

**Before the Greater Wellington Regional Council Proposed Change 1 to the  
Regional Policy Statement for the Wellington Region  
Hearings Panel**

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Under the Resource Management Act 1991 (the Act)

In the matter of Proposed Change 1 to the Regional Policy Statement  
for the Wellington Region:

- **Hearing Stream 6 Indigenous Ecosystems**

Between **Greater Wellington Regional Council**  
Local authority

And **Transpower New Zealand Limited**  
Submitter S10 and Further Submitter FS23

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**Speaking notes of Pauline Mary Whitney for Transpower New Zealand Limited**

Updated : Dated 21 February 2024

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Good morning Panel.

Thank you for the opportunity to speak to the Transpower submission. My name is Pauline Whitney, an independent planning expert with Boffa Miskell Ltd.

You have my evidence and I will take it as read. I confirm the relief sought in my evidence in chief stands.

If agreeable to the panel, I will use my speaking time to respond to the rebuttal evidence and questioning of Mr Wyeth (noting I was not able to listen to all the questioning)

As the panel will appreciate, things have moved on since the 42A report, with the officer recommending through rebuttal a complete new set of provisions for how electricity transmission activities are addressed in the RPS. To confirm, I do not support the rebuttal recommended provisions.

I will endeavour to articulate my concerns within our allocated speaking time, but I wish to emphasise my concerns with the scale and significance of the recommended changes (through the S42A report and rebuttal) with no real regard for the ability for all interested parties to have a fair say. I do strongly urge the panel to question if the extent of the changes is appropriate or whether a new plan change is required. I fully appreciate the options in front of the officers (being to insert provisions in the RPS, remain silent, or fill the gap at the consenting stage). My concern is that the gap has been filled in a rushed and incomplete manner, and is based on draft consultation documents which have not been settled. As it stands, the provisions recommended through rebuttal do not give effect to the gazetted NPSET, do not give full effect to the exemption within Clause 1.3 of the NPS-IB. or reconcile the NPSET with the NZCPS.

As a starting point I wish to also highlight the differences between that of renewable electricity generation and electricity transmission. While generation is generally confined to a site or geographic area, electricity transmission is a linear activity with assets traversing large areas (With the Wgtn region, the grid assets have a combined total of approximately 436km in length, 33km of which are within SNA – noting only three of the eight local authorities have identified SNAs). Transpower has many assets in the Wellington region – as shown and listed in Appendix B to the evidence of Ms Shand, a large number of which have vegetation beneath. As recommended in the rebuttal evidence, the provisions would apply to maintenance and upgrade of existing transmission activities as well as new development. Transpower does not have resource consent for its existing assets (given their age). Instead it relies on the NESETA which essentially says you need resource consent for vegetation works relates to existing lines and access tracks if

a) its in a SNA. or

b) there are rules in the plan to regulate the activity.

As such, what gets directed in the RPS will have real relevance and implications for both the maintenance and upgrade of existing assets and activities, as well as new electricity transmission assets. This is a totally different situation to that of Meridian who I understand have two wind farms in the region (and the Brooklyn wind turbine) which have resource consent.

I submit within the region generation and transmission are of a different scale and have vastly different maintenance requirement. The grouping of ET and REG together ignores this reality. Attached as Appendix A are screen shots of SNA's within Kapiti, Wellington and Porirua, showing the extent of assets within SNA's. As another point, I note the definition of Electricity activities recommended in the officer rebuttal evidence does not specifically include assets (as stipulated in the 2023 draft NPS-ET) whereas the rebuttal provides an explicit definitions for renewable electricity generation assets and activities. There is no provided definition for electricity transmission assets.

In my opinion the S32AA evaluation is lacking given the scale of the changes. There is no reference or evaluation of the gazetted NPSET.

As outlined in my evidence in chief, Plan change 1 as notified was confined and has been significantly broadened out in the S42A reports, specifically in response to the NPS-IB. The main point of my evidence was to highlight and apply the specific wording that the NPS-IB does not apply to electricity transmission or renewable electricity generation assets and activities, and to how the policy gap is addressed.

