Before the Hearing Panel

Under	the Resource Management Act 1991 (the Act)
In the matter of	Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region **Hearing Stream Three -** **Rural land use activities, Forestry including vegetation clearance and Earthworks**
Between	**Greater Wellington Regional Council** Local authority
And	**Transpower New Zealand Limited** Submitter 177 and Further Submitter FS020

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

Dated 5 May 2025

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.

1.2. There are numerous components of the National Grid that are located in or pass through Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. Nationally significant components of the National Grid include the network of National Grid transmission lines (Appendix 3 to the Transpower submission), National Grid substations, the coastal facilities providing for the landing of the Cook Strait cable at Oteranga Bay and the Haywards substation within the Hutt City, where electricity generated in the South Island is transferred into the North Island grid.

1.3. Given this evidence is the first piece of planning evidence on Proposed Change 1 ("**PC1**") to the Natural Resources Plan for the Wellington Region ("**NRP**"), as well as addressing specific submission points, I detail contextual information on the National Grid, including its role and function, operational and technical requirements and the planning policy framework. To date Transpower has lodged a hearing statement to Hearing Stream 1 and Hearing Stream 2, noting its general acceptable of the recommendations to those hearing topics with the more substantive parts of the Transpower submission to be addressed at this hearing (3) and (future) Hearing Stream 4.

1.4. As a general overview to Transpower's submission on PC1, Transpower recognises that one of the purposes of PC1 is to give effect to the National Policy Statement on Freshwater Management 2020 ("**NPS-FM"**). However, PC1 is required to do so in a manner that gives effect to all other national policy statements and instruments, including the National Policy Statement on Electricity Transmission 2008 ("**NPSET**") and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**") which are specific national instruments for the National Grid high voltage electricity transmission network. A review of the Section 32 Evaluation Report for PC1 yields no reference to the NPSET or the NESETA and on this basis, it appears that the NPSET and NESETA have not been considered as part of the preparation of PC1. In my opinion I do not see the NPS-FM (and NES-F) and the NPSET (and NESETA) as incompatible or irreconcilable. Much of Transpower's detailed submission on PC1 seeks to ensure that the objective of the NPSET, which is to facilitate the operation, maintenance, upgrading, and development of the National Grid, is given effect to through the provisions of PC1 while also giving effect to the NPS-FM.

1.5. In context of the overarching concern as to the lack of recognition of the NPSET and NESETA, the Transpower submission raised six general areas of concern that includes:

1. The framework proposed to prohibit "unplanned greenfield development", capturing work associated with the maintenance, upgrade or development of the National Grid.

2. The approach taken to regulation of high-risk industrial or trade premises, imposing considerable uncertainty over the ability for Transpower to consent maintenance, development or upgrading of the National Grid, including substations.

3. Changes to the policies and rules for earthworks that create considerable uncertainty for Transpower through the inclusion of a 3-month black-out period over winter and an overly restrictive activity status.

4. A lack of recognition for Transpower's need to undertake vegetation clearance within proximity to components of the National Grid to maintain safe and efficient operation of its network.

5. The application of a regime requirement payment of financial contributions for offsetting residual adverse effects of contaminants from impervious surface runoff.

6. The inappropriate use of the freshwater planning instrument as a means to introduce and modify controls in relation to vegetation clearance and earthworks.

1.6. In addition to these six primary areas of focus, the Transpower submission also addresses a range of associated changes that are designed to achieve better alignment with the NPSET, improve the workability and practical application of provisions, and that suggest alternatives designed to be more efficient and effective at achieving the objectives of the plan. Incldued were concerns how the proposed stormwater and impervious surface management framework would be applied to the National Grid.

1.7. The specific areas of concern subject to Hearing Stream 3 are:

1.7.1. The definition of '*Earthworks*', and **'*Highest Erosion risk land*' (and associated mapping)**

1.7.2. **Policies and rules relating to earthworks**: While the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**") regulates existing electricity transmission assets, it does not regulate earthworks subject to a regional rule and therefore the NRP

earthworks rules apply to earthwork activities associated with the National Grid (both existing and new assets).

1.7.3. **Rules for vegetation clearance that would apply to activities associated with the National Grid**: Under regulation 30 of the NESETA, vegetation works[1] are permitted, unless specific to regional rules. Therefore, any non-permitted vegetation clearance rules that apply to existing National Grid transmission lines (and access tracks) trigger the need for consent under the NESETA. The NRP rules also apply to vegetation clearance associated with new National Grid assets (as the NESETA only applies to existing National Grid transmission lines).

1.8. The Section 42A ("**s42A** ") reports have accepted (in full or part) the majority of the Transpower submission points with a number of amendments recommended to the provisions that address the relief sought in the Transpower submission. In response:

- I support all the s42A recommended amended vegetation clearance provisions including the permitted vegetation clearance rules WH.R17 and P.R16, and deletion of the definition *Highest Erosion risk land (woody vegetation)* and associated maps.

- For the most part I support the recommended amendments to the earthworks rules and policies, and retention of the definition of Earthworks (on the basis of other recommended changes). Notwithstanding the general support,

    - The officer recommended new clause (e) within recommended policies WH.P29 and P.P27 is not supported as the reference to 'close down period' is terminology that is carried over from the notified provisions and infers an automatic shut down period which is not appropriate in context of the other officer recommended rules and policy framework.

    - While the s42A recommended new rules WH.R23A and P.R22A are largely supported, amendments are recommended in my evidence as follows:

        - amendment to the 5m setback condition (a) to allow for earthworks associated with existing National Grid assets, subject to additional conditions recommended through this evidence.

        - amendment to condition (d) to remove the unachievable 'nil' sediment discharge directive of the condition

        - amendment/correction to delete the conjunctive 'and' from clauses (a) and (b)

[1] "Trimming, felling, or removing any tree or vegetation", NESETA (2009)

- deletion of the reference to ‘minor’ in the rule title, and
- clarification as to the default activity status should the conditions in the permitted rule not be complied with.

1.9. Attached as Appendix A to my evidence is the National Policy Statement on Electricity Transmission 2008. Attached as Appendix B to this evidence are relevant provisions from the RPS, and as Appendix C are amendments recommended through this evidence.

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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 27 years' experience as a resource management planner.

2.3. I have been a planning consultant based in Wellington for the past 22 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 assisted Transpower on a number of planning processes and thus have a good practical understanding of how the grid operates.

2.5. My evidence is given in support of Transpower's submission on the Proposed Change 1 ("**PC1**") to the Natural Resources Plan ("**NRP**"). 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 PC1. I have also supported Transpower with their submission and the provision of planning evidence to Proposed Change 1 to the Regional Policy Statement for the Wellington Region ("**RPSC1"**)

2.6. While I acknowledge this will be a council hearing, 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.

3. Scope of Evidence

3.1. Transpower lodged an extensive submission on PC1 to the NRP with the overall intent to ensure the proposed change gives effect to the National Policy Statement on Electricity Transmission 2008 ("**NPSET**") and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**"). Given this will be my primary planning evidence on PC1, I consider that it would be helpful to outline Transpower's interests in the Wellington Region, focussing on the two whaitua of Te Awarua-o-Porirua ("**TAoP**") and Te Whanganui-a-Tata ("**TWT**") as well as the specific policy framework associated with the National Grid. On this basis my evidence is structured as follows:

- The background and application of PC1 to the NRP
- A description of Transpower's assets within TAoP and TWT
- A summary of the relief sought in the submission by Transpower
- National Direction under the RMA
- Regional Direction under the RMA
- Response to the s42A Reports and recommendations
- Conclusion

3.2. In preparing this evidence, I have reviewed the following documents:

a. The GWRC s32 Report

b. The s42A Report Forestry and Vegetation Clearance and s42A Report Earthworks prepared for PC1 to the NRP

c. The company evidence prepared for Transpower by Ms Julia Kennedy.

3.3. My evidence should be read together with the evidence of Ms Julia Kennedy who describes Transpower, the role and importance of the National Grid and the electrification issues and challenges facing the country. Specific to Hearing Stream 3, Ms Kennedy outlines the need for earthworks and vegetation clearance/disturbance associated with the National Grid.

4. Application of PC1 to the NRP

4.1. The purpose of PC1 to the NRP is to give effect to the National Policy Statement Freshwater Management 2020 ("**NPSFM**"). The scope of PC1 is confined to two of the five Whaitua of the Wellington region, TWT and TAoP.

4.2. PC1 seeks to implement the requirements from the NPSFM, subpart 2 National Objectives Framework ("**NOF**"), including:

a. section 3.8, identification of FMUs and special sites and features, including sites used for monitoring, primary contact sites, location of threatened species, monitoring sites for FMUs, and Māori freshwater values.

b. sections 3.9, 3.10, identifying values and setting environmental outcomes as objectives, including compulsory values, environmental outcomes set as objectives for all fresh water (rivers, lakes, wetlands, and groundwater) and connected coastal water in the TAoP and TWT.

c. sections 3.11, 3.13, setting target attribute states (TASs) and instream concentrations and exceedance criteria for TAoP and TWT.

d. sections 3.12, 3.14, 3.15, policies and rules (rules or limits required by NPS-FM) and methods (including action plans) to manage activities such as urban development, earthworks, stormwater, wastewater, and rural land use activities to achieve the objectives and target attribute states within TAoP and TWT, and

e. section 3.16, 3.17, amendments to the water quantity policies and rules for TAoP, including amended minimum flows, and take limits.

4.3. A range of further changes are proposed to be introduced through PC1 to the NRP not directly related to the NPSFM, including:

a. Referencing icons

b. Amendments to biodiversity schedules, implementing NRP Method 24 for indigenous ecosystems schedules within the CMA.

c. Amendments to the rules relating to the beds of lakes and rivers to resolve drafting issues.

d. Amendments to air quality rules to remove referencing icons and changes that reflect national standards and improvements to drafting.

