

**In the Environment Court of New Zealand
Wellington Registry**

ENV-2025-WLG-

**I Mua I Te Koti Taiao o Aotearoa
Te Whanganui-a-Tara Rohe**

Under the Resource Management Act 1991 (the "**Act**")

In the matter of an appeal under clause 14(1) of the First Schedule to the Act

Between **Transpower New Zealand Limited**
Appellant

And **Carterton, Masterton, and South Wairarapa District
Councils**
the Respondents

**Notice of Appeal by Transpower New Zealand
Limited against decisions on the proposed
Wairarapa Combined District Plan**

Dated 21 November 2025

DENTONS

40 Bowen Street
PO Box 10246
Wellington 6011

P +64 4 472 7877
F +64 4 472 2291
DX SP26517

Solicitors: Nicky McIndoe / Ana Coculescu

E nicky.mcindoe@dentons.com / ana.coculescu@dentons.com

To: The Registrar
Environment Court
Wellington

- 1 Transpower New Zealand Limited (**'Transpower'**) appeals against part of the decision (the **'Decision'**) of the Carterton, Masterton, and South Wairarapa District Councils (the **'Respondents'**) on the Proposed Wairarapa Combined District Plan (the **'Proposed Plan'**).
- 2 Transpower made a submission (number 218) and a further submission (number FS 97) on the Proposed Plan.
- 3 Transpower is not a trade competitor for the purpose of section 308D of the Act.
- 4 Transpower received notice of the Decision on 8 October 2025.
- 5 The Decision was made by the Respondents.

Provisions being appealed

- 6 The parts of the Decision that Transpower is appealing against relate to:
 - a The definition of 'reverse sensitivity';
 - b The definition of 'significant natural area';
 - c ECO-P3;
 - d ECO-P4; and
 - e ECO-P8.

General reasons for the appeal

- 7 The reasons for this appeal are that, in the absence of the relief sought, the Decision:
 - a Will not promote the sustainable management of resources, and will therefore not achieve the purpose of the Act, including by not meeting the reasonably foreseeable needs of future generations;
 - b Is contrary to Part 2 and other provisions of the Act;

- c Will not promote the efficient use and development of natural and physical resources;
- d Will not achieve integrated management of the natural and physical resources of the districts;
- e Will not give effect to the National Policy Statement on Electricity Transmission ('**NPS-ET**') (including as amended or replaced), as required by section 75(3)(a) of the Act; and
- f Does not represent the most appropriate way of exercising the Respondents' functions, having regard to the efficiency and effectiveness of other reasonably practicable options, and is therefore not appropriate in terms of section 32 and other provisions of the Act.

Reasons for appeal of particular provisions

- 8 Without limiting the generality of the above, Transpower's particular reasons for appealing the identified provisions are:
 - a Transpower opposes the last sentence of the definition of reverse sensitivity which limits development and upgrading of an existing activity 'to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade'. This limitation is inconsistent with caselaw definitions of reverse sensitivity and has the potential to constrain Transpower's operational requirements, maintenance activities, and necessary upgrades to the National Grid, even if that development or upgrading is permitted, designated or consented. It is a more efficient use of resources to protect the development potential of existing activities. Transpower considers that the 'limitation clause' undermines the protection that should be afforded to existing lawfully established infrastructure, including the National Grid, and seeks that this part of the definition is deleted.
 - b Transpower opposes clause (b) of the definition of Significant Natural Area ('**SNA**') because this introduces significant uncertainty about:
 - i Whether an area is a SNA. Landowners and others carrying out activities regulated by the Proposed Plan may not know whether a resource consent process has previously assessed an area as being significant indigenous vegetation or a significant habitat of indigenous fauna. If the resource consent was processed on a non-notified basis,

then it may be impossible for applicants to know of relevant assessments.

- ii Who can carry out the assessment. The definition requires the assessment to use the significance criteria in the Wellington Regional Policy Statement, but there is no requirement for the assessment to be carried out by an expert, or accepted by the Council or Court. It is unclear how any dispute about assessment would be treated.
- iii How applicants will know that Proposed Plan provisions that relate to SNAs might apply to their activities – particularly if the assessment at issue is undertaken by a submitter who opposes the consent application. In this case, the applicant may not have identified the SNA provisions of the Proposed Plan as relevant to their application.
- iv Application of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ('NESETA'). The NESETA contains regulations which apply to areas which are '*protected by a rule because [they have] outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna*'. If the SNAs are not identified in the Proposed Plan Transpower will not be able to determine which NESETA regulations apply.

Clause (b) has unknown and potentially unintended consequences for many provisions in the Proposed Plan. Transpower considers any significant natural areas should be clearly identified in the Proposed Plan. Any new areas that are added should be introduced through a RMA Schedule 1 plan change process. Transpower seeks that clause (b) is removed from the definition of Significant Natural Area.

- c Transpower opposes ECO-P3 as it creates substantial uncertainty for resource consent applicants. It is unclear from ECO-P3 who is responsible for identifying SNAs during resource consent processes. When read in conjunction with clause (b) of the SNA definition, this creates uncertainty about whether areas assessed during consent processes become Significant Natural Areas. Transpower seeks that ECO-P3 is deleted, or alternatively, amended.
- d Transpower opposes ECO-P4, specifically clauses (a) and (b):

- i Clause (a) makes operational or functional need essential for activities undertaken in areas of significant indigenous vegetation and habitats, creating an inappropriately high threshold that could constrain routine National Grid maintenance and operations such as vegetation trimming on access tracks. Under the NPS-ET, decision makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.
- ii Clause (b) is ambiguous as to what 'ensuring areas are not removed in whole or part' means in practice. Whilst NU-P6 prevails over ECO-P4 in the event of conflict, the ambiguity in clause (b) creates uncertainty as to whether a conflict exists.

Transpower seeks the deletion of clauses (a) and (b), or alternatively, amendment to ECO-P4 to exempt electricity transmission activities from clauses (a) and (b) (leaving National Grid activities to be addressed by NU-P6).

- e Transpower opposes clause (e) of ECO-P8. Clause (e) creates an inappropriately high threshold for managing effects on non-significant indigenous vegetation. Under the NPS-ET decision makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. Whilst NU-P6 prevails over ECO-P8 in the event of conflict, for the avoidance of doubt the National Grid should be exempted from clause (e), consistent with the exemption for renewable electricity generation activities. Additionally, the chapeau of ECO-P8 requires that matters are 'considered' while clause (e) uses directive language to 'require'. This inconsistent language creates ambiguity. Transpower seeks that ECO-P8 (e) is amended to exempt electricity transmission activities.

Relief sought

- 9 Transpower seeks the following relief:
 - a Amendments to the specified rule and any related provisions in order to address the general reasons for the appeal and the reasons for appeal of particular provisions set out above;
 - b The amendments set out in **Appendix A** to this appeal;

- c Such further, consequential or alternative relief, or ancillary changes, that give effect to the NPS-ET (or, if applicable, any revised or replacement national policy statement as may be issued before this appeal is resolved) and resolve the concerns set out in this appeal.
- 10 Transpower attaches the following documents to this notice:
 - a **Appendix A:** The amendments proposed to address Transpower's concerns.
 - b **Appendix B:** A copy of Transpower's submission and further submission on the Proposed Plan; and
 - c **Appendix C:** A list of names and addresses of persons to be served with this notice of appeal; and
 - d **Appendix D:** A copy of the relevant parts of the decision.
- 11 Transpower agrees to participate in mediation or other alternative dispute resolution mechanism.

Dated 21 November 2025



Nicky McIndoe

Counsel for Transpower New Zealand Limited

Address for service of the Appellant:

Dentons

PO Box 10246

Wellington 6011

Telephone: +64 4 472 7877

Fax: +64 4 472 2291

Email: nicky.mcindoe@dentons.com

Contact person: Nicky McIndoe

Email: ana.coculescu@dentons.com

Contact person: Ana Coculescu

Email: josh.pierson@dentons.com

Contact person: Josh Pierson

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A The amendments proposed to address Transpower's concerns

Provisions (Decisions version)	Relief sought (shown in red underline and strikethrough) ¹
Definition of 'reverse sensitivity'	Amend the Definition of 'reverse sensitivity': <u>Means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity.</u> 'Development' and 'upgrading' of an existing activity in this definition are limited to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade.
Definition of 'significant natural area'	Amend the Definition of 'significant natural area': a. an area considered significant due to ecological attributes as Identified <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna</u> as set out in SCHED5 – Schedule of Significant Natural Areas; or b. areas that have been assessed through resource consent processes as an area of significant indigenous vegetation or significant habitat of indigenous fauna using the significance criteria in the Wellington Regional Policy Statement.
ECO-P3	Delete ECO-P3. Alternatively, amend ECO-P3 as follows (or alternative wording to achieve the intent): Identify <u>with tangata whenua and landowners</u> those areas that are habitats comprising significant indigenous vegetation <u>and</u> or significant habitats of indigenous fauna in the Wairarapa, including through resource consent processes <u>using the significance criteria in the Wellington Regional Policy Statement.</u>
ECO-P4	Amend ECO-P4 as follows (or alternative wording to achieve the intent): Protect those areas that are habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna in the Wairarapa from inappropriate subdivision, land use, and development by:

¹ Black underlining and strikethrough show the changes made as a result of decisions on submissions.

Provisions (Decisions version)	Relief sought (shown in red underline and strikethrough) ¹
	a. only providing for activities that demonstrate an operational need or functional need to be located in this area; b. ensuring areas are not removed in whole or part; c. requiring activities within or directly adjacent to these areas <u>to manage their adverse effects in accordance with ECO-P6 and ECO-P13</u> avoid, remedy, or mitigate the adverse effects on the values of the area; and d. managing effects of vegetation modification within the margins of any natural inland wetlands and rely upon Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in all other cases Alternatively, amend ECO-P4 to exempt electricity transmission activities from clauses (a) and (b).
ECO-P8	Amend ECO-P8 as follows (or alternative wording to achieve the intent): Manage the modification of indigenous vegetation outside of habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna to ensure any adverse effects on the biological diversity of indigenous species and habitats <u>indigenous biodiversity</u> are avoided, remedied, or mitigated, considering: a. e. to require adverse effects of activities other than renewable electricity generation <u>and electricity transmission</u> activities on biological diversity of indigenous species and habitats to be managed as follows:...

**Appendix B Transpower's submission and further submission
on the Proposed Plan**

Submission by Transpower New Zealand Limited Proposed Wairarapa Combined District Plan

19 December 2023

Keeping the energy flowing



Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Masterton District Council, Carterton District Council and South Wairarapa District Council ("the Councils")

Name of submitter: Transpower New Zealand Limited ("Transpower")

This is a submission on the following proposed plan ("the proposal"):

The Proposed Wairarapa Combined District Plan ("Proposed District Plan").

Transpower could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

The Proposed District Plan in its entirety insofar as it relates to the National Grid, and particularly the extent to which the provisions of the Proposed District Plan give effect to the National Policy Statement on Electricity Transmission 2008 ("NPSET"). A copy of the NPSET is attached as **Appendix B**.

The specific details of Transpower's submission, and decisions sought in relation to the provisions of the Proposed District Plan, are set out in detail in the Table at **Appendix A**.

Transpower's submission is:

Executive summary

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the Resource Management Act 1991 ("RMA") context by the NPSET; the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA") and the Regional Policy Statement for the Wellington Region 2013 ("WRPS").

The Proposed District Plan is required, amongst other things, to:

- (a) give effect to the provisions of the NPSET and WRPS; and
- (b) not be in conflict with, nor duplicate, the provisions of the NESETA.

Transpower acknowledges Councils' intent to meet these obligations. Transpower is also appreciative of the collaborative approach to the development of the Proposed District Plan; the opportunity to engage with the Councils' representatives; and the ability to provide feedback on draft provisions on more than one occasion.

It is Transpower's submission that the Proposed District Plan goes a long way to achieving the statutory requirement set out above but that further amendments to the Proposed District Plan are required to:

- (a) give effect to the NPSET;
- (b) give effect to the WRPS;
- (c) appropriately reflect the relationship of the provisions of the Proposed District Plan with the NESETA;
- (d) achieve the purpose of the RMA;
- (e) represent the most appropriate means of exercising Council's functions having regard to the efficiency and effectiveness of the provisions relative to other means; and

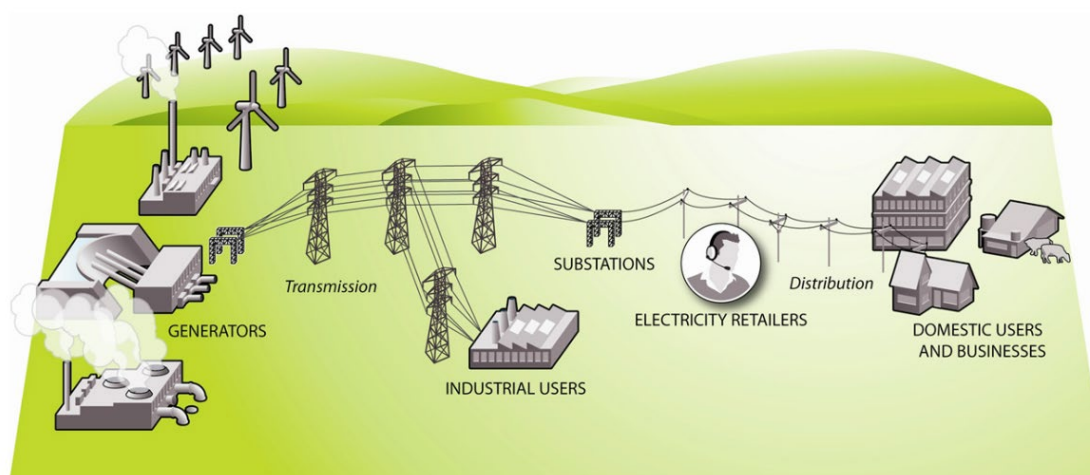
(f) discharge Council's duty under section 32 of the RMA.

This submission outlines those provisions that Transpower supports and also sets out amendments to the Proposed District Plan that are necessary to meet the statutory requirements set out above.

The National Grid

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network, known as the National Grid. The National Grid connects power stations, owned by electricity generating companies, directly to major industrial users and distribution companies feeding electricity to the local networks that, in turn, distribute electricity to homes and businesses. The role of Transpower is illustrated in Figure 1.

Figure 1: Role of Transpower in New Zealand's Electricity Industry (source: MBIE)



The National Grid stretches over the length and breadth of New Zealand from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 11,000 circuit kilometres of transmission lines and cables and more than 170 substations, supported by a telecommunications network of some 300 telecommunication sites that help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation.

Transpower's Statement of Corporate Intent for 1 July 2023, states that:

"Transpower is central to the New Zealand electricity industry. We connect generators to distribution companies and large users over long distances, providing open access and helping to balance supply and demand. The nature and scope of the activities we undertake are:

- as grid owner, we own, build, maintain, replace, and enhance the physical infrastructure that connects those who generate and those who need electricity to live, work and play across the country; and

- as system operator, through a service provided under contract to the Electricity Authority under the Electricity Industry Participation Code, we operate the electricity market, managing supply and demand for electricity in real time to ensure that the power system remains stable and secure."

In line with this role, Transpower needs to efficiently operate, maintain and develop the network to meet increasing demand and to maintain security of supply, thereby contributing to New Zealand's economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs.

As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower's 'Whakamana i Te Mauri Hiko' predicts that electricity demand is likely to increase around 55% by 2050. 'Whakamana i Te Mauri Hiko' suggests that meeting this projected demand will require significant and frequent investment in New Zealand's electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand's electricity transmission system is the infrastructure on which our zero-carbon future will be built. This work supports Transpower's view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001"), and the Electricity (Hazards from Trees) Regulations 2003.

Transpower therefore has a significant interest in the development of an effective, workable and efficient District Plan where it may affect the National Grid, including in respect of existing assets, and the development of new assets, in Wairarapa. While Transpower's submission focusses on the zones and areas where the National Grid is currently located, it should be noted that Transpower cannot foresee all future development of the National Grid, particularly as it has an obligation to connect new electricity generation development to the National Grid, and such development can be located almost anywhere. As such, Transpower has an interest in ensuring that the provisions in all zones and areas appropriately give effect to the NPSET and the WRPS.

National Grid Assets in Wairarapa

Transpower owns and operates National Grid assets in Wairarapa as follows:

- Masterton – Upper Hutt A (MST-UHT-A) 110kV overhead transmission line;
- Mangamaire – Masterton A (MGM-MST-A) 110kV overhead transmission line;
- Greytown Substation; and
- Masterton Substation.

The location of these assets is shown on the Proposed District Plan Planning Map and in Figures 2, 3 and 4 on the following pages.

Figure 2: Location of Transpower's assets in Carterton District

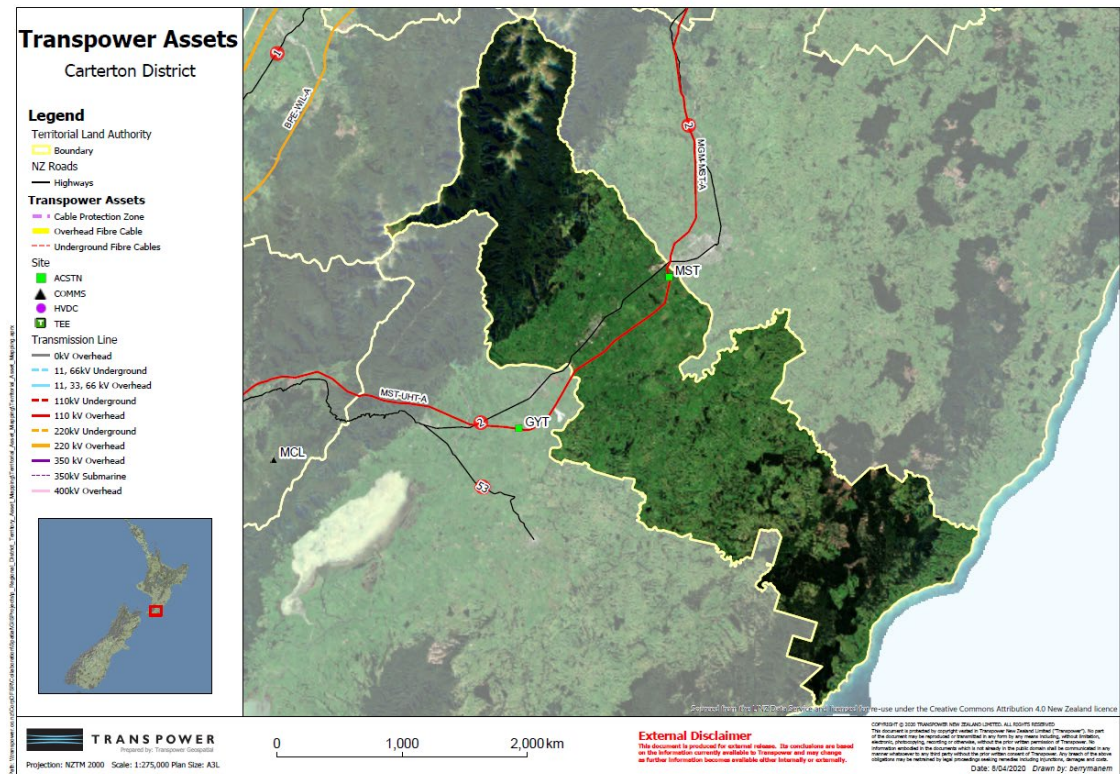


Figure 3: Location of Transpower's assets in Masterton District

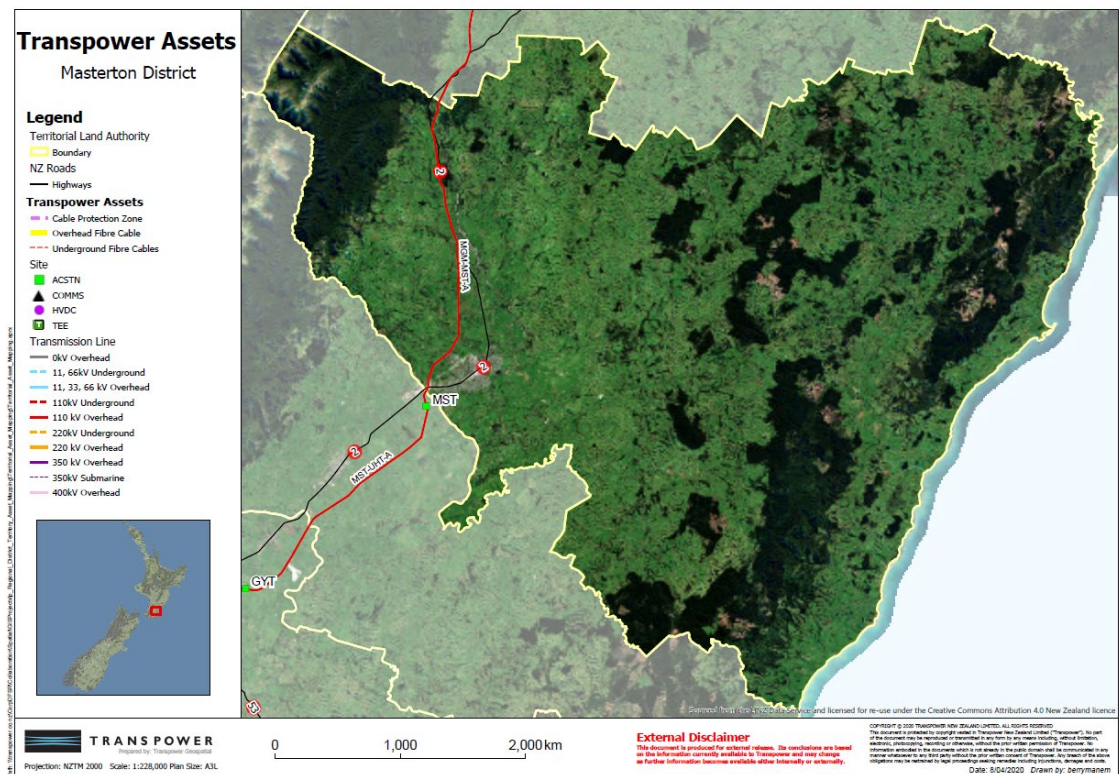
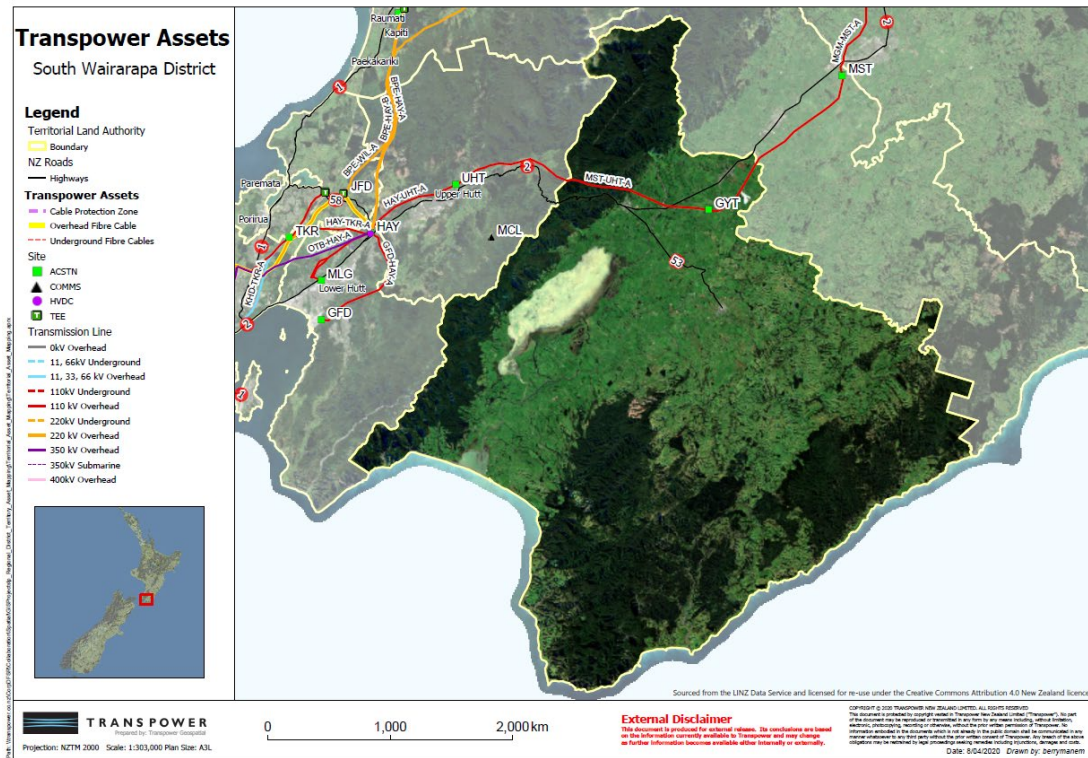


Figure 4: Location of Transpower's assets in South Wairarapa District



Statutory Framework

The national significance of the National Grid is recognised, in an RMA context, by the NPSET and the NESETA. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by electricity generators.

National Policy Statement on Electricity Transmission 2008

The NPSET was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and provides policy direction to ensure that decision makers under the RMA:

- recognise the benefits of the National Grid;
- manage the adverse effects on the environment of the National Grid;
- manage the adverse effects of third parties on the National Grid; and
- facilitate long term strategic planning for transmission assets.

The NPSET sets a clear directive on how to provide for National Grid resources (including future activities) in planning documents and therefore councils have to work through how to make appropriate provision for the National Grid in their plans, in order to give effect to the NPSET.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the National Grid being largely the same across the country. In promoting the NPSET, central government accepted the importance of, and benefits of, a nationally consistent approach to decisions on transmission

activities. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The single 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.”*

The NPSET’s Objective is implemented by fourteen policies. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for “buffer corridors”;
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Sections 55 and 75(3) of the RMA require the Council to give effect to the objectives and policies of the NPSET in the District Plan. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

Giving effect to the NPSET will ensure that:

- the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to Gore and beyond; and
- the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs.

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

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and sets out resource consent requirements where these activities do not meet the standards. The NESETA only applies to the Transpower’s National Grid lines that existed on 14 January 2010 and does not apply to new transmission lines or new or existing substations.

Under section 44A of the RMA, local authorities are required to ensure that there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. That said, there are situations where the NESETA Regulations defer to a district plan. It is therefore important that the relevant district plan provisions (particularly in respect of ‘natural areas’) are consistent with the intent and effect of the NESETA Regulations.

Section 75(3) of the RMA also requires a district plan to give effect to a regional policy statement. The operative WRPS includes the following provisions that are particularly relevant to the National Grid and must be given effect to:

“Objective 10

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

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

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

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

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

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

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

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

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and*

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

Transpower’s Submission

Transpower supports many of the provisions included in the Proposed District Plan and particularly acknowledges earlier opportunities to engage with the Councils’ representatives and provide feedback on these provisions. Transpower is generally supportive of:

- those provisions that give effect to the NPSET and the WRPS;
- the provisions that are consistent with, and do not conflict with, the NESETA;
- provisions that recognise the specific needs for, and needs of, infrastructure/network utilities;
- the inclusion of rules that regulate activities in the vicinity of the National Grid; and
- the identification of the National Grid on the planning maps.

Transpower also acknowledges and supports the incorporation by reference of the following:

- the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001;
- the Electricity (Hazards from Trees) Regulation 2003 (although these regulations are not listed as being incorporated by reference);
- International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz to 100kHz) (Health physics, 2010, 99(6); 818-836); and
- World Health Organisation monograph Environmental Health Criteria (No. 238, June 2007).

Notwithstanding this support, Transpower provides a detailed submission on the Proposed District Plan provisions in **Appendix A** that highlights areas where provisions need to be added, deleted or amended to:

- fully give effect to the NPSET;
- fully give effect to the WRPS;
- achieve consistency with the NESETA;
- recognise the benefits of, and national significance of, the National Grid and enable its operation, maintenance, upgrade and development;
- reflect Transpower’s nationally consistent, engineering based, approach to the management of activities near the National Grid, including subdivision;
- meet the requirements of sections 32 and 75 of the RMA; and
- achieve the purpose of the RMA.

Transpower acknowledges that the Proposed District Plan has not been prepared to give effect to the National Policy Statement for Indigenous Biodiversity 2023 (“NPSIB”), as such, Transpower’s submission does not explicitly address how the Proposed District Plan might address the specific exclusion of the National Grid from the NPSIB. That said, because the NPSIB does not apply to the National Grid, Transpower’s approach is to continue to rely on Policy 8 of the NPSET to give direction in respect of the management of effects on the National Grid in indigenous biodiversity.

Transpower seeks the following decision from the local authority:

Amend the Proposed District Plan to make all required changes, including the specific amendments set out in the Table at **Appendix A**, and such further alternative or consequential relief as may be necessary to fully give effect to this submission.

Transpower welcomes the opportunity, and is available, to continue to work alongside the Council to further develop the Proposed District Plan in response to this submission and the submissions made by other parties.

Transpower wishes to be heard in support of its submission.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



Signature of person authorised to sign
on behalf of Transpower New Zealand Limited

Date:	19 December 2023
Electronic address for service:	ainsley@amconsulting.co.nz and environment.policy@transpower.co.nz
Telephone:	+64 27 215 0600
Postal address:	8 Aikmans Road, Merivale, Christchurch 8014
Contact person:	Ainsley McLeod

Appendix A: Transpower New Zealand Limited – Submission on the Proposed Wairarapa Combined District Plan

The following table sets out the decisions sought by Transpower, including specific amendments to the provisions of the Proposed District Plan (shown in red underline and ~~red strikethrough~~) and further reasons, in addition to those set out in the body of this submission (above), for Transpower's support for, or opposition to, the notified provisions of the Proposed District Plan.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
PART 1 – INTRODUCTION AND GENERAL PROVISIONS			
How the Plan Works			
Statutory Context: Relationship with relevant RMA planning and other documents	Support in part	Transpower generally supports the description of the statutory context included in the Proposed District Plan, and particularly supports the following direction given in this part of the Proposed District Plan on the basis that the text includes recognition of national planning instruments: <i>"The District Plan sits within a hierarchy under the RMA, which gives national, regional, and district level direction through policy and planning documents. National planning documents are outlined in the National Direction Instruments chapter. ..."</i> That said, Transpower considers that there is merit in duplicating reference to the relevant RMA national planning instruments (from a usability and clarity perspective) in the table that describes relevant planning documents.	Amend the table in 'Statutory Context: Relationship with relevant RMA planning and other documents' to also describe the relevant national planning instruments, including the NPSET and NESETA.
General Approach: Parts of the District Plan	Support in part	Transpower generally supports the description of the various parts of the Proposed District Plan included in the 'General Approach'. Transpower notes that this includes the following description in respect of the 'Strategic Direction': <i>"a) Strategic Direction – the strategic objectives set the direction for the District Plan to guide decision making at a strategic level. All other objectives and policies in the</i>	Amend the General Approach: Parts of the District Plan description as follows: <i>"a) Strategic Direction – the strategic objectives set the direction for the District Plan to guide decision making at a strategic level. All other objectives and policies in the District Plan should be read and achieved in a manner consistent with the strategic objectives. <u>No fixed hierarchy</u></i>

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		<i>District Plan should be read and achieved in a manner consistent with the strategic objectives."</i> Consistent with Transpower's submission in respect of the Strategic Direction chapter, Transpower considers that it is critical that the Proposed District Plan clearly articulates the purpose of the Strategic Direction objectives so that there is no ambiguity in future RMA planning approval processes, including in respect of whether there is any hierarchy within the Proposed District Plan. For this reason, Transpower supports the inclusion of further interpretation guidance to be clear there is no hierarchy within the Strategic Direction objectives or between the Strategic Direction objectives and other objectives in the Proposed District Plan. It is noted that wording of this nature has been confirmed by the Environment Court in respect of the Proposed Queenstown Lakes District Plan and is also used in the Proposed Gore District Plan.	<u><i>exists between the strategic objectives or between the strategic objectives and the other objectives and policies in the District Plan."</i></u>
Cross-boundary matters	Support in part	Transpower generally supports the description of, and responses to, cross-boundary matters included in the Proposed District Plan. However, Transpower considers that these descriptions and responses failed to consider cross-boundary issues in respect of linear infrastructure, including the National Grid. That is, in concluding that cross-boundary issues are not likely to be significant, the needs of linear infrastructure, such as roading and electricity networks have not been considered. Cross-boundary matters are particularly relevant to Transpower given the linear and extensive nature of the National Grid. This is acknowledged in the Preamble to the NPSET that states: <i>"The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities."</i> For this reason, Transpower seeks that the 'cross-boundary' matters are amended to reflect and respond to the issues	Amend the 'cross-boundary matters' to include the following additional paragraph: <u><i>"Infrastructure networks, including regionally and nationally significant networks, necessarily traverse jurisdictions as they carry people, goods, electricity and other services between and beyond district boundaries. To recognise and provide for these infrastructure networks, it is important that there are consistent policy and regulatory approaches by local authorities."</i></u>

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		identified in the NPSET. Such an approach is consistent with the direction given in 2.5 of the WRPS and Policy P2 of the NRP.	
Interpretation			
Definitions 'Less hazard sensitive activities'	Support	Transpower notes that infrastructure or network utilities have not been explicitly classified in terms of risk or consequence of natural hazards. The introduction to the Natural Hazards chapter states that <i>"any activity that is not specifically listed below is considered a less hazard sensitive activity"</i> . Transpower considers that the definition of 'less hazard sensitive activities' should be amended to align with the introductory statement.	Amend the definition of 'Less hazard sensitive activities' as follows: <i>"Means activities that are less sensitive to natural hazards, which are:</i> a. Accessory buildings used for non-habitable purposes; b. Park management activity; and c. Buildings and structures associated with temporary activities; <u>and</u> d. <u>not defined as Hazard sensitive activities or potentially hazard sensitive activities."</u>
Definitions 'National Grid'	Support	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	Retain the definition of 'National Grid' as notified.
Definitions 'National Grid subdivision corridor'	Support in part	Transpower supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that such a definition is necessary for the implementation of associated rules. However, Transpower seeks limited amendments to the definition to reflect the National Grid assets that are located in Wairarapa.	Amend the definition of 'National Grid subdivision corridor' as follows: <i>"Means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in dark green below):</i> a. 14 metres for 66kV and 110kV transmission lines on single poles; b. 16 metres for 66kV and 110kV transmission lines on pi poles; c. 32 metres for 66kV and 110kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers); d. 37 metres for 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers); e. 39 metres for 350kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers). <i>The National Grid subdivision corridor does not apply to underground cables or any transmission lines (or sections of transmission line) that are designated."</i> Consistent with the amendments set out above, replace the supporting diagram with a new diagram that reflects the assets in Wairarapa. Transpower can provide this diagram to the Councils.