- The NPS-IB has a clear exemption. Notwithstanding the recommended new policy 24D, the silence on the application of other RPS NPS-IB initiated policies to electricity transmission is still not clear and has not been resolved. In some respects the rebuttal evidence has made the situation worse in that it now specifically references electricity transmission in the policies. For example, all of Policy 47 which applies to resource consents and designations would still apply to electricity transmission. The issues with the application of the officer recommended clauses still stand. For example, clause (k) relating to established activities. How would the policy be applied to intermittent maintenance activities for example trimming vegetation every 5 years. How would this be measured against the intensity, scale and character? If there is regrowth and the regrowth is trimmed would there be considered a result in loss of extent, and integrity?

**Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

.....

- (k) enabling established activities affecting significant biodiversity values in the terrestrial environment to continue, provided that the effects of the activities:
  - (i) are no greater in intensity, scale and character; and
  - (ii) do not result in loss of extent, or degradation of ecological integrity, of any significant biodiversity values; and

- I also note the officer has recommended a new clause c. to policy IE2.A. In addition to clause a. and b (given the conjunctive nature of the ‘and’ at the end of the clauses), renewable electricity generation and electricity transmission now have an additional requirement to avoid remedy mitigate all adverse effects (noting this obligation is regardless of scale and not limited to significant effects) on indigenous biodiversity outside SNAs’ where practicable’. This would apply to all Transpower activities, including maintenance. The ‘where practicable’ sets a high bar when applied to all indigenous biodiversity across the district. There has been little S32AA evaluation, no consideration of Policy 2 and 5 of the NPSET, and a reliance on draft versions of the NPSET and NPSREG. I also note that policy IE.2A is not a RMA Section 6C matter and given the carve out from the NPS-IB, I am unclear for the reasoning or rationalise or scope for the clause.

As a final comment on Policy IE.2A, I note clause a) applies to significant adverse effects, whereas the effect management hierarchy applies to all adverse effects. This relationship requires clarification.

**Policy IE.2A: Maintaining indigenous biodiversity in the terrestrial environment – consideration**

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan or regional plan, indigenous biodiversity in the terrestrial environment that does not have significant indigenous biodiversity values as identified under Policy 23 and is not on Māori land, shall be maintained by:

- ~~(a) recognising and providing for the importance of maintaining indigenous biodiversity that does not have significant biodiversity values under Policy 23;~~
- (a) managing any significant adverse effects on indigenous biodiversity from any proposed activity by applying the *effects management hierarchy* in the *National Policy Statement for Indigenous Biodiversity 2023*; and
- (b) managing all other adverse effects on indigenous biodiversity from any proposed activity to achieve at least no overall loss in indigenous biodiversity within the region or district as applicable; and
- (c) avoiding, remedying or mitigating the adverse effects of *REG activities* and *ET activities* on indigenous biodiversity to the extent practicable.

**Explanation**

Policy IE.2A recognises that it is important to maintain indigenous biodiversity that does not have significant indigenous biodiversity values to meet the requirements in section 30(1)(ga) and section 31(b)(iii) of the RMA. This policy applies to indigenous biodiversity that does not have significant values in the terrestrial environment as identified under Policy 23 and requires a more robust approach to managing any significant adverse effects on indigenous biodiversity from a proposed activity and to maintain indigenous biodiversity more generally.

In rebuttal evidence Mr Wyeth has also recommended a new effects management hierarchy policy (Policy 24D) specific to electricity transmission and renewable electricity generation. My evidence stands and I do not support the provision of such a policy for the following reasons:

- In terms of electricity transmission, the policy gap is filled by the ‘seek to avoid’ policy approach in the Natural Resources Plan and being sought and applied in district plans. The operative RPS policy 23 and policy 47 would also continue to apply.
- The filling of any perceived gap through the council rebuttal evidence is not in my opinion an appropriate approach. No parties, including Transpower, have had the opportunity to comment and submit on the policy and therefore I question the natural justice element of the recommended policy (and all the other changes). According to its records, Transpower was not invited to any pre hearing meetings and there has been no engagement with Transpower over the significant changes.