5. Transpower's Assets with the Wellington Region (TAoP and TWT)

5.1. As outlined in Transpower's submission, and the evidence of Ms Kennedy, there are numerous components of the National Grid that are located in or pass through Whaitua TWT and TAoP. In general terms, the National Grid includes transmission line assets and substations. Key assets include the coastal facilities that provide for landing of the Cook Strait cable at Oteranga Bay, as well as the Haywards substation in Hutt City, which is the point where electricity generated in the South Island is transferred into the North Island grid and vice versa. As such, the National Grid in the Wellington region is not only regionally significant, but also nationally significant.

6. Transpower Submission on Plan Change 1 to the Wellington Region Natural Resources Plan and Relief Sought

6.1. Given the interconnected nature and breadth of all of Transpower's submission points and that this is Transpower's first hearing appearance, I consider it helpful to briefly summarise the general nature of Transpower's submission on PC1 to the NRP.

6.2. As a general overview to Transpower's submission on PC1, Transpower recognises that one of the purposes of PC1 is to give effect to the NPS-FM. However, PC1 is required to do so in a manner that gives effect to all other national policy statements and instruments, including the NPSET and the NESETA which are specific national instruments for the National Grid high voltage electricity transmission network. At a broad level, the NPSET provides the higher order policy direction for the operation, maintenance, upgrade and development of the National Grid. The NESETA addresses the objectives and policies of the NPSET relating to the existing transmission network by providing a national framework of permissions and consent requirements for the operation, maintenance and upgrade of existing lines.

6.3. A review of the Section 32 Evaluation Report for PC1 yields no reference to the NPSET or the NESETA and on this basis, it appears that the NPSET and NESETA have not been considered as part of the preparation of PC1. In my opinion the NPS-FM (and NES-F) and the NPSET (and NESETA) are not necessarily incompatible or irreconcilable. Much of Transpower's detailed submission on PC1 seeks to ensure that the objective of the NPSET, which is to facilitate the operation, maintenance, upgrading, and development of the National Grid, is given effect to through the provisions of PC1 while also giving effect to the NPS-FM.

6.4. In context of the overarching concern as to the lack of recognition of the NPSET and NESETA, the Transpower submission raised six general areas of concern that includes:

1. The framework proposed to prohibit "unplanned greenfield development", capturing work associated with the maintenance, upgrade or development of the National Grid.

2. The approach taken to regulation of high-risk industrial or trade premises, imposing considerable uncertainty over the ability for Transpower to consent maintenance, development or upgrading of the National Grid, including substations.

3. Changes to the policies and rules for earthworks that create considerable uncertainty and practical implementation issues for Transpower through the introduction of a 3 month black-out period over winter and an overly restrictive (non complying) activity status.

4. A lack of recognition for Transpower's need to undertake vegetation clearance within proximity to components of the National Grid to maintain safe and efficient operation of its network.

5. The application of a regime requiring payment of financial contributions for offsetting residual adverse effects of contaminants from impervious surface runoff.

6. The inappropriate use of the freshwater planning instrument as a means to introduce and modify controls in relation to vegetation clearance and earthworks.

6.5. In addition to these six primary areas of focus, the Transpower submission also addresses a range of associated changes that are designed to achieve better alignment with the NPSET, improve the workability and practical application of provisions, and suggests alternatives designed to be more efficient and effective at achieving the objectives of the plan. Included were concerns regarding how the proposed stormwater and impervious surface management framework would be applied to the National Grid.

6.6. The specific areas of concern subject to Hearing Stream 3 are (noting these areas are expanded on later in my evidence):

6.6.1. **Policies and rules and the definition of '*Earthworks*'**: While the NESETA regulates existing electricity transmission assets, it does not regulate earthworks subject to a regional rule and therefore the NRP earthworks rules apply to earthwork activities associated with the National Grid (both existing and new assets).

6.6.2. Earthworks are necessary for various works around existing support structures (for example for foundation strengthening, replacement or removal of structures, levelling to accommodate crane pads), improvements and upgrades to access tracks, and earthworks associated with vegetation clearance and mid-span earthworks to provide necessary conductor clearance distances. Earthworks within lakes and riverbeds associated with activities including foundation strengthening, access tracks next to and within riverbeds, and replacement or installation of structures to enable access such as bridges, culverts and fords.

6.6.3. **Rules for vegetation clearance that would apply to activities associated with the National Grid, and the definition and mapping of *'Highest Erosion risk land*':** Under regulation 30 of the NESETA, vegetation works[2] are permitted, unless specific to regional rules. Therefore, any non-permitted vegetation clearance rules that apply to existing National Grid transmission lines (and associated access tracks) trigger the need for consent under the NESETA. The NRP rules also apply to vegetation clearance associated with new National Grid assets (as the NESETA only applies to existing National Grid transmission lines).

6.6.4. Managing the effects of vegetation on the National Grid is a continuous task for Transpower. Vegetation growing too close to existing National Grid transmission lines can pose a potential hazard to life, property and the environment, and a threat to the security and reliability of the electricity supply system. While not over-riding RMA obligations and requirements, Transpower has a legal requirement to maintain its lines to minimise any tree-related interruptions to the supply of electricity.

6.7. Before I respond to the s42A recommendation pertaining to the Hearing Stream 3 submission points, I consider it would be helpful to first outline the relevant national and regional policy direction and framework.

7. National Direction under the RMA

National Policy Statements

7.1. The purpose of PC1 is to give effect to the National Policy Statement for Freshwater Management 2020 ("**NPS-FM**"). The scope of the proposed PC1 to the NRP engages with

[2] "Trimming, felling, or removing any tree or vegetation", NESETA (2009)

a wide number of other national directives formulated under the RMA, as set out within the s32 Report, and including:

a. New Zealand Coastal Policy Statement (**NZCPS**)

b. National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**)

c. National Policy Statement on Urban Development 2020 (**NPS-UD**).

d. Resource Management (National Environmental Standards for Freshwater) Regulations 2020

e. Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

f. Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023

7.2. Notably, the Council's s32 Report failed to reference the relevant provisions contained within NPSET and NESETA. Both of these national directives are of particular importance to Transpower and its responsibilities for the operation, maintenance and upgrade of the National Grid.

7.3. All National Policy Statements ("**NPS's**") sit at the top of the planning instrument hierarchy.[3] Pursuant to s67(3), all regional plans must "give effect to" any NPS.

7.4. 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 policy framework developed that addresses obvious tensions between policy statements that need to be given effect to. The 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. Examples I have been involved with include the Greater Wellington Natural Resources Plan, and the Taranaki Regional Coastal Plan, and more recently the proposed Waikato Regional Coastal Plan, all of which developed a policy approach to reconcile the respective national instruments.

[3] In particular, regional plans (including regional coastal plans) must be prepared and changed in accordance with 'a national policy statement' and 'a New Zealand Coastal Policy Statement' (section 66(1)(ea) RMA) and must give effect to 'any national policy statement and any New Zealand coastal policy statement' (section 67(3)(a) and (b) RMA).

The National Policy Statement on Electricity Transmission 2008

7.5. 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**. 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.

7.6. The primary basis and reasoning for the National Grid specific provisions in PC1 to the NRP is to recognise the national significance of the National Grid and enable its development.

7.7. The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the NPSET. This significance applies universally across the country regardless of the nature of the specific National Grid asset. The NPS applies within the CMA, noting the definition of *Electricity Transmission* within the NPS includes 'undersea' assets.

7.8. The NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network. The NPSET policies give direction on how to achieve the objective by providing for the recognition of the benefits of electricity transmission, as well as the management of 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.

7.9. The sole objective of the NPSET is:

> *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.*

7.10. The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA. The development of the National Grid is explicitly recognised in the NPSET.

7.11. Relevant to PC1 to the NRP are two broad aspects to the NPSET, which must be given effect to, as below.

Enabling the National Grid:

a. Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising the national benefits. 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 the management of the effects of climate change.

Managing the effects of the National Grid:

b. Associated with the development of National Grid assets is the potential for adverse environmental effects. 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.

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

7.13. Policies 2 to 9 relate to management of 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.*"

7.14. Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements.

7.15. Policy 6 of the NPSET seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards.

7.16. Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments/areas (being outstanding natural landscapes, areas of high natural character,

and areas of high recreation value and amenity, and existing sensitive activities). The wording of NPSET Policy 8 ("should seek to avoid") does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). My interpretation is the NPSET applies to the CMA (noting the definition of *Electricity Transmission* within the NPS includes 'undersea' assets), and Policy 8 refers to 'natural character' which is found in the CMA. The NPSET essentially has an urban / rural divide when managing effects on specific areas, and every environment falls within one of those areas. I accept there are parts of the CMA that arguably are associated with urban areas (such as around the harbour of Wellington City). However, the majority of the CMA is associated with rural areas.

7.17. The development of the National Grid must therefore be provided for in PC1 to the NRP in a way that ensures the potential for adverse effects is appropriately managed while recognising the significance of the National Grid and the constraints under which it operates. The NPSET requires regional councils to include objectives, policies and methods to:

- Allow for the consideration of the technical constraints and operational requirements under which the National Grid operates, for example the linear nature of the transmission lines (Policy 3).
- Have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the route, site and method selection (Policy 4).
- Ensure planning and development of the transmission system minimises adverse effects on urban amenity, avoid adverse effects on town centres and existing sensitive activities (Policy 7).
- Facilitate long-term planning for investment in transmission infrastructure and its integration with land uses (Policy 14).

7.18. 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 National Grid infrastructure on the environment.

