



TRANSPOWER

Keeping the energy flowing

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28 February 2022

Central Hawke's Bay Proposed District Plan Hearing Panel
Central Hawke's Bay District Council

By email c/- Jessie Williams districtplan@chbdc.govt.nz

Dear Jessie,

**Central Hawke's Bay Proposed District Plan 2022 Hearing Stream 1 - Natural and Coastal Environment:
Hearing Statement for Transpower New Zealand Limited (submitter reference 79)**

Transpower New Zealand Limited ("Transpower") writes in relation to Hearing Stream 1 Natural and Coastal Environment, that is scheduled to commence on Monday 14 March 2022.

There are a limited number of submission points of relevance to Transpower that are being considered as part of Hearing Stream 1 and, where relevant, Transpower generally agrees with the recommendations given in the Section 42A Report for this topic. On that basis, Transpower has not requested to be heard or filed evidence. That said, Transpower is available to respond to any questions the Hearings Panel may have.

For completeness Transpower records its position in respect of the relevant matters in the **attached** table.

Transpower respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Should you require clarification of any matter, please contact Trudi Burney at Transpower (03 590 7126), or on the following email: Trudi.Burney@transpower.co.nz

Yours faithfully

A handwritten signature in blue ink, appearing to read "Trudi Burney".

Trudi Burney
Senior Environmental Planner

Attachment 1: Transpower's position in response to s42A recommendations, Central Hawke's Bay PDP Hearing Stream 1 Natural and Coastal Environment

Hearing 1: Natural and Coastal Environment				
Sub Ref	PDP Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
ECO – Environment and Indigenous Biodiversity				
S79.062	ECO – Environment and Indigenous Biodiversity	Retain ECO-P1 as notified.	<p>Recommendation: Accept, subject to amendments from other submissions.</p> <p>S42A reference: Paragraph 7.3.1. onwards outlines the considerations behind the recommendation to amend the policy. The primary purpose is to provide clarity on the application of the policy.</p> <p>The policy is amended as follows:</p> <p><i>ECO-P1 To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHEd5 and show their location on the Planning Maps (except for areas that meet Criterion 1, where at least one other of Criteria 2-7 must also be met).</i></p>	<p>Transpower accepts the recommendation.</p> <p>The purpose of the amendment is to provide additional clarity and avoid confusion from the way the policy was originally written.</p> <p>Transpower accepts the recommendation on the basis SNA's are identified and mapped.</p>
S79.063	ECO – Environment and Indigenous Biodiversity	Retain ECO-P9 as notified.	<p>Recommendation: Accept</p> <p>S42A reference: Paragraph 9.3.62 notes retention of the policy (on the basis all submitters have sought its retention).</p> <p><i>ECO-P9 Policy</i></p> <p><i>To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:</i></p> <ul style="list-style-type: none"> a. <i>There is a functional or operational need for the infrastructure to be in that particular location; and</i> b. <i>The route/site selection process has identified no practicable alternative locations.</i> <p><i>Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.</i></p>	Transpower accepts the recommendation on the basis the policy is recommended to be retained (as sought in the Transpower submission).