- The provided s32AA evaluation provides no specific detail as to the efficiency and effectiveness of the approach. I have concerns with any rush to fill the perceived 'gap'. There has been no evaluation of the gazetted NPSET 2008.
- The basis for the officer recommended electricity transmission and renewable electricity generation policy 24D appears to be the 2023 draft NPSET and NPSREG. With all due respect, these NPS's received numerous submissions and no updated or confirmed NPS's have been provided for gazetting. I remain of the opinion it would be premature to fill the gap with a policy no parties have been formally (or even informally) consulted on or submitted on.
- In terms of the specifics of the policy, I note the following:
  - The policy as drafted would apply to all activities, including maintenance, upgrades and new assets. This would have implications for the huge number of existing grid assets in the Wellington region. I venture this is a very different scenario than the confined footprint/nature of Meridian assets.
  - The RPS does not in my opinion give effect to the NPSET (largely reflecting that the RPS was notified prior to gazetting of the NPSET in 2008). In adopting recommended policy 24D, the policy would be in complete isolation of the wider policy framework within the gazetted NPSET and also the 2023 draft. As such I would not consider the RPS a complete document.
  - The relationship between policy 24C and 24D is not clear. I understand from questions to the reporting planner the provisions are to be read together. I have concerns with this approach for a number of reasons:
    - a) Given the NPS-IB does not apply to electricity transmission, the clause in the NPS-IB as to the prevalence of the NZCPS over the NPSET is not applicable.
    - b) I do not believe policy 24C and 24D as applied to electricity transmission have been reconciled or that they provide the framework for a structured analysis. 24C is very clear as an avoid policy for adverse effects on the identified values in clause (1). While there is a potential pathway in policy 24D, this comes up against the avoid directive in 24C.
    - c) From what I have seen there has been no structured analysis of the NPSET and NZCPS.

- I am also mindful of the Transpower submission on the Strengthening National Direction on Renewable Energy Generation and Electricity Transmission and the commentary from Transpower on the effects management hierarchy as drafted in the 2023 proposed/consulted NPS-ET. I do not propose to go into detail the Transpower submission other than to note the following concerns were raised. It would in my opinion be premature to say the 2023 NPSET is 'locked in' (my wording) and appropriate for inclusion in the RPS. Concerns raised in the submission related to:
  - A lack of accompanying policy framework (i.e to recognise constraints, benefits). The recommended policy 24D is in complete isolation of any NPSET policies.
  - The provisions would apply to all National Grid activities whether it be maintenance, upgrade or development. When applied to all the National Grid assets in the region, there are huge implications for National Grid maintenance activities. In its submission Transpower sought a distinction between routine, non routine and new development with the effects management hierarchy for SNA's applying to non routine and new development only.
  - Whether operational or functional need needs to be demonstrated for all activities.

**Policy 24D: Managing the effects of REG activities and ET activities on indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans**

As soon as reasonably practicable, and by no later than 4 August 2028, district and regional plans shall include policies, rules and methods to manage the effects of REG activities and ET activities on indigenous ecosystems and habitats with significant indigenous biodiversity values to:

- 1) Allow REG activities or ET activities to locate in areas with significant indigenous biodiversity values if:
  - (a) there is an operational need or functional need for the REG activities or ET activities to be located in that area; and
  - (b) the REG activities or ET activities are nationally or regionally significant; and
  - (c) clause (2) is applied to manage adverse effects.

- 2) Manage adverse effects by applying the following hierarchy:
- (a) adverse effects are avoided where practicable; then
  - (b) where adverse effects cannot be avoided, they are minimised where practicable; then
  - (c) where adverse effects cannot be minimised, they are remedied where practicable; then
  - (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where practicable; then
  - (e) if biodiversity offsetting of more than minor adverse effects is not practicable, biodiversity compensation is provided; then
  - (f) if biodiversity compensation is not appropriate to address any residual adverse effects:
    - i. the REG activities or ET activities must be avoided if the residual adverse effects are significant; but
    - ii. if the residual adverse effects are not significant, the REG activities or ET activities must be enabled if the national significance and benefits of the activities outweigh the residual adverse effects.
- 3) When considering biodiversity offsetting and biodiversity compensation, have regard to the principles set out in Appendix 1C and Appendix 1D.

#### Explanation

Policy 24D applies to REG activities and ET activities and applies a specific pathway and effects management framework for these activities to ensure adverse effects of these activities on indigenous ecosystems and habitats with significant indigenous biodiversity values are appropriately managed.

When the NPSET 2008 (and NPS-REG) are amended, a change will be required to the RPS to give effect to the updated NPS's, including specific biodiversity provisions. This would also address the general point made in Transpower's submission that wider changes are needed to the RPS to give effect to the NPSET. I do concede that the revised NPSET may well include automatic provisions but council will still need to do a plan change to the RPS to tidy up any existing provisions. Given all the parties seem to agree the perceived policy gap is an interim gap, I do not see the rush to fill the gap when further policy changes will be needed.