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

7.19. Also of relevance is the NESETA which came into effect on 14 January 2010. The NESETA addresses the objectives and policies of the NPSET, particularly those relating to the existing

transmission network, by providing a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission lines (the National Grid). Activities include the operation, maintenance and upgrade of existing lines (i.e. those built prior to 14 January 2010).

7.20. The NESETA:

- specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment

- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

7.21. The NESETA only applies to existing transmission lines existing at 14 January 2010. It does not apply to the construction of new transmission lines, nor to existing or new substations. The NESETA does not apply to electricity distribution lines (these are the lines carrying electricity from regional substations to electricity users).

7.22. Of specific note, regulation 4(2)(f) stipulates '*earthworks to the extent that they are subject to a regional rule'* are not regulated by the NESETA, and therefore earthwork activities are subject to the regional plan.

7.23. Also of particular relevance to PC1 are NESETA Regulations 28 and 29 relating to discharges to water, and Regulations 30 and 32 relating to trimming, felling and removing trees and vegetation.

- Under regulation 28, the NESETA permit discharges to water that have minor effects (noting that this only applies to existing transmission lines and not substations).

- Under regulation 30, vegetation works are permitted, unless specific to regional rules, under clause (3) the regional plan controls the use for land for the purpose of: soil conservation, or avoiding or mitigating flooding. Where breached, consent is required under regulation 32 as a restricted discretionary activity.

7.24. Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. The operative Natural Resources Plan references the NESETA in Section 5.6, as follows:

Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010

are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.

8. Regional Direction under the RMA

The Greater Wellington Regional Policy Statement

8.1. The Greater Wellington Region Regional Policy Statement ("**RPS**") was made operative in 2013. On 4 October 2024, the Greater Wellington Regional Council gave notice of its decisions on submissions on Proposed Change 1 and Variation 1 to the RPS for the Wellington Region. The proposed changes were focused on implementing and supporting national direction and addressing issues related to freshwater, urban development, climate change and indigenous biodiversity in the Wellington Region.

8.2. In addition to the requirement that regional plans must be prepared and changed in accordance with 'a national policy statement' (s66(1)(ea) RMA) and must give effect to 'any national policy statement (s67(3)(a), RMA), s67(3)(c) of the RMA requires that a regional plan must give effect to any RPS. Section 66(a)(a) of the RMA requires that a regional plan have regard to any proposed RPS. The relevant provisions from the RPS as amended by decision on Change 1 and Variation 1 to the RPS are attached as **Appendix B**, with brief commentary on these provisions provided in the following paragraphs.

8.3. Relevant to Transpower's interests and the interpretation of the provisions with the RPS are the following definitions:

> ***Regionally significant infrastructure**, which includes "the National grid" (RPSC1 – Appealed)*
>
> ***Earthworks**, defined to mean "the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts." (RPSC1 – Operative)*
>
> ***Electricity transmission network**, defined as "the electricity transmission network that:*
>
> *(a) comprises the network of transmission lines, cables, stations, substations and works used to connect grid injection points and grid exit points used to convey electricity in New Zealand; and*
>
> *(b) is owned by Transpower New Zealand Limited; and*
>
> *(c) is commonly known as the National Grid." (RPSC1 – Operative)*

***ET Activities**, defined as being "any activity required for the operation, maintenance, upgrade, or development of the electricity transmission network, along with all access roads and tracks required to operate and maintain that network." (RPSC1 – Operative)*

***National Grid**, being "National grid as defined by the National Policy Statement for Electricity Transmission 2008". (RPSC1 – Operative)*

***Specified Infrastructure**, being defined as*

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002);

(b) regionally significant infrastructure; … (RPSC1 – Operative)

8.4. Transpower itself is a lifeline utility (an entity that distributes electricity), with the National Grid also being regionally significant infrastructure, thereby becoming Specified Infrastructure.

8.5. Chapter 3.3 of the RPS provides a statement of the issues, objectives and the polices and methods for Energy, Infrastructure and Waste. In doing so, energy and infrastructure are identified as issues of regional significance or have been identified as issues of significance to the Wellington region's iwi authorities.[4]

8.6. Objective 10 provides that:

> ***Policy 10** The social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected.*
> (Unchanged by RPSC1)

8.7. This objective is supported by Policies 7 and 8, relevant to the implementation of regional and district plans, as below.

> ***Policy 7** recognising the benefits from renewable energy and regionally significant infrastructure.* (RPSC1 - Appealed)
>
> *District and regional plans shall include objectives, policies, rules and/or other methods that:*
>
> *(a) recognise the social, economic, cultural and environmental benefits of regionally significant infrastructure, including:*
>
> *(i) people and goods can travel to, from and around the Wellington Region efficiently and safely and in ways that support the transition to low or zero-carbon multi-modal transport 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;*

[4] Page 15, Chapter 3, Regional Policy Statement for the Wellington Region (2013)

(iii) people have access to energy, and preferably renewable energy, so as to meet their needs; and

(iv) people have access to telecommunication services; and

b) recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and its transmission through an efficient, effective and resilient electricity transmission network, including:

(i) avoiding, reducing and displacing greenhouse gas emissions;

(ii) contributing to the security of supply, resilience, independence and diversification of energy sources and the transmission of this energy to communities, homes and businesses;

(iii) reducing dependency on imported energy resources;

(iv) using renewable resources rather than finite resources;

(v) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;

(vi) the provision of an efficient, effective and resilient electricity transmission network; and

(vii) providing for the economic, social and cultural well-being of people and communities; and

(c) recognise the benefits of regionally significant infrastructure that contribute to reductions in greenhouse gas emissions, give effect to Te Mana o te Wai, mitigate natural hazards, or enable people and communities to be resilient to climate change

***Policy 8** Protecting regionally significant infrastructure.* (Unchanged by RPSC1)

8.8. Policy 7 recognises both the social, economic, cultural and environmental benefits of regionally significant infrastructure, and to recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and its transmission through an efficient, effective and resilient electricity transmission network.

8.9. The explanation to Policy 8 expands on the importance of regionally significant infrastructure as an important physical resource that enables peoples and communities to provide for their social, economic and cultural wellbeing, and for their health and safety. Policy 8 provides a basis for the protection of the National Grid from incompatible subdivision, land uses or activities that adversely affect the efficient operation, or that impede maintenance or upgrades.

8.10. The RPS establishes a range of regulatory policies as matters to be considered for resource consents, notices of requirement and when changing, varying or reviewing plans being relevant to the National Grid and the matters raised within Transpower's submissions, as detailed below.

> ***Policy 39:*** *Recognising the benefits from renewable energy and regionally significant infrastructure* (RPSC1 - Appealed)

8.11. There are significant social, economic, cultural and environmental benefits derived from the National Grid, which provides for the distribution of energy, necessary for peoples and communities to meet growing energy demands. Indirectly, it also contributes towards reducing dependency on non-renewable forms of energy, reducing greenhouse gas emissions and contributing towards national renewable energy targets.

> ***Policy 55:*** *Managing greenfield development to contribute to well-functioning urban areas and rural areas* (RPSC1 - Appealed)
>
> ***Policy 56:*** *Managing development in rural areas – consideration* 135 (Unchanged by RPSC1)
>
> ***Policy 57:*** *Integrating land use and transportation – consideration 135* (Unchanged by RPSC1)
>
> ***Policy 58:*** *Co-ordinating land use with development and operation of infrastructure – consideration 136* (Unchanged by RPSC1)

Natural Resources Plan for the Wellington Region (2023)

8.12. The NRP contains a range of objectives and policies that are relevant to all Whaitua within the Wellington Region and that continue to apply. The relevant objectives and policies in the NRP are detailed below.

> ***Objective O9***
>
> *The social, economic, cultural and environmental benefits of Regionally Significant Infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.*
>
> ***Objective O10***
>
> *Regionally Significant Infrastructure and renewable energy generation activities that meets the needs of present and future generations are enabled in appropriate places and ways.*
>
> ***Objective O11***
>
> *Significant mineral resources and the ongoing operation, maintenance and upgrade of Regionally Significant Infrastructure and renewable energy generation activities are protected from incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.*

8.13. The relevant policies include:

> ***Policy P11**: Benefits of Regionally Significant Infrastructure and renewable electricity generation facilities*
>
> *When considering proposals that relate to the provision of Regionally Significant Infrastructure, or renewable energy generation activities, particular regard will be given to the benefits of those activities.*
>
> ***Policy P13**: Providing for Regionally Significant Infrastructure and renewable electricity generation activities*
>
> *The use, development, operation, maintenance, and upgrade of Regionally Significant Infrastructure and renewable energy generation activities are provided for, in appropriate places and ways. This includes by having particular regard to:*
>
> *(a) the strategic integration of infrastructure and land use, and*
>
> *(b) the location of existing infrastructure and structures, and*
>
> *(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and*
>
> *(d) the functional need and operational requirements associated with developing, operating, maintaining and upgrading Regionally Significant Infrastructure and renewable energy generation activities.*
>
> ***Policy P14**: The National Grid*
>
> *(a) Recognise and provide for the benefits of the National Grid.*
>
> *(b) Enable the operation, maintenance or upgrade of existing National Grid assets.*
>
> *(c) Where the National Grid has a functional need or operational requirement to locate in the coastal environment, lakes, rivers or wetlands, manage the adverse effects of its activities on natural character, natural features and natural landscapes, and indigenous biodiversity by:*
>
> *(i) Seeking to avoid adverse effects of new development or major upgrades on values of:*
>
> *1. outstanding natural character,*
>
> *2. natural attributes and characteristics of outstanding natural features and landscapes,*
>
> *3. indigenous biodiversity values of the aquatic ecosystems, habitats, species and areas listed in Policy P38(a).*
>
> *(ii) Seeking to avoid significant adverse effects of new development or major upgrades on:*
>
> *1. other areas of natural character in the coastal environment,*
>
> *2. natural attributes and characteristics of other natural features and landscapes in the coastal environment,*

3. *indigenous biodiversity values that meet the criteria in Policy P11(b) of the NZCPS.*

(iii) *Having regard to the extent to which adverse effects have been avoided, remedied or mitigated:*

1. *through the route, site and method selection process, and*

2. *given the constraints imposed by the activity's operational requirements.*

(iv) *Recognising there may be some areas in the coastal environment where:*

1. *avoidance of adverse effects is required to protect the values, natural attributes and characteristics identified within (c)(i) 1, 2, and 3 above.*

2. *avoidance of significant adverse effects is required to protect the values, natural attributes and characteristics identified within (c)(ii) 1, 2, and 3 above.*

(d) *Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided.*

In the event of any conflict with any other objectives and policies in the Plan relating to indigenous biodiversity within Policy P38, natural character, and natural features and natural landscapes, Policy P14 takes precedence.

