects that provided in the National Planning Standards and is therefore supported.	Retain the definition of 'Functional Need' as notified.	Accept. No changes recommended. S42A Report Section 5.11, Points 572-576, page 131: No change	Support the Officer's recommendation to amend the definition as sought in the Transpower submission.
315.30	Part 1 / Interpretation Subpart / Definitions / OPERATIONAL NEED	Support	Considers the definition reflects that provided in the National Planning Standards and has high relevance to the National Grid within the PDP given the operational needs of the National Grid.	Retain the definition of Operational Need as notified.	Accept. No changes recommended. S42A Report Section 5.19, Points 613-617, pages 137-138: No change	Support the Officer's recommendation to amend the definition as sought in the Transpower submission.
315.32	Part 1 / Interpretation Subpart / Definitions / REGIONALLY SIGNIFICANT INFRASTRUCTURE	Support	Considers the provision of a definition of Regionally Significant Infrastructure and its use throughout the plan reflects the approach used within the Wellington Regional Policy Statement. While references, policies and methods specific to the National Grid (both within the policy and any rule framework) are supported, the inclusion of the National Grid within the definition of Regionally Significant Infrastructure is supported.	Retain the definition of Regionally Significant Infrastructure as notified.	Reject. No changes recommended. S42A Report Section 5.22, Points 626-639, pages 138-139: No change	Support the Officer's recommendation to amend the definition as sought in the Transpower submission

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Sub No / Point No	Plan Part / Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	S42A response	Response to S42A recommendation
Transpower Further Submission FS29.40	Part 1 / Interpretation Subpart / Definitions / REGIONALLY SIGNIFICANT INFRASTRUCTURE	Support original submission	The submitter 355.16 sought amendment the definition. Transpower accepts the relief sought on the basis specific reference is retained in the definition to the National Grid	Transpower seeks that part of the submission be allowed in so far as consistent with the relief sought in the Transpower submission.	Reject original submission. No changes recommended. S42A Report Section 5.22, Reject original submission Not specifically addressed in S42A Report. Other points addressed in section 5.22.2 ([page 138])	Support the Officer's recommendation to amend the definition as sought in the Transpower original submission
315.33	Part 1 / Interpretation Subpart / Definitions / REVERSE SENSITIVITY	Support	Supports the provision of a definition as the concept recognises the relationship between existing activities and incompatible new or altered activities. The term is used within the INF chapter within INF-O3 and INF-P7 and is of specific relevance to the National Grid.	Retain the definition of Reverse Sensitivity as notified.	Reject. Changes recommended in response to other points. S42A Report Section 5.27, Section Points 659-666, pages 141-142: "The suggested amendments by KiwiRail provide additional clarification of what is meant by "operation" of an existing lawfully established activity. It also recognises that works and general maintenance is required to operate and upgrade key infrastructure and facilities. The actual effects of these works are managed and allowances made for effects through rules and standards in other parts of the plan such as the Infrastructure Chapter and through designations." Amend text as follows: <i>means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity.</i>	Support the Officer's recommendation to retain the definition (with amendment)
Transpower Further Submission FS29.4	Part 1 / Interpretation Subpart / Definitions / REVERSE SENSITIVITY	Support original submission	The submitter 391.9 sought to remove any reference to 'reverse sensitivity' from the Plan. Transpower opposes the relief sought. Specific to the National Grid, the term reverse sensitivity is used within Policy 10 of the NPSET and therefore its use within the PDP is consistent with and gives effect to the NPSET. On that basis, the relief sought by the submitter is opposed.	Transpower seeks that part of the submission be disallowed.	Reject original submission. No changes recommended. S42A Report Section 5.27, Point 664, page 142: No change " I disagree with Kāinga Ora [391.9] that the term reverse sensitivity be deleted. As noted by Transpower [FS29.4] there is national direction supporting its use. Failure to recognise reverse sensitivity would compromise the operation of existing lawfully established infrastructure."	Support the Officer's recommendation to retain the definition (with amendment)
315.34	Part 1 / Interpretation Subpart / Definitions / SENSITIVE ACTIVITY	Support	[No specific reason provided beyond decision requested - refer to original submission]	Retain the definition of Sensitive Activity as notified.	Accept. No changes recommended. S42A Report Section 5.28, Point 667-671, pages 141-142: No change	Support the Officer's recommendation to amend the definition as sought in the Transpower original submission