On a final note, I understand Ms Foster, planning witness for Meridian, will put forward some alternative wording. Given the issues I have identified above, I do not believe the recommended approach is appropriate for electricity transmission without some fundamental changes – the scale of which in my opinion are not appropriate to be done through the plan change process.

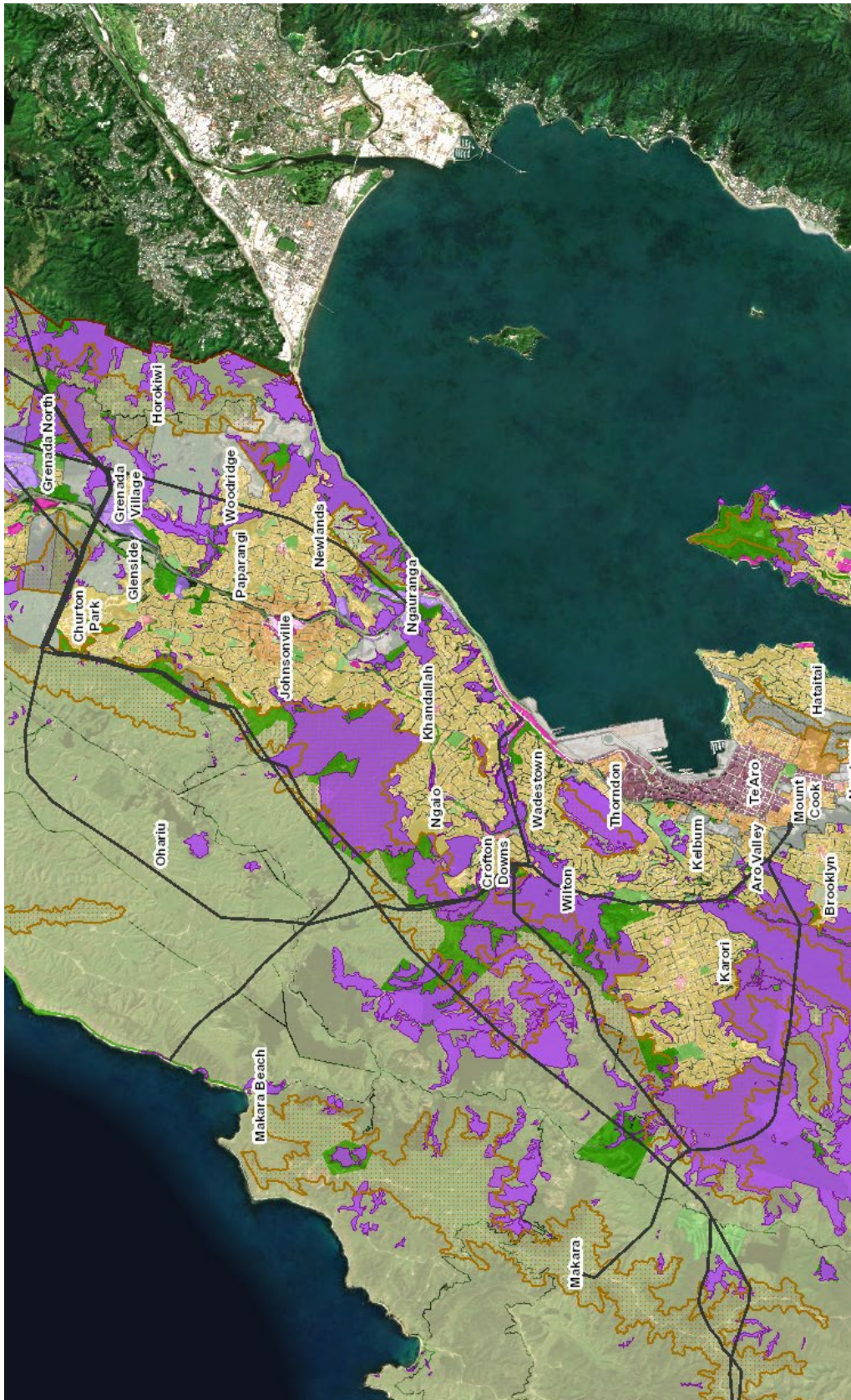