***Policy P15:** Incompatible activities adjacent to Regionally Significant Infrastructure, renewable electricity generation activities and significant mineral resources*

Regionally Significant Infrastructure, renewable energy generation activities and significant mineral resources shall be protected from incompatible use and development occurring under, over or adjacent to it, by locating and designing any use and development to avoid, remedy or mitigate any reverse sensitivity effects.

Note

For the avoidance of doubt, this policy only applies to an activity that requires resource consent seeking to locate in proximity to Regionally Significant Infrastructure, renewable electricity generation activities or significant mineral resources.

9. Response to the Section 42A Report Recommendations

9.1. The following section responds to the s42A Report recommendations on Transpower's submission points to Hearing Stream 3.

9.2. My response to the s42A Report recommendations are addressed under the following topics (which reflect the topics within the Transpower submission).

- Policies and rules and the definition relating to **earthworks**

- Rules for **vegetation clearance** that would apply to activities associated with the National Grid; and the definition and mapping of ***'Highest Erosion risk land'***

9.3. It should be noted that the s42A reports have accepted (in full or part) the majority of the Transpower submission points with a number of amendments recommended to the provisions that address the relief sought in the Transpower submission. In response:

- I support all the s42A recommended amended vegetation clearance provisions including the permitted vegetation clearance rules WH.R17 and P.R16, and deletion of the definition Highest Erosion risk land (woody vegetation) and associated maps.

- I support the majority of the recommended amendments to the earthworks rules and policies, and retention of the definition of Earthworks (on the basis of other recommended changes). Notwithstanding my general support:

    - The officer recommended new clause (e) within recommended policies WH.P29 and P.P27 is not supported as the reference to 'close down period' is terminology that is carried over from the notified provisions and infers an automatic shut down period which is not appropriate in context of the other officer recommended rules and policy framework.

    - While I support the s42A recommended new rules WH.R23A and P.R22A, amendments are recommended through my evidence as follows:

        - amendment to the 5m setback condition (a) to allow for earthworks associated with existing National Grid assets, subject to additional conditions recommended through this evidence.

        - amendment to condition (d) to remove the unachievable 'nil' sediment discharge directive of the condition

        - amendment/correction to delete the conjunctive 'and' from clauses (a) and (b)

        - deletion of the reference to 'minor' in the rule title, and

        - clarification as to the default activity status should the conditions in the permitted rule not be complied with.

9.4. The following responds to the two topics – vegetation and earthworks.

Earthworks - Definition, policies and rules

9.5. While the NESETA regulates existing electricity transmission lines, it does not regulate earthworks subject to a regional rule and therefore the NRP earthworks rules apply to existing and new National Grid assets and activities.

9.6. The Transpower submission opposes elements of the notified policies and rules proposed in relation to earthworks and considers that the proposed earthworks policies and rules do not provide for a reasonable level of earthworks activities. As outlined in the evidence of Ms Kennedy, earthworks are a common and essential component of Transpower's activities as part of maintaining, upgrading or developing the National Grid, and Transpower considers that a reasonable level of earthworks, including where necessary earthworks during the winter months, are enabled subject to appropriate conditions to manage potential adverse effects. Transpower considers this is necessary in order to facilitate the operation, maintenance, upgrading, and development of the National Grid, as required by the NPSET.

9.7. The Transpower submission seeks a number of changes to the definition, policies and rules relating to Earthworks. In the Table 1 below I outline the relief sought, the s42A recommendations and my response.

Table 1. Summary of Transpower submission on Earthworks provisions

Plan Provision	Relief Sought and Reasoning	s42A Recommendation	s42A Amended Text	My Response
Definition Earthworks	Amend[5] the definition of "Earthworks" to exclude "*the construction, repair, upgrade or maintenance of electricity lines and their support structures, including the National Grid*". A structural change is also sought that provides a clearer list of disjunctive exclusions to the definition of earthworks. Should this point be accepted, the submission points below would not be necessary in relation to Transpower's submission.	The s42A Report recommends rejection of the relief sought by Transpower. Instead, the officer recommends the relief sought by the submission can be addressed with the insertion of a new permitted activity rule to allow the activities to continue subject to conditions. New permitted rules WH.R23A and P.R22A are recommended.	No changes are recommended to the definition to give effect to the relief sought in the submission (noting other changes are recommended to address other submission points).	On the basis of the s42A recommended new rule WH.R23A and P.R22A which provides a permitted rule for the National Grid, I accept the recommendation to not amend the definition. The recommended relief to insert new permitted rules gives effect to the NPSET in terms of recognising, providing and enabling the operation, maintenance, upgrade and development of the National Grid.
Policy WH.P29 and P.P27 Management of Earthworks	Amend[6] to replace the word 'risk' with "adverse effects", amend clause (a) to replace the wording of "requiring retention" with "minimising the uncontrolled loss", and amending clause (b) to insert the qualification "where practicable".	The s42A recommends numerous amendments to the policy.	*Policy WH.P29 and P.P27 Management of Earthworks* *The ~~risk~~ adverse effects of sediment discharges from earthworks shall be managed by:* *(a) requiring retention of uncontrolled soil and sediment on the land using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), for the duration of the land disturbance, and* *(b) limiting the amount of land disturbed at any time, and* *(c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and* *(d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion., and* *(e) minimising works required during the close down period (from 1st June to 30th September each year)*	For the reasons outlined in the Transpower submission, I generally accept the recommendation noting the policy has largely been amended to reflect the wording sought in the Transpower submission. The recommendation is also accepted on the basis of the s42A recommended new rule WH.R23A and P.R22A which provides a permitted rule(s) which has a specific clause that would apply to earthworks associated with the National Grid. **Notwithstanding the general acceptance, it is recommended the officer recommended new clause (e) not refer to 'close down period' as that terminology is carried over from the notified provisions and infers an automatic shut down period which is not appropriate in context of the officer recommended rule and policy framework. Refer commentary below in evidence.**
Policy WH.P30 and P.P28: Discharge standard for earthworks	Support[7] The policies are supported, noting the standards set out in the policy are considered to be reasonable	The S42A Report recommends numerous amendments to the policy.	*Policy WH.P30 and P.P28: Discharge standard for earthworks* *The discharge of sediment from earthworks over an area greater than 3,000m2 shall:* *(a) not exceed ~~100g/m3~~ 170 Nephelometric Turbidity Units (NTU) at the point of discharge where the discharge is to a surface water body, coastal water~~,~~ (including via a stormwater network) or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m3, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:* *(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or*	Notwithstanding the policy reads as a rule (in that it contains a standard which is not to be exceeded) the recommendation is accepted on the basis of the s42A recommended new rule WH.R23A and P.R22A which provides a permitted rule which has a specific clause that would apply to earthworks associated with the National Grid.

[5] S177.009
[6] S177.025 and S177.051
[7] S177.026 and S177.052

			(ii) 30% in any other river, and *(b) be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and* *(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.*	
Policy WH.P31 and P.P29 Winter shut down of earthworks	Delete[8]. Transpower opposes the blanket shut down of earthworks activities that are over 3000m2. between 1 June and 1 October.	The s42A recommends that the Winter works shut down policies are deleted. This recommendation is made on the basis the winter works shut down period and heightened risk of sediment discharges during this period can be managed through the rule framework.	~~*Policy WH.P31 and P.P29: Winter shut down of earthworks*~~ ~~*Earthworks over 3,000m² in area shall:*~~ ~~*(a) be shut down from 1st June to 30th September each year, and*~~ ~~*(b) prior to shut down, be stabilised against erosion and have sediment controls in place using good management practices in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).*~~	The recommendation to delete the policies is supported and reflets the relief sought in the Transpower submission. While I accept and recognise that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. The GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), which is referred to in the earthworks provisions as the guiding document for earthworks practice, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). I support that the pathway should continue to be available to applicants through the consent process. In my opinion the notified regime will create a significant administrative cost for applicants and Council, for little clear environmental benefit. In my view the adverse environmental effects associated with small scale earthworks can be appropriately addressed through permitted activity conditions, as is the case under the operative NRP. While I accept that over the winter months there is a slightly higher proportion of average rainfall across the region as a whole, but not significantly so to justify a departure from the rest of the year.
Rule WH.R23 and P.R22 Earthworks – permitted activity	Amend[9] by replacing the "and" at the end of clause (b) with an "or", deleting clause (g) that allows no associated discharge of sediment to water where the earthworks are under 3000m2 (on the basis discharges are covered by another rule and the standard would be hard to meet and would mean any earthworks under 3000m2 would likely need consent if there is any chance of discharge that may enter water (even groundwater), and amending clause (h) to insert a qualification of "uncontrolled" discharges.	In addition to amendments to the permitted rules, the s42A Report also recommends a new permitted activity rule to allow for those activities that have been unintentionally affected by the notified earthworks definition.	*Rule WH.R23 and P.R22: Earthworks – permitted activity* *Earthworks <u>and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network,</u> is a permitted activity, provided the following conditions are met:* *(a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or* *(b) the earthworks are to implement an action in the farm environment plan for the farm, or* *(c) the area of earthworks does not exceed 3,000m2 per property in any consecutive 12-month period, and* *(i) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and* *(ii) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and* *(iii) the area of earthworks must be stabilised within six months after completion of the earthworks, and* ~~*(iv) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and*~~ *(v) erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network*	On the basis of the recommendation for new rules WH.R23A and P.R22A, I support the recommended amendments to WH.R23 and P.R22. . The recommendation gives effect to the relief sought by Transpower for recognition of the need to give effect to the NPSET and NESETA. Earthworks are a common and essential component of Transpower's activities as part of maintaining, upgrading or developing the National Grid, and Transpower considers that a reasonable level of earthworks, including where necessary earthworks during the winter months, are enabled subject to appropriate conditions to manage potential adverse effects. In my opinion this is necessary in order to facilitate the operation, maintenance, upgrading, and development of the National Grid, as required by the NPSET. **Notwithstanding the general support for new rules WH.R23A and P.R22A, amendments are sought as follows:** **- amendment to the 5m setback condition (a) to allow for earthworks associated with existing National Grid assets, subject to additional conditions recommended through this evidence.** **- amendment to condition (d) to remove the unachievable 'nil' sediment discharge directive of the condition** **- amendment/correction to delete the conjunctive 'and' from clauses (a) and (b)** **- deletion of the reference to 'minor' in the rule title, and**