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Definitions 'National Grid support structure'	Support in part	Transpower supports the definition of 'National Grid support structure' and considers that the definition is consistent with the NPSET and NESETA. That said, Transpower notes that the definition is not directly taken from the NPSET and therefore seeks that the definition is amended accordingly.	Amend the definition of 'National Grid support structure' as follows. <i>"Has the same meaning as in the National Policy Statement on Electricity Transmission (as set out below): Means a pole, tower or other support structure ancillary to a transmission line that is part of the National Grid."</i>
Definitions 'National Grid yard'	Support in part	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules. However, Transpower seeks limited amendments to the definition to reflect the National Grid assets that are located in Wairarapa.	Amend the definition of 'National Grid yard' as follows: <i>"Means (as illustrated in light green below): a. the area located 10 metres either side of the centreline of an overhead 110kV National Grid transmission line on single poles; b. the area located 10 metres either side of the centreline of an overhead 66kV National Grid transmission line on single pole, pi poles, or towers; be. the area located 12 metres in any direction from the outer edge of a National Grid support structure; cd. the area located 12 metres either side of the centreline of any 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers)."</i> Consistent with the amendments set out above, replace the supporting diagram with a new diagram that reflects the assets in Wairarapa. Transpower can provide this diagram to the Councils.
Definitions 'Sensitive activities'	Support	Transpower supports the definition of 'sensitive activities' on the basis that it is consistent with the definition included in the NPSET.	Retain the definition of 'Sensitive activities' as notified.
Definitions 'Upgrade'	Support	Transpower supports the definition of 'upgrade' on the basis that the definition is consistent with the use of the term in the NPSET and clearly distinguishes, by excluding, repair and maintenance activities.	Retain the definition of 'upgrade' as notified.
National Direction Instruments			
National policy statements and New	Support	Transpower generally supports the brief commentary that describes the relationship between the Proposed District Plan and national policy statements on the basis that the	Retain the commentary in relation to national policy statements as notified.

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Zealand Coastal Policy Statement		commentary sets out the statutory obligations in respect of national policy statements and lists the NPSET.	
National Environmental Standards	Support	Transpower generally supports the brief commentary that describes the relationship between the Proposed District Plan and national environmental standard on the basis that the commentary sets out the statutory obligations in respect of national environmental standards and lists the NESETA.	Retain the commentary in relation to national environmental standards as notified.
PART 2 – DISTRICT WIDE MATTERS			
Strategic Direction			
General/Introduction	Support in part	Transpower considers that it is critical that the Proposed District Plan clearly articulates the purpose of the Strategic Direction objectives so that there is no ambiguity in future RMA planning approval processes, including in respect of whether there is any hierarchy within the Proposed District Plan. For this reason, Transpower generally supports the introductory text to the Strategic Direction chapter. That said, Transpower seeks the inclusion of further interpretation guidance to be clear there is no hierarchy between the Strategic Direction objectives and other objectives in the Proposed District Plan. That is, the objectives should be read together, but there should not be primacy or precedence in respect of the Strategic Direction objectives. It is noted that wording of this nature has been confirmed by the Environment Court in respect of the Proposed Queenstown Lakes District Plan and is also used in the Proposed Gore District Plan.	Amend the introductory text to the Strategic Direction chapter as follows: <i>“The objectives in the Strategic Direction Chapter outline the key strategic matters for the districts and guide decision making at a strategic level. The objectives in the Strategic Direction Chapter are to be read together and there is no hierarchy between the the <u>strategic objectives or between the strategic objectives and the other objectives and policies in the District Plan</u>. All other objectives and policies in the District Plan should be read and achieved in a manner consistent with the objectives in the Strategic Direction Chapter.</i> <i>For the purpose of plan development, including plan changes, the objectives in the Strategic Direction Chapter provide guidance on the key strategic or significant matters for the district that are relevant when developing District Plan provisions.</i> <i>For the purpose of plan implementation (including in the determination of resource consent applications and notices of requirement), the objectives in the Strategic Direction Chapter provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to key strategic or significant matters for the district.”</i>
CCR - Climate Change and Resilience Objective CCR-O1 Climate change mitigation	Support	As set out in the body of this submission, the National Grid is the infrastructure on which our zero-carbon future will be built. For this reason, Transpower supports Objective CCR-O1 and considers that the Objective appropriately directs outcomes	Retain Objective CCR-O1 as notified.

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		aligned with New Zealand's zero carbon commitment and the National Grid's role in meeting that commitment.	
INF – Infrastructure Objective INF-O1 Infrastructure	Support in part	Transpower supports Objective INF-O1 to the extent that the Objective seeks that the benefits of infrastructure are recognised. However, Transpower seeks that the Objective is amended to say how the benefits of infrastructure are recognised. Transpower supports the inclusion of additional wording that: - aligns the 'recognise and provide' direction for matters of national importance in section 6 of the RMA with infrastructure, including infrastructure that is similarly nationally or regionally significant; - including detail is consistent with Policy 1 of the NPSET; - achieves consistency with Policy NU-P1; and - includes explicit direction for existing infrastructure and new infrastructure. Transpower considers that amending Objective INF-O1 in this way gives effect to the NPSET, insofar as the Objective relates to the National Grid, and to provides a more fulsome approach to achieving the purpose of the RMA in respect of promoting the sustainable management of important physical resources.	Amend Objective INF-O1 as follows: <i>"The benefits of infrastructure are recognised <u>by enabling the on-going operation, maintenance and upgrading of existing infrastructure and providing for the development of new infrastructure</u>, while ensuring its adverse effects are well managed, and infrastructure is protected from incompatible land use, subdivision and development, including reverse sensitivity effects."</i>
Energy, Infrastructure and Transport			
ENG – Energy Introduction	Support in part	Transpower notes a minor typographic error in the introduction to the Energy chapter.	Amend the Introduction to the Energy chapter as follows: <i>"The provisions in this chapter have been developed to give effect to the National Policy Statement for Renewable <u>Energy Electricity</u> Generation 2011, which seeks to enable the sustainable management of renewable electricity generation."</i>
ENG – Energy Introduction	Support in part	Transpower generally supports the Introduction to the Energy chapter, but seeks limited amendments to better reflect the role that electricity transmission plays in respect of electricity generation. That is, connecting electricity generation to the	Amend the Introduction to the Energy chapter as follows: <i>"... Facilities for the transmission of the generated electricity to the <u>National Grid</u>grid may also be necessary, with potential for environmental effects. <u>[insert paragraph break]</u></i>

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		National Grid and transmitting that electricity to distribution networks and major industrial users.	<i>Due to the location of the wind resource in the districts, wind energy facilities are likely to be sited in elevated locations in coastal and rural areas ...</i> <i>Increased demand also increases the need for more <u>electricity transmission and</u> distribution systems, which may bring about adverse effects on the environment. The effects from energy generation, <u>transmission</u> and distribution facilities can generally be effectively addressed through a variety of methods. However, some level of adverse effects may need to be accepted in accordance with the necessity for energy, and as New Zealand moves towards a more sustainable energy future."</i>
ENG – Energy Introduction	Support in part	Transpower supports the direction given in the Introduction to the Energy chapter in respect of how the provisions apply. However, because the Introduction refers to electricity transmission and distribution, Transpower seeks that the Introduction is clear that the rules for these activities are in the Network Utilities chapter.	Amend the Introduction to the Energy chapter as follows: "... <i>The provisions within this chapter apply on a district-wide basis. As such, the rules in the zone and district wide chapters do not apply to renewable electricity generation unless specifically stated within a rule or standard in this chapter. The objectives and policies in district-wide overlay chapters and the objectives, policies and rules of the subdivision chapter apply to renewable electricity generation where applicable. <u>The rules in the Network Utilities chapter apply to electricity transmission and electricity distribution.</u>"</i>
NU – Network Utilities Introduction	Support in part	Transpower generally supports the introduction to the Network Utilities chapter but seeks very minor corrections to the text. While Transpower prefers that the Network Utilities chapter 'stands alone', with rules elsewhere in the Proposed District Plan not applying, Transpower acknowledges and supports the clear direction given in the introductory text that the District-wide rules also apply to network utilities, but the zone rules do not. When such an approach is taken, it is important that the District-wide provisions appropriately recognise and provide for the benefits of network utilities and also the specific characteristics of network utilities. The intent of Transpower's submission, as a whole, is to achieve this outcome.	Amend the Introduction to the Network Utilities chapter as follows: <i>"The Wairarapa relies on network utilities, including <u>energy electricity transmission and distribution</u>, radio-communications, telecommunications, meteorological facilities, and water and wastewater reticulation. A network utility operator, as defined by the Act, or other operators may provide these utilities.</i> <i>Transport related network utilities including the road and rail network are not addressed in this chapter. They are covered by the Transport Chapter.</i> <i>Network utilities are critical for the ongoing functioning of the Wairarapa. They contribute significantly to the community's health and safety, as well as to its economic, environmental, and social wellbeing. The benefits of</i>

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			network utilities to the efficient functioning of modern society are therefore substantial. Some network utilities have the potential to have adverse effects on the environment. These effects may result from activities involved in establishing the facility, be generated by the facility itself, or be associated with the maintenance and operation of the facility. Potential adverse effects can include: - the visual impacts of structures; - risks to public health and safety; and - noise and odour. Likewise, land uses adjacent to network utilities can have an adverse effect on the ongoing function, and operation <u>and development</u> of network utilities. In general, the effects of network utilities can be managed through development and performance standards, whether through Codes of Practice or regulatory controls. The provisions within this chapter apply on a district-wide basis. The rules in the zone chapters do not apply to network utilities unless specifically stated within a rule or standard in this chapter. The objectives, policies, and rules in district-wide overlay chapters do apply to network utilities.”
NU – Network Utilities Introduction: Relationship with other regulations	Support	Transpower supports the inclusion explicit reference additional regulatory requirements in the NESETA, the NZECP34:2001 and the Electricity Hazards from Trees Regulations 2003. Further, Transpower supports the inclusion of explicit reference to the statutory direction that the NESETA prevails over the Proposed District Plan in the case of conflict.	Retain the ‘Relationship with other regulations’ in the Introduction to the Network Utilities chapter as notified.
NU – Network Utilities Objective NU-O1 Benefits of network utilities	Support	Transpower supports Objective NU-O1 on the basis that the Objective gives effect to the NPSET (particularly Policy 1) and also gives effect to Policy 7 of the WRPS.	Retain Objective NU-O1 as notified.
NU – Network Utilities	Support	Transpower supports Objective NU-O2 on the basis that the Objective is consistent with, and gives effect to, the NPSET.	Retain Objective NU-O2 as notified.

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Objective NU-O2 Adverse effects of network utilities			
NU – Network Utilities Objective NU-O3 Adverse effects on network utilities	Support	To the extent that Objective NU-O3 is relevant to the National Grid, Transpower supports the Objective but acknowledges that Objective NU-O4 more specifically addresses effects of activities on the National Grid.	Retain Objective NU-O3 as notified.
NU – Network Utilities Objective NU-O4 National Grid	Support in part	Transpower supports Objective NU-O4 on the basis that the Objective gives effect to Policy 10 of the NPSET. However, Transpower seeks the inclusion of reference to avoiding sensitive activities so that the Objective also gives effect to Policy 11 of the NPSET.	Amend Objective NU-O4 as follows: “Subdivision, use, and development is managed to avoid <u>sensitive activities and</u> reverse sensitivity effects on the National Grid and ensure that the operation, maintenance, repair, upgrading, and development of the National Grid is not compromised.”
NU – Network Utilities NU-P1 Recognising the benefits of network utilities	Support	Transpower supports Policy NU-P1 on the basis that the Policy is consistent with, and gives effect to, the NPSET.	Retain Policy NU-P1 as notified.
NU – Network Utilities Policy NU-P3 Technological advances	Support in part	Transpower supports Policy NU-P3 to the extent that the Policy recognises the benefits of new technologies. However, Transpower seeks a minor amendment to the Policy so that the Policy expresses how the benefits are recognised. Transpower notes that, insofar as the Policy relates to existing National Grid assets, the direction given by the Policy is consistent with the outcomes achieved through the NESETA regulations.	Amend Policy NU-P3 as follows: “Recognise the benefits of new technologies for network utilities <u>by enabling new technologies</u> that: a.”
NU – Network Utilities Policy NU-P4 Managing adverse effects of network utilities	Support in part	Transpower generally supports the direction given in Policy NU-P4 to the management of adverse effects of network utilities and considers that, to the extent that the Policy relates to the National Grid, the Policy is generally consistent with the direction given to the management of adverse effects in the NPSET. In this regard, Transpower notes that the NPSET does not require the National Grid to be underground and therefore Transpower supports clauses (c) and (d) to the extent that the requirement to underground new assets is subject to the caveat	Amend Policy NU-P4 as follows: “Manage the adverse effects of network utilities, including effects on natural and physical resources, amenity values, sensitive activities, and the health, safety, and wellbeing of people and communities by: a. controlling the height, bulk, and location of network utilities; b. requiring compliance with recognised standards or guidelines for the potential adverse effects of noise, vibration, radiofrequency fields, and electric and magnetic fields;

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		or test of being 'practical' and 'reasonable' and the considerations in Policy NU-P5. That said, Transpower seeks a minor amendment to clause (e) to replace 'possible' with 'practicable' because, while mitigation may be 'possible', the more appropriate test and outcome is whether such mitigation is 'practicable' in any given circumstances. Further, Transpower is concerned that an absolute requirement to maintain the character and amenity of a surrounding area in clause (f) may be too onerous given the nature and scale of a transmission line. The preamble to the NPSET acknowledges that it is not always feasible to avoid or mitigate adverse effects of the National Grid and as such it may mean that the existing character of an area cannot be maintained.	c. requiring the undergrounding of new network utilities in urban areas unless there are technological or operational constraints, or natural or physical features that make underground placement impractical or unreasonable; d. encouraging the undergrounding of new and existing network utilities in all other areas; e. mitigating adverse visual effects through landscaping and/or the use of recessive colours and finishes, where possible-practicable; and f. requiring network utilities to adopt sensitive design to integrate network utilities within the site, existing built form and/or landscape, and to maintain the character and amenity of the surrounding area."
NU – Network Utilities Policy NU-P5 Consideration of adverse effects of network utilities	Support	Transpower generally supports in part Policy NU-P5 to the extent that, insofar as the Policy applies to the National Grid, the Policy gives effect to the NPSET (and particularly Policies 3 and 4 of the NPSET). That said, the relationship between Policy NU-P4 and Policy NU-P5 is not entirely clear. Transpower consider that the requirement to 'ensure' in Policy NU-P5 is a stronger direction than the requirement to 'manage' in NU-P4. As set out above the preamble to the NPSET acknowledges that it is not always feasible to avoid or mitigate adverse effects of the National Grid. As such, there is no requirement to avoid or mitigate all adverse effects of the National Grid in the NPSET. For this reason, Transpower seeks refinement to the direction given in Policy NU-P5 to achieve consistency with Policies NU-P1 and NU-P4 and to give effect to the NPSET.	Amend Policy NU-P5 as follows: "Ensure that network utilities aAvoid, remedy, or mitigate adverse effects of network utilities on the environment, while recognising the functional need and operational need of the network utility, and having regard to: a. the extent to which adverse effects have been addressed through site, route, or method selection and/or the extent to which the network utility is constrained by functional need or operational need; b. the necessity of the network utility, including: i. the need to quickly repair and restore disrupted services; and ii. the impact of not operating, repairing, maintaining, upgrading, removing, or developing the network utility; c. the time, duration, or frequency of adverse effects; d. the location of existing network utilities, including: i. the complexity and connectedness of the networks and services; and ii. the potential for co-location and shared use of network utility corridors; and

Provision	Support/Oppose	Submission/Reasons	Decision Sought						
			e. anticipated outcomes for the receiving environment, including the role, function, and predominant planned character of the underlying zone.”						
NU – Network Utilities Policy NU-P6 National Grid	Support	Transpower supports Policy NU-P6 because the Policies gives effect to Policies 10 and 11 of the NPSET.	Retain Policy NU-P6 as notified.						
NU – Network Utilities Rule NU-R1 Operation, maintenance, repair, and removal of existing aboveground and underground network utilities	Support in part	Transpower supports the inclusion of a permitted activity rule for the operation, maintenance, repair and removal of existing aboveground and underground network utilities. However, Transpower does not support the inclusion of permitted activity standards because: - It is unclear how the standard in clause (1)(a) would work in practice to the extent that the rule appears to place a positive obligation on the owner of an asset to remove that asset or seek a resource consent. - Similarly, the rationale for requiring the removal of redundant underground utilities is unclear. It is considered that this rule may result in greater adverse effects (when compared to a utility remaining in-situ) and place a substantial obligation on network utility operator (including the Councils themselves in respect of any aging or redundant underground utilities). - It is not clear what the anticipated adverse effects of the on-going operation, maintenance and repair of network utilities are – and therefore what effects need to be managed by further standards. In addition, Transpower considers that the Rule should also make explicit provision for the maintenance and repair of access tracks to existing network utilities so that their ongoing operation and maintenance is appropriately enabled.	Amend Rule NU-R1 as follows: <table><tr><td>“NU-R1</td><td>Operation, maintenance, repair, and removal of existing aboveground and underground network utilities, including the access tracks to existing network utilities</td></tr><tr><td>All zones</td><td>1. Activity status: Permitted Where: a. All aboveground structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; b. Compliance is achieved with NU-S1–NU-S7.</td></tr><tr><td>All zones</td><td>1. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R1(1). Matters of discretion: 1. The functional need and operational need of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any relevant Network Utilities Standards. 3. The location of network utilities, including the need for connections to existing networks and services.</td></tr></table>	“NU-R1	Operation, maintenance, repair, and removal of existing aboveground and underground network utilities, including the access tracks to existing network utilities	All zones	1. Activity status: Permitted Where: a. All aboveground structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; b. Compliance is achieved with NU-S1–NU-S7.	All zones	1. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R1(1). Matters of discretion: 1. The functional need and operational need of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any relevant Network Utilities Standards. 3. The location of network utilities, including the need for connections to existing networks and services.
“NU-R1	Operation, maintenance, repair, and removal of existing aboveground and underground network utilities, including the access tracks to existing network utilities								
All zones	1. Activity status: Permitted Where: a. All aboveground structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; b. Compliance is achieved with NU-S1–NU-S7.								
All zones	1. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R1(1). Matters of discretion: 1. The functional need and operational need of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any relevant Network Utilities Standards. 3. The location of network utilities, including the need for connections to existing networks and services.								

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NU – Network Utilities Rule NU-R3 Upgrading of existing above ground network utilities	Support in part	Transpower supports the inclusion of a permitted activity rule for the upgrading of existing above ground network utilities. However, for the same reasons as set out above in respect of Rule NU-R1, Transpower does not support reference to the removal of network utilities in the context of being compelled by a rule. It is noted that, insofar as the provisions in NU-R1 and NU-R3 relate to the National Grid, the NPSET does not direct the removal of redundant parts of the National Grid. In addition, Transpower considers that the Rule should also make explicit provision for the upgrading of access tracks to existing network utilities so that their ongoing ability to serve existing network utilities is appropriately enabled.	Amend Rule NU-R3 as follows: <table><tr><td>“NU-R3</td><td><i>Upgrading of existing above ground network utilities, <u>including the access tracks to existing network utilities</u></i></td></tr><tr><td>All zones</td><td> 1. Activity status: Permitted Where: a. The realignment, relocation, or replacement of a line, pipe, telecommunication pole, pole, tower, conductor, switch, transformer, or ancillary structure is within 5m of the existing alignment or location; ... vii. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; or b. The realignment, relocation, or replacement of any other network utility; i. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; and ...” </td></tr></table>	“NU-R3	<i>Upgrading of existing above ground network utilities, <u>including the access tracks to existing network utilities</u></i>	All zones	1. Activity status: Permitted Where: a. The realignment, relocation, or replacement of a line, pipe, telecommunication pole, pole, tower, conductor, switch, transformer, or ancillary structure is within 5m of the existing alignment or location; ... vii. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; or b. The realignment, relocation, or replacement of any other network utility; i. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; and ...”
“NU-R3	<i>Upgrading of existing above ground network utilities, <u>including the access tracks to existing network utilities</u></i>						
All zones	1. Activity status: Permitted Where: a. The realignment, relocation, or replacement of a line, pipe, telecommunication pole, pole, tower, conductor, switch, transformer, or ancillary structure is within 5m of the existing alignment or location; ... vii. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; or b. The realignment, relocation, or replacement of any other network utility; i. all structures that are no longer required for network utility purposes are removed within two years of being replaced or becoming redundant; and ...”						
NU – Network Utilities Rule NU-R5 Temporary network utilities	Support	Transpower supports Rule NU-R5 because the Rule appropriately enables temporary network utilities.	Retain Rule NU-R5 as notified.				
NU – Network Utilities Rule NU-R6 Substations (including switching stations) or battery energy storage systems	Support	Transpower supports Rule NU-P6 because the rule appropriately provides for substations that are not enclosed as a permitted activity, when limited in scale, with a default to restricted discretionary activity status in all other circumstances.	Retain Rule NU-R6 as notified.				

Provision	Support/Oppose	Submission/Reasons	Decision Sought						
not enclosed by a building									
NU – Network Utilities Rule NU-R9 Overhead lines and associated support structures (including those that convey electricity below 110kV)	Support in part	Transpower supports Rule NU-R9 on the basis that the Rule provides for new overhead lines. That said, Transpower considers that the use of “including those that convey electricity below 110kV” is confusing and serves no clear purpose on the basis that the voltage of a line that conveys electricity does not result in any adverse effects. Further, electric and magnetic fields are already appropriately managed by Standard NU-S5. For this reason, Transpower seeks that the clause be deleted. As a consequence, Rule NU-R16 is unnecessary and can also be deleted, with the scale of any line and associated structures being appropriately managed by the Standards that apply. In addition, it is noted that Rule NU-R9 is more stringent than Rule NU-R16 in ‘all other zones’. Transpower considers that this is an inconsistent approach to managing activities with the same effects. On this basis Transpower seeks that Rule NU-R9 is amended to align with Rule RU-R16 in respect of ‘default’ activity status. In this regard, it is considered that the potential adverse effects of the activity are well understood and can be appropriately managed by the matters of discretion that apply in Rule NU-R16 (except that it is considered that reference to electric and magnetic fields and radiofrequency fields is unnecessary given the requirement to comply with Standards NU-S4 and NU-S5 in any case). As a final matter, Transpower notes that there are differences between the matters of discretion in Rules NU-R9 and NU-R16. Transpower seeks limited amendments to the matters of discretion that apply to provide for the appropriate assessment of potential effects and achieve consistency within the Rule.	Amend Rule NU-R9 as follows: <table><tr><td>“NU-R9</td><td><i>Overhead lines and associated support structures, including lines that convey electricity (including those that convey electricity below 110kV)</i></td></tr><tr><td>Rural Zones, General Industrial Zone</td><td>1. Activity status: Permitted Where: b. Compliance is achieved with all Network Utilities Standards.</td></tr><tr><td>Rural Zones, General Industrial Zone</td><td>2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R9(1). Matters of discretion: 1. The functional need and operational need of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any Network Utilities Standards. 3. The bulk, height, location, and design of the network utility, including any associated buildings or structures. 4. The time, duration, or frequency of adverse effects. 5. The location of network utilities, including the need for connections to existing networks and services. x. <u>The extent to which adverse effects have been addressed through site, and route or method selection.</u></td></tr></table>	“NU-R9	<i>Overhead lines and associated support structures, including lines that convey electricity (including those that convey electricity below 110kV)</i>	Rural Zones, General Industrial Zone	1. Activity status: Permitted Where: b. Compliance is achieved with all Network Utilities Standards.	Rural Zones, General Industrial Zone	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R9(1). Matters of discretion: 1. The functional need and operational need of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any Network Utilities Standards. 3. The bulk, height, location, and design of the network utility, including any associated buildings or structures. 4. The time, duration, or frequency of adverse effects. 5. The location of network utilities, including the need for connections to existing networks and services. x. <u>The extent to which adverse effects have been addressed through site, and route or method selection.</u>
“NU-R9	<i>Overhead lines and associated support structures, including lines that convey electricity (including those that convey electricity below 110kV)</i>								
Rural Zones, General Industrial Zone	1. Activity status: Permitted Where: b. Compliance is achieved with all Network Utilities Standards.								
Rural Zones, General Industrial Zone	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NU-R9(1). Matters of discretion: 1. The functional need and operational need of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. The effects of non-compliance with any Network Utilities Standards. 3. The bulk, height, location, and design of the network utility, including any associated buildings or structures. 4. The time, duration, or frequency of adverse effects. 5. The location of network utilities, including the need for connections to existing networks and services. x. <u>The extent to which adverse effects have been addressed through site, and route or method selection.</u>								

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			6. Effects on areas of outstanding natural features and landscapes, waterbodies, indigenous vegetation, historic heritage, and sites and areas of significance to Māori. 7. The local, regional and national benefits of network utilities.
			All other zones 3. Activity status: Restricted and Discretionary Where: a. Compliance is achieved with: i. NU-S4; and ii. NU-S5. <u>Matters of discretion:</u> <u>1. The functional need and operational need of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken.</u> <u>2. The bulk, height, location, and design of the network utility, including any associated buildings or structures.</u> <u>3. The amenity values of the respective zone and the extent to which any adverse amenity effects can be avoided, remedied, or mitigated.</u> <u>4. The extent to which the network utility may adversely impact on existing land uses.</u> <u>5. Compliance with recognised standards or guidelines for the potential adverse effects of noise and vibration.</u> <u>6. The extent to which adverse effects have been addressed through site, and route or method selection.</u> <u>7. Effects on areas of outstanding natural features and landscapes, waterbodies, indigenous</u>

Provision	Support/Oppose	Submission/Reasons	Decision Sought					
				<u>vegetation, historic heritage, and sites and areas of significance to Māori.</u> <u>8. The local, regional and national benefits of network utilities.</u>				
			As a consequence, delete Rule NU-R16.					
NU – Network Utilities Rule NU-R16 Aboveground electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above	Oppose	For the reasons set out above in respect of Rule NU-R9, Transpower considers that Rule NU-R9 can appropriately provide for lines that convey electricity at all voltages and, on that basis, there is no need for Rule NU-R16.	Delete Rule NU-R16 in its entirety.					
NU – Network Utilities Rule NU-R19 Buildings, structures, and activities in the National Grid Yard	Support	Transpower supports Rule NU-R19 because the Rule: - reflects the approach taken to the management of effects of buildings, structures and activities in the vicinity of the National Grid in district plans throughout New Zealand; and - gives effect to Policy 10 and Policy 11 of the NPSET.	Retain Rule NU-R19 as notified.					
NU – Network Utilities Rule NU-R20 In the National Grid Yard: 1. Land disturbance for the installation of fence posts 2. Earthworks	Support in part	Transpower supports Rule NU-R20 because the Rule: - is generally consistent with the regulations in NZECP34:2001; - reflects the approach taken to the management of effects of earthworks and land disturbance in the vicinity of the National Grid in district plans throughout New Zealand; and - gives effect to Policy 10 of the NPSET. That said, it is noted that reference to “220kV” can be deleted from the Rule on the basis that there are no National Grid assets that are designed or operated at this voltage in Wairarapa. In addition, Transpower seeks the deletion of reference to 2.4.1 of NZECP34:2001 because this ‘exception’ is for buildings and structures, rather than earthworks or land disturbance.	Amend Rule NU-R20 as follows: <table><tr><td>“NU-R20</td><td>In the National Grid Yard: 1. Land disturbance for the installation of fence posts 2. Earthworks</td></tr><tr><td>All zones</td><td>1. Activity status: Permitted Where: a. The land disturbance and earthworks is no deeper than 300mm within 6m of the outer edge of a foundation of a National Grid transmission line tower or pole;</td></tr></table>		“NU-R20	In the National Grid Yard: 1. Land disturbance for the installation of fence posts 2. Earthworks	All zones	1. Activity status: Permitted Where: a. The land disturbance and earthworks is no deeper than 300mm within 6m of the outer edge of a foundation of a National Grid transmission line tower or pole;
“NU-R20	In the National Grid Yard: 1. Land disturbance for the installation of fence posts 2. Earthworks							
All zones	1. Activity status: Permitted Where: a. The land disturbance and earthworks is no deeper than 300mm within 6m of the outer edge of a foundation of a National Grid transmission line tower or pole;							

Provision	Support/Oppose	Submission/Reasons	Decision Sought				
			b. The land disturbance and earthworks is no deeper than 3m between 6m and 12m from the outer visible edge of a foundation of a 110kV or a 220kV National Grid transmission line tower or pole; ... f. Clauses (a)-(e) do not apply to the following: i. land disturbance undertaken as part of agricultural, horticultural or domestic cultivation, or repair or resealing of a road, footpath, driveway, or farm track; ii. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire; and iii. earthworks that otherwise meets the requirements of clause 2.4.1 of the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001)."				
NU – Network Utilities Standard NU-S2 Buildings and structure height and setbacks	Support in part	The relationship between the standards for the heights of towers and pole in Standard NU-S1 and Standard NU-S2 is not clear. Transpower understands that the height of towers and poles is addressed by Standard NU-S1 and therefore it is assumed that the Standards in NU-S2 do not apply. Transpower seeks that this is made explicit in Standard NU-S2.	Amend Standard NU-S2 as follows: <table><tr><td>“NU-S2</td><td>Buildings and structure height and setbacks</td></tr><tr><td>All Zones</td><td>Except where Standard NU-S1 applies, bBuildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.”</td></tr></table>	“NU-S2	Buildings and structure height and setbacks	All Zones	Except where Standard NU-S1 applies, b Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.”
“NU-S2	Buildings and structure height and setbacks						
All Zones	Except where Standard NU-S1 applies, b Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.”						
NU – Network Utilities Standard NU-S5 Electric and magnetic fields	Support	Transpower supports Standard NU-S5 on the basis that the Standard gives effect to Policy 9 of the NPSET and is consistent with the regulations in the NESETA.	Retain Standard NU-S5 as notified.				

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Hazards and Risks			
CL – Contaminated Land Policy CL-P2 Management of contaminated land	Support	Transpower supports Policy CL-P2 to the extent that the Policy directs that contaminated land is managed relative to its intended use.	Retain Policy CL-P2 as notified.
CL – Contaminated Land Rules	Support	Transpower supports the approach taken to rules (or the absence of rules) in relation to contaminated land and particularly reliance of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	Retain the reliance on the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as notified.
NH – Natural Hazards Introduction	Support in part	Transpower notes that infrastructure or network utilities have not been explicitly classified in terms of risk or consequence of natural hazards and, as such, defaults to the ‘less hazard sensitive activities’ category because the introduction to the Natural Hazards chapter states that “any activity that is not specifically listed below is considered a less hazard sensitive activity”. As set out earlier in this submission, Transpower seeks that the definition of ‘less hazard sensitive activities’ is amended to align with the introductory statement.	Amend the definition of ‘Less hazard sensitive activities’ as follows: “Means activities that are less sensitive to natural hazards, which are: a. Accessory buildings used for non-habitable purposes; b. Park management activity; and c. Buildings and structures associated with temporary activities; <u>and</u> d. <u>not defined as Hazard sensitive activities or potentially hazard sensitive activities.</u> ”
NH – Natural Hazards Policy NH-P8 Infrastructure in hazard areas	Support in part	Transpower supports the approach of including a specific policy that addresses infrastructure in hazard areas, but considers that, when compared to the policy direction in Policies NH-P4 and NH-P5, the approach to infrastructure in hazards areas is inconsistent and inappropriately stringent. Transpower seeks that the Policy is amended to align with Policies NH-P4 and NH-P5 in order appropriately address the characteristics of infrastructure including its locational requirements and ability to be designed to be resilient to the potential effects of natural hazard events.	Amend Policy NH-P8 as follows: “ Allow for the <u>Enable the operation, maintenance and upgrading</u> of existing infrastructure, and only allow <u>provide for</u> new infrastructure to be established in hazard areas where <u>new infrastructure</u> : 1. it <u>has</u> an operational need or functional need for the location; 2. it <u>will</u> be designed to maintain its integrity and function during and after a natural hazard event, or it will be able to be immediately re-instated after a natural hazard event, and 3. <u>does not increase</u> the risk to properties, activities, and people is not increased. ”

Provision	Support/Oppose	Submission/Reasons	Decision Sought						
NH – Natural Hazards Rule NH-R8 Infrastructure in hazard areas	Support in part	Transpower supports the approach of including a specific rule that addresses infrastructure in hazard areas, but considers that, when compared to Rule NH-R2, the approach to infrastructure in hazard areas is inconsistent and inappropriately stringent. Transpower seeks that Rule NH-R8 is amended to be generally consistent with Rule NH-R2, acknowledging that infrastructure falls within the definition of ‘less hazard sensitive activities’. The amendments supported by Transpower: - provide a distinction between new infrastructure from existing infrastructure in a manner that is consistent with Policies 2 and 5 of the NPSET; ‘defaults’ to restricted discretionary activity status on the basis that the potential effects of natural hazards are well understood and can be properly assessed with reference to the relevant matters of discretion.	Amend Rule NH-R8 as follows: <table><tr><th>“NH-R8</th><th>Infrastructure in hazard areas</th></tr><tr><td>All zones</td><td> 1. Activity status: Restricted discretionary <u>Permitted</u> Where: a. <u>New</u> Infrastructure is located <u>outside of a moderate or high hazard area, within a low hazard area.</u> b. <u>Any buildings must not be located in the overland flowpath or river corridor of the flood hazard overlays.</u> <u>Matters of discretion:</u> 1. The matters set out in NH-P4, NH-P8, and NH-P11. </td></tr><tr><td>All zones</td><td> 2. Activity status: Restricted d<u>Discretionary</u> Where: a. Infrastructure is located within moderate or high hazard areas <u>Compliance is not achieved with NH-R8(1).</u> <u>Matters of discretion:</u> <u>1. The matters set out in NH-P4, NH-P8, and NH-P11.</u> </td></tr></table>	“NH-R8	Infrastructure in hazard areas	All zones	1. Activity status: Restricted discretionary <u>Permitted</u> Where: a. <u>New</u> Infrastructure is located <u>outside of a moderate or high hazard area, within a low hazard area.</u> b. <u>Any buildings must not be located in the overland flowpath or river corridor of the flood hazard overlays.</u> <u>Matters of discretion:</u> 1. The matters set out in NH-P4, NH-P8, and NH-P11.	All zones	2. Activity status: Restricted d<u>Discretionary</u> Where: a. Infrastructure is located within moderate or high hazard areas <u>Compliance is not achieved with NH-R8(1).</u> <u>Matters of discretion:</u> <u>1. The matters set out in NH-P4, NH-P8, and NH-P11.</u>
“NH-R8	Infrastructure in hazard areas								
All zones	1. Activity status: Restricted discretionary <u>Permitted</u> Where: a. <u>New</u> Infrastructure is located <u>outside of a moderate or high hazard area, within a low hazard area.</u> b. <u>Any buildings must not be located in the overland flowpath or river corridor of the flood hazard overlays.</u> <u>Matters of discretion:</u> 1. The matters set out in NH-P4, NH-P8, and NH-P11.								
All zones	2. Activity status: Restricted d<u>Discretionary</u> Where: a. Infrastructure is located within moderate or high hazard areas <u>Compliance is not achieved with NH-R8(1).</u> <u>Matters of discretion:</u> <u>1. The matters set out in NH-P4, NH-P8, and NH-P11.</u>								
Historical and Cultural Values									
TREE – Notable Trees Policy TREE-P2 Allowing appropriate works on notable trees	Support	Transpower supports Policy TREE-P2 on the basis the Policy allows for minor trimming of notable trees where the trimming is to prevent damage to property or infrastructure or improve public safety. Such an approach is consistent with the Electricity (Hazards from Trees) Regulations 2003.	Retain Policy TREE-P2 as notified.						
TREE – Notable Trees	Support	Transpower supports Policy TREE-P6 on the basis the Policy allows for minor trimming of street trees where the trimming is	Retain Policy TREE-P6 as notified.						