S79.064	ECO – Environment and Indigenous Biodiversity	Retain ECO-R3 as notified, and in particular clause (b)(i) and (vi).	<p>Recommendation: Accept in Part, subject to amendments from other submissions.</p> <p>S42A reference:</p> <p>Paragraphs 10.3.67 and 10.3.75 outline recommended changes. The S42A report recommends:</p> <ul style="list-style-type: none"> - Amendment to the title (as follows in terms of deletion of 'or') to be more consistent with the PDP: <i>ECO-R3 Trimming or clearance of indigenous vegetation inside any areas of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands)</i> - Replacement of OR with AND in relation to conditions to be complied with. - Retention of condition (b)(i) as notified: <i>required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</i> - Amendment to condition (b)(vi) as follows: <i>amendments: necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossings and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways;</i> 	<p>Transpower accepts the recommendation on the basis the rule is largely retained as notified.</p> <p>It is noted the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies given the rule applies to SNA's.</p>
S79.065	ECO – Environment and Indigenous Biodiversity	Retain ECO-R4 as notified.	<p>Recommendation: Accept</p> <p>S42A reference:</p> <p><i>Para 10.3.89. Rule ECO-R4 applies to those areas of significant indigenous vegetation and significant habitat of indigenous fauna that may not have been captured by the district wide assessment.... I am satisfied that Rule ECO-R4 and the thresholds as proposed are appropriate, and in the context of the wider rule framework will achieve the purpose of section 6(c) of the RMA being the protection of the District's areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p>	<p>Transpower supports the recommendation.</p> <p>The rule is recommended to be retained as notified and provides a permitted rule framework for works to trimming or clearance of indigenous vegetation outside an SNA.</p>
S79.066	ECO – Environment and Indigenous Biodiversity	Amend Rule ECO-R6 to provide a discretionary activity status for tree trimming and clearance necessary to provide for the "ongoing safe and efficient operation, maintenance and upgrading of network	<p>Recommendation: Accept in Part</p> <p>S42A reference:</p> <p><i>Para 10.3.107. Electricity providers would fall within this definition as a 'lifeline utility' that includes 'an entity that generates electricity for distribution through a network or distributes electricity through a network'. Given these regulations, I agree that the stricter status of 'non-complying' for such activities, is not warranted. However rather than imposing a specific rule, to be consistent with the approach to NES-FM outlined above, I recommend adding a note that cross-references to these (NES-FM) regulations...</i></p>	<p>Transpower accepts the recommendation. While Transpower's preferred approach is to amend the activity status from non-complying to discretionary, the recommended inserted note is accepted (noting the relationship between the PDP and NES-FM is not clear within the PRP).</p>

		<i>utilities, but excluding their expansion, where carried out by the respective network utility operator".</i>		
FS18.13	ECO – Environment and Indigenous Biodiversity	<p>Further submitter on Kāinga Ora's original sub opposing the ECO chapter and proposing amendments.</p> <p>Transpower submitted that this be allowed in part in so far as it relates to clarity sought as to what constitutes a 'high natural character area' or a 'significant amenity feature.'</p>	<p>Recommendation: Reject</p> <p>S42A reference:</p> <p><i>Para 5.3.26. 'Transpower... also supports in part that part of the submission that seeks greater clarity as to what constitutes a 'high natural character area' or a 'significant amenity feature'. With respect to their concerns relating to the terms 'High Natural Character' and 'Significant Amenity Features', these are not terms used in this chapter (this matter is addressed in the Section 42A Natural Features and Landscapes Report, Key Issue 1 – Kāinga Ora (S129.063))'</i></p> <p>From Section 42A Natural Features and Landscapes Report:</p> <p><i>I disagree with Kāinga Ora's opposition to the terms 'high natural character areas' and 'significant amenity features' and am unclear what relief is being sought in this regard. 'Areas of high natural character' are clearly referenced in Policy 13(1)(c) of the NZCPS in relation to preserving the natural character of the coastal environment and are part of Council's response to section 6(a) of the RMA. Along with 'significant amenity features', both terms are identified in the expert assessments by Hudson Associates underpinning the development of NFL-SCHED6 and CE-SCHED7. 'Significant amenity features' are specifically referenced in the 'Introduction' to the NFL – Natural Features & Landscapes chapter as part of Council's response to section 7(c) of the RMA. In my view, both terms have RMA context, and are legitimately used in the PDP.</i></p>	Transpower accepts the recommendation and acknowledges the features are identified in the PDP.
FS18.14	ECO-O2 (S75.030)	Transpower oppose the Forest and Bird submission to amend ECO-O2 on the basis that there is no higher order policy directive (such as, for example, the draft NPS-IB) to require 'enhancement' of any non-significant indigenous vegetation.	<p>Recommendation: Accept</p> <p>S42A reference:</p> <p><i>Para 5.3.75. With respect to S75.030 Forest & Bird's proposed amendment I comment as follows: The RMA requires Councils, in giving effect to the purpose of the RMA, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance (section 6(c), and to control the actual or potential effects of the use, development, or protection of land, for the purpose of (among other things) 'the maintenance of indigenous biological diversity' (s31(1)(biii)). The objectives in this chapter reflect this duty and, in my opinion, inserting the requirement for 'enhancement' into Objective ECO-O2, whilst maybe desirable, imposes significantly greater costs to</i></p>	Transpower accepts the recommendation to retain the objective as notified.