[8] S177.27 and S177.53
[9] S177.41 and S177.067

			Insert new rules **WH.R23A and P.R22A** as follows: *Rule WH.R23A – Minor earthworks associated with infrastructure and Rule P.R22A Minor earthworks associated with infrastructure* *Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, associated with:* *(a) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and* *(b) the construction, repair, upgrade or maintenance of:* *(i) pipelines, and* *(ii) electricity lines and their support structures, including the National Grid, and* *(iii) telecommunication structures or lines, and* *(iv) radio communication structures, and* *(v) firebreaks or fence lines, and* *(c) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;* *is a permitted activity provided the following conditions are met:* *(a) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, and* *(b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and* *(c) the area of earthworks must be stabilised within six months after completion of the earthworks, and* *(d) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.*	**- clarification as to the default activity status should the conditions in the permitted rule not be complied with.** **Refer commentary provided in evidence below.** • It is noted the numbering and the and/or at the end of clause (b) has been changed through the Clause 16 correction to the notified version.
Rule WH.R24 and P.R23 Earthworks – restricted discretionary activity,	Amend[10] by restructuring the chapeau to locate the "associated discharge" element of the rule to follow on from "Earthworks that do not comply with Rule WH.R23", deleting clause (b) (winter shut down period), and amending the matters of discretion to reference the matters set out under section G5.0 of the GWRC, Erosion and	165.I recommend that the conditions of 'Earthworks - Restricted Discretionary' Rules WH.R24 and P.R23 are amended to provide an opportunity for earthworks located within freshwater management units where target attribute states for total suspended solids are met, to be undertaken during the winter period as a restricted discretionary activity, subject to conditions	*Rule WH.R24 and P.R23: Earthworks – Restricted Discretionary* *Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water including via a stormwater network, that does not comply with Rule P.R22 is a restricted discretionary activity, provided the following conditions are met:* *(a) the water quality ~~concentration of total suspended solids~~ in the discharge from the earthworks shall not exceed 170 Nephelometric Turbidity Units (NTU) ~~100g/m3~~ except that, where the discharge is to freshwater, if at the time of the discharge ~~the concentration of total suspended solid the~~ water quality in the receiving water at or about the point of discharge exceeds ~~100g/m3~~ 170 Nephelometric Turbidity Units (NTU), the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:* *(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1(rivers/lakes), or* *(ii) 30% in any other river, and*	On the basis of the recommendations for new permitted rules WH.R23A and P.R22A which provides for the earthworks associated with the National Grid as a permitted activity, and that the rule does not refer to WH.R23A and P.R22A I accept the recommendation to the restricted discretionary rules. However, should the rules apply to the National Grid where the conditions within WH.R23A and P.R22A are not complied with, the restricted discretionary rules need to be amended to reflect the conditions not met in WH.R23A and P.R22A. The application of condition (b) to the Grid is not appropriate given the necessity for the works and strong policy directive of the NPSET. I would recommended deletion of the condition and inclusion of an addition matter of discretion to address the issue as opposed to a condition.

[10] S177.42 and S177.068

	Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).	imposed during the consenting process	*(b) earthworks shall not occur between 1st June and 30th September in any year <u>where works are located within a Part Freshwater Management Unit where the target attribute state for suspended fine sediment in Table 8.4 is not met,</u>* *Matters for Discretion:* *…* *~~4. The proportion of unstabilised land in the catchment~~* *…..*	
Rule WH.R25 and P.R24 Earthworks – non-complying activity	Amend[11] status of rule from being a non-complying activity to discretionary activity.	The s42A report recommends that the activity status of Rules WH.R25 and P.R24 "Earthworks" is changed from 'non-complying' to 'discretionary'. This is reflective of the risk activities of this nature pose to the environment, a discretionary activity status recognises that the activity is capable of generating a wide range of effects and will still provide the Council the ability to decline consent or to impose consent conditions to manage any potential adverse effects.	*Rule WH.R25 and P.R24 Earthworks - <u>~~non-complying activity~~ discretionary activity</u>* *Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a <u>~~non-complying activity~~ discretionary activity</u>.*	Notwithstanding the recommendation for new permitted rules WH.R23A and P.R22A which would provide for the earthworks associated with the National Grid as a permitted activity, the recommendation to amend the activity status for WH.R25 and P.R24 is supported. In my opinion the non-complying activity status for earthworks that do not meet restricted discretionary conditions does not sufficiently facilitate the upgrading or development of the National Grid, consistent with the NPSET. Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of the National Grid, which due to its long, linear nature can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that may be more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for development or upgrading of the National Grid will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately managed through consent conditions. In terms of s32, the relief sought by Transpower will provide a much more efficient form of control, will impose appropriate controls to manage environment costs, will avoid unnecessary administration and economic costs and better align with national directions for electricity transmission. Having regard to this alternative, in my view the relief sought by Transpower will better achieve the objectives of the regional plan.

[11] S177.43 and S177.069

9.8. As outlined in paragraph 9.3, notwithstanding the general support, there are three recommendations I oppose in part.

9.8.1. **Policies WH.P29 and P.P27**. Notwithstanding the general acceptance of amended policies WH.P29 and P.P27, I do not support the officer recommended new clause (e) which refers to 'close down period' as that terminology is carried over from the notified provisions and infers an automatic shut down period which is not appropriate in context of the officer s42A recommended rule and policy framework. The GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), which is referenced in clause (a) of the policy provides consideration of earthworks undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). On this basis, clause (e) is not considered necessary. I recommend deletion of the clause (e), or if any references to winter earthworks are retained, amendment as follows (text recommended through the s42A report is shown as red text, with that I recommend through this evidence shown as blue text):

(e) ~~*minimising works required during the close down period (from 1st June to 30th September each year)*~~ *managing earthworks during 1st June to 30th September in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).*

9.8.2. **Rule WH.23A and P.22A.** While the s42A recommended new rules WH.R23A and P.R22A are largely supported, an amendment is sought to the 5m setback requirement within condition (a), to allow for earthworks associated with existing National Grid assets, subject to additional conditions.

9.8.3. As outlined in the evidence of Ms Kennedy, Transpower is required to undertake earthworks for both existing and new National Grid assets. Policy 14(b) of the operative NRP recognises the significance of the National Grid through the clear directive to "*Enable the operation, maintenance or upgrade of existing National Grid assets*." The national significance is further recognised by Policy 7 of the RPS (RPSC1 Decisions Version – appealed) which requires:

b) recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and its transmission through an efficient, effective and resilient electricity transmission network, including:

(i) avoiding, reducing and displacing greenhouse gas emissions;

(ii) contributing to the security of supply, resilience, independence and diversification of energy sources and the transmission of this energy to communities, homes and businesses;

(iii) reducing dependency on imported energy resources;

(iv) using renewable resources rather than finite resources;

(v) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;

(vi) the provision of an efficient, effective and resilient electricity transmission network; and

(vii) providing for the economic, social and cultural well-being of people and communities; and

9.8.4. Subject to five changes, the officer recommended rules WH.23A and P.22A are supported on the basis the provision of a permitted rule gives effect to the NPSET, and the RPS and NRP policy direction referenced above. While Transpower's submission did seek amendment to the notified definition of Earthworks to revert back to the operative definition, on the basis of the provision of a suitable earthwork rule that gives effect to the NPSET, I accept the retention of the definition as notified.

9.8.5. In term of the specifics of the s42A recommended rules, the majority of the clauses within the rules are supported. However, I have concerns in relation to:

- the conjunctive nature of the 'and' within clauses (a) and (b)
- the reference to 'minor' in the rule titles
- condition (a) which requires a 5m setback from waterbodies and the coastal marine area
- the 'nil' sediment discharge directive within condition (d); and
- clarification as to the default activity status should the conditions in the permitted rule not be complied with.

9.8.6. These matters are addressed in turn.

Conjunctive nature of the 'and' within clauses (a) and (b)

9.8.7. In relation to clauses (a) and (b), an amendment/correction is sought to delete the conjunctive 'and' from the clauses as the listed permitted activities should not be conjunctive. I suggest this is a drafting issue and can be readily resolved.