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Policy TREE-P6 Allowing appropriate works on street trees		to prevent damage to property or infrastructure or improve public safety. Such an approach is consistent with the Electricity (Hazards from Trees) Regulations 2003.	
TREE – Notable Trees Rule TREE-R1 Trimming of any notable tree listed in SCHED3 Notable Trees	Support	Transpower supports Rule TREE-R1 on the basis that the Rule appropriately provides for minor trimming of a notable tree where the trimming is required by statute or regulations, including the Electricity (Hazards from Trees) Regulations or the trimming is required to address an imminent danger to an electricity line.	Retain Rule TREE-R1 as notified.
TREE – Notable Trees Rule TREE-R3 Trimming of any street tree	Support	Transpower supports Rule TREE-R3 on the basis that the Rule appropriately provides for minor trimming of a street tree where the trimming is required by statute or regulations, including the Electricity (Hazards from Trees) Regulations or the trimming is required to address an imminent danger to an electricity line.	Retain Rule TREE-R3 as notified.
SASM - Sites and Areas of Significance to Māori Policy SASM-P4 Allow limited activities within sites and areas of significance to Māori	Support in part	Transpower supports Policy SASM-P4 to the extent that the Policy allows the operation, maintenance and repair or upgrading of existing network utility structures. However, Transpower considers that, where network utilities are present in sites of significance to Māori, the Policy should also provide for the upgrading of the existing network utilities. Such an approach gives effect to Policy 1, Policy 2 and Policy 5 of the NPSET, insofar as Policy SASM-P4 relates to the National Grid.	Amend Policy SASM-P4 as follows: <i>“Allow the following activities to occur on, or in proximity to sites and areas of significance to Māori, while ensuring their design, scale, and intensity will not compromise cultural, spiritual, and historical values, interests, or associations of importance to tangata whenua:</i> <i>land disturbance;</i> <i>demolition or removal of existing buildings and structures where the structure is not or does not form part of the site or area;</i> <i>alterations to existing buildings and structures;</i> <i>operation, maintenance, and repair <u>and upgrading</u> of existing network utility structures; and</i> <i>erection of signs.”</i>
SASM - Sites and Areas of Significance to Māori Policy SASM-P5 Protect the values of sites and areas of significance to	Support in part	Transpower generally supports Policy SASM-P5, but notes that neither the RMA nor the WRPS direct the absolute protection of the values of sites and areas of significance to Māori. Transpower seeks limited amendments to:	Amend Policy SASM-P5 as follows: <i>“SASM-P5 Protect the values of sites and areas of significance to Māori from <u>inappropriate</u> subdivision, use, and development</i> <i>Only allow any other use and development on, or in proximity to sites and areas of significance to Māori where it can be demonstrated that the</i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought				
Māori from subdivision, use, and development		• better give effect to SASM-O3 by referencing the appropriateness of activities; • and to reflect that alternative methods or locations should be ‘viable’ or ‘practicable’. The use of this term is consistent with the expression in Policy SASM-P6.	<i>cultural, spiritual, and historical values, interests, or associations of importance to tangata whenua of the site or area are protected and maintained, having regard to:</i> <i>a. whether there are <u>practicable</u> alternative methods, locations, or designs that would avoid or reduce the impact on the values, interests, or associations of importance to tangata whenua associated with the site or area of significance; ...”</i>				
SASM - Sites and Areas of Significance to Māori Policy SASM-P6 Avoid removal or destruction of sites and areas of significance to Māori	Support in part	Transpower generally supports Policy SASM-P6, but seeks amendment to the Policy to provide a ‘pathway’ through the Policy for those activities that have a functional need for their location that are provided for by clause (a).	Amend Policy SASM-P6 as follows: <i>“Ensure the adverse effects of activities on sites and areas of significance to Māori are managed by:</i> <i>a. avoiding activities within sites and areas of significance to Māori, unless there is a functional need to do so and no practicable alternative location;</i> <i>b. avoiding <u>to the greatest extent practicable</u> significant adverse effects on the site or area’s cultural spiritual and historical values; and</i> <i>c. for other <u>residual</u> adverse effects:</i> <i>i. where adverse effects cannot be avoided, they are minimised; <u>and</u></i> <i>ii. where adverse effects cannot be minimised, they are remedied <u>to the greatest extent practicable</u>; and</i> <i>iii. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, the activity itself is avoided.”</i>				
SASM - Sites and Areas of Significance to Māori SASM-R2 Land disturbance (excluding earthworks) within a site or area of significance to Māori listed in SCHED4 Sites and Areas of Significance to Māori	Support in part	Transpower supports Rule SASM-R2 to the extent that the Rule provides for limited land disturbance as a permitted activity. However, Transpower considers that the rule should be expanded to provide for land disturbance associated with the maintenance, repair and upgrading of network utilities in the same way as it does for access tracks. This is because, provided the disturbance is confined to the same alignment the areas of ground are likely to have been disturbed in the past and, as such, the potential to have adverse effects on cultural values associated with the site is very low. Transpower considers that, insofar as the rule relates to the National Grid, such	Amend Rule SASM-R2 as follows: <table><tr><td>“SASM-R2</td><td>Land disturbance (excluding earthworks) within a site or area of significance to Māori listed in SCHED4 Sites and Areas of Significance to Māori</td></tr><tr><td>All Zones except Settlement Zone</td><td>1. Activity status: <u>Permitted</u> <i>Where the land disturbance is for:</i> <i>a. burials within an existing urupā; or</i> <i>b. the installation of fence posts, water troughs and water pipes, provided the area, extent and volume of land disturbed is limited to that which</i></td></tr></table>	“SASM-R2	Land disturbance (excluding earthworks) within a site or area of significance to Māori listed in SCHED4 Sites and Areas of Significance to Māori	All Zones except Settlement Zone	1. Activity status: <u>Permitted</u> <i>Where the land disturbance is for:</i> <i>a. burials within an existing urupā; or</i> <i>b. the installation of fence posts, water troughs and water pipes, provided the area, extent and volume of land disturbed is limited to that which</i>
“SASM-R2	Land disturbance (excluding earthworks) within a site or area of significance to Māori listed in SCHED4 Sites and Areas of Significance to Māori						
All Zones except Settlement Zone	1. Activity status: <u>Permitted</u> <i>Where the land disturbance is for:</i> <i>a. burials within an existing urupā; or</i> <i>b. the installation of fence posts, water troughs and water pipes, provided the area, extent and volume of land disturbed is limited to that which</i>						

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		amendments are necessary to give effect to Policies 1, 2 and 5 of the NPSET. In addition, Transpower considers that the provisions of the Proposed District Plan clearly identify the types of adverse effects that ought to be considered under Rule SASM-R2 such that full discretionary activity status is not required. That is, the effects are known and can be adequately and appropriately addressed by a restricted discretionary activity status.	<i>is necessary to maintain an existing fence or water troughs and water pipes along its existing alignment or location; or</i> <i>c. gardening; or</i> <i>d. cultivation (excluding any associated land disturbance that permanently alters the profile, contour or height of the land); or</i> <i>e. riparian planting; or</i> <i>f. planting to prevent erosion; or</i> <i>g. grazing of livestock; or</i> <i>h. the maintenance or repair of existing tracks and culverts provided the area, extent and volume of land disturbed is limited to that which is necessary to maintain an existing track and culvert along its existing alignment;</i> <i>x. <u>the maintenance, repair or upgrading of existing network utilities provided the area, extent and volume of land disturbed is limited to that which is necessary and is along the existing alignment;</u></i> <i>i. authorised works and within an approved area by an existing legal instrument (such as consent notice or local authority covenant) for the site.</i>
			All Zones except Settlement Zone 2. Activity status: <u>Restricted discretionary</u> Where: a. Compliance is not achieved with SASM-R2(1). <u>Matters of discretion:</u> <u>1. The matters set out in SASM-P3, SASM-P4 and SASM-P5.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the</u>

Provision	Support/Oppose	Submission/Reasons	Decision Sought							
				<u>levels of service or health and safety if the work is not undertaken."</u>						
SASM - Sites and Areas of Significance to Māori Rule SASM-R3 Earthworks within a site or area of significance to Māori listed in SCHED4 Sites and Significance to Māori	Support in part	Transpower does not oppose Rule SASM-R3 that has the effect of triggering the requirement for resource consent for earthworks in a Site of Significance to Māori in almost all circumstances. However, Transpower considers that the provisions of the Proposed District Plan clearly identify the types of adverse effects that ought to be considered under Rule SASM-R3 such that full discretionary activity status is not required. That is, the effects are known and can be adequately and appropriately addressed by a restricted discretionary activity status.	Amend Rule SASM-R3 as follows: <table><tr><td>"SASM-R3</td><td>SASM-R3 Earthworks within a site or area of significance to Māori listed in SCHED4 Sites and Significance to Māori</td></tr><tr><td>All Zones except Settlement Zone</td><td>1. Activity status: Permitted Where: a. Earthworks are for burials within an existing urupā; or b. Earthworks are authorised by and located within an approved area in an existing legal instrument (such as consent notice or local authority covenant) for the site.</td></tr><tr><td>All Zones except Settlement Zone</td><td>2. Activity status: <u>Restricted discretionary</u> Where: a. Compliance is not achieved with SASM-R3(1). <u>Matters of discretion:</u> <u>1. The matters set out in SASM-P3, SASM-P4 and SASM-P5.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken."</u></td></tr></table>		"SASM-R3	SASM-R3 Earthworks within a site or area of significance to Māori listed in SCHED4 Sites and Significance to Māori	All Zones except Settlement Zone	1. Activity status: Permitted Where: a. Earthworks are for burials within an existing urupā; or b. Earthworks are authorised by and located within an approved area in an existing legal instrument (such as consent notice or local authority covenant) for the site.	All Zones except Settlement Zone	2. Activity status: <u>Restricted discretionary</u> Where: a. Compliance is not achieved with SASM-R3(1). <u>Matters of discretion:</u> <u>1. The matters set out in SASM-P3, SASM-P4 and SASM-P5.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken."</u>
"SASM-R3	SASM-R3 Earthworks within a site or area of significance to Māori listed in SCHED4 Sites and Significance to Māori									
All Zones except Settlement Zone	1. Activity status: Permitted Where: a. Earthworks are for burials within an existing urupā; or b. Earthworks are authorised by and located within an approved area in an existing legal instrument (such as consent notice or local authority covenant) for the site.									
All Zones except Settlement Zone	2. Activity status: <u>Restricted discretionary</u> Where: a. Compliance is not achieved with SASM-R3(1). <u>Matters of discretion:</u> <u>1. The matters set out in SASM-P3, SASM-P4 and SASM-P5.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken."</u>									
SASM - Sites and Areas of Significance to Māori Rule SASM-R6 Maintenance and repair of an existing network utility structure and	Support in part	Transpower supports Rule SASM-R6 to the extent that the Rule provides for the maintenance and repair of network utility structures as a permitted activity, subject to standards. However, Transpower considers that there is a gap between Rules SASM-R6 and SASM-R7 because neither rule addresses the upgrading of network utilities. Further, Transpower	Amend Rule SASM-R6 as follows: <table><tr><td>"SASM-R6</td><td>Maintenance, and repair and upgrading of an existing network utility structure and existing primary production structures within a site or area</td></tr></table>		"SASM-R6	Maintenance, and repair and upgrading of an existing network utility structure and existing primary production structures within a site or area				
"SASM-R6	Maintenance, and repair and upgrading of an existing network utility structure and existing primary production structures within a site or area									

Provision	Support/Oppose	Submission/Reasons	Decision Sought				
existing primary production structures within a site or area of significance to Māori listed in SCHED4 Sites and Significance to Māori		considers that the rule should address network utilities generally, as opposed to being confined to structures. Transpower therefore seeks amendments to Rule SASM-R6 to address these matters along with further refinements to give effect to Policies 1, 2 and 5 of the NPSET.	<table><tr><td></td><td><i>of significance to Māori listed in SCHED4 Sites and Significance to Māori</i></td></tr><tr><td>All Zones except Settlement Zone</td><td>1. Activity status: Permitted</td></tr></table>		<i>of significance to Māori listed in SCHED4 Sites and Significance to Māori</i>	All Zones except Settlement Zone	1. Activity status: Permitted
	<i>of significance to Māori listed in SCHED4 Sites and Significance to Māori</i>						
All Zones except Settlement Zone	1. Activity status: Permitted						
Natural Environment Values							
ECO - Ecosystems and Indigenous Biodiversity Objective ECO-O2 Significant indigenous vegetation and habitats	Support	Transpower supports Objective ECO-O2 because the Objective directs an outcome that protects areas of significant indigenous vegetation and significant habitats of indigenous fauna from ‘inappropriate’ activities.	Retain Objective ECO-O2 as notified.				
ECO - Ecosystems and Indigenous Biodiversity Policy ECO-P4 Protect areas of significant indigenous vegetation or habitat	Support in part	Transpower supports Policy ECO-P4 to the extent that the Policy provides for activities that have a functional or operational need for their location in areas of significant indigenous vegetation or habitat. Limited amendments are sought to: - include explicit reference to the trimming or removal of vegetation because, as drafted, this activity is provided for within the areas; and - Delete clause (2) on the basis that an activity cannot remove an Area because the area is identified in Schedules to the Proposed District Plan.	Amend Policy ECO-P4 as follows: “Protect those areas that are habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna in the Wairarapa from inappropriate subdivision, land use, and development by: <i>a. only providing for activities, <u>including associated vegetation trimming and removal</u>, that demonstrate an operational need or functional need to be located in this area;</i> <i>b. ensuring areas are not removed in whole or part;</i> <i>c. requiring activities within or directly adjacent to these areas to avoid, remedy, or mitigate the adverse effects on the values of the area; and</i> <i>d. managing effects of vegetation modification within the margins of any natural inland wetlands and rely upon Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in all other cases.”</i>				
ECO - Ecosystems and Indigenous Biodiversity ECO-P5 Appropriate activities for areas of	Support in part	Transpower generally supports Policy ECO-P5 to the extent that the Policy specifically addresses network utilities. However, Transpower considers that the Policy does not give effect to Policy 2 and Policy 5 of the NPSET and seeks amendments as follows:	Amend Policy ECO-P5 as follows: “Enable the following activities relating to habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna <i>in the Wairarapa where they contribute to the protection, maintenance, and enhancement of the areas:</i>				

Provision	Support/Oppose	Submission/Reasons	Decision Sought
significant indigenous vegetation or habitat		- The deletion of reference to the 'contribution to the protection, maintenance, and enhancement of the areas' because activities associated with, for instance, maintenance of network utilities are for that purpose (as opposed to the protection and enhancement of the area). As such, the activities listed in clauses (a) to (f) may be inadvertently prevented by the 'contribution' requirement in the opening sentence. - Reference to minor upgrading is included include clause (b) to give effect to Policy 5 of the NPSET and to achieve alignment with the NESETA. - Reference to the 'trimming or removal of vegetation' is explicitly included because, as drafted, this activity is not 'enabled'.	a. removal of broken branches, deadwood, diseased vegetation, or exotic species; b. maintenance <u>and minor upgrading of the safety and efficiency of network utilities, including associated vegetation trimming and removal;</u> c. maintenance of existing access tracks for network utilities, <u>including associated vegetation trimming and removal;</u> d. maintenance of existing access tracks, fencelines, and firebreaks and the construction of new fencelines and firebreaks; e. customary activities; and f. conservation activities."
ECO - Ecosystems and Indigenous Biodiversity Policy ECO-P6 Management of effects within significant indigenous vegetation or habitat	Support in part	Transpower generally supports Policy ECO-P6 to the extent that the Policy establishes a framework for the management of effects on significant indigenous vegetation and habitat. That said, Transpower does not support the inclusion of a requirement for more than minor residual adverse effects to be offset or compensated for. This is because, insofar as the Policy relates to the National Grid, the NPSET does not require offsetting. Further, while the Proposed District Plan does not give effect to the NPSIB, it is noted that the NPSIB does not apply to the National Grid and, as such, the NPSIB cannot direct that the effects of the National Grid must be offset or compensated for. The 'Section 32 Evaluation Topic Report - Ecosystems and Indigenous Biodiversity' suggests that offsetting of the effects of the National Grid can be compelled because the National Policy Statement on Freshwater Management 2020 requires offsetting. Transpower does not accept that the approach to the management of effects on freshwater should be extended to apply to the effects of vegetation trimming and removal.	Amend Policy ECO-P6 as follows: <i>"Manage the effects of subdivision, use, and development of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa by:</i> a. <i>avoiding the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;</i> b. <i>avoiding the loss of habitat that supports or provides a key life function for Threatened or At Risk indigenous species; and</i> c. <i>requiring that any unavoidable more than minor adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated.</i> <i>More than minor residual adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna, outside the Coastal Environment, that cannot be avoided, remedied, or mitigated in accordance with clauses (a)1 – (c)3 above shall may be offset, or if biodiversity offsetting cannot be reasonably achieved, shall may be addressed through environmental compensation <u>where such offset or</u></i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Transpower's preference if for the Policy direction in respect of offsetting and compensation to reflect sections 104(1)(ab) and 171(1B) of the RMA that provide for a consideration of measures " <i>proposed or agreed to by the applicant</i> for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity".	<u>compensation measures are proposed or agreed by an applicant or requiring authority.</u>
ECO - Ecosystems and Indigenous Biodiversity ECO-P7 Appropriate modification of other indigenous vegetation	Support in part	Transpower supports Policy ECO-P7 to the extent that the Policy provides for the modification of vegetation outside of habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna. However, Transpower considers that the Policy does not give effect to Policies 2 and 5 of the NPSET because the Policy fails to "recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network" (Policy 2) and fails to "enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets" (Policy 5). That is, the Policy may result in undue constraint on Transpower's ability to trim or remove vegetation where such trimming is necessary to provide for National Grid. For instance, where ground to conductor clearance violations must be maintained or where access to a transmission line support structure is needed.	Amend Policy ECO-P7 as follows: "Provide for the modification of vegetation outside of habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna where: a. the indigenous vegetation is kanuka, manuka, or tauhinu; b. other indigenous vegetation where loss of mature indigenous vegetation is minimised; c. timber is for reasonable personal use of up to 50m³ over any 10-year period; d. modification is undertaken in accordance with an approval under Part IIIA of the Forests Act 1949; e. the naturally occurring indigenous vegetation has grown under the canopy of a plantation forest or as a consequence of the harvesting of plantation forest; f. the plantation forestry and other vegetation has been planted and managed for horticulture or agriculture purposes; g. necessary for the avoidance of imminent danger to human life or property; <u>x. necessary for the operation, maintenance and upgrading of the National Grid;</u> h. activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Greater Wellington Regional Council, or Department of Conservation, or QEII Trust; and i. it is necessary for the construction or maintenance of a firebreak."

Provision	Support/Oppose	Submission/Reasons	Decision Sought								
ECO – Ecosystems and Indigenous Biodiversity Rule ECO-R1 Modification of indigenous vegetation within a Significant Natural Area	Support in part	Transpower generally supports Rule ECO-R1, but seeks that the Rule is amended to better align with Rules TREE-R1 and TREE-R3 and to apply (for consistency of regulation) the most stringent activity status that might apply to vegetation trimming or removals under the NESETA.	Amend Rule ECO-R1 as follows: <table><tr><td>“ECO-R1</td><td>Modification of indigenous vegetation within a Significant Natural Area</td></tr><tr><td>All zones</td><td>1. Activity status: Permitted Where: a. The modification of indigenous vegetation is for one or more of the following: i. associated with a conservation activity or a customary activity; ii. trimming that is required to comply with the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001; <u>x. modification to address an imminent danger to an electricity line;</u> ...”</td></tr><tr><td><u>All zones</u></td><td>x. Activity status: Restricted discretionary Where a. Compliance is not achieved with ECO-R1(1)(a)(ii) and ECO-R1(1)(a)(x). <u>Matters of discretion:</u> <u>1. The matters set out in ECO-P5 and ECO-P6.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken.”</u></td></tr><tr><td>All zones</td><td>2. Activity status: Discretionary Where:</td></tr></table>	“ECO-R1	Modification of indigenous vegetation within a Significant Natural Area	All zones	1. Activity status: Permitted Where: a. The modification of indigenous vegetation is for one or more of the following: i. associated with a conservation activity or a customary activity; ii. trimming that is required to comply with the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001; <u>x. modification to address an imminent danger to an electricity line;</u> ...”	<u>All zones</u>	x. Activity status: Restricted discretionary Where a. Compliance is not achieved with ECO-R1(1)(a)(ii) and ECO-R1(1)(a)(x). <u>Matters of discretion:</u> <u>1. The matters set out in ECO-P5 and ECO-P6.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken.”</u>	All zones	2. Activity status: Discretionary Where:
“ECO-R1	Modification of indigenous vegetation within a Significant Natural Area										
All zones	1. Activity status: Permitted Where: a. The modification of indigenous vegetation is for one or more of the following: i. associated with a conservation activity or a customary activity; ii. trimming that is required to comply with the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001; <u>x. modification to address an imminent danger to an electricity line;</u> ...”										
<u>All zones</u>	x. Activity status: Restricted discretionary Where a. Compliance is not achieved with ECO-R1(1)(a)(ii) and ECO-R1(1)(a)(x). <u>Matters of discretion:</u> <u>1. The matters set out in ECO-P5 and ECO-P6.</u> <u>2. The functional need and operational need of, and benefits from, the maintenance, repair or upgrading, including the potential impact on the levels of service or health and safety if the work is not undertaken.”</u>										
All zones	2. Activity status: Discretionary Where:										

Provision	Support/Oppose	Submission/Reasons	Decision Sought	
				a. Compliance is not achieved with ECO-R1(1)(a)(i), ECO-R1(1)(a)(iii) to ECO-R1(a)(viii).
ECO – Ecosystems and Indigenous Biodiversity Rule ECO-R2 Modification of indigenous vegetation outside of a Significant Natural Area	Support in part	Transpower supports Rule ECO-R2 (and particularly clauses (b), (e), (f) and (i)) to the extent that the Rule provides for the modification of indigenous vegetation outside of a Significant Natural Area. However, Transpower considers that the Rule fails to give effect to Policy 5 of the NPSET because the Rule does not ‘enable’ the modification of vegetation associated with minor upgrading. Transpower seeks the inclusion of a further clause in the Rule to achieve this outcome.	Amend Rule ECO-R2 as follows:	
			“ECO-R2	Modification of indigenous vegetation outside of a Significant Natural Area
			All zones	“1. Activity status: Permitted Where one or more of the following applies: a. The modification is associated with conservation activities or customary activities; b. Compliance is achieved with ECO-S1; ... e. The operation and/or maintenance and repair of existing pasture, fences, drains, structures, network utilities, and infrastructure, fire breaks including existing roads or tracks (including walking or cycling tracks); <u>x. The modification is required for the operation, maintenance or upgrading of the National Grid.</u> f. Trimming that is required to comply with the Electricity (Hazards from Trees) Regulations 2003; g. Activities carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Greater Wellington Regional Council, or Department of Conservation, or QEII Trust; h. trimming or removal of indigenous vegetation that has been planted and managed specifically for commercial horticulture, plantation forestry, or agricultural purposes; or

Provision	Support/Oppose	Submission/Reasons	Decision Sought					
				i. For the avoidance of loss of life, injury, or serious damage to property; ...”				
ECO – Ecosystems and Indigenous Biodiversity Standard ECO-S1 Modification of indigenous vegetation	Support in part	Transpower generally supports Standard ECO-S1, because the Standard sets clear parameters for the where modification of indigenous vegetations is permitted. That said, Transpower seeks that clause (3)(b) is amended to clarify that the maximum area threshold applies to land held in a single record of title.	Amend Standard ECO-S1 as follows: <table><tr><th>“ECO-S1</th><th>Modification of indigenous vegetation</th></tr><tr><td>1. Indigenous vegetation is not within 20m of a natural inland wetland; 2. The indigenous vegetation is kanuka, manuka, or tauhinu; and 3. Any other indigenous vegetation species where: a. the vegetation height is less than 4m and trunk diameter is less than 30cm as measured 1.4m above ground; and b. all other cases, <u>for land held in a single record of title</u>, there is no more than 10% of the total area of vegetation and no more than 200m² of vegetation is modified in any 5-year period.</td><td>Matters of discretion: 1. The matters identified in Policy ECO-P8.</td></tr></table>		“ECO-S1	Modification of indigenous vegetation	1. Indigenous vegetation is not within 20m of a natural inland wetland; 2. The indigenous vegetation is kanuka, manuka, or tauhinu; and 3. Any other indigenous vegetation species where: a. the vegetation height is less than 4m and trunk diameter is less than 30cm as measured 1.4m above ground; and b. all other cases, <u>for land held in a single record of title</u> , there is no more than 10% of the total area of vegetation and no more than 200m² of vegetation is modified in any 5-year period.	Matters of discretion: 1. The matters identified in Policy ECO-P8.
“ECO-S1	Modification of indigenous vegetation							
1. Indigenous vegetation is not within 20m of a natural inland wetland; 2. The indigenous vegetation is kanuka, manuka, or tauhinu; and 3. Any other indigenous vegetation species where: a. the vegetation height is less than 4m and trunk diameter is less than 30cm as measured 1.4m above ground; and b. all other cases, <u>for land held in a single record of title</u> , there is no more than 10% of the total area of vegetation and no more than 200m² of vegetation is modified in any 5-year period.	Matters of discretion: 1. The matters identified in Policy ECO-P8.							
NATC – Natural Character NATC-O1 Preserve and enhance natural character	Support	Transpower supports Objective NATC-O1 because the Objective directs an outcome that protects the natural character of the Wairarapa’s rivers, lakes, and natural inland wetlands and their margins from inappropriate subdivision, use, and development	Retain Objective NATC-O1 as notified.					

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		‘inappropriate’ activities in a manner that is consistent with section 6(a) of the RMA.	
NATC – Natural Character Policy NATC-P5 Buildings and structures	Support in part	Transpower generally supports Policy NATC-P5 to the extent that the Policy provides and exemption for structures within waterbody setbacks where the structures have a functional or operational need for their location. Transpower seeks a limited amendment, consistent with Objective NATC-O1, to recognise that a structure may still be appropriate within waterbody setbacks in situations where natural character values are not entirely preserved.	Amend Policy NATC-P5 as follows: <i>“Discourage buildings and structures within 10m of surface waterbodies within the General Rural Zone, 5m of any surface waterbody in any other zone, and 25m of Significant Waterbodies across all zones and only allow buildings and structures within these setbacks where:</i> <i>1. there is a functional need or operational need for their location within the setback;</i> <i>2. the location, intensity, scale, design, and form of the building or structure preserves natural character values <u>to the extent practicable</u>; and</i> <i>3. any potential cumulative effects on natural character values are minimised.”</i>
NFL – Natural Features and Landscapes NFL-O1 Outstanding Natural Features and Landscapes	Support	Transpower supports Objective NFL-O1 because the Objective directs an outcome that protects the outstanding natural features and landscapes from inappropriate subdivision, use, and development ‘inappropriate’ activities in a manner that is consistent with section 6(b) of the RMA.	Retain Objective NFL-O1 as notified.
NFL – Natural Features and Landscapes Policy NFL-P5 Appropriate activities within an Outstanding Natural Feature and Landscape	Support in part	Transpower supports Policy NFL-P5 on the basis that the Policy intends to allow certain activities within Outstanding Natural Features and Landscapes. This includes the maintenance, repair, or removal of existing infrastructure and where an activity has a functional or operational need for its location. That said Transpower is concerned that (insofar as the Policy relates to the National Grid): - the policy does not fully give effect to Policy 2 and Policy 5 of the NPSET because minor upgrading is not enabled in the same manner as the operation and maintenance of the National Grid; - despite this Policy, Policies NFL-P3 and NFL-P4 will prevent activities provided for by this Policy occurring because, with	Amend Policy NFL-P5 as follows: <i>“<u>Notwithstanding Policy NFL-P3 and Policy NFL-P4, a</u>Allow subdivision, use, and development within an Outstanding Natural Features and Landscapes where it is associated with conservation activities or:</i> <i>it relates to the maintenance, repair, <u>minor upgrading</u> or removal of existing infrastructure;</i> <i>there is a functional need or operational need for the activity to be located in the Outstanding Natural Features or Landscapes;</i> <i>the form, scale, and nature of the activity will not detract from the characteristics and values of the Outstanding Natural Features and Landscapes by, <u>to the extent practicable</u>:</i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought						
		or without clause (4), the firm direction to avoid significant adverse effects and avoid effects in Policies NFL-P3 and NFL-P4 respectively continues to apply. Transpower considers that the requirement of the National Grid to absolutely avoid adverse effects is contrary to Policy 8 of the NPSET and therefore Transpower suggests amendments to Policy NFL-P5.	i. <i>integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;</i> ii. <i>limiting the prominence or visibility of built form, including by integrating it into the natural landform; and</i> iii. <i>restoring or reinstating areas of earthworks and replanting areas of modification of vegetation; and</i> <i>d. — the activity is consistent with Policies NFL-P3 and NFL-P4.</i>						
NFL – Natural Features and Landscapes Rule NFL-R1 Earthworks, modification of indigenous vegetation, or buildings and structures (including construction, additions, and alterations) within Outstanding Natural Features and Landscapes	Oppose	Transpower considers that Rule NFL-R1 fails to give effect to the NPSET, including Policies, 1, 2, 5 and 8 of the NPSET in respect of appropriately recognising, providing for and enabling the National Grid. To properly give effect to the NPSET, Transpower considers that the most efficient and effective approach to giving effect to the NPSET is to include a bespoke rule for National Grid activities.	Insert a new rule in the Natural Features and Landscapes Chapter as follows: <table><tr><td><u>“NFL-RX</u></td><td><u>Earthworks, modification of indigenous vegetation, or structures for the National Grid within Outstanding Natural Features and Landscapes</u></td></tr><tr><td><u>All zones</u></td><td><u>1. Activity status: Permitted</u> <u>Where:</u> <u>a. it relates to the maintenance, repair, minor upgrading or removal of existing infrastructure.</u></td></tr><tr><td><u>All zones</u></td><td><u>x. Activity status: Restricted discretionary</u> <u>Where</u> <u>a. Compliance is not achieved with NFL-RX.</u> <u>Matters of discretion:</u> <u>1. The degree of change to the natural landform.</u> <u>2. The effects of activity on the identified characteristics and values of the Outstanding Natural Features and Landscapes.</u> <u>3. The effects of activity on the identified characteristics and values of the Coastal Environment.</u> <u>4. The functional need and operational need of, and benefits from, the activity, including the potential</u></td></tr></table>	<u>“NFL-RX</u>	<u>Earthworks, modification of indigenous vegetation, or structures for the National Grid within Outstanding Natural Features and Landscapes</u>	<u>All zones</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> <u>a. it relates to the maintenance, repair, minor upgrading or removal of existing infrastructure.</u>	<u>All zones</u>	<u>x. Activity status: Restricted discretionary</u> <u>Where</u> <u>a. Compliance is not achieved with NFL-RX.</u> <u>Matters of discretion:</u> <u>1. The degree of change to the natural landform.</u> <u>2. The effects of activity on the identified characteristics and values of the Outstanding Natural Features and Landscapes.</u> <u>3. The effects of activity on the identified characteristics and values of the Coastal Environment.</u> <u>4. The functional need and operational need of, and benefits from, the activity, including the potential</u>
<u>“NFL-RX</u>	<u>Earthworks, modification of indigenous vegetation, or structures for the National Grid within Outstanding Natural Features and Landscapes</u>								
<u>All zones</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> <u>a. it relates to the maintenance, repair, minor upgrading or removal of existing infrastructure.</u>								
<u>All zones</u>	<u>x. Activity status: Restricted discretionary</u> <u>Where</u> <u>a. Compliance is not achieved with NFL-RX.</u> <u>Matters of discretion:</u> <u>1. The degree of change to the natural landform.</u> <u>2. The effects of activity on the identified characteristics and values of the Outstanding Natural Features and Landscapes.</u> <u>3. The effects of activity on the identified characteristics and values of the Coastal Environment.</u> <u>4. The functional need and operational need of, and benefits from, the activity, including the potential</u>								