			<p><i>landowners and the community that is not envisaged by the RMA and can be better addressed through other methods.</i></p> <p><i>Para 5.3.76. For these reasons, I recommend S S64.054 Department of Conservation be accepted, S121.016 Federated Farmers S75.030 be accepted in part and S75.030 Forest & Bird's be rejected.</i></p>	
Natural Features and Landscapes				
S79.068	NFL-O1	<p>Retain NFL-O1 as notified.</p> <p>Notwithstanding the lack of clarity between chapters, Transpower supports reference within the objective to 'inappropriate' as such reference is consistent with Section 6(b) of the RMA and recognises that not all development is to be avoided, rather the emphasis is on that which is inappropriate.</p>	<p>Recommendation: Accept in Part</p> <p>S42A reference:</p> <p><i>Para 8.3.1. Forest & Bird's proposed amendment to Objective NFL-O1 to delete that part of the objective that states 'that are important to the identity of the District' on the basis that all outstanding features are to be protected, not just those deemed 'important'. I agree this could be inferred, but is not the intent. However, I consider that part of the objective to be unnecessary in any case, as the importance of the ONL/ONF has already been established by virtue of being deemed 'outstanding', and therefore consider that part can be deleted without altering the intent or effect of the objective.</i></p> <p><i>Para 8.3.2. For these reasons, I am comfortable recommending that Objective NFL-O1 be amended as requested, (as follows)</i></p> <p><i>NFL-O1 Outstanding natural features and landscapes that are important to the identity of the District are retained and protected from inappropriate subdivision, use and development.</i></p>	Transpower accepts the S42A recommendation on the basis the proposed amendment does not undermine the NFL-O1 as notified.
S79.069	NFL – Policies	<p>Retain policies in 'NFL - Natural Features and Landscapes' chapter. However, should a new 'Network Utilities' policy (as sought in another submission point) not be provided, Transpower seeks relief consistent with that sought in its earlier submission point seeking the new policy.</p>	<p>Recommendation: Accept in Part</p> <p><i>To be revisited following NU – Network Utilities Hearing in relation to S79.026</i></p> <p>S42A reference:</p> <p><i>Para 8.3.3. The Transpower submission is supportive of the policies in the NFL – Natural Features & Landscapes chapter as notified (subject to the granting of relief sought elsewhere in their submission). Whilst there are no further submissions directly relating to this submission point, amendments are recommended in response to other submissions on specific provisions within this chapter, therefore this submission is accepted, but only 'in part'.</i></p> <p><i>Para 8.3.4. As the submission point requesting the addition of a new policy in the NU – Network Utilities chapter (S79.026) is yet to be addressed by Reporting Officers and the Hearings Panel (being allocated to a different Hearings Stream), I note that the decision on this submission point may need to be revisited at a later date.</i></p>	Transpower reserves its position on the recommendation on the basis the submission point will be addressed at subsequent hearings.
S79.070	Notes – NFL Rules	Retain 'Note' at start of 'NFL - Rules' stating:	Recommendation: Accept S42A reference:	Transpower supports the recommendation on the basis that the 'Note' is retained (which

		<p>'Rules relating to network utilities within the identified ONL and ONFs are contained in the NU - Network Utilities chapter of the District Plan. The rules in this chapter do not apply to network utilities'.</p>	<p><i>Para 9.3.1. The intent is for the NU – Network Utilities chapter of the PDP to largely operate as a standalone chapter for network utilities. The objectives and policies in the NU – Network Utilities chapter recognise the essential nature of network utilities and their functional and operational needs and seek to provide for them, while avoiding, remedying, or mitigating their effects.</i></p> <p><i>Para 9.3.4. Given the above, the approach is to rely on the NU – Network Utilities chapter provisions and not to apply the rules in the NFL – Natural Features & Landscapes chapter to network utilities – hence the ‘Note’ in the NFL chapter. I consider the clarification in the note at the start of the rules section that the rules in this chapter do not apply to network utilities is appropriate and assists plan interpretation, and therefore should remain.</i></p>	<p>outlines the Network Utilities chapter is standalone).</p>
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Coastal Environment