Reference to 'minor' in the rule titles

9.8.8. I also recommend deletion of the word 'Minor' from the rule title as that is not reflected in the rule itself.

Condition (a) which requires a 5m setback from waterbodies and the coastal marine area

9.8.9. In terms of the 5m setback, as outlined in the evidence of Ms Kennedy earthworks are required for activities on existing assets such as earthworks associated with pole replacements and foundation strengthening and refurbishment work for example, access and approaches to bridges, the latter which would always be within 5m of a surface water body. While I accept the 5m setback is appropriate for new National Grid assets, I do not agree it is appropriate or required for existing assets when in many instances the volumes of earthworks are minimal, temporary and easily managed as demonstrated in Ms Kennedy's evidence. Instead, I consider the potential adverse effects which the rule seeks to manage (being sediment within waterways) can be managed through conditions to the permitted rule. Such an approach would be consistent with the permitted activity framework for earthworks within 10m of a wetland associated with existing specified infrastructure assets within Regulations 46 and 55 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("**NES-F**"). While I appreciate those regulations relate to wetlands, the principle is applicable in terms of providing a permitted activity framework with appropriate conditions. The approach I recommend through this evidence is to permit earthworks associated with existing National Grid assets within 5m of a waterbody or coastal marine area subject to additional conditions. I note that other NRP Operative rules regulating activities and existing structures within the water bodies such as culverts, and river crossing (within Section 5.4 of the NRP) would continue to apply, as would the NESETA Regulation 33[12] which sets thresholds for earthworks within a natural area[13] (being a SNA, or ONFL). The additional conditions (provided in paragraph 9.9 below) would in my opinion provide an appropriate framework to manage the effects of the activity in terms of discharge of sediment.

9.8.10. The reasoning for the three additional conditions I recommend are follows:

[12] Reg 33 (2) Earthworks in a natural area must not, in a calendar year, exceed— (a) 50 m³ per transmission line support structure; or (b) 100 m³ per access track.
[13] NESETA - natural area means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna

- Condition (i) – reflects permitted regulation 33(5) of the NESETA. While not directly relevant to sediment, the effects relate to water quality as a result of stability and erosion issues, and provides an additional 'control' for land that is potentially most prone to sediment discharge during earthworks.
- Condition (ii) - reflects permitted regulation 33(3) of the NESETA and provide an additional matter of control in ensuring erosion sediment control ("**ESC**") is undertaken. While I note condition (b) within the s42A recommended rule refers to ESC, it ties the ESC to where there is a preferential flow path. I note this condition may not be required if condition (b) is amended as I recommend below.
- Condition (iii) - reflects permitted regulation 55(2) in the NES-F and ensures the regional council are aware of the works.

The 'nil' sediment discharge directive within condition (d); and

9.8.11. Condition (d) has been drafted in such a way that it allows for no discharge of any sediment. I note a similar condition has been recommended to be deleted from permitted rules Rules WH.R23 and P.R22 but has been introduced in the new infrastructure permitted rule. My concerns with the condition are two fold – 1. That it is potentially unachievable in that it provides for no discharge of any degree, and 2. That the issues and effects of sediment discharge is addressed under the other conditions. While I acknowledge the second part of the condition refers to erosion and sediment control measures, this does not nullify the 'no discharge' directive in the first part of the condition. I understand Ms Foster, Planning expert for Meridian Energy Ltd has similar concerns with the condition and has proposed wording as follows (or to similar effect).

(d) erosion and sediment control measures shall be used to prevent to the extent practicable, and otherwise to minimise, the ~~there is no~~ discharge of sediment and debris from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network~~, and erosion and sediment control measures shall be used to prevent a discharge of sediment where a~~ or preferential flow path ~~connects with a surface water body or the coastal marine area, including via a stormwater network.~~

9.8.12. I support such wording.

Clarification as to the default activity status should the conditions in the permitted rule not be complied with.

9.8.13. The last query with the rule is the default activity status should the conditions not be complied with. Neither the restricted discretionary rules WH.R24 and P.R23, or Discretionary rules WH.R25 and P.R24 apply as they do not reference the officer recommended permitted rules WH.R23A and P.R22A. Given the activities subject to WH.R23A and P.R22A, I would support a controlled default rule. A controlled activity status gives effect to the enabling policy directives within the NPSET in relation to existing National Grid assets, specifically policies 2 and 5, and reflects the necessity of the works. I do not support the restricted discretionary rules WH.R24 and P.R23 applying as the default rules given the conditions within that rule including the winter earthworks standard and that the conditions have no relationship to the conditions within the newly recommended permitted rule WH.R23A and P.R22A.

9.8.14. Should the restricted discretionary rules apply, at the very least I would recommend deletion of condition (b) and replacement with an additional matter of discretion to address the issue as opposed to a condition. However, I have not explored this in any depth in my evidence on the basis the restricted discretionary rules do not apply.

9.9. Amendments to the Rule WH.R23A and P.R22A recommended through this evidence (text recommended through the s42A report is shown as red text, with that I recommend through this evidence shown as blue text):

Rule WH.R23A – ~~Minor~~ earthworks associated with infrastructure and Rule P.R22A ~~Minor~~ earthworks associated with infrastructure

Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, associated with:

- *a. thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, ~~and~~*
- *b. the construction, repair, upgrade or maintenance of:*
  - *(i) pipelines, ~~and~~*
  - *(ii) electricity lines and their support structures, including the National Grid and associated access, ~~and~~*
  - *(iii) telecommunication structures or lines, ~~and~~*
  - *(iv) radio communication structures, ~~and~~*
  - *(v) firebreaks or fence lines, ~~and~~*
- *c. repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;*

is a permitted activity provided the following conditions are met:

- *a. the earthworks shall not occur within 5m of a surface water body or the coastal marine area~~, and~~ except that condition a. shall not apply to existing National Grid assets (instead condition e. applies), and*
- *b. soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and*
- *c. the area of earthworks must be stabilised within six months after completion of the earthworks, and*

d. *erosion and sediment control measures shall be used to prevent to the extent practicable, and otherwise to minimise, the ~~there is no~~ discharge of sediment and debris from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network~~, and erosion and sediment control measures shall be used to prevent a discharge of sediment where a~~ or preferential flow path ~~connects with a surface water body or the coastal marine area, including via a stormwater network~~. And*

e. *For earthworks associated with the operation, repair, upgrade or maintenance of existing National Grid assets (including existing and new access tracks) occurring within 5m of a surface water body or the coastal marine area:*

(i) the earthworks must not create or contribute to—
(a) instability or subsidence of a slope or another land surface; or
(b) erosion of the bed or bank of a water body; and

(ii) erosion sediment control must be maintained and applied at the site of the earthworks, to the extent appropriate for the scale and duration of works, during and after the earthworks, to avoid the adverse effects of sediment on surface water bodies and the coastal marine area; and

(iii) the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:
(a) a description of the activity to be undertaken; and
(b) a description of, and map showing, where the activity will be undertaken; and
(c) a statement of when the activity will start and when it is expected to end; and
(d) a description of the extent of the activity; and
(e) their contact details.

Rules for vegetation clearance that would apply to activities associated with the National Grid, and definition of "highest erosion risk land (woody vegetation)"

9.10. There are two primary elements to Transpower's submission on the vegetation clearance rules, the first concerns the nature of potential planting occurring below the National Grid transmission lines and support structures; and the second concerning the ability to undertake vegetation clearance underneath and near to National Grid transmission lines in order for Transpower to maintain the safe and efficient operation of the National Grid. In its submission Transpower also questions the appropriateness of the mapping used to identify where resource consent is required for vegetation clearance.

9.11. Under regulation 30 of the NESETA, vegetation works[14] are permitted, unless specific to regional rules. Where breached, consent is required under regulation 32 as a restricted discretionary activity. Therefore, any non permitted vegetation clearance rules that apply to existing National Grid transmission lines trigger the need for consent under the NESETA. The NRP rules also apply to vegetation clearance associated with new National Grid transmission lines (as the NESETA only applies to existing National Grid transmission lines – noting the NESETA does not apply to substations).

[14] "Trimming, felling, or removing any tree or vegetation", NESETA (2009)

9.12. Transpower considers that the provisions associated with vegetation clearance on land identified in PC1 as "highest erosion risk land (woody vegetation)" do not sufficiently recognise the need to undertake vegetation clearance to prevent the encroachment of woody vegetation on National Grid transmission lines and support structures. Transpower's submissions on the vegetation clearance rules seek to ensure that Transpower can undertake clearance activities underneath and near to National Grid transmission lines in order for Transpower to maintain the safe and efficient operation of the National Grid.

9.13. In addition to this, notwithstanding that NESETA regulation 32 (restricted discretionary activities) prevails where the regional rule is breached, both the rules and Schedule 33 (erosion and sediment management plan) seek to encourage revegetation in areas subject to the high erosion risk land overlay. While Transpower is not opposed to revegetation generally, Transpower considers that revegetation should not be promoted underneath or near to National Grid transmission lines and support structures, as this may compromise the future safe operation of the National Grid.

9.14. In its submission Transpower was neutral on the definition of Highest Erosion Risk Land[15] but in submission point S177.084 and S177.085, sought the maps (91 and 94) be amended to only identify cohesive areas of vegetation being subject to the rules. The mapping includes numerous small and incohesive areas of vegetation, and I question the efficiency or effectiveness of regulating numerous small (which in many cases measure no greater than 5m by 5m) incohesive areas of vegetation. Rules WH.R18 and P.R17 imposes a minimum threshold for the removal vegetation on highest erosion risk land of 200m^2 with the resolution of mapping being produced at a much finer level (5m by 5m). It would assist plan administration if the mapping of woody vegetation was undertaken at a level that aligns with the rules i.e. in 200m^2 blocks.