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<u>impact on the levels of service or health and safety if the activity is not undertaken.</u> <u>5. The effect of the reflectivity and colour of external materials on the identified characteristics and values of the Outstanding Natural Features and Landscapes."</u>
PA – Public Access Policy PA-P3 Public access to the Coastal Marine Area	Support in part	Transpower generally supports Policy PA-P3 to the extent that the Policy acknowledges that public access may be restricted in order to protect public health and safety. There are situations where Transpower may need to restrict public access, for instance where work is occurring on transmission lines. Such restrictions would similarly apply in the case of rivers, lakes and wetlands. Transpower suggests that the concept of exceptions to the provision of public access be similarly applied to lakes, rivers and wetlands. Such an approach would give effect to the NPSET and Policy 53 of the WRPS.	Retain Policy PA-P3 as notified. Amend the provisions in the Public Access chapter to allow for similar restrictions to those in Policy PA-P3 (in limited circumstances) on public access to lakes, rivers and wetlands.
Subdivision			
SUB – Subdivision Introduction	Support in part	Transpower supports the clear direction given in the introductory text that the Subdivision chapter contains rules and standards relating to subdivision of land within District-Wide Matters chapters (with explicit mention of the National Grid Corridor) and that the District-Wide Matters chapters contain the objectives and policies that also apply to any subdivision application. Transpower seeks a limited amendment to correct reference to the 'National Grid Subdivision Corridor' (consistent with the definition included in the Proposed District Plan).	Amend the introductory text to the Subdivision chapter as follows: <i>"This chapter contains rules and standards relating to subdivision of land within District-Wide Matters chapters, such as the Coastal Environment, Natural Hazards, Natural Environments, and the National Grid <u>Subdivision</u> Corridor. The District-Wide Matters chapters contain the objectives and policies that also apply to any subdivision application."</i>
SUB – Subdivision Rule SUB-R3 Subdivision of land to create allotment for public works, network	Support	Transpower supports Rule SUB-R3 because the Rule appropriately recognises the unique characteristics of network utilities by providing for subdivision to accommodate network utilities as a controlled activity in a manner that does not	Retain Rule SUB-R3 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
utilities, reserves, or access purposes only		impose minimum requirements that would otherwise apply to subdivisions for other purposes.	
SUB – Subdivision Rule SUB-R11 Subdivision of land in the National Grid Corridor	Support in part	Transpower generally supports Rule SUB-R11 including: - restricted discretionary activity status, with a default non-complying activity status; - matters of discretion (2) to (8); - the inclusion of direction in respect of public notification. Transpower considers that Rule SUB-R11 gives effects to Policy 10 and Policy 11 of the NPSET and reflects Transpower's nationally consistent approach to the management of subdivision in the National Grid Subdivision Corridor. Consistent with earlier comments, Transpower seeks a limited amendment to the Rule to change the title to refer to the National Grid Subdivision Corridor. Including reference to 'subdivision' more clearly distinguishes the subdivision corridor from the National Grid Yard and is consistent with the associated definition.	Amend the title of Rule SUB-R11 as follows: "Subdivision of land in the National <u>Subdivision</u> Grid Corridor"
FC - Financial Contributions Rules Introduction	Support	Transpower supports the introduction to the rules for financial contribution on the basis that the introductory text explicit excludes an additional allotment solely for a network utility from attracting a district-wide infrastructure contribution or reserve financial contribution.	Retain the exclusion of an additional allotment solely for a network utility from the requirement for a financial contribution.
General District Wide Matters			
ASW – Activities on the Surface of Water Policy ASW-P3 Appropriate structures	Support	Transpower supports Policy ASW-P3 on the basis that the Policy to the extent that the policy does not prevent structures over the surface of water where they have a functional or operational need for that location, including linear infrastructure.	Retain Policy ASW-P3 as notified.
CE – Coastal Environment	Support	Transpower supports Objective CE-O5 on the basis that the Objective recognises that subdivision, use and development of the coastal environment is not precluded where particularly values of coastal environment are not compromised.	Retain Objective CE-O5 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Objective CE-O5 Activities in the coastal environment			
CE – Coastal Environment Policy CE-P2 Outstanding Natural Character	Oppose	While the National Grid is not currently located in the coastal environment, it is possible that there may be a requirement for the National Grid to traverse the coastal environment in the future. For this reason, and to give effect to the NPSET and reconcile the policy direction in the NPSET and New Zealand Coastal Policy Statement (“NZCPS”), it is important that the provisions of the Proposed District Plan do not preclude such future development of the National Grid. In this regard it is noted that the NPSET in Policy 8 directs that: <i>“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.”</i> Transpower considers that ‘seek to avoid’ is an onerous but less absolute policy directive than the ‘avoid’ used in Policy CE-P2 and for this reason Transpower seeks an amendment to the Policy to give effect to the NPSET. It is acknowledged that the outcome sought by Transpower can be achieved in other ways, including through a ‘carve out’ policy in the Network Utilities Chapter or through a separate policy in the Coastal Environment Chapter (for instance, an expansion of Policy CE-P6). It is also noted that Section 6(b) of the RMA and Policy 13 of the NZCPS relates to the protection of natural character from inappropriate subdivision, use and development.	Amend Policy CE-P2 as follows: <i>“Avoid adverse effects from <u>inappropriate</u> subdivision, use, and development on the identified qualities, characteristics, and values of Outstanding Natural Character by:</i> <i>1. only providing for conservation activities, and customary activities, <u>and the National Grid where it has a functional or operational need for its location; and or</u></i> <i>2. avoid<u>ing</u> adverse effects on those qualities, characteristics, and values of any other activities.”</i>
CE – Coastal Environment Policy CE-P6 Infrastructure	Support in part	Transpower supports the approach taken to infrastructure in some parts of the coastal environment through the inclusion of Policy CE-P6. That said, Transpower is concerned that there may be situations where new nationally significant infrastructure	Amend Policy CE-P6 as follows: <i>“a. Provide for the maintenance, repair, <u>minor upgrading</u> and removal of existing infrastructure in areas identified as Very High Natural Character; and</i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		must be located in areas of very high natural character (such as the National Grid) and the effects of such activities may be significant. Transpower is concerned that requiring the avoidance of such effects does not give effect to the NPSET. Further, it is not clear why the effects test differs, and is more stringent, to that applied to other activities in respect of the ability to manage adverse effects (for instance in Policy CE-P3). For these reasons, Transpower seeks amendments to the Policy to give effect to the NPSET and achieve alignment with Policy CE-P3.	b. Only allow new infrastructure and the <u>substantial</u> upgrade of existing infrastructure within areas identified as Very High and High Natural Character where: - it has an operational need or functional need for the location; - it is designed to maintain the natural character values; and - any significant adverse effects on <u>identified</u> natural character values will be avoided <u>where practicable</u> and avoid, remedy, or mitigate any other adverse effects on the identified values described in Very High and High Natural Character all other effects will be avoided, and where this is not practicable, will be appropriately mitigated.
CE – Coastal Environment Rules	Oppose	While the Proposed District Plan includes explicit policy direction in relation to infrastructure in the coastal environment, this Policy is not implemented by any similarly explicit rules. Consistent with Transpower's submission on Policy CE-P6, Transpower seeks that the Rules in the Coastal Environment Chapter are amended to: - enable the operation, maintenance and minor upgrading of infrastructure activities as a permitted activity without constraint; - provide for major upgrades to and new infrastructure activities in the Coastal Environment as a discretionary activity, on the basis that non-complying activity status in the coastal environment does not give effect to the NPSET, insofar as any rule is relevant to the National Grid. In this regard, Transpower notes that there are no National Grid assets currently located in the coastal environment. That said, because the National Grid connects to electricity generation assets, it is possible that there will be a need new National Grid assets in the coastal environment in circumstances where new electricity generation has a coastal location and requires a National Grid connection.	Amend the rules that apply in the Coastal Environment to enable the operation, maintenance and minor upgrading of infrastructure activities as a permitted activity and provide for major upgrades to and new infrastructure as a discretionary activity.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
SIGN – Signs Policy SIGN-P1 Official signs and official traffic signs	Support	Transpower supports Policy SIGN-P1 on the basis that the Policy ‘allows’ official signs. Such signs may include those that relate to the safety of people in the vicinity of the National Grid.	Retain Policy SIGN-P1 as notified.
SIGN – Signs Introduction	Support	Transpower supports the clear direction given in the introductory text that states that the provisions in the other Part 2: District Wide Matters chapters also apply to signs and must be complied with, or resource consent sought. This approach means that signs must comply with the National Grid Yard rules and, as such, contributes to the Proposed District Plan giving effect to the NPSET.	Retain the introductory text that states that the provisions in the other Part 2: District Wide Matters chapters also apply signs as notified.
SIGN – Signs Rule SIGN-R3 Official signs	Support	Transpower supports Rule SIGN-R3 on the basis that the Rule provides for official signs as a permitted activity in a manner that implements Policy SIGN-P1. Such signs may include those that relate to the safety of people in the vicinity of the National Grid.	Retain Rule SIGN-R3 as notified.
TEMP – Temporary Activities Introduction	Support	Transpower supports the clear direction given in the introductory text that states that the provisions in the other Part 2: District Wide Matters chapters also apply to temporary activities and must be complied with, or resource consent sought. This approach means that temporary activities must comply with the National Grid Yard rules and, as such, contributes to the Proposed District Plan giving effect to the NPSET.	Retain the introductory text that states that the provisions in the other Part 2: District Wide Matters chapters also apply to temporary activities as notified.
PART 3 AREA SPECIFIC MATTERS			
Rural Zones			
GRUZ – General Rural Zone GRUZ-O1 Purpose of the General Rural Zone	Support	Transpower supports Objective GRUZ-O1 on the basis that the Objective recognises that the General Rural Zone is used for activities that have a functional or operational need to be located in the Zone. Transpower considers that this Objective appropriately acknowledges that the General Rural Zone accommodates the nationally significant National Grid and	Retain Objective GRUZ-O1 as notified. Replicate “and other activities that have a functional need or operational need to be located within the X Zone” or similar in the provisions for all other zones.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		reflects the fact that rural zones across New Zealand are the most common (and appropriate) zone traversed by the National Grid. Transpower considers there is merit in, and supports, a similar provision being replicated in respect of all other zones.	
GRUZ – General Rural Zone GRUZ-O2 Rural character	Support	Transpower supports Objective RUZ-O2, and particularly the recognition that the National Grid forms part of the character of the General Rural Zone in clause (e).	Retain Objective GRUZ-O2 as notified.
General Rural Zone Objective GRUZ-O4 Enable compatible activities	Support in part	While Transpower generally supports the inclusion of an Objective that enables compatible activities in the General Rural Zone, Transpower is concerned that Objective GRUZ-O4 inappropriately gives priority to primary production over other activities that have a functional need or operational need for their location in the General Rural Zone. Transpower considers that, insofar as the Objective is relevant to the National Grid, the NPSET clearly establishes the importance of, and national significance of, the National Grid such that, the National Grid should be subject to (at least) the same priority in the General Rural Zone. Transpower considers that the General Rural Zones is generally the most appropriate location for the National Grid. For this reason, Transpower seeks that the Objective is amended to remove any suggestion of primacy.	Amend Objective GRUZ-O4 as follows: Amend Objective GRUZ-O4 as follows: <i>“Primary production activities are enabled, and other activities that have a functional need or operational need to be located within the General Rural Zone are enabled where they are not incompatible with primary production activities.”</i>
GRUZ – General Rural Zone Policy GRUZ-P1 Compatible activities	Support in part	While Transpower generally supports the inclusion of a Policy that enables compatible activities in the General Rural Zone, Transpower is concerned that Policy GRUZ-P1 inappropriately gives priority to primary production over other activities that have a functional need or operational need for their location in the General Rural Zone. Transpower considers that, insofar as the Objective is relevant to the National Grid, the NPSET clearly establishes the importance of, and national significance of, the National Grid such that, the National Grid should be subject to (at least) the same priority in the General Rural Zone.	Amend Policy GRUZ-P1 as follows: <i>“a. Enable primary production activities that are compatible with the purpose, character, and amenity values of the General Rural Zone. x. <u>Enable the operation, maintenance, upgrading and development of nationally significant infrastructure that has a functional need or operational need to be located in the General Rural Zone;</u> b. Provide for other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production.</i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Transpower considers that the General Rural Zones is generally the most appropriate location for the National Grid. For this reason, Transpower seeks that the Policy is amended to remove any suggestion of primacy.	c. <i>Provide for rural lifestyle development in appropriate locations where GRUZ-P1(a) and GRUZ-P1(b) are enabled or provided for.</i>
Industrial Zones			
GIZ – General Industrial Zone Policy GIZ-P3 Incompatible use and development	Oppose	While the Mangamaire – Masterton A 110kV transmission line is located in and traverses the General Industrial Zone, Policy GIZ-P3 would suggest that this existing use is inappropriate in the General Industrial Zone. Transpower is of the view that Policy GIZ-P3 should recognise the presence of the transmission line in the General Industrial Zone, and the need to operate, maintain, upgrade and develop the National Grid, as an appropriate use in order to give effect to the NPSET.	Amend Policy GIZ-P3 as follows: <i>“Avoid non-industrial activities in the General Industrial Zone unless the activities:</i> <i>x. <u>are the operation, maintenance, upgrading or development of the National Grid;</u></i> <i>a. are ancillary to an industrial activity; or</i> <i>b. provide goods or services essential to industrial activities and have an operational need to locate in the General Industrial Zone;</i> <i>c. do not create potential reverse sensitivity effects that may constrain industrial activities; and</i> <i>d. do not detract from the viability and vibrancy of the Commercial and Mixed Use Zones where these activities may be more appropriately located.”</i>
Open Space and Recreation Zones			
NOSZ – Natural Open Space Zone Policy NOSZ-P1 Compatible activities	Support in part	Transpower generally supports Policy NOSZ-P1 to the extent that the Policy allows activities that are compatible with the values of the zone in the Natural Open Space Zone. Transpower notes that the National Grid traverses the Natural Open Space Zone in a number of locations. As such, it is considered that the purpose, character, and amenity values of the Zone have been identified cognisant of the presence of the existing transmission line. For this reason, Transpower considers that it is necessary and appropriate for Policy NOSZ-P1 to recognise the presence of the transmission line in the Zone, and the need to operate, maintain, upgrade and develop the National Grid as a	Amend Policy NOSZ-P1 as follows: <i>“Only allow activities, buildings, and structures that which are compatible with the purpose, character, and amenity values of the Natural Open Space Zone and are consistent with any applicable Reserve Management Plan or Conservation Management Strategy or Plan <u>or is the operation, maintenance, upgrading and development of the National Grid,</u> while ensuring their design, scale, and intensity reflects the purpose, character, and amenity values of the Zone.”</i>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		compatible activity in order to give effect to Policies 1, 2 and 5 of the NPSET.	
Special Purpose Zones			
MPZ – Māori Purpose Zone Policy MPZ-P1 Compatible activities	Support in part	Transpower generally supports Policy MPZ-P1 to the extent that the Policy provides for compatible activities in the Māori Purpose Zone and describes those activities through a non-exclusive list. Transpower notes that the National Grid traverses the Māori Purpose Zone in a number of locations across Wairarapa. As such, it is considered that the purpose, role and function of the Zone have been identified cognisant of the presence of the existing transmission line. For this reason, Transpower considers that it is necessary and appropriate for Policy MPZ-P1 to recognise the presence of the transmission line in the Zone, and the need to operate, maintain, upgrade and develop the National Grid as a compatible activity in order to give effect to Policies 1, 2 and 5 of the NPSET.	Amend Policy MPZ-P1 as follows: <i>“Allow activities that are compatible with the role, function, and predominant character of the Māori Purpose Zone, including marae, papakāinga, customary use, cultural, <u>the National Grid</u> and small-scale commercial activities while ensuring their scale, design, and intensity is appropriate in the Zone and the wider environmental context of the site.”</i>
PLANNING MAP			
Planning Map – National Grid Notation	Support in part	Transpower acknowledges that the Planning Map shows the National Grid transmission lines in Wairarapa and notes that this is a requirement of Policy 12 of the NPSET that states: <i>“Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.”</i> That said, Transpower is of the view that the Planning Map legend and notation is not consistent with the National Planning Standards. That is, the National Planning Standard requires that the National Grid be shown as a solid black line. On this basis Transpower seeks the Planning Map notation and legend be amended to show the National Grid as a solid black line with the legend rationalised to reflect the actual assets with the	Amend the Planning Map to show all parts of the National Grid, including the Greytown and Masterton substations. Amend the Planning Map to show the National Grid as a solid black line. Amend the Planning Map legend to only list National Grid assets within Wairarapa.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Wairarapa (that is, there is no need to list underground assets or assets with voltages of 66kV, 220kV, 350kV or 400kV). Further, Transpower notes that Policy 12 of the NPSET requires all parts of the transmission network to be mapped and therefore Transpower suggests that the Planning Map is revised to include all parts of the National Grid, including the Greytown and Masterton substations.	
Planning Map – Zones, Areas, Overlays and Features	Support in part	Transpower is generally neutral in respect of the location and extent of various zones, areas, overlays and features shown on the Planning Map. However, areas, overlays and features Transpower’s feedback is based on the location of zones and features shown on the Planning Map as notified. That is, Transpower has not commented on the provisions that relate to zones, areas, overlays and features that are not in the vicinity of the National Grid. Should the extent or location of the various zones, areas, overlays and features be revised in the vicinity of the National Grid, Transpower would have an interest in the relevant provisions and would seek that provisions that manage effects on, or enable the development of, the National Grid are extended within the new zones, areas, overlays and features.	Except as set out in this submission, retain the location and extent of zones, areas, overlays and features shown on the Planning Map as notified. Alternatively, where amended in the vicinity of the National Grid, amend the relevant provisions to manage effects on, or enable the development of, the National Grid within the new zones, areas, overlays or features.

Appendix B: National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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Preamble

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

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

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

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

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

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

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

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

1. Title

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

2. Commencement

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

3. Interpretation

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

Act means the Resource Management Act 1991.

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

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

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

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

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

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

5. Objective

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

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

6. Recognition of the national benefits of transmission

POLICY 1

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

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

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

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

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

POLICY 4

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

POLICY 5

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

POLICY 6

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

POLICY 7

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

POLICY 8

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

POLICY 9

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

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

POLICY 10

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

POLICY 11

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

9. Maps

POLICY 12

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

10. Long-term strategic planning for transmission assets

POLICY 13

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

POLICY 14

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

Explanatory note

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

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

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

Further Submission by Transpower New Zealand Limited

Proposed Wairarapa Combined District Plan

23 April 2024

Keeping the energy flowing



Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To Masterton District Council, Carterton District Council and South Wairarapa District Council ("the Councils")

Name of person making further submission: Transpower New Zealand Limited ("Transpower")

This is a further submission in support of, and in opposition to, submissions on: the proposed Wairarapa Combined District Plan ("Proposed District Plan").

Transpower has an interest in the Proposed District Plan that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 ("NPSET") and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA"). The proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

Transpower's further submissions

Transpower's support of, or opposition to, a particular submission including the reason for Transpower's support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower's further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

General reasons and decisions sought in respect of submissions supported by Transpower

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Policy Statement for the Wellington Region 2013 ("WRPS");
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council's functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

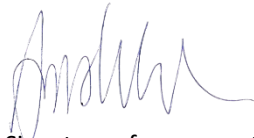
General reasons and decisions sought in respect of submissions opposed by Transpower

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

Transpower wishes to be heard in support of its further submissions.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



Signature of person authorised to sign
on behalf of Transpower New Zealand Limited

Date:	23 April 2024
Electronic address for service:	ainsley@amconsulting.co.nz
Telephone:	+64 27 215 0600
Postal address:	8 Aikmans Road, Merivale, Christchurch 8014
Contact person:	Ainsley McLeod

Appendix A – Transpower New Zealand Limited: Further Submission on Submissions Made on the Proposed Wairarapa Combined District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed District Plan, including the reasons for Transpower's support or opposition in respect of the original submission. The proposed District Plan text is shown without underlining; the relief sought in primary submission is shown as black underlined and ~~striketrough~~; and the further amendments sought by Transpower are shown in red double underlined and ~~double striketrough~~.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Audrey Rendle (submission number S52)				
S52.001	Planning Maps Zones Properties to the west of Chamberlain Road are lifestyle blocks that meet criteria for Rural Lifestyle Zone. Amend zoning of properties west of Chamberlain Road, Upper Plain, Masterton from General Rural Zone to Rural Lifestyle Zone.	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the subject land is adjacent to and/or traversed by the National Grid. Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	If the submission is allowed, ensure that the site subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.
Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited (Spark)" (Submission number S189)				
S189.001	Whole Plan Oppose Throughout the plan, whether it be a matter of discretion or in an objective or policy, the term functional and operational need has been used. The terms functional need and operational need are separately defined in the PDP (as per the National Planning Standards) and as such, need to be separated when being referred to. Any assessment for a network utility should not have to meet both terms, but only one of them. the term 'functional and operational need' each time it is used in the PDP as follows:	Support	Transpower supports the submission and agrees that the terms 'functional need' and 'operational need' should be separated.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"Functional need and or operational need."</i>			
S189.013	Strategic Direction INF-O1 A strategic direction objective for infrastructure is supported. However, it is unclear what "well managed" means in terms of adverse effects. Some infrastructure, due to its functional and operational need, will have residual adverse effects of varying degrees, which needs to be recognised in the objective. Amend INF-O1 as follows: <i>"The benefits of infrastructure are recognised, while ensuring its adverse effects are well-managed (and consideration given to the functional or operational need of the infrastructure), and Ensure infrastructure is protected from incompatible land use, subdivision and development, including reverse sensitivity effects."</i>	Support	Subject to Transpower's primary submission, Transpower supports the relief sought and particularly supports the acknowledgement that some infrastructure will have residual adverse effects on the environment due to its functional need or operational need.	Allow the submission.
S189.017	NU - Network Utilities NU-O2 The objective as notified provides appropriate context for plan users in terms of the functional and operational need of network utilities, and their positive effects. However, as drafted it still requires adverse effects to be avoided, remedied or mitigated. This should be to the extent practicable, as it is not always possible to completely avoid, remedy or mitigate all actual and potential adverse effects. Amend NU-O2 as follows: <i>"The adverse effects of network utilities on the environment are avoided, remedied, or mitigated to the greatest extent practicable, while recognising:</i> <i>a. the functional need and operational need of network utilities; and</i> <i>b. that positive effects of network utilities may be realised locally, regionally, or nationally."</i>	Support in part	Transpower generally supports the relief sought and agrees that the Objective should reflect that it is not always possible for all adverse effects of infrastructure to be entirely avoided, remedied or mitigated. That said, Transpower does not consider that 'no effects' is the outcome directed by the Objective and considers that this could be made clearer through a further amendment that reflects Policy 3 of the NPSET and Policy NU-P5.	Allow the submission subject to the following alternate amendments: <i>"The adverse effects of network utilities on the environment are avoided, remedied, or mitigated to the greatest extent practicable, while recognising:</i> <i>a. the extent to which adverse effects are avoided remedied or mitigated is constrained by the functional need and operational need of network utilities; and</i> <i>b. that positive effects of network utilities may be realised locally, regionally, or nationally."</i>
S189.051	ECO - Ecosystems and Indigenous Biodiversity ECO-P8	Support	Transpower supports the submission and similarly considers that it is necessary and appropriate for the Policy to include a further clause to	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	If a network utility cannot comply with ECO- R2.1, it becomes a restricted discretionary activity under ECO-R2.2, with a matter of discretion being the provisions contained within ECO-P8. As such, ECO-P8 should consider the functional or operational requirements of the network utility. Amend ECO-P8 as follows: <i>“Manage the modification of indigenous vegetation outside of habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna to ensure any adverse effects on the biological diversity of indigenous species and habitats are avoided, remedied, or mitigated, considering:</i> <i>a. the significance and values of the vegetation and habitat;</i> <i>b. the extent of modification, including measures to avoid or minimise the loss, damage, or disruption to ecological processes, functions, and integrity of the vegetation and habitat; and</i> <i>c. the effects of the modification on the significance and values of the vegetation and habitat, including potential cumulative effects; and</i> <i>d. for any network utility the functional need or operational need of the network utility.”</i>		acknowledge the functional needs and operational needs of network utilities in order to, insofar as the Policy relates to the National Grid, give effect to Policies 2, 3 and 5 of the NPSET.	
S18 9.054	NATC - Natural Character NATC-P3 The policy is supported, however given the PDP defines infrastructure, there is no need to include examples of infrastructure within the policy wording. A minor typo is also picked up. Amend NATC-P3 as follows: <i>“Allow earthworks within 25m of Significant Waterbodies where they are for the purpose of maintenance works on infrastructure, such as maintaining drains, man made dams, access tracks or roads, for approaches to bridges and culverts or for water supply infrastructure, including irrigation.”</i>	Support	Transpower supports the submission and agrees that the inclusion of examples in the context of the Policy is unnecessary.	Allow the submission.
S189.055	NATC - Natural Character NATC-R1	Support	Transpower supports the submission and similarly considers that the functional needs and	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Permitting earthworks within 25m of a Significant Waterbody for existing infrastructure is supported. The functional or operational requirements of infrastructure should be a matter of discretion for the rule. Amend NATC-R1.2 as follows: <i>"Matters of discretion:...</i> <i>9. The functional need or operational need of infrastructure."</i>		operational needs of infrastructure should be included in the Rule as a matter of discretion in order to give effect to Policy 3 of the NPSET.	
S189.056	NATC - Natural Character NATC-R2 The functional or operational requirements of infrastructure should be a matter of discretion for the rule. Amend NATC-R2.2 as follows: <i>"Matters of discretion:...</i> <i>9. The functional need or operational need of infrastructure."</i>	Support	Transpower supports the submission and similarly considers that the functional needs and operational needs of infrastructure should be included in the Rule as a matter of discretion in order to give effect to Policy 3 of the NPSET.	Allow the submission.
Director- General of Conservation Penny Nelson (Submission number 236)				
S236.010	Interpretation Definitions Given the schedule of Significant Natural Areas is not complete, the submitter seeks that the definition is extended to those areas which qualify as SNAs but have not yet been identified in the District Plan to give effect to the RMA, NPSIB and the RPS. Amend 'Significant Natural Area' definition as follows: <i>"Means:</i> <i>a. an area considered significant due to ecological attributes as identified areas of significant indigenous vegetation and significant habitat of indigenous fauna, as set out in SCHED5 – Schedule of Significant Natural Areas or</i> <i>b. <u>areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in ECO-P#.</u></i>"	Oppose	Transpower opposes the relief sought because the proposed amendments have consequences for many provisions in the District Plan that have not been considered or evaluated in terms of necessity and appropriateness. Further, the proposed amendments introduce significant uncertainty in terms of whether provisions that relate to significant natural areas might apply. Similarly, the relief sought results in uncertainty in respect of the regulations in the NESETA. Transpower considers that the effects of activities on any areas identified through consent processes can be appropriately addressed through that consent process. It is Transpower's view that significant natural areas should be clearly identified in the District Plan, with any new areas being more appropriately introduced through a Schedule 1 to the RMA plan change process.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S236.016	Strategic Direction NE-O1 The submitter notes the title does not correspond to the content of the strategic direction. Amendments are also sought to ensure the strategic direction gives effect to the RMA, NZCPS, NPSIB, and RPS. Amend NE-O1 as follows: <i><u>“Natural character, landscapes, features, and areas of significant indigenous vegetation and significant habitat of indigenous fauna are protected and restored so that The natural environment they contributes positively to the Wairarapa's sense of place and identity.”</u></i>	Oppose	Transpower opposes the submission and considers that the relief sought does not correctly reflect the direction given by higher order planning instruments.	Disallow the submission.
S236.017	Strategic Direction INF-O1 The submitter notes concerns that the objective does not provide sufficient direction and 'well managed' is subjective. Amend INF-O1 as follows: <i><u>“The benefits of infrastructure are recognised, while ensuring its adverse effects are well managed avoided where practicable, remedied or mitigated, and infrastructure is protected from incompatible land use, subdivision and development, including reverse sensitivity effects.”</u></i>	Oppose	Subject to Transpower’s primary submission, Transpower supports the use of “well managed” and considers that the way this management occurs can be more appropriately set out in policies within subsequent chapters of the District Plan.	Disallow the submission.
S236.023	NU - Network Utilities NU-P4 The submitter considers amendments are required to ensure the policy gives effect to higher documents and direction of the District Plan. Amend NU-P4 to include: <i><u>“Avoiding adverse effects on areas and values identified in Schedules including SNAs and applying the effects management hierarchy where adverse effects cannot be avoided; Avoid significant adverse effects on other areas of natural character, natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010.”</u></i>	Oppose	Transpower opposes the relief sought on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S236.024 S236.089 S236.090 S236.091 S236.092 S236.093 S236.094 S236.095 S236.096 S236.097 S236.098 S236.099 S236.100	NU - Network Utilities NU-R1, NU-R3(2)(8), NU-R4(3)(5), NU-R5(2)(8), NU-R6(2)(7), NU-R9(2)(6), NU-R10(2)(6), NU-R11(2)(7), NU-R12(2)(6), NU-R13(2)(6), NU-R14(2)(6), NU-R15(2)(7), NU-R16(1)(9), NU-R17(1)(8) The submitter considers the matters of discretion relating to scheduled sites, overlays and values differs between rules in the NU Chapter. Amendments are required to be consistent and include significant natural areas and areas with outstanding, very high and high natural character. Amend the rules to include the following as a matter of control OR matter of discretion OR assessment criteria where appropriate: <u><i>"Effects on areas of outstanding natural landscapes and features, outstanding, very high and high natural character, significant natural areas, water, indigenous biodiversity, historic heritage and sites of significance to Māori."</i></u>	Oppose	Transpower does not support the relief sought and considers that the provisions, as notified, more appropriately identify the relevant matters relatively to the activity that is regulated by a particular rule. It is considered that the differing approach is deliberate and reflects the operational needs and functional needs of network utilities along with the benefits of, and national and regional significance of, network utilities and, in the case of the National Grid, the need to give effect to the NPSET.	Disallow the submission.
S236.034	ECO - Ecosystems and Indigenous Biodiversity ECO-P3 The proposed policy is insufficient to ensure areas of significant indigenous vegetation and significant habitat of indigenous fauna are identified and protected as required by Policy 23 of the RPS. Delete ECO-P3 and replace with: <u><i>"Identify and protect areas of significant indigenous vegetation and significant habitat of indigenous fauna and schedule them in the combined District Plan, including the ongoing identification and protection of Significant Natural Areas through resource consent applications, using the criteria set out in ECO-P#."</i></u>	Oppose	Transpower considers the replacement policy is not necessary on the basis that the approach to 'protection' is addressed in Policy ECO-P4 and the replacement text would result in unnecessary duplication.	Disallow the submission.
S236.036	ECO - Ecosystems and Indigenous Biodiversity ECO-P4 The submitter considers the policy should be re- worded to give effect to the proposed District Plan objectives and NPSIB and be clear that subdivision, use and development within areas of significant indigenous vegetation and significant habitat of indigenous fauna should avoid certain effects as set out in the NPSIB while applying the effects management hierarchy.	Oppose	To the extent that the relief sought applies to the National Grid, Transpower opposes the submission on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Amend ECO-P4 as follows: “Protect those areas that are habitats comprising of significant indigenous vegetation or significant habitats of indigenous fauna in the Wairarapa from inappropriate subdivision, land use, and development by: <u>1. avoiding the modification of indigenous vegetation unless these activities:</u> <u>a. can be undertaken in a way that protects identified ecological values; or</u> <u>b. only providing for activities that demonstrate an operational need or functional need to be located in this area; .</u> <u>2. avoiding adverse effects on areas of significant indigenous vegetation and significant habitat of indigenous fauna including:</u> <u>ba. ensuring areas are not removed in whole or part; loss of ecosystem of representation and extent;</u> <u>b. disruption to sequences, mosaics, or ecosystems within an SNA;</u> <u>c. fragmentation of SNAs or the loss of buffers or connection to other important habitats or ecosystems;</u> <u>d. a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems;</u> <u>e. a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</u> €3. <u>requiring activities within or directly adjacent to these areas to avoid, remedy, or mitigate the adverse effects on the values of the area; and</u> D4. <u>managing effects of vegetation modification within the margins of any natural inland wetlands and rely upon Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in all other cases.</u> <u>5. applying the effects management hierarchy where effects cannot be avoided.”</u>			