**Thank you.**



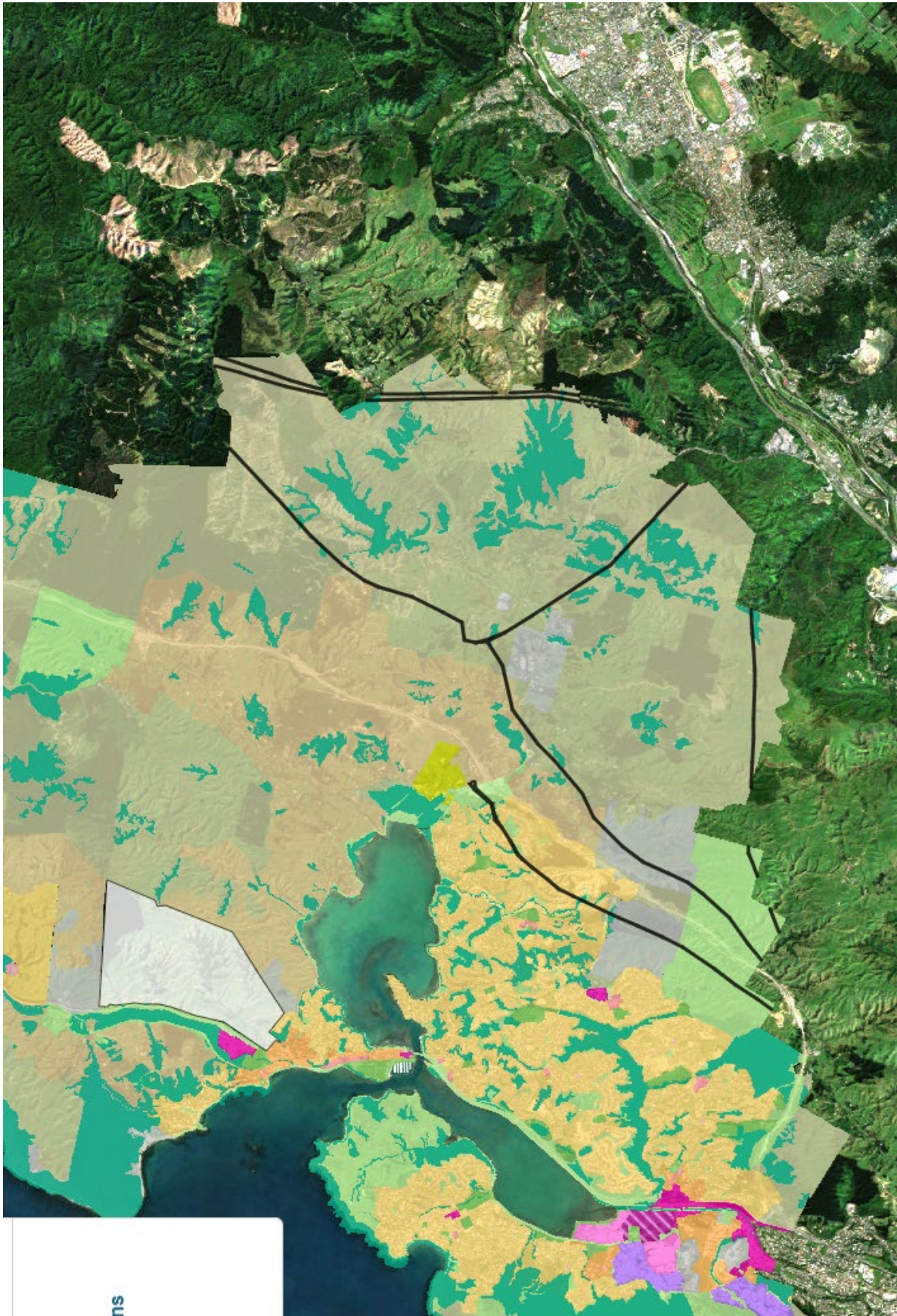


## Appendix A

### Proposed SNA's (shown in purple) and National Grid lines within Wellington City Proposed District Plan



**Proposed SNA's (shown in green) and National Grid lines within Porirua City Proposed District Plan**



**Proposed SNA's (shown in in green hatch) and National Grid lines within Kapiti Coast District Plan**