9.15. As identified in the image below, there are parts of the National Grid that are located over or near land that is mapped as "Highest erosion risk land (Woody vegetation)" in Map 91. In its submission Transpower seeks amendments to the permitted activity rules for vegetation clearance on highest erosion risk land (woody vegetation) to ensure that vegetation clearance less than 200m^2 is clearly provided for under the rule (and is not an innominate discretionary activity), and that an exclusion be provided for the National Grid.

[15] S177.011

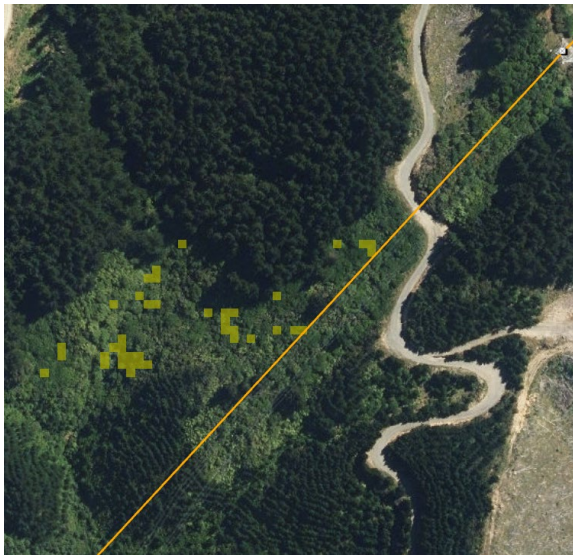

Figure 1. Image showing areas of "Highest erosion risk land (Woody vegetation)" (shown in lime green squares)

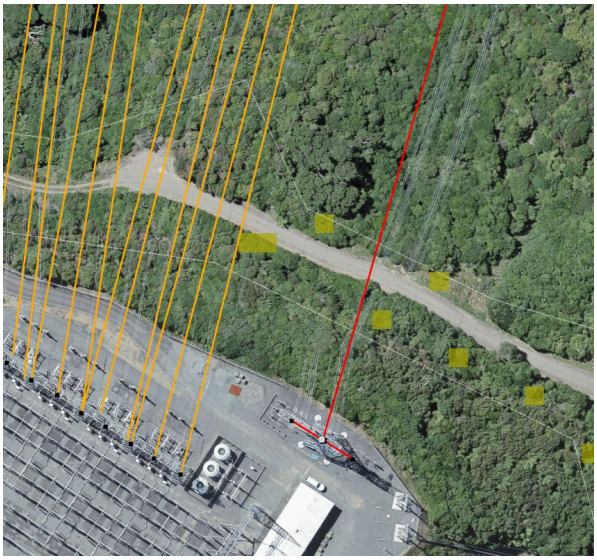

Figure 2. Image showing areas of "Highest erosion risk land (Woody vegetation)" (shown in green squares) around an access track to the north of the Haywards substation. Each square measures 5m by 5m.

9.16. I support all the s42A recommended amended vegetation clearance provisions including the permitted vegetation clearance rules WH.R17 and P.R16, and deletion of the definition Highest Erosion risk land (woody vegetation) and associated maps. The ‘replacement’ with the operative NRP rules is supported. There are no amendments recommended through this evidence. The following table outlines the relief sought, the s42A s and my response to the recommendations.

Plan Provision	Relief Sought	s42A Recommendation	s42A Amended Text	My Response
Definition: Highest Erosion risk land (woody vegetation)	Retain[16] as notified (noting the submission points on the maps and provision).	On the basis of concerns raised with the mapping to which the definition relates, the s42A Report recommends deletion of the definition.	Delete the definition of Highest erosion risk land (woody vegetation) ~~*Highest erosion risk land (woody vegetation)*~~ ~~*Land with highest erosion risk (woody vegetation) in Te Awarua-o-Porirua Whaitua shown on Map 91 or in Whaitua Te Whanganui-a-Tara shown on Map 94.*~~ Inert a new definition: *Potential erosion risk land* *Land shown on Map 90 and 93 as Potential erosion risk land (pasture); Potential erosion risk land (woody vegetation); or Potential erosion risk land (plantation forestry)* (NB – the operative NRP definition of Erosion Prone Land remains. Erosion prone land The pre-existing slope of the land exceeds 20 degrees.)	On the basis of the recommended amended rule framework, the recommendation to delete the notified definition is supported. It is noted the reference to "potential erosion risk land" as recommended in the S42A Report does not apply to any plan provisions that would apply to the National Grid.
Rule WH.R17 and P.R16: Vegetation clearance on highest erosion risk land permitted activity.	Notwithstanding concerns raised in this submission regarding the mapping of 'highest erosion risk land (woody vegetation)', Transpower seeks amendment[17] to the rules: - Add a subclause to clause (a) to clarify that vegetation clearance of less than 200m2 per property per year is permitted activity (on the basis that clearance of more than 200m2 is a controlled activity under rule P.R17). Considers it necessary to avoid clearance of less than 200m2 becoming an innominate activity (and therefore discretionary). Clarification is also sought as to how the 200m2 is calculated - Add a specific exclusion to the rule ***for the purposes of operating or maintaining the National Grid.***	The s42A Report provides the following response relation to the Transpower submission: *While I acknowledge that in most cases to support the National Grid, vegetation clearance will have broader benefits which require recognition, the clearance still has the potential to generate sediment and related effects on water quality. In my opinion it would be inconsistent with the objectives of PC1 and the NPS-FM, which are focused on maintaining or improving water quality, to make vegetation clearance associated with the national grid permitted on the basis of the activity itself. This same reasoning applies to creation or maintenance of firebreaks sought by PCC. I consider vegetation clearance required for these activities should be subject to consideration as to their appropriateness in terms of location and management of sediment as part of a resource consent process where they are unable to meet the permitted activity conditions. I therefore recommend the submission from PCC be rejected and the submission from Transpower be accepted in part, on the basis the relief sought is broader than just this matter.*	Delete the rules WH.R17 and P.R16 and replace with the permitted rules 105 and 105 from the operative NRP, as follows: *The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from vegetation clearance on erosion prone land is a permitted activity where:* *(a) The vegetation clearance does not exceed a total area of 2ha per property per 12 month period on erosion prone land; and* *i. any soil or debris from the vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and* *ii. any soil disturbances associated with the vegetation clearance shall not after the zone of reasonable mixing, result in any of the following effects in receiving waters:* *1) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or* *2) any conspicuous change in colour or visual clarity, or* *3) any emission of objectionable odour, or* *4) the rendering of fresh water unsuitable for consumption by animals, or* *5) any significant effect on aquatic life, and iii. vegetation clearance shall not occur within 5m of a surface water body except for vegetation clearance undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139.* *Or* *(b) The vegetation clearance is to implement an action in the erosion risk treatment plan for the farm, where no area limit shall apply, or* *(c) The vegetation clearance is for the control of pest plants (as listed in Table 1 and Appendix 2 of the Greater Wellington Regional Pest Management Strategy 2019- 2039) or removal of plants and plant material infected by unwanted organisms, carried out as directed by a person authorised under the Biosecurity Act 1993, where no area limit shall apply.* *And in the case of (b) and (c):*	The amended rule is supported and reflects the operative NRP approach. The recommended rule would allow vegetation clearance up to 2ha on erosion prone land (with a slope greater than 20 degrees) as a permitted activity. The rule recognises the need to undertake vegetation clearance to prevent the encroachment of vegetation on National Grid transmission lines and support structures in order for Transpower to maintain the safe and efficient operation of the National Grid. The rule gives effect to the policy directives within the NPSET.

[16] S177.011
[17] S177.038 and S177.064

			(d) debris from the vegetation clearance is not placed where it can enter a surface water body.	
Rule WH.R18 and P.R17: Vegetation clearance on highest erosion risk land – controlled activity	Subject to Transpower's relief being granted on rule P.R16 and WH.R17 (providing for vegetation clearance for the purposes of operating or maintaining the National Grid as a permitted activity) Transpower is neutral on rule, noting NESETA regulation 32 would apply (and prevail) where works are not permitted. Transpower seeks[18] insertion of a matter of control *7. The need for any rehabilitated areas of vegetation to be clear of National Grid transmission lines and support structures.*	The s42A Report provides the following response relation to the Transpower submission seeking the additional matter of control: "*While I acknowledge the concerns of Transpower, in my opinion, vegetation clearance will typically be taking place to enable an activity where it will not be logical or necessary to re-vegetate or re-plant (i.e. clearance of vegetation to develop the land). In locations where the vegetation clearance will be cleared but replanted or revegetated, the vegetation must already be present and therefore if the vegetation is located near the national grid the risks of this vegetation must be known and likely accepted by Transpower. Ultimately, as I am recommending re-writing vegetation clearance rules R104 and R105, and R106 and R107 (insofar as they relate to vegetation clearance), into PC1, and these rules do not have conditions which require consideration of the impacts of vegetation on the natural grid, I recommend these submissions be rejected*."	Delete WH.R18 and P.R17 and replace with R105 (Freshwater Mgt plans) and R106 (REG) from the Operative NRP (neither of which are relevant to the National Grid).	On the basis of the recommended permitted activity rules, I am neutral on the recommended amended rules WH.R18 and P.R17. Given the amended rules, the sought matter of control is not required.
Rule WH.R19 and P.R18: Vegetation Clearance - discretionary activity.	Subject[19] to the relief being granted on rule WH.R17 and WH.R18 Transpower is neutral on R19 and R18, noting NESETA regulation 32 would apply (and prevail) where works are not permitted.	The s42A Report recommends amendments to Rules WH.R19 and P.R18, to mirror Rule R107 of the NRP, insofar as it applies to vegetation clearance.	*Rule P.R18: Vegetation clearance – discretionary activity* ~~*Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule P.R16 or Rule P.R17 is a discretionary activity.*~~ *The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from vegetation clearance on erosion prone land that is not permitted by Rule P.R16 and not restricted discretionary by Rule P.R17 is a discretionary activity.*	On the basis of other officer recommendations, the recommendation is accepted.
Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan.	Transpower - Opposes[20] the schedule being included within freshwater planning instrument - Seeks amendment[21] to incorporate a consideration of the safe operation of the National Grid for revegetation within obj (d). - Seeks amendment [22]to clause (c)(v) of section C1 to recognise that it is inappropriate to undertake revegetation on land that is located underneath or near the National Grid	The s42A provides that on the basis of the recommended amendments, in the event permitted activity rules for vegetation clearance cannot be met the activity will become fully discretionary (unless the vegetation clearance is associated with a renewable energy generation activity) and Council will have the discretion to request any information they require to understand the actual and potential effects of the activity and therefore, in, Schedule 33 is unnecessary.	The entire schedule is recommended to be deleted.	On the basis the schedule is recommended to be deleted, the recommendation is supported.