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S236.037	ECO - Ecosystems and Indigenous Biodiversity ECO-P5 The submission opposes enabling clearance/modification in areas of significant indigenous vegetation or significant habitats of indigenous fauna. The submitter recognises that some vegetation clearance is appropriate in some circumstances however amendments are required to give effect to s6 of the RMA, NPSIB and Policy 24 of the RPS. Delete ECO-P5 and replace with: <i><u>“ECO-P5 Indigenous vegetation modification within areas of significant indigenous vegetation or significant habitat of indigenous fauna Only allow modification of indigenous vegetation in areas of significant indigenous vegetation and significant habitat of indigenous fauna where the indigenous vegetation modification is necessary: a. for the operation, maintenance, repair or upgrade of existing tracks, structures and fences; c. to avoid loss of life, injury, or damage to property; d. for removal of broken branches, deadwood, diseased vegetation, or exotic species; e. is for a conservation activity or in accordance with a conservation covenant; f. is for a customary activity.”</u></i>	Oppose	Consistent with Transpower’s primary submission, Transpower considers that the Policy must give effect to Policies 2 and 5 of the NPSET. To the extent that the relief sought applies to the National Grid, Transpower opposes the submission on the basis that the submission fails to give effect to the NPSET and fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.
S236.039	ECO - Ecosystems and Indigenous Biodiversity ECO-P7 The proposed policy does not ensure indigenous biodiversity is maintained as required by s31(1)(b)(iii) of the RMA and Objective 1 of the NPSIB. It is not necessary to specifically state the permitted activities within a policy. Delete ECO-P7 and replace with: <i><u>“ECO-P7 Maintain indigenous biodiversity Maintain indigenous biodiversity by: a. applying the effects management hierarchy; b. minimising fragmentation or reduction in the extent of indigenous vegetation and habitats of indigenous fauna; c. maintaining and, where appropriate, enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands; d. minimising adverse effects on</u></i>	Oppose	Transpower opposes the submission on the basis that the submission fails to give effect to the NPSET and fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>indigenous biodiversity which is significant to tangata whenua; restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands; and e. recognising the benefits of active management of indigenous biodiversity, including voluntary pest and stock control and formal legal protection."</i>			
S236.040	ECO - Ecosystems and Indigenous Biodiversity ECO-P8 The submitter considers the policy is unclear and does not provide sufficient direction to ensure indigenous biodiversity is maintained. The submitter seeks to delete the policy and rely on the inclusion of the effects management hierarchy alongside other relief sought by the submitter including revised wording of ECO-P7 Delete ECO-P8.	Oppose	To the extent that the relief sought applies to the National Grid, Transpower opposes the submission on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid, including by imposing the NPSIB effects management hierarchy. Further, Transpower considers that the Policy provides necessary and appropriate direction in respect of how effects on indigenous vegetation may be managed.	Disallow the submission.
S236.043	ECO - Ecosystems and Indigenous Biodiversity ECO-R1 The submitter is concerned that the PA thresholds do not apply to permitted activities in SNAs and seeks amendments to ensure SNAs are protected whilst allowing some permitted clearance for appropriate activities. The sought amendments also ensure SNAs are protected as required by s6(c) of the RMA and Policy 24 of the RPS. Amend ECO-R1 as follows: <i>"ECO-R1 Modification of indigenous vegetation within a Significant Natural Area or Recommended Area of Protection</i> <i>All Zones</i> <i>1. Activity status: Permitted Where:</i> <i>a. The modification of indigenous vegetation is for one or more of the following:</i>	Oppose	Transpower does not support the inclusion of Recommended Areas of Protection in the Rule and notes that to do so is inconsistent with the approach taken in the Proposed District Plan, that notes that these are not considered Significant Natural Areas, but just contain indigenous vegetation. Transpower considers that the relief sought is not necessary or appropriate and that the consequences of the amendment have not been sufficiently assessed in the submission.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	i. <i>associated with a conservation activity or a customary activity <u>and complies with ECO-S1</u>;</i> ii. <i>trimming that is required to comply with the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001;</i> iii. <i>carried out subject to and in accordance with any specific covenants or other legal agreements for conservation purposes "entered into with the District Council, or Greater Wellington Regional Council, or Department of Conservation, or QEII Trust <u>and complies with ECO-S1</u>; ..."</i> Insert a new restricted discretionary rule for modification of indigenous vegetation within a Recommended Area of Protection that does not comply with ECO-R1(1) and include the following matters of discretion: <i><u>"a. The significance and values of the vegetation and habitat;</u></i> <i><u>b. The application of the effects management hierarchy;</u></i> <i><u>c. The effects on indigenous biodiversity;</u></i> - Matters set out in ECO-P4, ECO-P5 and ECO- P7 as amended by the submitter."			
S236.051	NFL - Natural Features and Landscapes NFL-O1 The submitters seeks to amend NFL-O1 to align with policy 15 of NZCPS and to provide clarification. Amend NFL-O1 as follows: <i>"The identified Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision, use, and development."</i>	Oppose	Transpower opposes the relief sought on the basis that the Objective applies outside of the coastal environment and it is therefore inappropriate to rely on the NZCPS as rationale for the relief sought.	Disallow the submission.
S236.052	NFL - Natural Features and Landscapes NFL-P4 The submitter seeks to amend the wording to give effect to Policy 15(b) of NZCPS which requires significant adverse effects to be avoided and other adverse effects to be avoided, remedied or	Oppose	Transpower opposes the relief sought on the basis that the relief does not appropriately give effect to Policy 15 of the NZCPS. This is because Policy 15 manages "inappropriate subdivision, use, and development" and therefore implies that there is appropriate subdivision, use and development.	Allow the submission, subject to the following amendments: <i>"Avoid adverse effects from <u>inappropriate</u> subdivision, use, and development <u>on the identified characteristics and values on the</u></i>

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	mitigated on other natural features and landscapes in the coastal environment. Amend NFL-P4 as follows: <i>"Avoid adverse effects from subdivision, use, and development on the identified characteristics and values of the Outstanding Natural Features and Landscapes located within the Coastal Environment and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on other natural features and natural features in the Coastal Environment."</i>		Transpower seeks that the relief is amended to ensure this distinction is made.	identified characteristics and values of the Outstanding Natural Features and Landscapes located within the Coastal Environment and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of inappropriate subdivision, use and development activities on other natural features and natural features in the Coastal Environment."
S236.053	PA - Public Access PA-O1 The submitter seeks amendments to give effect to Policy 19 of NZCPS and considers the clauses of the objective better sit within the policies and the objective directs maintenance and enhancement of public access. Amend PA-O1 as follows: <i>"Public access to and enjoyment of the coastal <u>marine area</u>, rivers, lakes, and natural inland wetlands and their margins is maintained and enhanced in a manner that:</i> <i>a. preserves their natural character, indigenous biodiversity, landscape, historic heritage, and cultural values; and</i> <i>b. minimises incompatibility of providing public access with adjoining activities."</i>	Oppose	Transpower opposes the relief sought on the basis that the Objective applies outside of the coastal environment and it is therefore inappropriate to rely on the NZCPS as rationale for the relief sought.	Disallow the submission.
Elisabeth Jane Creevey (submission number S227)				
S227.005	ENG – Energy ENG-P2 Small scale electricity generation should be for owner use to promote local resilience. Amend ENG-P2 as follows:	Oppose	Transpower does not support the relief sought on the basis that there is no clear RMA derived rationale for confining small-scale electricity generation in the manner proposed.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"Enable small-scale electricity generation for owners use and not to feed into the national grid where it is of a form and scale that avoids, remedies, or mitigates its adverse effects."</i>			
S227.025	ENG – Energy ENG-P3 Community scale electricity generation should be for direct community use and not the national grid, to promote local resilience. Amend ENG-P3 as follows: <i>"Provide for community-scale renewable electricity generation Encourage community-scale renewable electricity generation <u>where it is for direct community use and not to feed into the national grid in the General Rural Zone where effects are appropriately managed...</u>"</i>	Oppose	Transpower does not support the relief sought on the basis that there is no clear RMA derived rationale for confining small-scale electricity generation in the manner proposed.	Disallow the submission.
Federated Farmers of New Zealand (submission number S214)				
S214.009	Interpretation Definitions There is no definition of 'reverse sensitivity' in the PDP. Reverse sensitivity is an important resource management issue for people who operate activities vulnerable to legal complaints from sensitive activities located in rural areas. The submitter seeks a definition of 'reverse sensitivity' to assist with interpretation of objectives, policies, and rules in the PDP. Insert new definition for 'reverse sensitivity' as follows: <i><u>"Reverse sensitivity</u></i> <i><u>Means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived environmental effects generated by an existing activity."</u></i>	Support	Transpower supports the inclusion of a definition of reverse sensitivity because the definition will usefully assist plan users to understand provisions of the Proposed District Plan that use this term.	Allow the submission.
S214.024	NU - Network Utilities NU-O4 "The National Grid should be protected only within the National Grid Corridor. Extending protection of network utilities beyond	Oppose	Transpower considers that the relief sought is unnecessary in the context of an Objective and instead embeds a method in the Objective that is better placed in the provisions that implement the	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	these areas is unnecessary and provides no certainty for private landowners as to what they are entitled to do on their own land. If network utility operators wish to negotiate additional 'protection' outside National Grid Corridors, then they are free to negotiate access arrangements with private landowners. The PDP should not be used as a mechanism to circumvent negotiation and agreement with private landowners. Amend NU-O4 as follows: <i>"Subdivision, use and development <u>within the national grid corridor</u> is managed to avoid reverse sensitivity effects on the National Grid and ensure that the operation, maintenance, repair, upgrading and development of the National Grid is not compromised."</i>		Objective. In addition, Policy 10 of the NPSET does not confine the management of effects on the National Grid to a 'corridor' and it would be inappropriate to confine the approach to giving effect to Policy 10 in this Objective.	
S214.025	NU - Network Utilities NU-P6 As stated in previous submission points by this submitter, protection for the National Grid should not extend beyond the National Grid Corridor Amend NU-P6 as follows: <i>"Manage subdivision, use and development near <u>within the National Grid Corridor</u> to:</i> <i>a. avoid the establishment or expansion of sensitive activities;</i> <i>b. Ensure that the safe and efficient operation, maintenance, repair, upgrading, removal, and development of the National Grid is not compromised; and</i> <i>c. Ensure that reverse sensitivity effects on the National Grid are avoided."</i>	Oppose	Transpower considers that the relief sought is unnecessary in the context of a Policy and instead embeds a method in the Policy that is better placed in the provisions that implement the Objective. In addition, Policy 10 of the NPSET does not confine the management of effects on the National Grid to a 'corridor' and it would be inappropriate to confine the approach to giving effect to Policy 10 in this Policy.	Disallow the submission.
S214.026	NU - Network Utilities NU-R1 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in	Oppose	Transpower considers that the relief is unnecessary in the context of the Rule on the basis that the Rule relates to the operation, maintenance, repair, and removal of existing aboveground and underground network utilities. That is, it is unclear what effects or 'restrictions'	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations. Insert new matter of discretion for Restricted Discretionary and Discretionary activities as follows: <i><u>"The potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural lifestyle zones."</u></i>		existing network utilities would impose that would necessitate management under this Rule.	
S214.085	CE - Coastal Environment CE-O1 The New Zealand Coastal Policy Statement (NZCPS) requires recognition of the characteristics and qualities that contribute to natural character of the coastal environment and protection of those from inappropriate subdivision, use and development while encouraging restoration of the coastal environment. There is no requirement to 'enhance' such characteristics, therefore this should not be a goal of the PDP Amend CE-O1 as follows: <i><u>"The qualities that contribute to the coastal environment including natural character, landscape, historic, cultural and ecological values are maintained and, where appropriate, restored or enhanced."</u></i>	Support	Transpower supports the submission because the relief sought better gives effect to the NZCPS.	Allow the submission.
S214.086	CE - Coastal Environment CE-O2	Support in part	Transpower supports the submission because the relief sought better gives effect to the NZCPS. Transpower considers that the NZCPS concept of	Allow the submission subject to the following further amendment:

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	The New Zealand Coastal Policy Statement (NZCPS) requires recognition of the characteristics and qualities that contribute to natural character of the coastal environment and protection of those from inappropriate subdivision, use and development while encouraging restoration of the coastal environment. There is no requirement to 'enhance' such characteristics, therefore this should not be a goal of the PDP. Amend CE-O2 as follows: <i>"The natural character of the coastal environment is preserved, including:</i> <i>1. Protecting the qualities, characteristics and values of areas of Outstanding Natural Character and Very High and High Natural Character in the landward extent of the coastal environment; and</i> <i>2. Maintaining and where appropriate enhancing restoring natural character in all other areas of the coastal environment."</i>		'promotion' should also be included in the Objective.	<i>"The natural character of the coastal environment is preserved, including:</i> <i>"...</i> <i>2. Maintaining and where appropriate <u>promoting the restoration of</u> enhancing restoring natural character in all other areas of the coastal environment."</i>
S214.133	NU - Network Utilities NU-R2 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations.	Oppose	Transpower considers that the relief is unnecessary in the context of the Rule on the basis that the Rule relates to underground network utilities and it is unclear what effects or 'restrictions' underground network utilities would impose that would necessitate management under this Rule.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S214.134	NU - Network Utilities NU-R3 Support in part The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations. Insert new matter of discretion for Restricted Discretionary and Discretionary activities as follows: <u><i>"The potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural lifestyle zones."</i></u>	Oppose	Transpower considers that the relief is unnecessary in the context of the Rule on the basis that the Rule relates to existing network utilities that are similarly lawfully established and it is unclear what effects or 'restrictions' existing network utilities would impose that would necessitate management under this Rule.	Disallow the submission.
S214.136	NU - Network Utilities NU-R5 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused	Oppose	Transpower considers that the relief is unnecessary in the context of the Rule on the basis that the Rule relates to temporary network utilities and it is unclear what effects or 'restrictions' temporary network utilities would impose that would necessitate management under this Rule.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations. Insert new matter of discretion for Restricted Discretionary and Discretionary activities as follows: <u><i>"The potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural lifestyle zones."</i></u>			
S214.138	NU -Network Utilities NU-R7 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them.	Oppose	Transpower considers that the relief is unnecessary in the context of the Rule on the basis that the Rule relates to network utilities in existing (and lawfully established) buildings and it is unclear what effects or 'restrictions' network utilities in existing buildings would impose that would necessitate management under this Rule.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations.			
S214.147	NU - Network Utilities NU-R9 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations. Insert new matter of discretion for Restricted Discretionary and Discretionary activities as follows: <i><u>"The potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural lifestyle zones."</u></i>	Oppose	Transpower considers that the relief is unnecessary on the basis that it is unclear what effects or 'restrictions' new lines would impose on landowners that would necessitate management under this Rule. That is, the submission does not set out the potential effects beyond the site that accommodates the network utility that would give rise to reverse sensitivity effects or other effects not already managed by the Rule.	Disallow the submission.
S214.150	NU - Network Utilities NU-R19 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in	Oppose	Transpower opposes the relief on the basis that the Rule is to manage activities in the National Grid, as opposed to allowing network utilities. As such, the relief is not necessary or appropriate.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations.			
S214.151	NU - Network Utilities NU-R20 The submitter supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. The Councils appear to have focused primarily on reverse sensitivity impacts related to network utilities, potentially to the detriment of other duly established activities. The Councils, by classifying many network utility activities as permitted activities, have not considered reverse sensitivity impacts on existing rural activities. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. Amend the Permitted activity status for rules which allow network activities to occur which will adversely impact on existing rural activities and operations.	Oppose	Transpower opposes the relief on the basis that the Rule is to manage activities in the National Grid, as opposed to allowing network utilities. As such, the relief is not necessary or appropriate.	Disallow the submission.
Fulton Hogan Limited (submission number S122)				

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S122.028	NATC - Natural Character NATC-P4 Considers the phrase 'minimise adverse effects' is problematic as it can be interpreted as 'reduce to the smallest possible amount or degree', which does not take into account the feasibility of such an action. Amend NATC-P4: <i>"...b. significant adverse effects on the values of Significant Waterbodies are avoided and all other adverse effects are avoided, minimised, or remedied or mitigated."</i>	Support	For the reasons given in the primary submission, Transpower supports the relief sought.	Allow the submission.
S122.031	NATC - Natural Character NATC-R2 Considers that a reasonable amount of indigenous vegetation modification should be allowed so as to increase efficiency of the rule. Amend NATC-R2 to allow some indigenous vegetation clearance as a permitted activity. <i>" b.</i> <i>The modification of vegetation associated with an existing primary production activity and there is no for any modification of indigenous vegetation <u>compliance with ECO-S1 is achieved.</u>"</i> (This relief assumes that the relief sought by the submitter in relation to ECO-S1 is adopted)	Support in part	For the reasons given in the primary submission, Transpower supports the relief sought. Transpower seeks a minor amendment to ensure that the Rule gives effect to Policies 2 and 5 of the NPSET.	Allow the submission subject to the following amendments: <i>" b.</i> <i>The modification of vegetation associated with an existing primary production activity <u>or the operation, maintenance or upgrading of an existing network utility</u> and there is no for any modification of indigenous vegetation <u>compliance with ECO-S1 is achieved.</u>"</i>
Genesis Energy Ltd (submission number 81)				
S81.012	Strategic Direction New provision request States that infrastructure activities may occur in all areas of the Wairarapa and are necessary to both ensure that economic and social wellbeing is provided for across the district. Considers that a strategic direction explicitly recognising that infrastructure can be expected to occur in any environment identified in the Proposed Plan is necessary to alert all plan users to the likelihood of such activities occurring in all areas.	Support	For the reasons given in the primary submission, and in order to give effect to the NPSET, Transpower supports the relief sought.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Insert a new Infrastructure objective as follows: <i><u>"INF-02 Infrastructure Location: Infrastructure activities must be recognised and provided for within all environments in the District, while ensuring adverse effects are well managed."</u></i>			
S81.027	SASM - Sites and Areas of Significance to Māori SASM-P2 Considers that the terms "visually encroached upon by inappropriate activities" and "in proximity to" have vague and uncertain meanings and would be difficult to implement given that different opinions could be held by different parties considering the same proposal. Considers that these phrases should be deleted from the policy or amended to make them more certain. Also considers that the requirement for activities "to maintain the values of a site can be interpreted in different way and should be clarified to mean that an activity should not be established or undertaken in a manner that degrades the values of a site of significance. Amend Policy SASM-P2: <i>"... a. ensuring sites and areas of significance to Māori are not modified, destroyed, <u>and/or</u>, removed, and/or visually encroached upon by inappropriate activities;</i> <i>b. requiring <u>that activities on, or in proximity immediately adjacent to sites and areas of significance to Māori to be undertaken in a way that maintains the site or area's cultural, spiritual, and historical values, interests, or associations of importance to tangata whenua;</u>...</i>	Support	Consistent with Transpower's primary submission, Transpower supports the submission and similarly considers that the terms in the Policy are not sufficiently clear.	Allow the submission.
S81.028	SASM - Sites and Areas of Significance to Māori SASM-P3 Considers that the term "in proximity to" has a vague and uncertain meaning and should be deleted from the policy to ensure consistency with the policy heading (which is within sites and areas of significance to Māori) and the relevant Rule SASM-R3. Amend Policy SASM-P3:	Support	Consistent with Transpower's primary submission, Transpower supports the submission and similarly considers that the term 'in proximity to' is not sufficiently clear.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"...b. Other earthworks within on, or in proximity to sites and areas of significance to Māori only where it can be demonstrated that the identified values will be protected, having regard to..."</i>			
S81.029	SASM -Sites and Areas of Significance to Māori SASM-P4 Considers that the term "in proximity to" has a vague and uncertain meaning and should be deleted from the policy to ensure consistency with the policy heading (which is within sites and areas of significance to Māori) and the relevant Rules SASM-R2 to SASM-R7. Amend Policy SASM-P4: <i>"Allow the following activities to occur within on, or in proximity to sites and areas of significance to Māori, while ensuring their design, scale, and intensity will not compromise cultural, spiritual, and historical values, interests, or associations of importance to tangata whenua..."</i>	Support	Consistent with Transpower's primary submission, and subject to the relief sought in the submission, Transpower supports the relief sought by Genesis Energy Limited and similarly considers that the term 'in proximity to' is not sufficiently clear.	Allow the submission.
S81.030	SASM - Sites and Areas of Significance to Māori SASM-P5 Consider that the term "in proximity to" has a vague and uncertain meaning and should be deleted from the policy Amend Policy SASM-P5: <i>"Only allow any other use and development on, or in proximity immediately adjacent to sites and areas of significance to Māori..."</i>	Support	Consistent with Transpower's primary submission, Transpower supports the submission and similarly considers that the term 'in proximity to' is not sufficiently clear.	Allow the submission.
Greater Wellington Regional Council (submission reference S94)				
S94.041	Whole Plan Clause 3.5(4) of the NPS-FM 2020 requires that "every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments".	Oppose	Transpower considers that the insertion an entirely new chapter in the Proposed District Plan is outside the scope of the submission process. Transpower is of the view that the relief sought is better pursued by a plan change or variation so that the provisions are subject to an evaluation under section 32 of the RMA and parties have the opportunity to make a submission on those provisions.	Disallow the submission and consequential provisions promoted in the primary submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	While the Wairarapa Combined District Plan does have some excellent provisions in this area (standards in the zone chapters, for instance), the suite of provisions is not broad enough to give effect to this clause of the NPS- FM 2020. This could be addressed by inserting a new Three Waters chapter that contains direction for the promoting positive effects and avoiding, remedying or mitigating adverse effects of urban development on water in relation to three waters infrastructure, by including objectives, policies and rules which help to achieve these outcomes and contribute towards Te Mana o te Wai. This approach has already been taken in this region by Wellington City Council and Porirua City Council in the most recent iterations of their district plans. Specific relief in terms of provisions are below. Insert a new Three Waters chapter into part 2.			
S94.120	ECO - Ecosystems and Indigenous Biodiversity ECO-P6 The submitter seeks that ECO-P6 is aligned with the definitions and principles set out in the NPS-IB to ensure indigenous biodiversity values are sufficiently protected. The submitter suggest that ECO-P4 provides the direction for applying effects management hierarchy, while ECO-P6 support implementation of ECO-P4 by directing matters for which applicants should have 'particular regard to'; this giving effect to operative RPS Policy 47. Amend as follows to incorporate in order to give full effect to operative RPS Policy 47: <u>"Only allow for subdivision, use or development within areas of significant indigenous vegetation or habitat following management of effects as in ECO-P4. In considering whether an activity is appropriate, particular regard shall be given to:</u> <u>1. Maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;</u>	Oppose	Insofar as the Policy relates to the National Grid, Transpower opposes the relief sought on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<u>2. Providing adequate buffering around areas of significant indigenous vegetation or habitat from other land uses;</u> <u>3. Managing wetlands for the purpose of aquatic ecosystem health, recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;</u> <u>4. Avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;</u> <u>5. Protecting the life supporting capacity of areas of significant indigenous vegetation or habitat including their natural ecological processes and functions."</u>			
Horticulture New Zealand (submission number S221)				
S221.022	Interpretation Definitions This term is used frequently throughout the plan, so it should have a definition. Reverse sensitivity applies to a range of activities, including primary production and network utilities, but it retains the same meaning. This approach is well-established in most district plans. Rules should be clear about which activity is being protected from reverse sensitivity effects. Rural sensitivity is one of the biggest issues facing horticulture at the urban-rural interface. Insert the definition for 'Reverse sensitivity' contained in the Draft Wairarapa Combined District Plan: <u>"Reverse sensitivity</u> <u>Means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained."</u>	Support	Transpower supports the inclusion of a definition of reverse sensitivity because the definition will usefully assist plan users to understand provisions of the Proposed District Plan that use this term.	Allow the submission.
S221.026	Interpretation Definitions The NPS-ET has a narrower definition of sensitive activities. If this definition is going to be used with regard to the National Grid Yard,	Oppose	Transpower opposes the submission on the basis that the relief sought fails to acknowledge that the definition in the NPSET is as follows [emphasis added]:	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	its scope should be narrowed. Otherwise, a new definition should be introduced for sensitive activities in the National Grid Yard. Amend the definition of 'sensitive activities' as follows or insert a new definition of sensitive activities in the National Grid Yard. <i><u>"Has the same meaning as in the National Policy Statement on Electricity Transmission (as set out below): Means schools, residential buildings and hospitals."</u></i>		<i>"Sensitive activities includes schools, residential buildings and hospitals."</i> That is, the definition in the NPSET is inclusive, rather than exclusive and provides the opportunity for the Proposed District Plan to determine the activities that are sensitive with reference to the defined terms used in the Plan.	
S221.046	NU - Network Utilities NU-O3 With regard to reverse sensitivity, the NPS-ET's requirement under Policy 10 is that "decision- makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network". The policy does not suggest that plans "protect" network utilities. Managing activities to avoid reverse sensitivity would be the approach most aligned with national direction. Amend NU-O3 as follows: <i><u>"Incompatible subdivision, use and development are managed to avoid reverse sensitivity effects, to the extent reasonably possible, on the safe function and operation of network utilities. The safe function and operation of network utilities is protected from the adverse effects, including reverse sensitivity effects, of incompatible subdivision, use, and development."</u></i>	Oppose	To the extent that the Objective is relevant to the National Grid, Transpower opposes the submission on the basis that the relief sought does not consider Policy 10 of the NPSET in the whole and has focused on the initial part of Policy 10. Policy 10 reads [emphasis added]: <i>"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."</i> Further, the submission does not recognise that the Objective is also to give effect to Policy 11 of the NPSET.	Disallow the submission.
S221.047	NU - Network Utilities NU-O4 With regard to reverse sensitivity, the NPS-ET's requirement under Policy 10 is that "decision- makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network". This is different than the absolute "avoid" directive in the objective as written. NU-O4 should reflect the intent of the NPS-ET. Amend NU-O4 as follows: <i><u>"Subdivision, use, and development are is managed to avoid reverse sensitivity effects, to the extent reasonably possible, on the National</u></i>	Oppose	Transpower does not support the submission on the basis that the 'to the extent reasonably possible' direction in Policy 10 relates to a decision-maker's responsibility, as opposed to the 'avoidance'. As such, the relief sought does not give effect to Policy 10 of the NPSET.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>Grid and ensure that the operation, maintenance, repair, upgrading, and development of the National Grid is not compromised."</i>			
S221.048	NU - Network Utilities NU-P4 Supports management of the adverse effects of network utilities. The submitter has a Memorandum of Understanding with Transpower that states that restrictions on horticultural buildings, structures, and activities for health and safety needs near electricity infrastructure "should not place unnecessary limitations on growers". As such, the submitter seeks that primary production activities are included in this policy to avoid unnecessary limitations on the ability to use productive land, which is a physical resource. Amend NU-P4 to include another clause: <i>"g. mitigating adverse effects on primary production activities."</i>	Oppose	Transpower opposes the relief sought and considers that the additional clause does not appropriately reflect those building and structures that are able to be located near the National Grid because they do not compromise the operation, maintenance, upgrading and development of the National Grid. Transpower considers that these buildings and structures are exceptions best set out in the specific details of rules that regulate activities in the National Grid Yard.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S221.049	NU - Network Utilities NU-P6 In the NPS-ET, sensitive activities includes "schools, residential buildings and hospitals" which is much narrower than the PDP definition. Policy 11 requires that local authorities consult with the national grid operator "to identify an appropriate buffer corridor within which it can be expected that sensitive activities will not generally be provided for in plans and/or given resource consent". This policy does not require an absolute "avoid" clause for the establishment or expansion of sensitive activities. It also suggests that a specific buffer zone should be identified. The current PDP wording of "near" the National Grid is imprecise. Amend NU-P6 to align with definition of sensitive activities in the NPS-ET or include a separate definition of "sensitive activities in the National Grid Yard". "NU-P6 <i>Manage subdivision, use, and development near the National Grid to:</i> a. avoid <u>generally not provide for</u> the establishment or expansion of schools, residential buildings and hospitals in the National Grid Yard sensitive activities; b. <i>ensure that the safe and efficient operation, maintenance, repair, upgrading, removal, and development of the National Grid is not compromised; and</i> c. <u>to the extent reasonable possible, avoid incompatible activities in the National Grid Yard that could lead to ensure that reverse sensitivity effects on the National Grid are avoided.</u>"	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower opposes the submission and considers that the relief sought: - is not necessary because 'sensitive activities is defined; - fails to acknowledge that the definition of 'sensitive activities' in the NPSET is inclusive and provides the opportunity for the Proposed District Plan to determine the activities that are sensitive with reference to the defined terms use in the Plan; and - incorrectly reads down 'generally not provide' as not being akin to avoidance and the implementation through non-complying activity status. In this regard, it is noted that horticultural activities are not 'sensitive activities' and, as such, matters relating to giving effect to Policy 11 of the NPSET would not impact on the submitter's members horticultural operations. Further, in respect of clause (c), Transpower opposes the submission on the basis that the relief sought does not consider Policy 10 of the NPSET in the whole and has focused on the initial part of Policy 10. Policy 10 reads [emphasis added]: <i>"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."</i> It is noted that the 'to the extent reasonably possible' direction in Policy 10 relates to a	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
			decision-makers responsibility, as opposed to the 'avoidance'.	
S221.050	NU - Network Utilities NU-R3 The provision should include a condition that replacement conductors are the same voltage. The NZ Electrical Code of Practice	Oppose	Transpower opposes the relief sought and considers that the rationale given fails to appreciate that, should the voltage of a line change, the onus is on the network utility to maintain NZECP34 clearances, not the landowner.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	for Electrical Safe Distances requires greater clearance distances for buildings and other activities the greater the voltage of a conductor (See Tables 1 and 2 of the NZECP34:2001). This increase can adversely affect landowners Amend NU-R3(1)(a) to include: <i>"viii. replacement conductors are the same voltage."</i>		Further, subject to compliance with standards for electric and magnetic fields it is unclear what adverse effect the additional clause would be managing.	
S221.053	NU - Network Utilities NU-R20 The land disturbance exception for horticultural cultivation should also include ancillary rural earthworks, such as land preparation. The default activity status should be restricted discretionary, not non-complying. Restricted discretionary is the more appropriate status when permitted activity standards cannot be met. Amend NU-R20(1)(f)(i) as follows: <i>"i. land disturbance undertaken as part of agricultural, horticultural or domestic cultivation, <u>ancillary rural earthworks</u>, or repair or resealing of a road, footpath, driveway, or farm track;"</i> Amend NU-R20(2) to restricted discretionary activity status.	Oppose	Transpower does not support the addition of 'ancillary rural earthworks' to the exceptions in the Rule because, the exception is intended to be consistent with the exceptions in NZECP34 (clause 2.2.4) and this exception relates to agricultural cultivation as follows: <i>"2.2.4 Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway."</i> Earthworks and land disturbance that does not fall within clause 2.2.4 has the potential to compromise the National Grid and, as such, it is appropriate to regulate these activities in the Rule. Transpower notes that there is no rationale given for seeking an amendment to the activity status. For the avoidance of doubt, non-complying activity status is necessary and the most appropriate to give effect the NPSET and implement the relevant Objectives and Policies.	Disallow the submission.
hyslop homes (submission reference S20)				
S20.001	Planning Maps Zones To provide more future urban areas for developers to have the opportunity to purchase and develop, as currently the large future urban zone near Chamberlain Road blocks are owned by only 2 landowners. It is not viable for developers to develop the land if it is	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the subject land is adjacent to and traversed by the National Grid. Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National	If the submission is allowed, ensure that the site subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	under 2ha, as the cost for urbanising a rural area requires a certain amount of sections to be viable. Amend the extent of the Future Urban Zone boundaries to include the west side of Chamberlain Road.		Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	and does not compromise the National Grid.
KiwiRail Holdings Limited (submission number S79)				
S79.009	Interpretation Definitions Seeks that the term 'Reverse sensitivity' is defined in the plan for clear interpretation. The term is shown in italics in the Plan as if it should be defined and there was a definition provided in the draft Plan. Seeks that a definition is included as provided. Insert new definition as follows: <u><i>"Reverse sensitivity: means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity."</i></u>	Support	Transpower supports the inclusion of a definition of reverse sensitivity because the definition will usefully assist plan users to understand provisions of the Proposed District Plan that use this term.	Allow the submission.
Māori Trustee (submission number S212)				
S212.018	NU - Network Utilities NU-O2 The submitter does not support the inclusion of 'operational need' within NU-O2, as a gateway test for allowing adverse effects on the environment form a Network Utility, particularly on Māori land. The submitter is concerned that the use of such a test will likely result in the degradation of areas with significant environmental values, including on Sites of Significance to Māori, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in these areas however, a 'functional need' test, though also not perfect, will be available for these cases. Amend as follows:	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>"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."</i>	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"a. the functional need and operational need of network utilities; and"</i>			
S212.019	NU - Network Utilities NU-P5 The submitter does not support the inclusion of the term 'operational need' within NU-P5 as a gateway test for allowing adverse effects on the environment from a Network Utility, particularly on Māori land. The submitter is concerned that the use of such a test will likely result in the degradation of areas with significant environmental values, including Sites of Significance to Māori, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in these areas, however, a 'functional need' test, though also not perfect, will be available in these cases. Amend as follows: <i>"Ensure that network utilities avoid, remedy, or mitigate adverse effects on the environment, while recognising the functional need and operational need of the network utility, and having regard to:</i> <i>a. the extent to which adverse effects have been addressed through site, route, or method selection and/or the extent to which the network utility is constrained by functional need or operational need;"</i>	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>"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."</i>	Disallow the submission.
S212.025	NH - Natural Hazards NH-P2 The submitter does not support the use of an 'operational need' test for locating hazard sensitive activities or potentially hazard sensitive activities within areas of high natural hazard risk, particularly on Māori land. The submitter is concerned that the use of such a test will result in the approval of development or land uses that would put people and property at risk for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in these areas, however, a	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>"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."</i>	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	'functional need' test, though also not perfect, will be available for these cases. The submitter considers that the removal of 'operational need' is important to provide a consistent framework for assessing natural hazard risks for new development. Amend as follows: <i>"Avoid locating hazard sensitive activities and potentially hazard sensitive activities within high hazard areas unless the activity has an operational need or functional need to locate within the high hazard area."</i>			
S212.026	NH – Natural Hazards NH-P8 The submitter does not support the use of an 'operational need' test under clause 1 of policy NH-P8. The submitter is concerned that the use of such a test will promote the maintenance or location of infrastructure in areas with ongoing or increased risks from natural hazards (and exacerbated by climate change) that will not support people or communities to enhance their resilience from the risks of natural hazard events. The submitter acknowledges that there may be instances where existing infrastructure activities will need to be located in these areas however, a 'functional need' test, though also not perfect, will be available for these cases." Amend as follows: <i>"Allow for the upgrade of existing infrastructure, and only allow new infrastructure to be established in hazard areas where:</i> <i>1. it has an operational need or functional need for the location;"</i>	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>"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."</i>	Disallow the submission.
S212.043	ECO -Ecosystems and Indigenous Biodiversity ECO-O1 The submitter acknowledges that given the timeframe of gazetting of the NPS-IB 2023 and the development and notification of this Proposed Plan, that the Proposed Plan does not currently give effect to the NPS-IB 2023.	Oppose	Transpower opposes the relief sought on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	However, the submitter considers that this process can provide the Council with the opportunity and scope to align this Proposed plan with the NPS-IB 2023. The submitter therefore considers that ECO-O1 should be amended, or a new objective inserted in this chapter, to align with the intent of the NPS-IB 2023 and the objectives and policies of the GWRC RPS PC1 in relation to indigenous biodiversity Amend as follows: <i><u>"The biological diversity of Indigenous biodiversity species and habitats within the Wairarapa is protected, maintained, and enhanced, or restored where degraded so that there is at least no overall loss."</u></i>			
S212.044	ECO - Ecosystems and Indigenous Biodiversity New provision request The submitter understands that the NPS-IB 2023 requires Council's to give effect to the document within 5 years of its commencement date. However, as this process would require a subsequent plan change, it could provide an opportunity for the Council to align the Proposed Plan with the NPS-IB 2023. In this regard, an additional objective should be included within this chapter to recognise and provide for the relationship that Māori have with their indigenous biodiversity. This would also be consistent with s6(e) of the RMA. Insert objective as follows: <i><u>"ECO-O3: Recognise and provide for the relationship of owners of Māori land and their traditions and culture with indigenous vegetation and fauna."</u></i>	Oppose	Transpower opposes the relief sought on the basis that the submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid.	Disallow the submission.
S212.047	ECO - Ecosystems and Indigenous Biodiversity ECO-P4 The submitter considers that maintaining ecosystem services should also be protected within ECO-P4. The submitter also does not support the use of an 'operational need' test as a determining factor for locating land use activities or	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i><u>"When considering measures to avoid, remedy or mitigate adverse environmental effects of</u></i>	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	development within areas of significant indigenous vegetation or significant habitats of indigenous fauna. The submitter is concerned that the use of such a test will likely result in the degradation of significant indigenous vegetation or habitats and their values, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in these areas, however, a 'functional' 'need' test, though not perfect, will be available for these cases. The submitter considers that it is important to remove the 'operational need' test from all policies of the Proposed Plan to ensure a consistent and equitable framework to assess land use and development. Amend as follows: <i>“Protect those areas that are habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna <u>or areas providing ecosystem functions and services</u> in the Wairarapa from inappropriate subdivision, land use, and development by:</i> <i>(a). only providing for activities that demonstrate an operational need or functional need to be located in this area;”</i>		<i>transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.”</i>	
S212.053	NATC -Natural Character NATC-P5 The submitter is generally comfortable with the 'Natural Character' policies in this chapter. However, she notes the following matter in NATC-P5 should be addressed. The submitter does not support the use of an 'operational need' test to allow for buildings and structures within 5m or 10m of surface waterbodies or 25m of a significant waterbody. The submitter is concerned that the use of such a test will likely result in the degradation of waterbodies and their values, for purely economic reasons. The submitter acknowledges that there may be instances where buildings and structures will need to be located within 5m or 10m of surface waterbodies or 25m of a significant waterbody however, a 'functional need' test, though also not perfect, will be	Oppose	Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>“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.”</i>	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	available for these cases. Amend as follows: <i>"P5(a). there is a functional need or operational need for their location within the setback;"</i>			
S212.062	CE - Coastal Environment CE-P3 The submitter supports and acknowledges Rangitāne o Wairarapa and Ngāti Kahungūnu ki Wairarapa as tangata whenua in the Wairarapa District. The submitter administers whenua Māori on behalf of Māori freehold landowners, who have had their whakapapa connection to their ancestral lands confirmed by a Māori Land Court order upon succession. However, the current definition of tangata whenua in the RMA 1991 does not expressly provide for Māori freehold landowners. Therefore, CE-P3 should recognise and provide for all Māori rights and interests by including 'owners of Māori land', as defined in paragraph 9. Furthermore, the submitter does not support the use of an 'operational need' test for subdivision, use or development activities within areas identified as Very High and High Natural Character. The submitter is concerned that the use of such a test will likely result in the degradation of areas with significant environmental values, including in Sites of Significance to Māori, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in Very High and High Natural Character areas however, a 'functional need' test, though also not perfect, will be available for these cases." Amend as follows: <i>"(b)(i). having an operational need or functional need to be located in this area;</i> <i>(b)(vi). enabling the continuation, or enhancing, of tangata whenua <u>owners of Māori land</u> cultural and spiritual values and customary activities."</i>	Oppose	In respect of 'operational need', Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: <i>"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."</i>	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S212.063	CE - Coastal Environment CE-P4 The submitter supports and acknowledges Rangitāne o Wairarapa and Ngāti Kahungūnu ki Wairarapa as tangata whenua in the Wairarapa District. The submitter administers whenua Māori on behalf of Māori freehold landowners, who have had their whakapapa connection to their ancestral lands confirmed by a Māori Land Court order upon succession. However, the current definition of tangata whenua in the RMA 1991 does not expressly provide for Māori freehold landowners. Therefore, CE-P4 should recognise and provide for all Māori rights and interests by including 'owners of Māori land', as defined in paragraph 9. Furthermore, the submitter does not support the use of an 'operational need' test for activities and subdivision within the Coastal Environment. The submitter is concerned that the use of such a test will likely result in the degradation of areas with significant environmental values, including on Sites of Significance to Māori, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in the Coastal Environment however, a 'functional need' test, though also not perfect, will be available for these cases Amend as follows (shown in part): <i>“(a). there is a functional need or operational need for the activity to be located in the coastal environment; and ...”</i>	Oppose	In respect of ‘operational need’, Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: “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.”	Disallow the submission.
S212.064	CE - Coastal Environment CE-P8 The submitter considers that decision-makers should apply a precautionary, but adaptive, approach when encountering the uncertainty of coastal hazards for new subdivisions, use and development. This would ensure that any subdivision, use or development proposal is dynamically assessed and responsive to changing environments. The submitter also considers that where a precautionary approach is adopted, decision makers do not	Oppose	In respect of ‘operational need’, Transpower opposes the submission on the basis that the relief sought is contrary, and does not give effect to, Policy 3 of the NPSET insofar as the Policy relates to the National Grid. Policy 3 states: “When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	unintentionally undermine the use of mātauranga Māori held at place to inform their decision on any new subdivision, use or development. This is particularly important as mātauranga Māori, especially within coastal communities, is held by very few and those who hold it may not want their mātauranga made public within a plan process. Furthermore, the submitter does not support the use of an 'operational need' test for activities within the Foreshore Protection Area. The submitter is concerned that the use of such a test will likely result in the degradation of areas with significant environmental values, including on Sites of Significance to Māori, for purely economic reasons. The submitter acknowledges that there may be instances where activities will need to be located in the Foreshore Protection Area however, a 'functional need' test, though also not perfect, will be available for these cases. Amend as follows: <i>"P8(a). only providing for activities that have an operational need or functional need within the Foreshore Protection Area;"</i>		those measures by the technical and operational requirements of the network."	
Meridian Energy Limited (submission number 220)				
S220.025	ECO - Ecosystems and Indigenous Biodiversity ECO-P8 Given the explicit exemption in the NPS for Indigenous Biodiversity (Part 1.3 (3)) ECO-P8 should be amended to acknowledge the functional and operational needs of infrastructure including renewable electricity generation activities and electricity transmission network activities. Amend ECO-P8 as follows: <i>"ECO-P8 Management of effects on other indigenous vegetation</i> <i>...</i> <i>c. the effects of the modification on the significance and values of the vegetation and habitat, including potential cumulative effects.</i> <i><u>d. the functional needs and operational needs of infrastructure."</u></i>	Support	Transpower supports the relief sought for the reasons given in the submission and because the amendment is consistent with the exemption in the NPSIB and gives effect to Policy 3 of the NPSET.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S220.027	CE - Coastal Environment CE-O2 "The approach to management of natural character in the coastal environment is set out in the NZCPS and in the Regional Policy Statement. Both higher order documents direct that natural character is to be protected from inappropriate subdivision, use and development. This should be replicated in the District Plan. Some forms of development are appropriate in the coastal environment, including where they may affect natural character. Amend CE-O2 as follows: <i>"Objective CE-O2 Coastal Natural Character The natural character...</i> <i>a. protecting the qualities, characteristics, and values of areas of Outstanding Natural Character and Very High Natural Character in the landward extent of the coastal environment <u>from inappropriate subdivision, use and development</u>; and</i> <i>b. maintaining, and where appropriate..."</i>	Support	Transpower supports the relief sought and similarly considers that the amendment is necessary to correctly give effect to the NZCPS.	Allow the submission.
New Zealand Defence Force (submission number 225)				
S225.006	Interpretation Definitions The submitter does not operate any sites within the three Districts. However, sites elsewhere in New Zealand are often subject to reverse sensitivity issues, due to encroaching residential development. Therefore, it is important that 'reverse sensitivity' is defined in the plan (acknowledging also that the term is used throughout the proposed plan). It is noted that a definition was included in the draft plan but has been removed in the proposed plan Add definition for 'reverse sensitivity' (as provided in the draft plan)	Support	Transpower supports the inclusion of a definition of reverse sensitivity because the definition will usefully assist plan users to understand provisions of the Proposed District Plan that use this term.	Allow the submission.
New Zealand Pork Industry Board (submission number 229)				