S79.087	CE – Coastal Environment	Retain the explanation accompanying CE-I1, specifically the reference to Policy 6 of the NZCPS.	<p>Recommendation: Accept</p> <p>S42A reference:</p> <p><i>Para 6.2.1. Transpower (S79.087) supports the reference to Policy 6 of the NZCPS within the explanation accompanying Issue CE-I1, on the basis the explanation appropriately recognises the role and importance of infrastructure. This is the only submission on this provision in the PDP – no further analysis is required.</i></p>	Transpower supports the recommendation on the basis the Issue is retained as notified.
S79.088	CE – Coastal Environment	<p>Amend CE-O3 as follows:</p> <p><i>'Activities that have a functional need (or operational need in respect of the National Grid) to locate in the coastal environment are provided for, where they do not compromise other significant values in the coastal environment.'</i></p>	<p>Recommendation: Accept in Part</p> <p>S42A reference: Paragraph 6.3.4, 6.3.5, 6.5.1 & 6.6.1</p> <p><i>Para 6.3.4. It is clear from the above that, in addition to activities that have a functional need to locate in the coastal environment, technical and operational requirements are also required to be given due consideration where this is specifically in relation to the electricity transmission network. Therefore, in my view, it is appropriate and better gives effect to the NPSET to insert reference to ‘operational need in respect of the National Grid’ in both Objective CE-O3 and Policy CE-P5 (S79.088 & S79.089). This also better aligns with the provisions in the NU – Network Utility chapter, which reference operational requirements (e.g. Issue NU-I1, Objective NU-O2, and Policy NU-P2).</i></p> <p><i>Para 6.3.5. However, I do not support deleting the latter part of Objective CE-O3 (S79.088), which provides the limitation ‘where they do not compromise other significant values in the coastal environment’. Objective CE-O3 is not solely there to provide for the electricity transmission network activities, and neither the NZCPS (nor the NPSET, for that matter) provide for activities to locate in the coastal</i></p>	<p>Transpower does not support the recommendation as it only partly provides for the relief sought.</p> <p>However, Transpower reserves its position on this objective depending on the officer recommendations on Transpower’s submission points and the final decision on the Network Utilities chapter.</p> <p>Transpower’s submission sought that the Network Utilities Chapter be standalone, with all provisions relating to the National Grid contained within the one chapter.</p>

			<p><i>environment solely on the basis that they have a functional and/or operational need to locate there, without limitation.</i></p> <p><i>Para 6.3.6. Forest & Bird submit that the amendments sought by Transpower could lead to the loss and degradation of other values within the coastal environment. I concur in respect of the deletion of the latter part of Objective CE-O3. In my view, when considering such activities, all matters should be considered in the round, and not doing so would be contrary to recognising and providing for other matters of national importance as contained in section 6 of the RMA. The functional and/or operational need to locate in the coastal environment should be considered alongside recognising and providing for the preservation of natural character, the protection of outstanding natural features and landscapes, areas of significant indigenous vegetation, and historic heritage etc.</i></p> <p><i>Para 6.3.7. Further, I concur with the amendment sought by Forest & Bird (S75.070) to include the words 'in appropriate locations' in relation to providing for activities that have a functional need to locate in the coastal environment, in that this aligns the objective with the wording in Policy 6(2)(c) of the NZCPS which states: 'recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places'.</i></p> <p>Recommendation is to amended CE-O3 as follows:</p> <p><i>CE-O3 Activities that have a functional need (or operational need in respect of the National Grid) to locate in the coastal environment are provided for in appropriate locations, where they do not compromise other significant values in the coastal environment.</i></p>	
S79.089	CE- Coastal Environment	Amend CE-P5 as follows: 'To recognise that there are activities which have a functional need (or operational need in respect of the National Grid) to locate and operate within the coastal environment and provide for those activities in appropriate places.'	<p>Recommendation: Accept</p> <p>S42A reference: Paragraph 6.3.4 & 6.4.2</p> <p>Refer S42A reference provided in submissions point S79.088 above.</p> <p>Recommendation is to amended CE-P5 as follows:</p> <p><i>CE-P5 To recognise that there are activities which have a functional need (or operational need in respect of the National Grid) to locate and operate within the coastal environment, and provide for those activities in appropriate places</i></p>	Transpower supports the recommendation on the basis it gives effect to the relief sought in Transpower's submission.