[18] S177.039 and S177.065
[19] S177.040 and S177.066
[20] S177.076
[21] S177.077
[22] S177.078

Freshwater Planning Instrument	Transpower opposes[23] the rules being included within the freshwater planning instrument, (as the purpose of the rules is to manage land use for purposes of soil conservation) and seeks they be reallocated to Part 1 Schedule1 planning instrument.	The Section 42A Report provies the follows: *" The result of my assessment in Appendix 3 and here is that I agree with the categorisation of the freshwater provisions to the FFP undertaken when PC1 was notified.* *However I note that I recommend amendments to Rules WH.R23 and P.R22 that would expand the application of those rules beyond discharges to freshwater to also regulate discharges to coastal water. As such, I note that if the Panel were to accept my recommended amendments to these provisions in section 3.3 and 3.4 below, these provisions would therefore need to be recatergorised into the P1S1 process. This is due the provisions then applying in the coastal marine area, resulting in the provisions forming part of the regional coastal plan component of the Natural Resources Plan, which would result in the provisions' exclusion from being considered a freshwater planning provision by virtue of section 80A(8) of the RMA."*	The rules are retained as Freshwater Planning Instrument provisions.	I do not agree that the provisions should be included as part of the freshwater planning instrument. The principal purpose of these provisions is to control the use of land for the purpose of soil conservation. In addition to this, none of these rules manage discharges to freshwater. On this basis, I would support these provisions be reallocated to the Part 1 Schedule 1 planning instrument. However, on the basis of the recommended provisions, I accept the recommendation.
Planning Maps 91 and 94	Amend[24] Maps 91 and 94, and the associated GIS map layer, to only identify cohesive areas of "Highest erosion risk land (Woody vegetation)".	The s42A Report agrees with submissions that suggest the identification of highest erosion risk land and the supporting mapping is problematic. The s42A Report recommends the amended maps now be used as a guide to help land management and landowners identify areas of a farm which require further assessment of the need for erosion treatment as part of the farm plan development process The s42A Report supports the NRP definition of erosion prone land be reinstated in PC1. The recommended amendments mean these rules will apply to land which meets the NRP definition of erosion prone land rather than the PC1 highest erosion risk (woody vegetation) mapping.	Delete individual maps and combine into two maps 90 and 93 "Potential erosion risk land"**.**	On the basis of the recommended amended rule framework, the recommendation to delete and replace the maps is supported. It is noted the reference to "potential erosion risk land" does not apply to any plan provisions that would apply to the National Grid.

[23] S177.008
[24] S177.084 and S177.085

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. Transpower lodged an extensive number of submission points to PC1 to the NRP. The specific areas of concern subject to Hearing Stream 3 relate to earthworks and vegetation clearance.

10.3. The s42A reports have accepted (in full or part) the majority of the Transpower submission points with a number of substantive amendments recommended to the provisions that address the relief sought in the Transpower submission. In response:

- I support all the s42A recommended amended vegetation clearance provisions including the permitted vegetation clearance rules WH.R17 and P.R16, and deletion of the definition *Highest Erosion risk land (woody vegetation)* and associated maps.

- I largely support the recommended amendments to the earthworks rules and policies, and retention of the definition of Earthworks (on the basis of other recommended changes). Notwithstanding the general support, amendments are recommended through my evidence as follows:

    - amendment to the 5m setback condition (a) to allow for earthworks associated with existing National Grid assets, subject to additional conditions recommended through this evidence.
    - amendment to condition (d) to remove the unachievable 'nil' sediment discharge directive of the condition
    - amendment/correction to delete the conjunctive 'and' from clauses (a) and (b)
    - deletion of the reference to 'minor' in the rule title, and
    - clarification as to the default activity status should the conditions in the permitted rule not be complied with.

10.4. In my evidence I have articulated my concerns and outlined my recommendations. I am cognisant that other parties may have raised similar concerns or have alternative working that addresses the issues I have identified, particularly in context of the significant amendments that have been recommended through the S42A Reports (including the provision of a new permitted activity rule). On that basis I am happy to participate in expert conferencing should the panel consider there to be benefit in this.

Pauline Mary Whitney

5 May 2025

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

CONTENTS

newzealand.govt.nz

Preamble

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

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

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

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

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

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

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

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

1. Title

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

2. Commencement

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

3. Interpretation

In this national policy statement, unless the context otherwise requires:
Act means the Resource Management Act 1991.

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

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

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

National grid means the assets used or owned by Transpower NZ Limited.
Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

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

5. Objective

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

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

6. Recognition of the national benefits of transmission

POLICY 1

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

i) maintained or improved security of supply of electricity; or

ii) efficient transfer of energy through a reduction of transmission losses; or

iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or

iv) enhanced supply of electricity through the removal of points of congestion.

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

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

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

POLICY 4

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

POLICY 5

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

POLICY 6
Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7
Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8
In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9
Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ioninsing 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 Wellington Regional Policy Statement (as amended by decisions on Plan Change 1)

Objective 10: *The social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected*. (Unchanged by RPSC1)

Policy 7: *recognising the benefits from renewable energy and regionally significant infrastructure.* (RPSC1 - Appealed)

Policy 8: *Protecting regionally significant infrastructure.* (Unchanged by RPSC1)

Policy 39: *Recognising the benefits from renewable energy and regionally significant infrastructure* (RPSC1 - Appealed)

Policy 55: *Managing greenfield development to contribute to well-functioning urban areas and rural areas* (RPSC1 - Appealed)

Policy 56: *Managing development in rural areas – consideration* 135 (Unchanged by RPSC1)

Policy 57: *Integrating land use and transportation – consideration 135* (Unchanged by RPSC1)

Policy 58: *Co-ordinating land use with development and operation of infrastructure – consideration 136* (Unchanged by RPSC1)

APPENDIX C

Amendments recommended through this evidence (text recommended through the S42A Report is shown as red text; with that I recommend through this evidence shown as blue text):

Relief 1.

Policy WH.P29 and P.P27 Management of Earthworks

The ~~risk~~ adverse effects of sediment discharges from earthworks shall be managed by:

(a) requiring retention of uncontrolled soil and sediment on the land using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), for the duration of the land disturbance, and

(b) limiting the amount of land disturbed at any time, and

(c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and

(d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion., and

(e) ~~minimising works required during the close down period (from 1st June to 30th September each year)~~ managing earthworks during 1st June to 30th September in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).

Relief 2.

Rule WH.R23A – ~~Minor~~ earthworks associated with infrastructure and Rule P.R22A ~~Minor~~ earthworks associated with infrastructure

Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, associated with:

a. *thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, ~~and~~*
b. *the construction, repair, upgrade or maintenance of:*
   (i) pipelines, ~~and~~
   (ii) electricity lines and their support structures, including the National Grid and associated access, ~~and~~
   (iii) telecommunication structures or lines, ~~and~~
   (iv) radio communication structures, ~~and~~
   (v) firebreaks or fence lines, ~~and~~
c. *repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;*

is a permitted activity provided the following conditions are met:

a. *the earthworks shall not occur within 5m of a surface water body or the coastal marine area~~, and~~ except that condition a. shall not apply to existing National Grid assets (instead condition e. applies), and*

b. *soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and*

c. *the area of earthworks must be stabilised within six months after completion of the earthworks, and*

d. *erosion and sediment control measures shall be used to prevent to the extent practicable, and otherwise to minimise, the ~~there is no~~ discharge of sediment and debris from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network~~; and erosion and sediment control measures shall be used to prevent a discharge of sediment where a~~ or preferential flow path ~~connects with a surface water body or the coastal marine area, including via a stormwater network~~. and*

e. *For earthworks associated with the operation, repair, upgrade or maintenance of existing National Grid assets (including existing and new access tracks) occurring within 5m of a surface water body or the coastal marine area:*

(i) *the earthworks must not create or contribute to—*
(a) instability or subsidence of a slope or another land surface; or
(b) erosion of the bed or bank of a water body; and

(ii) *erosion sediment control must be maintained and applied at the site of the earthworks, to the extent appropriate for the scale and duration of works, during and after the earthworks, to avoid the adverse effects of sediment on surface water bodies and the coastal marine area; and*

(iii) *the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:*
(a) a description of the activity to be undertaken; and
(b) a description of, and map showing, where the activity will be undertaken; and
(c) a statement of when the activity will start and when it is expected to end; and
(d) a description of the extent of the activity; and
(e) their contact details.

Relief 3.

Inclusion of a new controlled Rule where the conditions of Rule WH.R23A and Rule P.R22A are not complied with.