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
S229.006	Interpretation Definitions Support list of sensitive activities, but the list doesn't cover the full extent of activities that could be deemed sensitive to effects from the surrounding environment. Amend definition of 'Sensitive activities' by adding the following activities: Conservation Activities, Camping grounds, Conference facilities.	Support in part	Transpower considers that it is important that the definition of 'sensitive activities' is consistent with the definition included in the NPSET so that the related provisions give effect to the NPSET.	Allow the submission subject to achieving consistency with the NPSET.
Paul Burgin (submission number S127)				
S127.001	Planning Maps Zones The submitter notes the first draft plan showed this site as Future Urban Zone. It was then amended to be General Rural Zone. Submits that 79a Upper Plain Road should be rezoned to Future Urban or General Residential as it would meet Objective SUB-O3 'Future Development', for the following reasons. 1. 79A Upper Plain Road is flanked by existing urban development on two sides. 2. The site has a 15m accessway to Upper Plain Road and two other points of ingress/egress on Upper Plain and Chamberlain to allow seamless access. 3. Waste and water is available as the site has been subject of significant upgrade in recent years. 4. Property is next to a bus route and has 2 rail stations in walking distance. 5. Site would not be economic as a dry stock farm or for horticultural use (not suitable for planted crops). Amend the zoning at 79a Upper Plain Road, from General Rural to Future Urban or General Residential.	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the National Grid is located in the vicinity of the site. Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	If the submission is allowed, ensure that the site subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Powerco Limited (submission number S209)				
S209.010	Interpretation Definitions Submitter supports the need for this definition, however it needs to be clear that replacement infrastructure is anticipated under this definition. Upgrading works often entail replacement components. Amend definition of 'Upgrade': <i><u>"As it applies to network utilities, means the improvement or increase in carrying capacity, operational efficiency, security, or safety of existing or replacement infrastructure, but excludes maintenance and repair."</u></i>	Neutral	Transpower does not oppose the relief sought, but considers that the relevant Rules may provide sufficient clarification in respect of what may be considered 'maintenance'.	If considered necessary, Transpower does not oppose the relief sought.
Radio New Zealand Limited (submission number S288)				
S288.004	Interpretation Definitions The submitter considers it would be helpful if the definition of maintenance also addressed maintenance of infrastructure or network utilities, not just heritage items. This would assist in applying the plan as the definition of "upgrade" in the Proposed Plan explicitly excludes maintenance and repair in relation to network utilities. Amend the definition of maintenance to also address maintenance of infrastructure or network utilities, not just heritage items. The submitter considers a workable definition of 'maintenance' would be: <i><u>"a. in relation to an identified heritage building or item, the regular ongoing protective care of the building or item to prevent deterioration and retain its heritage values; or</u></i> <i><u>b. in relation to network utilities, any work or activity required for the ongoing operation and/or functioning of existing network utilities."</u></i>	Neutral	Transpower does not oppose the relief sought, but considers that the relevant Rules may provide sufficient clarification in respect of what may be considered 'maintenance'.	If considered necessary, Transpower does not oppose the relief sought.
S288.010	Interpretation Definitions	Neutral	Transpower does not oppose the relief sought, but considers that the relevant Rules may provide	If considered necessary, Transpower does not oppose the relief sought.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	This would assist in applying the plan as the definition of "upgrade" in the Proposed Plan explicitly excludes maintenance and repair in relation to network utilities. Further, Rule NU-R1 specifically includes 'repair' as a regulated activity. Amend the definition of repair to also address repair of infrastructure or network utilities, not just heritage items. The submitter considers a workable definition for 'repair' would be: <i>"Means:</i> <i>a. in relation to an identified heritage building or item, to improve the long-term condition of a heritage item, by using identical or closely similar materials to fix any damaged or decayed heritage fabric; or</i> <i>b. in relation to network utilities, any work or activity required for the ongoing operation and/or functioning of existing network utilities."</i>		sufficient clarification in respect of what may be considered 'repair'.	
288.014	Interpretation Definitions The Proposed Plan does not contain a definition for "reverse sensitivity". The submitter considers it is important that this term is defined given it is widely used in the Proposed Plan. Insert definition for reverse sensitivity. RNZ suggests: <i>"Means the vulnerability of an existing lawfully established activity to the establishment or alteration of another activity which is sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential of such existing activity to be compromised or constrained."</i>	Support	Transpower supports the inclusion of a definition of reverse sensitivity because the definition will usefully assist plan users to understand provisions of the Proposed District Plan that use this term.	Allow the submission.
Royal Forest and Bird Protection Society of New Zealand Inc (submission number S258)				
S258.006	Interpretation Definitions States that this definition is too narrow and is out of step with the RPS and the NPSIB. Relying on this definition will not protect s6(c) matters or give effect to the RPS. This definition should also include areas of significant biodiversity values that meet Policy 23 RPS	Oppose	Transpower opposes the relief sought because the proposed amendments have consequences for many provisions in the District Plan that have not been considered or evaluated in terms of necessity and appropriateness. Further, the proposed amendments introduce significant uncertainty in terms of whether provisions that relate to	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	criteria, but that are not yet on SCHED5, for example where they are discovered as part of a consenting process or the yet-to-be-conducted district-wide assessment. Amend definition for 'Significant natural area': <i>"Means an area considered significant due to ecological attributes as of significant indigenous vegetation or significant habitat of indigenous fauna that meets any of the criteria in Policy 23 of the Wellington Regional Policy Statement, whether identified in SCHED5 – Schedule of Significant Natural Areas, or as part of a consenting process."</i>		significant natural areas might apply. Similarly, the relief sought results in uncertainty in respect of the regulations in the NESETA. Transpower considers that the effects of activities on any areas identified through consent processes can be appropriately addressed through that consent process. It is Transpower's view that significant natural areas should be clearly identified in the District Plan, with any new areas being more appropriately introduced through a Schedule 1 to the RMA plan change process.	
S258.016	Strategic Direction NE-O4 The proposed words "inappropriate subdivision, use and development"" in a strategic objective is not supported. This is because of how protection is achieved is better set out in the coastal chapter provisions where policy can provide direction on what is inappropriate, i.e. by avoiding adverse effects on Outstanding Natural Character in accordance with Policy 13 of the NZCPS. As per the King Salmon decision what is inappropriate/ appropriate is to be determined on what is to be protected. This means provision direction to avoid, remedy or mitigate adverse effects, to protect. That level of direction sits within subsequent chapters. Amend Objective NE-O4 as follows: <i>"NE-O4: Coastal environment</i> <i>The special qualities of the Wairarapa coastal environment are recognised and protected from inappropriate subdivision, use, and development."</i>	Oppose	Transpower does not support the submissions and considers that Objective NE-O4, as notified, is entirely consistent with section 6(a) of the RMA. In this regard, Transpower notes that the Objective relates to natural character generally, as opposed to outstanding natural character.	Disallow the submission.
S258.029	Strategic Direction INF-O1 It is not clear what "well managed" means S5 of the RMA sets out that adverse effects in the environment are to be avoided, remedied or mitigated. The NZCPS includes specific direction on adverse	Oppose	Subject to Transpower's primary submission, Transpower supports the use of "well managed" and considers that the way this management occurs can be more appropriately set out in policies within subsequent chapters of the District Plan.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	effects affecting indigenous biodiversity, natural character and natural features and landscapes in the coastal environment Amend Objective INF-O1 as follows: <i>"The benefits of infrastructure are recognised, while ensuring its adverse effects are well managed avoided, remedied or mitigated, and infrastructure is protected from incompatible land use, subdivision and development, including reverse sensitivity effects."</i>			
S258.050	"NU - Network Utilities NU-O1 The Wellington RPS sets out direction for plans to recognise benefits of RSI. However, the term "provide for" is more in the nature of policy direction. NU-P2 provides appropriate direction in terms of network utilities generally (i.e. capturing those that are not RSI). Amend Objective NU-O1 as follows: <i>"NU-O1 - Benefits of regionally significant network utilities The benefits of effective, efficient, resilient, and safe <u>regionally significant</u> network utilities are recognised and provided for."</i>	Oppose	Transpower does not support the deletion of "and provided for". Insofar as the Objective relates to the National Grid, Transpower considers that the inclusion of "and provided for" is consistent with, and necessary to give effect to, Policy 1 of the NPSET.	Disallow the submission.
S258.051	NU - Network Utilities NU-O2 The submitter has two concerns with this policy. Firstly, the consideration of adverse effects in the context of positive effects/ benefits and secondly the consideration of positive effects and functional need extending beyond RSI. Provisions in objectives or policy for functional/ operational needs or positive effects should only be given where there is high order direction. It is not appropriate or necessary in other respects and only increases potential for conflicts with other provisions. The submitter considers that these matters should be addressed in policy as they are relevant to implementing NU-O1 as amended above. Amend Objective NU-O2 as follows: <i>"The adverse effects of network utilities on the environment are avoided, remedied, or mitigated, while recognising</i>	Oppose	Transpower does not support the relief sought and is of the view that the Objective appropriately directs an outcome that acknowledges that: - all effects of network utilities may not be able to be avoided, remedied or mitigated because of the characteristics of such infrastructure; and - while there may be adverse effects in one location, there may be positive effects in another, or broader, locality.	Allow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>a. the functional need and operational need of network utilities; and b. that positive effects of network utilities may be realised locally, regionally, or nationally."</i>			
S258.052	NU - Network Utilities NU-P1 The policy does not recognise benefits. It is therefore, not clear on what basis proposals would be enabled or provided for, for network utilities. This policy direction, solely on the basis that this would recognise benefits also fails to consider adverse effects that are to be avoided, remedied, or mitigated under s5 of the Act and as set out in NU-O2 and other chapter provisions in the plan. The directive term "enable" is not generally supported. The only exception may be for the reasonable operation, maintenance and minor upgrade of the national grid but even then in the context of what is "reasonable" must be in the context of avoiding, remedying or mitigating adverse effects. Delete NU-P1 and replace with a policy recognising the benefits of regionally significant network utilities and the national grid reflecting the benefits identified in Policy 7 of the RPS and Policy 6 of the NPSET respectively.	Oppose	Transpower does not support the deletion of Policy NU-P1 and considers that, insofar as the Policy relates to the National Grid, the Policy is necessary to give effect to Policy 1, Policy 2 and Policy 5 of the NPSET. Transpower notes that the reference to Policy 6 of the NPSET in the submission is not directly relevant to Policy NU-P1.	Disallow the submission.
S258.058	NU - Network Utilities The submitter supports the approach that indigenous vegetation clearance/ modification is addressed in the ECO chapter rules for these activities. However, the NU rules fail to consider potential for adverse effects on adjacent areas of significant indigenous biodiversity, or adverse effects on fauna and their habitat which may include in areas of exotic generation. It is also unclear whether the potential for adverse effects from earthworks associated with these activities is addressed. Disturbance from earthworks could adversely affect fauna such as lizards. The scope of some rules is unclear and does not seem to match the NU-standards that are identified in the rule. Given the lack of thorough or recent survey, for new network utility infrastructure there should be an assessment of whether the activity would effect vegetation or the habitat of fauna meeting significance criteria.	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower opposes the submission to the extent that the submission seeks wide ranging changes to the Rules that are considered generally unnecessary on the basis that the Proposed District Plan already includes rules that appropriately regulate (and allow the assessment of) earthworks and other activities that may impact on indigenous biodiversity.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Retain Rules in the Network Utilities chapter where the approach that vegetation clearance/ modification associated by these activities is addressed by rules in the ECO chapter. This means that where modification is not specifically permitted under those rules as a discretionary/ restricted discretionary activity, including those for network utilities. Add matters of control and restriction of discretion to enable decision makers to consider adverse effects on indigenous biodiversity, including on fauna within the proposal area and on adjacent indigenous biodiversity. Include a matter for control/ discretion into all controlled and restricted discretionary NU Rules as to: - whether the activity would adversely affect indigenous biodiversity meeting the significance criteria in the RPS; and - adverse effects on indigenous biodiversity. Alternatively change controlled and RD rules to discretionary. Add a standard/ condition to all permitted activity rules excluding or limiting earthworks associated with the activities of the rule, as "not more than 50m3 of earthworks".			
S258.059	NU -Network Utilities NU-R1 It is not clear whether the rule allows for an increase in the scale or size of a structure. Nor, is the potential for access requirements to have adverse effects addressed. The matters of discretion are inadequate for the reasons on NU rules set out above. Add requirements to the rule that activities do not change the footprint of structures and use existing access. Change the activity status where compliance is not achieved to discretionary	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower considers that the addition of reference to changing the footprint of a structure is unnecessary because upgrading is addressed in Rule NU-R3.	Disallow the submission.
S258.061	NU - Network Utilities NU-R3 It is not clear what activities would be considered "upgrading" or at what scale the activity could be under NU-R3(2). It is therefore, unclear if the standards or matters of discretion are adequate, For	Oppose	Subject to Transpower's primary submission, Transpower does not support the relief sought because: - the standards and terms that apply to upgrading activities sufficiently define what constitutes	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	example, S1 and S2 addresses structure heights and setbacks, but do not capture setbacks in terms of earthworks activities of effects associated access requirements, on the coastal environment or on the habitats of indigenous fauna. Amend Rule NU-R3(2) to add limits to the extent/ scale of upgrading activities to limit earthworks. Add matters of discretion to capture: - adverse effects of earthworks - adverse effects of access requirements including any new access - adverse effects on the coastal environment, including on natural character, natural features and landscapes. - adverse effects on indigenous biodiversity.		upgrading and these standards are generally consistent with those for permitted activities in the NESETA regulations; - there is no need to limit earthworks because earthworks are regulated by other provisions in the District Plan; and - the additional matters of discretion are not necessary because such considerations are 'picked-up' by other provisions in the District Plan where appropriate to a particular upgrading activity.	
S258.062	NU - Network Utilities NU-R5 It is not clear whether the activity must cease permanently after 12 months or over what period the 12 months could occur. Nor is it clear if the activity could include earthworks. Amend Rule NU-R5 to include a requirement that there are no earthworks. Clarify that the requirements of b. are to occur on completion or after 12 months, whichever occurs first. Add requirement that the site will be returned to a reasonable state. I.e. planted to avoid erosion of bare soil.	Oppose	Transpower does not support the relief sought on the basis that there is no need to limit or manage earthworks (including site rehabilitation) because earthworks are regulated by other provisions in the District Plan.	Disallow the submission.
S258.063	NU - Network Utilities NU-R6 If NU-R6 is intended to apply to renewable energy and whether this is adequate considering the amount of earthworks required for solar as numerous boxes are required on site in addition to the main substation or battery storage. Amend Rule NU-R6 to clarify whether NU-R6 applies to renewable electricity generation. Include standards to limit earthworks at the permitted activity level.	Oppose	Transpower does not support the relief sought on the basis that there is no need to limit or manage earthworks because earthworks are regulated by other provisions in the District Plan.	Disallow the submission.
S258.085	TREE - Notable Trees TREE-P2	Oppose	Transpower opposes the relief sought to the extent that Transpower considers that Policy TREE-	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Questions why it's necessary to have two policies that are providing for activities that are exactly the same. They oppose clause c. in TREE-P2 because it does not give effect to TREE-O1. Amend Policy TREE-P2 as follows: <i>"...c. enable installation of a minor nature using methods that avoid adverse effects on the notable tree."</i>		P2 and TREE-P3 do not provide for activities in the same way. Transpower particularly supports Policy TREE-P2 because the policy clearly provides for essential trimming to protect infrastructure and the health and safety of people and communities. Transpower notes that providing for trimming in the manner is consistent with the statutory requirements that apply under the Electricity (Hazards from Trees) Regulations 2003.	
S258.086	TREE - Notable Trees TREE-P3 This Policy is used as matters of discretion in TREE-R1. As per submission point above. This Policy provides unnecessary duplication. Seek deletion and the matters listed in matters of discretion in TREE-R1. Delete Policy TREE-P3.	Oppose		Disallow the submission.
S258.088	TREE - Notable Trees TREE-P5 This Policy does not give effect to s6(f). Discourage does not mean the tree is protected. Amend Policy TREE-P5 as follows: <i>"Discourage Prohibit the removal, partial removal, or destruction of a notable tree, unless..."</i>	Oppose	Transpower does not support the relief sought and considers that it is not clear how the Policy does not give effect to section 6(f). Further, Transpower considers that a prohibition, as suggested in the submission, is not necessary to recognise and provide for the matters in section 6(f). Transpower is of the view that the term 'prohibit' suggests a prohibited activity status and considers that the appropriateness and necessity for such a stringent approach must be explicitly evaluated under section 32 of the RMA.	Disallow the submission.
S258.095	TREE - Notable Trees New provision request There are far too many rules regarding street trees. These trees are the responsibility of each respective council. These rules are unnecessary and should be reduced to just one. See Hutt City Council's approach to Notable Trees in their draft district plan. They don't have street tree provisions but their approach is much simpler and clearer than what is provided here. Delete TREE-R3 and replace with the following rule to consolidate provisions for street trees into one rule:	Oppose	Transpower opposes the relief sought on the basis that the relief includes a requirement for permitted trimming to be undertaken by the councils. With reference to the Electricity (Hazards from Trees) Regulations 2003, Transpower notes that it has a statutory requirement to trim trees near the National Grid. Transpower, and Transpower's contractors, are best placed to do this work, as opposed to the councils.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<u>"TREE-R3 Trimming, removal or any activity in the road reserve within the root protection area of any street tree.</u> <u>1. Activity status: Permitted</u> <u>Where:</u> <u>a. The work is undertaken by the Council to safeguard life or property, including for the maintenance of existing network utilities; and</u> <u>b. the work is undertaken in accordance with best arboriculture practice.</u> <u>2. Activity status: Restricted discretionary</u> <u>Where:</u> <u>compliance is not achieved with TREE- R3(1).</u> <u>Matters of discretion:</u> <u>1. works do not compromise the long-term health of the street tree;</u> <u>2. do not reduce the natural life of the street tree;</u> <u>3. do not impact the natural shape and amenity of the street tree.</u> <u>4. the tree is dead or is in terminal decline as assessed and certified by a qualified arborist; or</u> <u>5. options for the tree's management, including protection or relocation.</u> <u>6. Disposal of removed vegetation.</u> <u>7. Replacement planting.</u>			
S258.100	ECO - Ecosystems and Indigenous Biodiversity Introduction The introduction provides a reasonable explanation of the historical loss and current pressures on indigenous biodiversity. However, it fails to recognise the important role of the District Plan in "protecting" significant natural areas, including areas meeting significant criteria that are not identified in the Plan, including that this chapter is intended to give effect to Policy 11 of the NZCPS. Amend Introduction to ECO - Ecosystems and Indigenous Biodiversity as follows: <i>"These pressures mean it is important to protect the remaining areas of significant indigenous vegetation and fauna on a long-term</i>	Oppose	Transpower opposes the relief sought because the proposed amendments have consequences for many provisions in the District Plan that have not been considered or evaluated in terms of necessity and appropriateness. Further, the proposed amendments introduce significant uncertainty in terms of whether provisions that relate to significant natural areas might apply. Similarly, the relief sought results in uncertainty in respect of the regulations in the NESETA. It is Transpower's view that significant natural areas should be clearly identified in the District Plan, with any new areas being more appropriately	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>sustainable basis where indigenous species can regenerate naturally and through restoration. Areas of significant indigenous vegetation and significant habitat of indigenous fauna are identified as those meeting the significance criteria in Policy 23 of the RPS, referred to as significant natural areas. A comprehensive survey has not yet been undertaken in the Wairarapa. However, the plan includes areas previously identified as significant in in SCHED5 Significant Natural Areas and includes requirements for applying the significance criteria in consenting processes to assess potential for adverse effects of activities on other areas meet those criteria. While a number of these SCHED5 Significant Natural Areas in the Wairarapa are already in public ownership and legally protected (e.g., Lake Wairarapa and wetlands, and the Tararua, Remutaka, and Aorangi Forest Parks), outside these areas many remaining areas of remnant indigenous forest and natural inland wetlands have no legal protection, other than through the rules in this plan, although pockets of remnant indigenous forest and natural inland wetland are increasingly being protected by landowner initiatives such as QEII 54 covenants. SCHED6 Recommended Areas of Protection is provided for informational purposes. This schedule reflects areas identified in Department of Conservation publication: Eastern Wairarapa Ecological District, 2004. The Recommended Areas for Protection (RAP) are areas that have not been formally assessed against the significance criteria of the RPS and are therefore not identified as Significant Natural Areas in SCHED 5, but as they were identified as containing indigenous biodiversity values of significance by DOC, the RAP have been included to assist in the management of land use activities to achieve the objectives and policy of the ECO chapter. There are no objectives, policies, or rules that relate to the RAP, but they are included in the District Plan to ensure visibility to the community and landowners of their conservation value."</i> Amend the fourth paragraph to also recognise changes in land use, such as through subdivision or intensive or large-scale developments such as mining, electricity generation or new roading infrastructure. Amend the last sentence of the fifth paragraph:		introduced through a Schedule 1 to the RMA plan change process.	

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"However, the costs of <u>fully active</u> protecting and maintaining such areas <u>long term</u> can be large, and support, both in terms of expertise and resources, is often required to ensure effective ongoing management."</i> Add a new paragraph before the last paragraph addressing the NESFW, as follows: <i>"<u>The New Zealand Coastal Policy Statement 2010 (NZCPS) includes specific direction for the protection of indigenous biodiversity in the coastal environment. These matters are identified from protection accordance with ECO-P4 within the coastal environment overlay, in addition to the protection of significant natural areas.</u>"</i>			
S258.102	ECO -Ecosystems and Indigenous Biodiversity ECO-02 Section 6(c) does not include reference to 'inappropriate subdivision, use and development' and nor does Policy 11 of the NZCPS. As the Objective also applies within the coastal environment it needs to be consistent with Policy 11 of the NZCPS. Referring to "areas" is uncertain because the councils have not done a survey of the combined districts so they do not know where the 'areas' are. On this, the objective should also be to identify significant indigenous biodiversity. Amend Objective ECO-02 as follows: <i><u>"Areas of Significant indigenous vegetation and significant habitats of indigenous fauna within the Wairarapa are identified and protected from inappropriate subdivision, use, and development."</u></i>	Oppose	Transpower opposes the relief sought because: - the submission fails to reconcile the NZCPS and NPSET; - it is inappropriate to apply policy direction from the NZCPS in a wider context.	Disallow the submission.
S258.111	ECO - Ecosystems and Indigenous Biodiversity ECO-P8 Concerned that the management approach set out does not include a clear effects management framework. The provisions are inadequate to meet the obligation to maintain indigenous biodiversity. Support for collaboration and co-ordination of non-regulatory indigenous biodiversity initiatives by way of ECO-P1 & ECO-P2 is not sufficient.	Oppose	Transpower opposes this submission as it relates to the Policy and other provisions referenced in the relief sought. Transpower notes that no clear or sufficiently detailed rationale is given for the substantial amendments proposed. While not stated Transpower is concerned that the intention of the relief is to give effect to the NPSIB. If this is the case Transpower is concerned that the	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Given the extent of amendments needed to the Policy it is recommended to replace it in its entirety rather than show specific amendments. This submission point links to others including amending the definition of biodiversity offsetting, and inserting a new earthworks chapter that also includes rules for vegetation clearance. Delete ECO-P8 and replace with: <u>“ECO-P8 Maintenance of indigenous biodiversity</u> <u>Manage the effects of subdivision, use and development on to maintain indigenous biodiversity outside of SCHED5 significant indigenous biodiversity outside of SCHED5 significant natural areas and outside areas meeting the significance criteria in Policy 23 of the RPS, by:</u> <u>1. avoiding:</u> <u>a. fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna; and</u> <u>b. loss or reduction of rare or threatened indigenous species' populations or habitats, including occupancy within a significant natural area.</u> <u>2. managing activities to:</u> <u>a. avoiding significant adverse effects where practicable;</u> <u>b. where adverse effects cannot be avoided, they are minimized where practicable;</u> <u>c. where adverse effects cannot be minimised, they are remedied where practicable;</u> <u>d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided;</u> <u>3. if biodiversity offsetting is not possible, the activity itself is avoided.</u> <u>3. Having regard to:</u> <u>a. the loss of ecosystem representation and extent;</u>		submission fails to recognise that the NPSIB does not apply to the National Grid and therefore it is not necessary or appropriate to give effect to the NPSIB in a manner that would apply to the National Grid, including by imposing an effects management hierarchy that requires offsetting of effects on indigenous biodiversity.	

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<u>b. disruption to sequences, mosaics, or ecosystem function; and c. Loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna.</u> <u>Add reference to Appendix 3 of the NPSIB 2023."</u>			
S258.154	CE - Coastal Environment New provision request The chapter does not include policy direction to fully give effect to Policy 13(1)(b) of the NZCPS. Insert a new policy to avoid significant adverse effects and avoid, remedy, or mitigate any other adverse effects on natural character outside areas identified as Outstanding, Very High or High Natural Character.	Oppose	To the extent that the relief sought applies to the National Grid, Transpower opposes the submission on the basis that the relief fails to reconcile the requirements of the NZCPS and NPSET.	Disallow the submission.
S258.163	CE - Coastal Environment CE-S2 Generally supportive of this standard in terms of protecting natural character outside ONC. However, allowing for 50m² clearance on a 12 monthly basis could result in significant adverse effects over the life of the Plan and does not necessarily protect indigenous biodiversity or natural features and landscapes in accordance with Policies 11 and 15 of the NZCPS. Amend CE-S2: <i>"1. Modification of indigenous vegetation must not exceed, in total area, 50m² in any 12 month period.</i> <i>... Matters of discretion:</i> <i>... <u>x. adverse effects on indigenous biodiversity and on natural features and landscapes. Note: the rules and standards of the ECO chapter also apply to the modification of vegetation in the coastal environment.</u>"</i>	Oppose	Transpower opposes the relief sought on the basis that the deletion of the 12 month element of the Standard would result in administration and practical difficulties. The submission does not consider the necessity and appropriateness of the proposed amendment.	Disallow the submission.
S258.176	SCHED6 - Schedule of Recommended Areas for Protection Recommended Areas for Protection SCHED6 is provided for informational purposes.	Oppose	Transpower does not support the inclusion of provisions in relation to Recommended Areas of Protection and notes that to do so is inconsistent with the approach taken in the Proposed District Plan, that notes that these are not considered	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	This schedule reflects areas identified in Department of Conservation publication: Eastern Wairarapa Ecological District, 2004. There are no provisions that relate to the RAP, but they are included in the District Plan to ensure visibility to the community and landowners of their conservation value. Amend SCHED6 to include further explanation of how these areas will be considered. Consider including standards/ conditions and matters of discretion to specifically consider this schedule and assess whether areas meet the significance criteria of the RPS.		Significant Natural Areas, but just contain indigenous vegetation. Transpower considers that the relief sought is not necessary or appropriate and that the consequences of the amendment have not been sufficiently assessed in the submission.	
S258.179	ECO -Ecosystems and Indigenous Biodiversity New provision request Consider referring to areas meeting significance criteria in Policy 23 of the Wellington Regional Policy Statement but not identified in SCHED5 - Significant Natural Areas as 'significant indigenous biodiversity'. Insert provisions to protect areas meeting significance criteria in Policy 23 of the Wellington Regional Policy Statement but not identified as significant natural areas as 'significant indigenous biodiversity'.	Oppose	Transpower opposes the relief sought because the proposed would have consequences for many provisions in the District Plan that have not been considered or evaluated in terms of necessity and appropriateness. Further, the proposed approach introduce significant uncertainty in terms of whether provisions that relate to significant natural areas might apply. Similarly, the relief sought results in uncertainty in respect of the regulations in the NESETA. It is Transpower's view that significant natural areas should be clearly identified in the District Plan, with any new areas being more appropriately introduced through a Schedule 1 to the RMA plan change process.	Disallow the submission.
S258.197	Strategic Direction New provision request Regarding NE-O3, considers "Open space" should not be the only place where natural, ecological, and landscape values, and sites of significance to tangata whenua are protected. The term "open space" could be interpreted in different ways, i.e. based on zoning or a feeling of openness. Insert new strategic direction objective: <u>"NE-OX: Natural Areas</u>	Oppose	Transpower does not support the relief sought and considers that the matters addressed are sufficiently through other strategic direction objectives.	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<u>Significant natural areas, natural character of the coastal environment and waterbodies, outstanding features and landscape, and sites of significance to tangata whenua are protected."</u>			
S258.202	NU -Network Utilities New provision request The policy direction in NU-P1 fails to consider adverse effects that are to be avoided, remedied, or mitigated under s5 of the Act and as set out in NU-O2 and other chapter provisions in the plan. The directive term "enable" is not generally supported. The only exception may be for the reasonable operation, maintenance and minor upgrade of the national grid but even then in the context of what is "reasonable" must be in the context of avoiding, remedying or mitigating adverse effects. Insert a policy providing for regionally significant infrastructure and National Grid activities and considering other network utilities, in all cases where adverse effects are appropriately managed in accordance with the district wide matters chapters.	Support in part	Transpower supports the submission to the extent that the submission acknowledges, in part, the matters addressed in the NPSET. For the avoidance of doubt, any new provision must give effect to the directive and enabling provisions in the NPSET, including Policies 2 and 5.	Allow the submission to the extent that the Proposed District Plan recognises and provides for the operation, maintenance, upgrading and development of the National Grid, including enabling operation, maintenance and minor upgrading activities.
S258.203	NATC - Natural Character NATC-P6 Forest & Bird is concerned that there is a conflict between NATC-P3 and P4. The word "enabling" is inappropriate. Forest & Bird is concerned that NATC-P6 is inappropriate as it fails to include protection of indigenous biodiversity values in accordance with the ECO provisions. The word "allow" is inappropriate. The rules fail to include adequate matters of discretion. NATC-R2 could potentially permit quarrying or mining as being within the definition of "primary productions" however, those activities are inappropriate within 25m of a significant waterbody. Amend NATC-P6 to resolve the concerns set out in this submission point.	Oppose	Transpower opposes the submission on the basis that the submission does not explain the conflict or set out the relief sought. Transpower understands that NATC-P3 sets out those earthworks activity that are appropriate and that there is no conflict, or inconsistency in the implementing rules.	Disallow the submission in respect of NATC-P3, NATC-P4, NATC-P6 and NATC-R2.
Sally Whitehead (submission number S61)				
S61.001	Planning Maps Zones	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the subject land is adjacent to and traversed by the National Grid.	If the submission is allowed, ensure that the site subject to the submission can be subdivided and

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Submitter notes residential activities are the predominant usage of the land presently. The size of the existing lots makes commercial farming or other commercial agricultural usage uneconomic. The lots are highly suited for rural lifestyle usage. Amend Proposed zoning of properties located at Boundary Road, Donald's Road and the lower portion of Ngaumutawa Road from General Rural Zone to Rural Lifestyle Zone.		Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.
Simon Coffey (submission number S60)				
S60.001	Planning Maps Zones Submitter notes that residential activities are the predominant usage of the land in these areas presently. The size of the existing lots makes commercial farming or other commercial agricultural usage uneconomic. The lots are suitable for rural lifestyle use. Amend proposed zoning of properties located at Boundary Road, Donald's Road and the lower portion of Ngaumutawa Road from General Rural Zone to Rural Lifestyle Zone.	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the subject land is adjacent to and traversed by the National Grid. Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	If the submission is allowed, ensure that the site subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.
Stephen and Judith Brown (submission number S261)				
S261.001	Planning Maps Zones 278 Ngaumutawa Road, and properties along Ngaumutawa Road, North to West Bush Road, were zoned Mixed Use in the Draft District Plan. The submitter supported this zoning, and does not see any justification for this not being retained. These properties contain a wide variety of uses, including light industrial and commercial. They are located in close proximity to main roads, which can service mixed use development. They are also not connected to reticulated services. It would not negatively affect the character or amenity of the existing environment to change the zoning to Mixed use, as this zoning reflects the activities that already occur within this area.	Neutral	Transpower does not support or oppose the relief sought, however, it is noted that the subject land is adjacent to and traversed by the National Grid. Transpower seeks that any decision to rezone the land subject to the submission is made in a manner that is cognisant of the provisions in the proposed District Plan that enable and protect the National Grid (as proposed to be amended by Transpower's primary submission) and that gives effect to Policies 10 and 11 of the NPSET.	If the submission is allowed, ensure that the site subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Amend the zoning at 278 Ngaumutawa Road, and properties along Ngaumutawa Road, North to West Bush Road, from General Rural Zone to Mixed Use Zone.			
Wellington Fish and Game Council (submission number S186)				
S186.022	NH - Natural Hazards NH-P8 Needs provision for environmental health. Amend NH-P8 (3) as follows: <i>" 3. the risk to properties, activities, <u>the environment</u>, and people is not increased "</i>	Oppose	Transpower opposes the submission on the basis that the rationale and consequences of the addition of "the environment" are not set out in the submission. Transpower is concerned that, given the broad RMA definition of 'environment', the relief sought may inappropriately prevent activities in situations where (for example) there may be a temporary inconsequential increase in risk to an element of the environment.	Disallow the submission.
S186.023	NH - Natural Hazards NH-P9 To provide for environmental health as far as practicable. Amend NH-P9 (2) as follows: <i>"...2. the risk to properties, activities, <u>the environment</u>, and people is not increased..."</i>	Oppose	Transpower opposes the submission on the basis that the rationale and consequences of the addition of "the environment" are not set out in the submission. Transpower is concerned that, given the broad RMA definition of 'environment', the relief sought may inappropriately prevent activities in situations where (for example) there may be a temporary inconsequential increase in risk to an element of the environment.	Disallow the submission.
S186.034	NATC - Natural Character NATC-P3 So maintenance also does not contribute to degradation of waterbodies, adding that any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. Amend NATC-P3: Insert the clauses from NATC-P4 to this policy.	Oppose	Transpower opposes the submission because the addition of the clauses from Policy NATC-P4 negates the purpose of Policy NATC-P3 (as set out in the relevant Section 32 Report), being to provide a more enabling policy pathway for earthworks associated with specific appropriate activities within 25 metres of 'Significant Waterbodies'. Transpower considers that Policy NATC-P3, as notified, gives effect to the direction given by higher order planning instruments.	Disallow the submission.
S186.035	NATC - Natural Character NATC-P4	Oppose	Transpower does not support the relief sought and considers that it is not necessary or appropriate to remove the direction to remedying adverse effects	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. Amend NATC-P4 to include that any effects that are more than minor should be avoided or mitigated (not remedied).		in response to some situations where remediation cannot be achieved.	
S186.037	NATC - Natural Character NATC-P6 Any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. Amend NATC-P6 to include mention that any more than minor effects should be avoided or mitigated (not remedied).	Oppose	Transpower does not support the relief sought and considers that it is not necessary or appropriate to remove the direction to remedying adverse effects in response to some situations where remediation cannot be achieved.	Disallow the submission.
S186.040	NFL - Natural Features and Landscapes NFL-P3 Any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. If there is a functional need for the activity to occur, then the effects management hierarchy should be embedded in this clause as a directive for future consent pathway as per the NPSFM 2020 3.21 Amend NFL-P3 to include that any more than minor effect should be avoided or mitigated (not remedied). If there is a functional need for the activity to occur, include reference to the effects management hierarchy.	Oppose	Transpower does not support the relief sought and considers that it is not necessary or appropriate to remove the direction to remedying adverse effects in response to some situations where remediation cannot be achieved. Further, Transpower notes that the deletion of the ability to remediate adverse effects is inconsistent with that part of the submission that seeks to include explicit reference to 'the effects management hierarchy'. Transpower does not support importing the NPSFM effects management hierarchy into Policy NFL-P3 because the hierarchy in the NPSFM is specific to freshwater matters and there may be unintended and inappropriate consequences as a result of extending the management approach for freshwater to other natural features and landscapes.	Disallow the submission.
S186.041	NFL - Natural Features and Landscapes NFL-P5 To further protect the environment.	Oppose	Transpower does not support importing the NPSFM effects management hierarchy into Policy NFL-P5 because the hierarchy in the NPSFM is specific to freshwater matters and there may be	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	If there is a functional need for the activity to occur, then the effects management hierarchy should be embedded in this clause as a directive for future consent pathway as per the NPS-FM 2020 3.21. Insert a clause for the effects management hierarchy.		unintended and inappropriate consequences as a result of extending the management approach for freshwater to other natural features and landscapes.	
S186.058	CE - Coastal Environment CE-P3 Any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. If there is a functional need for the activity to occur, then the effects management hierarchy should be embedded in this clause as a directive for future consent pathway as per the NPSFM 2020 3.21. Amend CE-P3 to include that any more than minor adverse effects shall be avoided or mitigated (not remedied). Insert an effects management hierarchy into the clause if there is a functional need for the activity to occur.	Oppose	Transpower does not support the relief sought and considers that it is not necessary or appropriate to remove the direction to remedy adverse effects in response to some situations where remediation cannot be achieved. Further, Transpower notes that the deletion of the ability to remediate adverse effects is inconsistent with that part of the submission that seeks to include explicit reference to 'the effects management hierarchy'. Transpower does not support importing the NPSFM effects management hierarchy into Policy CE-P3 because the hierarchy in the NPSFM is specific to freshwater matters and there may be unintended and inappropriate consequences as a result of extending the management approach for freshwater to the Coastal Environment.	Disallow the submission.
S186.059	CE - Coastal Environment CE-P4 Any 'more-than-minor' adverse effects should be avoided or mitigated. Allowing for 'remedy' of adverse effects could prove detrimental to the environment, as some adverse effects (loss of habitat or species, for example), are unable to be remedied. If there is a functional need for the activity to occur, then the effects management hierarchy should be embedded in this clause as a directive for future consent pathway as per the NPSFM 2020 3.21. Amend CE-P4 to include that more than minor adverse effects, shall be avoided or mitigated rather than remedied. Insert the effects management hierarchy into the clause, for activities with a functional need.	Oppose	Transpower does not support the relief sought and considers that it is not necessary or appropriate to remove the direction to remedy adverse effects in response to some situations where remediation cannot be achieved. Further, Transpower notes that the deletion of the ability to remediate adverse effects is inconsistent with that part of the submission that seeks to include explicit reference to 'the effects management hierarchy'. Transpower does not support importing the NPSFM effects management hierarchy into Policy CE-P4 because the hierarchy in the NPSFM is specific to freshwater matters and there may be unintended and inappropriate consequences as a	Disallow the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
			result of extending the management approach for freshwater to the Coastal Environment.	
Z Energy Limited (submission number S215)				
S215.003	Interpretation Definitions The submission states the importance of defining reverse sensitivity for clarity and interpreting rules. Insert new definition for reverse sensitivity as follows: <i><u>"Means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the existing activity."</u></i>	Support	Transpower supports the proposed definition and considers that the definition appropriately describes the concept of reverse sensitivity in a manner that will assist plan users to understand District Plan provisions that use the term 'reverse sensitivity.	Allow the submission.

Appendix C List of names and addresses of persons to be served

Name and addresses of persons to be served			
#	Name	Submitter number	Address for service
1.	Director General of Conservation Penny Nelson	236	aching@doc.govt.nz
2.	East Leigh Limited	239	jmarshall@gwlaw.co.nz
3.	Federated Farmers of New Zealand	214	fcasey@fedfarm.org.nz
4.	Forest and Bird	258	a.geary@forestandbird.org.nz
5.	Fulton Hogan	122	tensor@tonkintaylor.co.nz
6.	Genesis Energy New Zealand	81	alice.barnett@genesisenenergy.co.nz
7.	Greater Wellington Regional Council	94	sam.obrien@gw.govt.nz
8.	Helios Energy Ltd	223	sbrooks@heliosenergy.co.nz
9.	Horticulture New Zealand	221	emily.levenson@hortnz.co.nz
10.	KiwiRail holdings limited	79	environment@kiwirail.co.nz
11.	Maori Trustee	212	resource.management@tetumupaeroa.co.nz
12.	Meridian Energy Limited	220	andrew.feierabend@meridianenergy.co.nz
13.	Ministry of Education Te Tāhuhu o Te Mātauranga	245	zach.chisam@beca.com
14.	New Zealand Defence Force	225	rebecca.davies@nzdf.mil.nz
15.	Powerco Limited	209	planning@powerco.co.nz
16.	Radio New Zealand Limited (RNZ)	288	annabelle.lee@chapmantripp.com
17.	Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), Aotearoa Tower Group (trading as FortySouth) , One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited (Spark)	189	tom@incite.co.nz
18.	Tony Garstang	260	tonygarstang@xtra.co.nz

Name and addresses of persons to be served			
#	Name	Submitter number	Address for service
19.	Wellington Fish and Game Council	186	acoughlan@fishandgame.org.nz
20.	Z Energy Limited	215	thomas.trevilla@slrconsulting.com

Appendix D Copy of the relevant parts of the Decision

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 1

Hearing Stream 1: Strategic Direction and General Matters

8 October 2025

This report contains the Panel's decisions on all submissions addressed as part of **Hearing Stream 1**:

- The **Strategic Direction Objectives located in Part 2: District-Wide Matters** in the Proposed Plan. The objectives that we have decided on have framed our consideration of the other provisions of the Proposed Plan in **Decision Reports 2 to 12**.
- **Part 1: Introduction and General Provisions of the Proposed Plan**. Part 1 provides an introduction, an explanation of how the Proposed Plan works, lists of definitions and abbreviations, a summary of national direction instruments, and a Tangata Whenua chapter that provides an understanding of the practical application of Treaty of Waitangi principles, iwi and hapu connections, relationships and responsibilities to the whenua, Treaty settlements and areas of interest. This report addresses submissions on definitions relating to multiple chapters. Where definitions relate to a specific topic or chapter they are addressed in the relevant topic-based decision report.
- Submissions not relating to any one specific chapter in the PDP and consequently grouped together under the **'Whole Plan' topic**.

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Plan)

This report should be read in conjunction with the **Index Report**.

The Hearings Panel for the purposes of **Hearing Stream 1** comprised Commissioners David McMahon (Chair), Robyn Cherry-Campbell, Frazer Mailman, Brian Jephson, Jo Hayes, Kereana Sims, Craig Bowyer, Brian Deller and Alistair Plimmer.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 1** of twelve Decision Reports prepared by the Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (PDP).
- 1.2 This report contains the Panel's decisions on all submissions addressed as part of Hearing Stream 1:
 - a. The **Strategic Direction Objectives located in Part 2: District-Wide Matters** in the Proposed Plan. The objectives we have decided on have framed our consideration of the other provisions of the Proposed Plan in **Decision Reports 2 to 11** and are therefore addressed first in the report.
 - b. **Part 1: Introduction and General Provisions of the Proposed Plan.** Part 1 provides an introduction, an explanation of how the Proposed Plan works, lists of definitions and abbreviations, a summary of national direction instruments, and a Tangata Whenua section that provides an understanding of the practical application of Treaty of Waitangi principles, iwi and hapu connections, relationships and responsibilities to the whenua, Treaty settlements and areas of interest. This report addresses submissions on definitions relating to multiple chapters. Where definitions relate to a specific topic or chapter they are addressed in the relevant topic-based decision report.
 - c. Submissions not relating to any one specific chapter in the PDP and consequently grouped together under the 'Whole Plan' topic.
- 1.3 We have structured our discussion on these topics as follows:
 - a. With respect to Strategic Direction Objectives, **Section 3:**
 - i. provides a summary of the relevant provisions;
 - ii. provides a brief overview of submissions received on the provisions;
 - iii. identifies key issues raised in submissions for our subsequent evaluation;
 - iv. provides a brief context-setting preamble ahead of our evaluations; and
 - i. evaluates the key issue remaining in contention and sets out our decision.
 - b. With respect to Part 1: Introduction and General Provisions, **Section 4:**
 - i. provides a summary of the relevant provisions;
 - ii. provides a brief overview of submissions received on the provisions;
 - iii. identifies key issues raised in submissions for our subsequent evaluation; and
 - iv. evaluates the key issue remaining in contention and sets out our decision.

- c. Where submissions in relation to the Whole Plan topic are concerned, Section 5:
 - i. provides a brief overview of submissions received on the topic;
 - ii. identifies the key issue raised in submissions for our subsequent evaluation; and
 - iii. evaluates the key issue remaining in contention and sets out our decision.
- d. Section 6 provides an overall set of conclusions on matters addressed as part of Hearing Stream 1.

1.4 This Decision Report contains the following appendices:

- a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented throughout this Decision Report, where relevant.
- b. **Appendix 2: Summary table of decisions on each submission point.** For each submission point and further submission point we provide a decision as to whether it should be accepted or rejected.
- c. **Appendix 3: Amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we have determined to be made to the PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing the changes we have made from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used in the notified version of the PDP for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

- d. **Appendix 4: Amendments to the Proposed Plan provision wording - Accepted.** This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have added. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the Plan Map Viewer.

1.5 The requirements in clause 10 of the First Schedule and section 32AA of the Act are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;

- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
 - c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions are assessed;
 - iii. the reasons for our decisions are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.6 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements and may also include the s32 or s32AA assessments provided by submitters where Reporting Officers rely on those. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairaraplan.co.nz/hearings>
- 1.7 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32/s32AA evaluations into the body of our report as part of our reasons for the decided amendments, as opposed to including this in a separate table or appendix.
- 1.8 A more detailed discussion of our approach in this respect is set out in Section 4 of the **Index Report**.

2 Higher Order Policy Framework

The RMA

Part 2 of the RMA

- 2.1 As set out in detail in Section 3 of the Index Report, the purpose of the RMA is to promote the sustainable management of natural and physical resources under Part 2 of the RMA. In achieving the RMA's purpose, s6 of the RMA directs all persons exercising functions and powers under the Act to recognise and provide for matters of national importance.
- 2.2 Under s75 of the RMA, a District Plan must state its objectives for the district, the policies to implement the objectives, and the rules (if any) to implement the policies (s75(1) RMA) and may state other matters (s75(2) RMA).

The functions of the Councils and purpose of the Proposed Plan

- 2.3 Councils have extensive functions under s31 of the RMA for the purpose of giving effect to the RMA's sustainable management purpose, which, in summary, requires the establishment, implementation and review of objectives, policies and methods to achieve integrated management of natural and physical resources of the district, with respect to a number of general and specific matters. The Strategic Direction Objectives within the PDP provide an overarching framework to ensure the purpose of the RMA is best achieved.

National Direction

National Policy Statements (NPS)

- 2.4 National Policy Statements (NPS) provide national direction for matters of national significance relevant to sustainable management. There are six NPSs currently in force that the Proposed District Plan is required to give effect to under s75(3) of the RMA, where relevant, set out in Section 3 of the Index Report.
- 2.5 As set out in Section 3 of the s32 Report on Overview and Strategic Direction, there are three NPS relevant to the Strategic Directions of the PDP, presented in Table 1 below.

NPS	PDP Provision it relates to
NPS-UD	Part 2: Strategic Direction – Urban Form and Development
NPS-HPL	Part 2: Strategic Direction – Rural Environment
NPS-IB	Part 2: Strategic Direction – Natural Environment

Table 1: Relationship between NPS and provisions for Part 1: Introduction and General Provisions and Part 2: Strategic Direction

National Planning Standards

- 2.6 In addition, the National Planning Standards provides for a 'Strategic Direction' chapter and at Section 7 of that document, sets out that if key strategic or significant resource matters for the district are to be included, then objectives that address those matters must be included to guide decision-making at a strategic level.

- 2.7 At the time of commencing the District Plan review, the National Planning Standards were introduced and required to be adopted as part of the review process. As a result, the Strategic Direction Chapter changed considerably from the previous approach where it primarily contained 'Strategic Environmental Issues' and no objectives. Therefore, as result, the notified version included objectives within the Strategic Direction Chapter, and with issues deemed 'optional text' under the National Planning Standards, the notified version no longer included text relating to 'issues'.

Regional Direction

Regional Policy Statement for Wellington Region

- 2.8 Under s75(3) of the RMA the PDP is required to 'give effect' to the RPS for the Wellington Region. As set out in Section 3 of the Index Report, the RPS is subject to Proposed Change 1, notified in August 2022. The focus of Proposed Change 1 is to implement and support the NPS-UD and to start the implementation of the NPS-FM. It also addresses issues related to climate change, indigenous biodiversity and high natural character. Proposed Change 1 is in its early stages of the Schedule 1 process and introduces a significant policy shift from the existing direction. Therefore, in terms of our decision making, less weight is placed to the Strategic Objectives alignment with Proposed Change 1 policy direction given the current legal status.
- 2.9 Table 2 sets out the relationship between the relevant RPS policies relating to this section of the PDP.

RPS Policy	PDP Provision it relates to
Resource Management with Tangata Whenua	Part 1: Introduction and General Provisions & Tangata Whenua
Historic Heritage	Part 2: Strategic Direction – Historic and Cultural Heritage
Natural Hazards	Part 2: Strategic Direction – Climate Change and Resilience
Regional Form, Design and Function	Part 2: Strategic Direction – Urban Form and Development
Soils and Minerals	Part 2: Strategic Direction – Rural Environment

Table 2: Relationship between RPS and PDP provisions for Part 1: Introduction and General Provisions and Part 2: Strategic Direction

3 Strategic Direction Objectives

Summary of the relevant notified provisions

- 3.1 As indicated earlier, the relevant provisions we address in this section of our report relate to the Strategic Direction Objectives, which are located at the beginning of Part 2 in the PDP.
- 3.2 As stated at the start of the Strategic Direction chapter, the objectives contained therein are to be read together and no hierarchy between them is implied¹. The objectives are intended to provide guidance on the key strategic or significant matters for the districts in considering applications for plan changes and resource consent and notices of requirement. All other objectives and policies in the District Plan are to be read and achieved in a manner consistent with the Strategic Direction Objectives.
- 3.3 The Strategic Direction Objectives as notified address seven topics as follows:
- a. four objectives relating to climate change and resilience (CCR-O1 to CCR-O4);
 - b. two objectives relating to historic and cultural heritage (HC-O1 and HC-O2);
 - c. six objectives relating to the natural environment (NE-O1 to NE-O6);
 - d. five objectives relating to the rural environment (RE-O1 to RE-O5);
 - e. four objectives relating to tangata whenua (TW-O1 to TW-O4);
 - f. six objectives relating to urban form and development (UFD-O1 to UFD-O6); and
 - g. one objective relating to infrastructure (INF-O1).

Overview of submissions

- 3.4 As summarised in the s42A Report, prepared by Mr Hamish Wesley², 178 original submission points and 233 further submission points were received on the Strategic Direction chapter, in relation to all seven topics. Most submissions were of a supportive nature or sought amendments to certain objectives; relatively few were opposed and/or sought their deletion.

Recommended amendments that the Panel adopts

- 3.5 Before turning to those issues, we note for the record that we accept Mr Wesley's largely uncontested recommendations to:
- a. amend the introductory text to the Strategic Direction chapter in response to submissions³;
 - b. amend Strategic Direction Objectives
 - CCR-O1 Climate Change Mitigation⁴

¹ Having said that, this was a matter we were obliged to turn our minds to during the hearing within the context of submissions to Part 1 of the PDP – refer to Section 4 of this report.

² Section 5.1, Officer's Section 42A Report – Strategic Direction, 8 July 2024

³ para 388, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁴ para 77, Officer's Section 42A Report – Strategic Direction, 8 July 2024

- CCR-O4 Water resilience⁵;
- HC-O1 Protection of heritage values⁶;
- HC-O2 Tangata whenua identify and value⁷;
- NE-O1 Natural character, landscapes, features and ecosystems⁸;
- NE-O2 Wairarapa Moana⁹;
- NE-O3 Open space¹⁰;
- NE-O5 Integrated management¹¹;
- RE-O1 Social and economic wellbeing¹²;
- RE-O2 Productive capacity¹³;
- RE-O4 Character and amenity values of the rural environment¹⁴;
- RE-O5 Rural lifestyle¹⁵ ;
- TW-O1 to TW-O4 relating to Tangata Whenua¹⁶;
- UFD-O1 Urban form of the Wairarapa¹⁷;
- UFD-O2 Urban growth¹⁸;
- UFD-O3 Urban development capacity¹⁹;
- UFD-O4 Infrastructure capacity²⁰; and
- INF-O1 Infrastructure²¹ in response to submissions; and

c. otherwise retain the wording of Strategic Direction Objectives, as notified.

- 3.6 In cases where he recommended amendments, we accept his reasoning, inclusive of the s32AA evaluations that he fielded in his s42A Report²². In those instances, we agree with Mr Wesley that the provisions, as amended, represent the most appropriate means to achieve the purpose of the RMA, the relevant objectives of higher order statutory documents, and the objectives of the PDP²³.
- 3.7 At the outset of the hearing, and having read the planning evidence presented on behalf of submitters, Mr Wesley did recommend some additional amendments to Strategic Direction Objectives RE-O2, RE-O3, RE-O4, UFD-O1, UFD-O2, UFD-O4, and INF-O1, as set out in his Summary Statement²⁴. Again, we accept his reasoning and adopt those revised amendments accordingly (subject to any further amendments arising from our evaluation of the key issues below).
- 3.8 For completeness, we also note that we accept the explanation that Mr Wesley provided in response to our query regarding potential consistency issues associated with recommended amendments to Objective HC-O2²⁵.

⁵ paras 89 to 90, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁶ para 105, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁷ para 107, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁸ paras 154 and 156, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁹ paras 158 to 159, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁰ paras 161 to 162, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹¹ paras 164 and 168, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹² paras 226 and 228, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹³ paras 233 and 235, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁴ paras 243 and 245, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁵ para 249, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁶ paras 272 to 273, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁷ paras 313, 314 and 316, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁸ paras 321 to 323, Officer's Section 42A Report – Strategic Direction, 8 July 2024

¹⁹ paras 324 and 326, Officer's Section 42A Report – Strategic Direction, 8 July 2024

²⁰ paras 327 to 330 and 332, Officer's Section 42A Report – Strategic Direction, 8 July 2024

²¹ paras 369 and 372, Officer's Section 42A Report – Strategic Direction, 8 July 2024

²² paras 93 to 97, 109 to 112, 174 to 178, 255 to 259, 275 to 279, 341 to 345, 374 to 379 and 389 to 392, Officer's Section 42A Report – Strategic Direction, 8 July 2024

²³ para 396, Officer's Section 42A Report – Strategic Direction, 8 July 2024

²⁴ Appendix 1, Officer's Hearing Introduction Summary Statement – Strategic Direction, 6 August 2024

²⁵ para 20, Officer's Reply Statement – Strategic Direction, 29 August 2024

Evaluation and decisions on key issues remaining in contention

- 3.9 In the s42A Report, 'key issues' arising in submissions are simply framed as the seven topics covered in the Strategic Direction chapter, all of which drew submissions. From our perspective, at the 'tail end' of the hearing process, it is more helpful to draw out as key issues those matters that remained in contention following the release of that report and that were the focus of evidence presented on behalf of submitters, questions that we posed of the Reporting Officer during the hearing and/or the contents of Mr Wesney's Summary Statement²⁶ and Reply Statement²⁷.
- 3.10 On that basis, the key issues remaining in contention are summarised below. In each case, we indicate (in brackets) who we heard from, in addition to Mr Wesney.
- a. Whether Objective CCR-O2 should be amended to recognise the role that natural ecosystem processes play in climate change resilience and adaptation (Ms Zöllner for GWRC).
 - b. Whether Objective CCR-O3 should be amended to provide for activities that support resilience during and following natural hazard events (Ms Levenson for Horticulture NZ).
 - c. The requested inclusion of a new CCR objective providing support for resilience of Māori landowners (Mr Cooper for the Māori Trustee).
 - d. The requested inclusion of new CCR and RE objectives on renewable energy / electricity generation (Ms Foster and Mr Matthews for Meridian Energy and Genesis Energy, respectively. We directed expert conferencing on this matter²⁸).
 - e. Whether Objective NE-O6 should be amended to recognise the role that 'ecosystem services' play in 'healthy ecosystems' (Mr Cooper for the Māori Trustee).
 - f. The requested inclusion of a new NE objective to reflect Te Mana o te Wai (Ms Zöllner for GWRC. We directed expert conferencing on this matter also²⁹).
 - g. Levels of specificity in the wording of Objectives RE-O1, RE-O2, RE-O3, RE-O4 and RE-O5 (Mr Ensor, Ms Levenson, Ms Foster, Mr Matthews, Ms Rosser and Ms McGruddy for Fulton Hogan, Horticulture NZ, East Leigh / Meridian Energy, Genesis Energy, Enviro NZ Services and herself, respectively).
 - h. The requested inclusion of new RE objectives relating to primary production and supportive ancillary activities (Ms Levenson for Horticulture NZ).
 - i. Whether Objective UFD-O1 should be amended to align with national and regional directions (Ms Zöllner for GWRC).
 - j. Whether Objective UFD-O2 should be amended to stress the relationship between urban form and transport-related emissions and also reverse sensitivity (Ms Zöllner and Mr Ensor for GWRC and Fulton Hogan, respectively).
 - k. Whether Objective UFD-O4 should be amended to reflect the benefits of efficiently using existing infrastructure (Ms Zöllner for GWRC).

²⁶ Officer's Hearing Introduction Summary Statement – Strategic Direction, 6 August 2024

²⁷ Officer's Reply Statement – Strategic Direction, 29 August 2024

²⁸ Via Minute 3 dated 15 August 2024

²⁹ Via Minute 3 dated 15 August 2024

- l. Whether Objective UFD-O6 should be amended to emphasise the importance of protecting the productive capacity of the rural environment from commercial activities (Ms Levenson for Horticulture NZ).
 - m. Whether Objective INF-O1 should be amended to reference specific aspects relating to infrastructure (Ms Zöllner, Ms Rosser and Mr Ensor for GWRC, Enviro NZ Services and Fulton Hogan, respectively).
- 3.11 Before undertaking our evaluation of the key issues raised with respect to the Strategic Direction chapter, we briefly address a number of contextual matters which have a bearing on our assessment, as follows:
- a. As noted in the **Index Report**³⁰, we have taken both a 'top down' and 'bottom up' approach to evaluating the Strategic Objectives, so as to ensure that they align with all other non-strategic objectives, policies and other provisions in the PDP, and vice versa, so that the PDP operates as an integrated whole.
 - b. In evaluating the Strategic Objectives, we also need to consider the extent to which they give effect to higher order directions.
 - c. In that respect, we have already noted in the **Index Report**³¹ that no new NPS were issued in the period following the PDP's notification and that, although the Government has announced a review of certain NPS, these reviews are at an early stage and have no practical bearing on our consideration.
 - d. Additionally, in the **Index Report**³², we have made some general statements regarding the weight we give to notified changes to both the RPS and NRP as this then governs the credence we can then give submission points on the PDP's Strategic Objectives that reference those changes, particularly those made by GWRC itself.

Objective CCR-02

- 3.12 As to whether Objective CCR-O2 should be amended to recognise the role that natural ecosystem processes play in climate change resilience and adaptation, Ms Zöllner (for GWRC) suggested during the hearing that another option would be to address this as a new objective.
- 3.13 Irrespective of whether suggested wording was encapsulated in an amended objective, or new objective, it was Mr Wesley's view that it did not provide sufficient clarity over what was sought to be achieved in the notified version and that the intent of the request was already captured in other PDP provisions, notably Objective NH-O2 relating to the role of natural features in bolstering climate resilience³³. Having reviewed the PDP objectives as a whole and their coverage of the matter at issue, we find ourselves in agreement with Mr Wesley that no amendment to the objective or addition of a new objective is warranted.

Objective CCR-03

- 3.14 As to whether Objective CCR-O3 should be amended to provide for activities that support resilience during and following natural hazard events, we agree with Mr Wesley that, while

³⁰ Refer Section 4 Report format and approach in the **Index Report**

³¹ Refer Section 3 Statutory context in the **Index Report**

³² Refer Section 5 General observations and comments by the Panel in the **Index Report**

³³ para 5, Officer's Reply Statement – Strategic Direction, 29 August 2024

a worthy goal, it was one to be pursued via local government functions outside the role of the Councils in administering the RMA³⁴. Consequently, we agree with Mr Wesley that no amendments to the objective are warranted in response to Horticulture NZ's submission.

New CCR objective

- 3.15 Per the Māori Trustee's requested inclusion of a new CCR objective providing support for resilience of Māori landowners, this arose from Mr Cooper's concern as to whether the matter could be adequately addressed in the Māori Purpose Zone chapter, notwithstanding the position taken in the s42A Report that it was. Having further reflected on the matter, it was Mr Wesley's position that 'resilience', as a concept, was already sufficiently addressed in relation to all land on the CCR objectives³⁵.
- 3.16 Conceptually, we do not disagree, and at an early stage in our deliberations saw no need to amend the CCR objectives. However, we sought to revisit the matter as part of our deliberations following Hearing Stream 4 to ensure suitable coverage between the Strategic Direction Chapter and across all relevant zones. Specifically, we asked Mr Wesley to confer with his fellow s42A Reporting Officers, and report back as to whether, in their collective view, further amendments to any PDP provisions were necessary to address any identified gaps in coverage, and what scope (if any) exists to effects such changes³⁶.
- 3.17 In response³⁷, Mr Wesley indicated that, having heard the evidence on the Māori Purpose Zone, he remained of the view that the CCR objectives collectively already encompassed the matter of resilience for all land and property owners, including owners of Māori land. Consequentially, he did not recommend an amendment to the Strategic Direction chapter.
- 3.18 Rather, and having reflecting on this question and evidence presented by the Māori Trustee at the hearing on the Māori Purpose Zone, Mr Wesley formed a view that it is appropriate to add a new objective to that zone chapter to address the issue of adapting to climate change. In this respect, he recommended a modified version of the objective proposed by the submitter to broaden its coverage and encapsulation of adaptation options.
- 3.19 We adopt the wording for the new MPZ objective that Mr Wesley recommends, as follows:

MPZ-OX Adapting to climate change

Owners of Māori land are empowered to become resilient so they can build adaptive capacity using mātauranga Māori, accurate data and information to support informed decision-making in adapting to the effects of climate change.

- 3.20 In doing so, we accept that scope for making this change arises from the Māori Trustee's submission and that no consequential amendments to other provisions are required to achieve the objective.
- 3.21 As mentioned earlier, the prospect of new CCR and RE objectives on renewable energy / electricity generation was the subject of expert conferencing as directed by us³⁸, following our hearing of evidence from Ms Foster for Meridian Energy³⁹, it being Mr Wesley's initial view that such an addition was not warranted given coverage of the matter elsewhere.

³⁴ para 7, Officer's Reply Statement – Strategic Direction, 29 August 2024

³⁵ para 10, Officer's Reply Statement – Strategic Direction, 29 August 2024

³⁶ Via Minute 14 dated 17 December 2024

³⁷ Supplementary Reply Statement Minute 14: Further Directions Associated with Hearing 1 (Strategic Direction and General Matters), 28 February 2025

³⁸ Via Minute 3 dated 15 August 2024

³⁹ Statement of Evidence of Christine Anne Foster Called by Meridian Energy Limited – Hearing Stream 1 – Strategic Direction, National Policy Direction Instruments and Definitions, 22 July 2024

Specifically, we asked the planning witnesses to address the following questions:

- a. *How do the Energy chapter and other chapters in the PDP give effect to the NPS-REG? In particular, how do these other provisions respond to issues associated with climate change and transition to a low-emission economy?*
- b. *Following that, should a new objective on renewable energy / electricity be added to the CCR section of the Strategic Direction chapter?*
- c. *Also following, should a new objective on renewable energy / electricity be added to the RE section of the Strategic Direction chapter?*

3.22 The resulting JWS⁴⁰, which Mr Matthews for Genesis Energy also participated in preparing, provides a comprehensive analysis of the relevant PDP objectives and policies. The planners agreed that what was missing from the CCR objectives was an explicit response to NPS-REG Policy B(c), which forecasts that meeting or exceeding the Government's target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

3.23 To address this, the experts recommended the adaptation of the wording proposed in Genesis's submission to read as follows:

"CCR-OX – Renewable electricity

Recognise the role of renewable electricity generation activities in meeting the New Zealand Government's national target for emissions reduction and generation of electricity from renewable resources to contribute to the transition to a low-carbon future."

3.24 We agree with Mr Wesney that the adoption of the new objective, in providing more explicit recognition and certainty on the role of renewable electricity generation in achieving climate change targets, would improve the PDP's efficiency and effectiveness and is the most appropriate way of achieving the purpose of the RMA (inclusive of the direction provided by the NPS-REG). We therefore support its adoption together with Mr Wesney's accompanying s32AA evaluation⁴¹.

3.25 The above planning experts also turned their minds to our query regarding the potential addition of a new objective relating to the same topic in the RE section of the Strategic Direction chapter (as requested by Genesis Energy). As set out in the JWS, it was their agreed position that the additional direction requested, while warranted, would find best purchase were it spread between the ENG and GRUZ chapters, by:

- a. including in Policy ENG-P4 as an additional matter to have regard to "the need to locate the renewable electricity generation activity where the renewable energy resource is available"; and
- b. altering the description of rural character in Objective GRUZ-O2 to read (in part) "the presence of rural infrastructure, including renewable electricity generation activities, rural roads, state highways ..."⁴²

3.26 We agree with the planning experts that the former gives appropriate voice to NPS-REG Policy C1(a), and with Mr Wesney that, collectively, the recommended amendments would improve the functionality of the PDP⁴³.

⁴⁰ Joint Witness Statement – Strategic Direction – Planning Experts, 15 August 2024

⁴¹ paras 15 to 19, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁴² Here we favour and replicate the wording set out in the JWS over that in the Officer's Reply Statement – Strategic Direction, 29 August 2024 (para 52), which is grammatically incorrect.

⁴³ paras 53 to 57, Officer's Reply Statement – Strategic Direction, 29 August 2024

- 3.27 We thank the planning expert witnesses for their open-mindedness and efforts in relation to these matters.

Objective NE-O6

- 3.28 As to whether Objective NE-O6 should be amended to recognise the role that 'ecosystem services' play in 'healthy ecosystems', while we appreciate Mr Cooper's point about the need to engage holistically in considering the attributes of healthy ecosystems, we agree with Mr Wesley that the inclusion of the former term would go beyond the direction provided by the NPS-IB. In our view it would involve conflating a method identified for one purpose in the NPS-IB into a district plan objective which, we agree with Mr Wesley, already gives suitable effect to national policy direction⁴⁴.

New NE objective

- 3.29 In relation to the issue of whether a new NE objective is required to reflect Te Mana o te Wai, as requested by Ms Zöllner for GWRC, we directed expert conferencing on this matter. The witnesses prepared a JWS⁴⁵, and observed that there were no objectives in the PDP (as notified) that directly gave effect to Clause 3.5 in the NPS-FM or Objective 12 and Policy FW.3 in the RPS, and they suggested the most suitable place to address this issue is to amend Objective NE-O5 rather than create a new objective, or indeed a new chapter for Three Waters. This matter is addressed in more detail in the 'Whole Plan' section at 5.21 below.

Objective RE-O1

- 3.30 We accept Mr Wesley's position that no amendment to Objective RE-O1 to make more specific references to activities that the objective seeks to promote in the rural environment is warranted⁴⁶. While specificity in the expression of objectives is something to be supported, in this case the more generalised reference that Objective RE-O1 makes to the wide-ranging activities that contribute to economic and social wellbeing in the rural environment is in our view appropriate.

Objectives RE-O2 and RE-O3

3.31 We generally support Mr Wesley's recommended amendments to Objectives RE-O2 and RE-O3 relating to productive capacity and highly productive land that he proposed in his Reply Statement⁴⁷ primarily in response to Ms Foster's suggestion that they could be more precisely expressed. We consider that, as Mr Wesley latterly proposes to amend them, they would be appropriately aligned with the directions on these matters set out in the NPS-HPL without slavishly (and meaninglessly) repeating the equivalent objectives in that higher order document.

Objective RE-O4

- 3.32 We also agree with and adopt Mr Wesley's recommended addition of the phrase 'amenity values' into Objective RE-O4 in response to Ms Foster's request, having observed, as he has, that those values are then given suitable colour and expression in the GRUZ and RLZ chapters⁴⁸.

⁴⁴ para 24, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁴⁵ Joint Witness Statement Strategic Direction Planning Experts, 10 February 2025

⁴⁶ para 29, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁴⁷ paras 34 to 36, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁴⁸ paras 39 to 40, Officer's Reply Statement – Strategic Direction, 29 August 2024

Objective RE-O5

- 3.33 At the close of the hearing, Mr Wesney sought to adjust his earlier position on the wording of Objective RE-O5 in light of evidence presented by Ms Rosser⁴⁹ and Ms McGruddy⁵⁰. He latterly proposed to make additional reference to “existing industry and infrastructure” as another component of the rural environment, beyond ‘primary production’, needing to be safeguarded from reverse sensitivity effects while eliminating what he considered to be extraneous wording from the version of the objective proffered in his s42A Report⁵¹. We agree with his reasoning but recommend additional amendments to improve the objective’s constriction and grammar, as follows:

"RE-O5 Rural lifestyle

Opportunities for rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with:

- a. protecting the productive capacity of the land;*
- b. the enabling of primary production; or*
- c. existing industry and infrastructure."*

- 3.34 As the wording we have determined involves minor, consequential alterations arising from a response to submissions that do not alter the thrust or intent of the objective, we make them with reference to clause 10(2)(b)(i), Schedule 1 and without any need to justify them in terms of s32 or s32AA, RMA.
- 3.35 In arriving at the final wording for Objective RE-O5 we have considered whether there was anything about the definition for ‘reverse sensitivity’ that might inappropriately limit the application of the objective; the term being the implicit focus of the objective even though it is not employed in the wording. At a later point in this report⁵², we have determined some amendments to that definition. Having reviewed that amended wording, we have satisfied ourselves that its broad focus on ‘existing lawfully established activity’ remains appropriate and would not inappropriately limit the application of Objective RE-O5 as amended.
- 3.36 With respect to the requested inclusion by Horticulture NZ of new RE objectives relating to primary production and supportive ancillary activities, we agree with Mr Wesney⁵³ that the matters contained therein are sufficiently and appropriately canvassed in the GRUZ chapter and, in that respect, we draw the submitter’s attention to Objectives GRUZ-O1 and GRUZ-O2 in particular.

Objective UFD-O1

- 3.37 At the hearing, Ms Zöllner (for GWRC), indicated that she supported amendments recommended by the Reporting Officer to better align UFD objectives with national and regional directions and that the wording of Objective UFD-O1 remained the only one still at issue⁵⁴. In response, Mr Wesney indicated he was of the view that GWRC’s requests to include references to ‘compact’ and ‘well-functioning’ in relation to ‘urban form’, and to ‘regionally significant centre’ in relation to Masterton, overstated the significance of

⁴⁹ Statement of Evidence Of Kaaren Rosser (Planning) on Behalf of Enviro NZ Services Ltd – Submitter (S247), 22 November 2022 [sic]

⁵⁰ Proposed Wairarapa Combined District Plan: Hearing Stream 3 – Rural Zones, Hearing Statement: E McGruddy, Submitter 144, 11 October 2024

⁵¹ paras 43 to 44, Officer’s Reply Statement – Strategic Direction, 29 August 2024

⁵² Refer Section 3 in this report

⁵³ para 49, Officer’s Reply Statement – Strategic Direction, 29 August 2024

⁵⁴ Statement of Evidence of Mika Helena Zöllner on Urban Development, Transport and Climate Resilience Matters on Behalf of Wellington Regional Council, 23 July 2024

population centres in the Wairarapa when compared to the largely metropolitan focus of the NPS-UD and regional scale of the RPS. In our **Index Report**⁵⁵ we have noted the generally limited application of the NPS-UD's directives in a Wairarapa context. In Mr Wesney's opinion, such considerations were already brought to bear, to the extent that they should, across the collective set of UFD objectives as he recommended they be worded⁵⁶. Having reviewed that set, we agree that no further amendments to Objective UFD-O1 beyond those already recommended by Mr Wesney⁵⁷ are warranted.

Objective UFD-O2 and UFD-O4

- 3.38 As noted above, Ms Zöllner indicated her support for amendments to other UFD objectives, including Objectives UFD-O2 and UFD-O4, that Mr Wesney has recommended, to stress the relationship between urban form and transport-related emissions and reflect the benefits of efficiently using existing infrastructure⁵⁸. We agree that these amendments together with those earlier recommended by Mr Wesney⁵⁹ better reflect the outcomes sought by the objectives and we adopt them accordingly. We also agree with Mr Wesney⁶⁰ that reverse sensitivity, as it arises between urban growth and quarrying activities, is not an issue at a strategic level in the Wairarapa that requires addressing in Objective UFD-O2 as requested by Fulton Hogan.

Objective UFD-O6

- 3.39 We also agree with Mr Wesney⁶¹ that potential threats to the productive capacity of the rural environment arising from the co-location of commercial activities do not 'make the grade' as a strategic issue in the Wairarapa and that Objective UFD-O6 does not need further amendment in that context.
- 3.40 Before turning to the remaining Strategic Direction topic we record that we accept the recommendation in Mr Wesney's s42A Report⁶² that a new UFD objective is warranted that acknowledges the importance of transport connectivity as a component of urban form and development. Scope to include the objective is provided by GWRC's submission⁶³. We adopt both Mr Wesney's s32AA evaluation⁶⁴ and proposed wording as follows:

"UFD-OX - Connectivity

Wairarapa residents have safe, multi-modal access between housing, employment, services, amenities, green space, and local centres, preferably using active and sustainable transport modes."

- 3.41 It was apparent at the hearing that Ms Zöllner was accepting of the Reporting Officer's recommendation to retain the wording of Objective INF-O1, but that other parties wished to press the point on requests to further amend the objective to reference specific aspects relating to infrastructure. In response to Ms Rosser's evidence on behalf of Enviro NZ Services⁶⁵, Mr Wesney indicated that he was amenable to amending the objective to refer to 'additional infrastructure' in recognition of the fact that other infrastructure beyond

⁵⁵ Refer Section 3 in the **Index Report**

⁵⁶ paras 63 to 66, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁵⁷ paras 66 and 75 to 80, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁵⁸ paras 69 and 72, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁵⁹ paras 75 to 80, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶⁰ para 70, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶¹ para 74, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶² paras 337 to 340, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁶³ S94.039

⁶⁴ paras 341 to 345, Officer's Section 42A Report – Strategic Direction, 8 July 2024

⁶⁵ Statement of Evidence Of Kaaren Rosser (Planning) on Behalf of Enviro NZ Services Ltd – Submitter (S247), 22 November 2022
[sic]

transport facilities and utilities contribute to the functioning of the districts and are potentially subject to reverse sensitivity effects⁶⁶.

- 3.42 'Additional infrastructure' is a term defined in the NPS-UD. In response to queries from us Mr Wesley expressed confidence that the nested reference to 'social infrastructure' in the definition would include marae and he also helpfully provided an analysis finding no inconsistencies associated with adopting the NPS-UD definition into the PDP, where higher order documents were concerned⁶⁷.
- 3.43 On that basis, we adopt the Reporting Officer's recommended amendments to Objective INF-O1, the inclusion in the PDP of the definition for 'additional infrastructure' and Mr Wesley's s32AA evaluation in that regard⁶⁸. Finally, we agree with Mr Wesley that no further amendments to the objective in response to Fulton Hogan's submission are warranted, for the reasons he sets out in his Reply Statement⁶⁹.

⁶⁶ para 84, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶⁷ paras 85 to 86 and 88 84, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶⁸ paras 87 and 90 to 97, Officer's Reply Statement – Strategic Direction, 29 August 2024

⁶⁹ para 89, Officer's Reply Statement – Strategic Direction, 29 August 2024

4 Part 1: Introduction and General Provisions of the PDP

Summary of the relevant notified provisions

- 4.1 As indicated earlier, the relevant provisions we address in this section of our report relate to Part 1 of the PDP, comprising five chapters (Introduction, How the Plan Works, Interpretation, National Direction Instruments and Tangata Whenua).
- 4.2 As suggested by their titles, these chapters are generally introductory in nature and contain informative content that help readers understand the context for the PDP's development including local and statutory aspects, how the PDP is structured and how its parts relate to each other, lists of definitions and abbreviations used throughout the PDP and a Tangata Whenua chapter that provides an understanding of the practical application of Treaty of Waitangi principles, iwi and hapu connections, relationships and responsibilities to the whenua, Treaty settlements and areas of interest.

Overview of submissions

- 4.3 The chapters making up Part 1 of the PDP are the subject of three s42A Reports prepared by Reporting Officers, as follows:
- a. covering the Introduction, How the Plan Works and National Direction Instruments chapters and prepared by Ms Solitare Robertson⁷⁰;
 - b. covering the Interpretation chapter and also prepared by Ms Robertson⁷¹; and
 - c. covering the Tangata Whenua chapter and prepared by Mr Wesney⁷².
- 4.4 Ms Robertson's s42A Report on Interpretation matters addresses submissions on definitions relating to multiple chapters. Where definitions relate to a specific topic or chapter they are addressed in the relevant s42A Report and in our equivalent topic-based decision reports.
- 4.5 As summarised across the s42A Reports:
- a. 18 original submission points and 19 further submission points were received on the Introduction, How the Plan Works and National Direction Instruments chapters;
 - b. 52 original submission points and 28 further submission points were received on the Interpretation chapter; and
 - c. 13 original submission points and 18 further submission points were received on the Tangata Whenua chapter.
- 4.6 Most submissions were of a supportive nature or sought amendments or additions to certain provisions; relatively few were opposed and/or sought their deletion.
- 4.7 In the s42A Reports, 'key issues' arising in submissions are generally framed in terms of the titles of sub-sections in the relevant chapters or with reference to specific definitions or provisions that drew interest and that submitters sought to retain or amend.

⁷⁰ Officer's Section 42A Report – Part 1, 8 July 2024

⁷¹ Officer's Section 42A Report – Definitions, 8 July 2024

⁷² Officer's Section 42A Report – Tangata Whenua, 8 July 2024

- 4.8 Following the release of the s42A Reports and during the course of the hearing, the key issues remaining in contention became more narrowly defined and were the focus of evidence presented on behalf of submitters, questions that we posed of the Reporting Officers during the hearing and/or the contents of Ms Robertson's and Mr Wesley's Reply Statements⁷³.

Recommended amendments that the Panel adopts

- 4.9 Before turning to those issues, we note for the record that we accept the Reporting Officers' uncontested recommendations to:
- a. amend the Mihi, expand the list of statutory documents referred to in the Statutory Context sub-section and replace or supplement certain phrases in the General Approach sub-section in the manner summarised in the s42A Report and also Summary Statement relating to Part 1⁷⁴;
 - b. add a new definition to the Interpretation chapter relating to 'development capacity' and amend the definition for 'noxious / offensive industry' as summarised in the s42A Report on Definitions⁷⁵;
 - c. amend the Tangata Whenua chapter to make clarifications to the introductory text and to the explanation for the Rangatiratanga principle, to replace the Ngāti Kahungunu ki Wairarapa section and correct the boundaries on the map relating to Ngāti Kahungunu ki Wairarapa as summarised in the s42A Report on Tangata Whenua⁷⁶; and
 - d. otherwise retain the wording of the text in Part 1, as notified.
- 4.10 In each case, we accept the reasoning of the Reporting Officers for recommending some or no amendments, inclusive of, where the former are concerned, the s32AA evaluations fielded in the respective s42A Reports⁷⁷.
- 4.11 In those instances, we agree with the Reporting Officers that the provisions, as amended, represent the most appropriate means to achieve the purpose of the RMA, the relevant objectives of higher order statutory documents, and the objectives of the PDP⁷⁸.
- 4.12 At this point, we also note that the matters Mr Workman raised at the hearing on behalf of Kawakawa 1D2 Ahu Whenua Trust are addressed in **Decision Report 5** as they relate to Sites and areas of Significance to Māori.

Evaluation and decisions on the key issues remaining in contention

- 4.13 We summarise the key issues remaining in contention at the end of the hearing below. In each case, we indicate (in brackets) who we heard from, in addition to the Reporting Officers.

⁷³ Officer's Reply Statement – Part 1 Matters, Officer's Reply Statement – Whole of Plan Definitions [sic] and Officer's Reply Statement – Tangata Whenua, respectively (all dated 29 August 2024)

⁷⁴ para 8, Officer's Section 42A Report – Part 1, 8 July 2024 and paras 16 to 17, Officer's Hearing Introduction Summary Statement – Part 1 Matters, 6 August 2024

⁷⁵ para 4, Officer's Section 42A Report – Definitions, 8 July 2024

⁷⁶ para 6, Officer's Section 42A Report – Tangata Whenua, 8 July 2024

⁷⁷ paras 63 to 66 and 88 to 91, Officer's Section 42A Report – Part 1, 8 July 2024, 8 July 2024, paras 84 to 89, 118 to 121, 128 to 131 and 142 to 145, Officer's Section 42A Report – Definitions, 8 July 2024, paras 75 to 79, Officer's Section 42A Report – Tangata Whenua, 8 July 2024

⁷⁸ para 107, Officer's Section 42A Report – Part 1, 8 July 2024, para 149, Officer's Section 42A Report – Definitions, 8 July 2024, para 86, Officer's Section 42A Report – Tangata Whenua, 8 July 2024

- a. Whether the description of the relationship between the Strategic Direction Objectives and other objectives in the PDP in the How the Plan Works chapter requires further clarification (Ms Eng for Transpower).
- b. How new definitions proposed to be added to the Interpretation chapter should be worded, with respect to:
 - i. 'reverse sensitivity';
 - ii. 'community facility' and its relationship with the definition for 'emergency service facility'; and
 - iii. 'surface waterbody' (Ms Levenson for Horticulture NZ).
- c. Whether definitions should include a reference as to their source in higher order documents (Mr Marshall for East Leigh).
- d. Whether the term 'tangata whenua' should be replaced with 'mana whenua' throughout the PDP (Ms Tuuta⁷⁹).

Relationship between the Strategic Objectives and other objectives in the PDP

- 4.14 Questions as to whether the description of the relationship between the Strategic Direction Objectives and other objectives in the PDP were sufficiently clear in the How the Plan Works chapter arose, initially, following a request from Ms Eng (for Transpower) that additional text be added stating that 'no fixed hierarchy' existed between the two levels.
- 4.15 We asked Ms Robertson to consider this matter further given that the following sentence appeared to imply the existence of such a hierarchy:

"All other objectives and policies in the District Plan should be read and achieved in a manner consistent with the objectives [in the Strategic Direction Chapter]."
- 4.16 In the notified version of the PDP, this sentence appears in both the Strategic Direction chapter and the How the Plan Works chapter (respectively, with and without the [bracketed text]).
- 4.17 In response, Ms Robertson⁸⁰ agreed that the sentences did unintentionally imply a hierarchy which was not intended and that, to rectify the issue, they should be replaced in both locations by new text adapted from Ms Eng's suggested wording, as follows:

"All other objectives and policies in the District Plan should be read and fulfilled in a manner consistent with the objectives in the Strategic Direction Chapter while recognising no fixed hierarchy exists between them."
- 4.18 We consider that these amendments clarify the relationship to our satisfaction, and we adopt them accordingly.

⁷⁹ Submitter S103

⁸⁰ paras 6 to 17, Officer's Reply Statement – Part 1 Matters, 29 August 2024

Definitions

- 4.19 With respect to the specific wording of the definition for 'reverse sensitivity', it was Ms Robertson's view that the wording proposed by Kiwi Rail was preferable to those versions proffered by other submitters; noting that other submitters had subsequently lent their support to that wording,⁸¹ as follows:

"Reverse sensitivity: means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity."

- 4.20 While at the hearing we indicated we were minded to accept Ms Robertson's recommendation, we asked her to compare the proposed wording with guidance arising from case law. The particularly relevant case in this respect is *Affco New Zealand Ltd v Napier City Council*⁸². Ms Robertson's advice was that, to the extent that they were directly comparable, the definitions were not dissimilar, and she remained of the view that the wording she proposed was generally appropriate. She did however recommend a further addition to the definition to more clearly limit the nature of 'development' and 'upgrading' associated with 'existing, lawfully established' activities⁸³, as follows:

"'Development' and 'upgrading' of an existing activity in this definition are limited to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade."

- 4.21 We agree with Ms Robertson that the additional text appropriately introduces a similar sort of qualification as that provided for under s10(1)(a)(ii), RMA, and we adopt the amended wording for the definition that she proposes in her Reply Statement.
- 4.22 Ms Robertson also indicated in her Reply Statement that she had been obliged to resile from her original recommendation to amend the definition for 'community facility' in response to a request from FENZ to exclude 'emergency service facility' (which in any case we agree should be provided with its own definition). This was because the former term could not be modified, by virtue of its mandating through the National Planning Standards 2019⁸⁴.
- 4.23 We accept that this is the case, observing that in accordance with the well-established drafting principle, the specific term trumps the general, which in this case means that the consent status of a fire station (for instance) in a district plan would be dictated by the status accorded 'emergency service facility', rather than 'community facility'.
- 4.24 This then led us to an interest in determining how such a proposal would fair in practical terms under the PDP. To assist us, we asked Ms Robertson to provide a table comparing the activity status of 'community facility' and 'emergency service facility' across the PDP. The resulting table⁸⁵ confirmed that, at least in terms of the notified version of the PDP, emergency service facilities would face a higher bar than community facilities, with no provision as a permitted activity, and a discretionary activity entry point in most zones.
- 4.25 This might have been cause for concern to us had we not otherwise decided, in the context

⁸¹ para 5, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁸² EnvC W082/04, 4 November 2004

⁸³ paras 6 to 12, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁸⁴ para 22, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁸⁵ page 4, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

of submissions addressed via Hearing Stream 2, to afford emergency service facilities a blanket restricted discretionary activity status across all zones.⁸⁶

- 4.26 Our decision to settle on a common restricted discretionary activity status for emergency service facilities across all zones raised a question for us as to the consent status afforded community facilities, whether this would result in a potential misalignment that necessitated some form of adjustment, and whether we would have any available scope to rectify any issues identified.
- 4.27 Consequently, we asked Reporting Officers to assist us in understanding the relative status of the activities in a scenario where we settled on making emergency services facilities a restricted discretionary activity in all zones⁸⁷.
- 4.28 In response, Ms Robertson provided us with an updated version of the table referred to above to illustrate the differing consent status between the two activities. In sum⁸⁸, Ms Robertson noted that, under the PDP provisions as notified, community facilities would assume:
- a. a permitted activity status in the Settlement, Town Centre and Māori Purpose Zones with no provisions;
 - b. a permitted activity status in the Mixed Use, Open Space and Sports and Active Recreation Zones, where no buildings or structures are involved (otherwise discretionary);
 - c. a restricted discretionary activity status in the General Residential Zone;
 - d. a restricted discretionary activity status in the Neighbourhood Centre Zone, where no buildings or structures are involved (otherwise discretionary); and
 - e. a discretionary activity status in all other zones.
- 4.29 In Ms Robertson's view the differing statuses were calibrated correctly and reflected the relative position of the zones on a scale ranging from a permissive to a sensitive nature and the ability of the Councils to undertake an appropriately targeted or broader assessment of effects, particularly on character and amenity, where the latter groupings were concerned. She did not identify any need for amendment.
- 4.30 We are generally satisfied that community facilities are categorized appropriately in the PDP as notified, and while we remain doubtful that, in the General Industrial Zone, its limited character and amenity justify a fully discretionary activity status, this status does align with objectives and policies that seek to avoid the location of non-industrial activities that might give rise to reverse sensitivity effects in this zone.
- 4.31 We further acknowledge the advice of Reporting Officers that, even if we were unsatisfied, there exists no scope in submissions to amend the status afforded community facilities in the PDP.
- 4.32 To assist us in landing a suitable definition for 'surface waterbody' we were keen to better understand the likely impetus for Horticulture NZ's submission, which sought to exclude 'water races' and 'artificial channels' from that definition. The term is applied in the PDP

⁸⁶ Refer to Section 4 in **Decision Report 2**

⁸⁷ Via Minute 14 dated 17 December 2024

⁸⁸ Supplementary Reply Statement, Minute 14: Further Directions Associated with Hearing 1 (Strategic Direction and General Matters), 24 January 2025

for the purposes of imposing setbacks on buildings, structures and intensive primary production from such bodies.

4.33 In response to our questions, Ms Robertson indicated that:

- a. there are approximately 616 km of water races in the districts;
- b. the purpose of the setback rules is to maintain natural character, amenity values, public access and ecological values associated with the riparian margins in accordance with Policy NATC-P5;
- c. the setbacks are also intended to enable water races to be maintained (by providing access for machinery), avoid risks to buildings from overtopping in extreme events, and manage leachate from buildings to waterbodies;
- d. while the NRP also applies setbacks, they are focused on managing land uses and discharges for water quality purposes and do not apply to buildings and structures nor are intended to serve other purposes as setbacks proposed under the PDP are; and
- e. Council bylaws have proved ineffective in maintaining setbacks for water race maintenance.⁸⁹

4.34 Ultimately, Ms Robertson remained of the opinion that the setback rules were the most efficient and effective method for managing an acknowledged issue. She did however recommend the removal of the phrase 'artificial channel' from the definition as it was undefined and resembled too closely (and confusingly) the term 'artificial waterbody' as employed in the RMA⁹⁰.

4.35 We accept the Reporting Officer's recommendation on this matter inclusive of her rationale from retaining the provisions to which the definition relates, and the amendment to the term that she proposes. Inadvertently, the altered wording that she recommended contained a duplicated reference, and we adopt the following, corrected version, with reference to our powers to make corrections under clause 16(2), Schedule 1, RMA:

Surface waterbody – Means a body of freshwater in a river, lake, stream, pond, water race, or wetland.

Definitions in higher order documents

4.36 Mr Marshall, for East Leigh, alerted us to a potential issue with multiple definitions in the notified version of the Interpretation chapter containing references to their source in higher order documents⁹¹. Mr Marshall was concerned that this would give Plan readers an unreasonable assurance that said definitions in the PDP would automatically update if subject to revision in the relevant higher order documents' something the RMA does not provide for⁹².

4.37 Ms Robertson acknowledged the issue but expressed some uncertainty as to whether East Leigh's request also applied to definitions included in the National Planning Standards 2019. At our invitation, Mr Marshall was able to clarify during the hearing that indeed it did.

⁸⁹ paras 28 to 39, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁹⁰ paras 40 to 41, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁹¹ Legal Submissions of East Leigh Limited Hearing Stream 1, 29 July 2024

⁹² With reference to clause 31, Schedule 1, RMA

- 4.38 We asked Ms Robertson to come back to us on the practical effect of deleting the references and what might transpire if the definitions were amended 'at source' i.e., could the PDP be updated with or without reliance on a Schedule 1 Plan Change process.
- 4.39 In response, Ms Robertson did not identify any practical difficulty with removing the references and confirmed for us that any future move to amend the PDP definitions to realign them with altered higher order documents would necessarily be subject to a Schedule 1 process, with the exception of changes to plans mandated via new National Planning Standards under the s58I(3), RMA process⁹³.
- 4.40 On that basis, we accept her recommendation that all references to source documents be deleted from the Interpretation chapter, inclusive of those arising from the National Planning Standards 2019.
- 4.41 We observe that, for practical purposes, all definitions in that chapter should now commence with the word "Means ...", whereas that is not the case, based on our sighting of the 'Appendix 1' attached to Ms Roberston's Reply Statement. We have made some additional amendments to the definitions in the versions of the Interpretation chapter attached as **Appendices 3 and 4** to this Decision Report to ensure this format is consistently followed. We do so with reference to our powers under clause 16(2), Schedule 1, RMA.

Tangata Whenua

- 4.42 As to whether the term 'tangata whenua' should be replaced with 'mana whenua' throughout the PDP, it was Ms Tuuta's⁹⁴ explanation, in support of this relief, that the term 'tangata whenua' can be interpreted as 'you were born here', whereas 'mana whenua' accorded more closely with 'it was given to you'. We acknowledge that this reflects Ms Tuuta's lived experience.
- 4.43 Mr Wesley explained that during the preparation of the PDP no consensus was able to be reached on an appropriate term in consultation with Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa. Hence, the Plan drafters decided to use the term 'tangata whenua' in being guided by the National Planning Standards 2019, which mandate the use of the term where an agreed preference cannot be determined⁹⁵.
- 4.44 In the absence of consensus on this matter we agree with Mr Wesley that the term 'tangata whenua' should be retained and we recommend no amendments to the PDP.
- 4.45 Relatedly, during the course of Hearing Stream 5 on Sites and Areas of Significance to Māori, the matter of appropriate terminology in reference to 'Rangitāne o Wairarapa' and 'Ngāti Kahungunu ki Wairarapa' or 'tangata whenua' in the PDP arose.
- 4.46 As a consequence, we requested that further consideration be given to whether it would be appropriate to add reference to 'hapū and whānau' after all references to 'Rangitāne o Wairarapa' and 'Ngāti Kahungunu ki Wairarapa' or 'tangata whenua' in the SASM chapter and throughout the PDP.
- 4.47 In his response on this matter, Mr Wesley reported on the outcomes of engagement with the Māori Trustee⁹⁶. Following those discussions, Mr Wesley indicated that he had formed

⁹³ paras 19 to 21, Officer's Reply Statement – Whole of Plan Definitions [sic], 29 August 2024

⁹⁴ for Ngāti Kahungunu ki Wairarapa

⁹⁵ paras 6 to 8, Officer's Section 42A Report – Tangata Whenua, 8 July 2024

⁹⁶ Officer's Reply Statement – Sites and Areas of Significance to Maori, 28 February 2025

the view that references to 'hapū and whānau' should not be inserted in relation to 'Rangitane o Wairarapa' and 'Ngati Kahungunu ki Wairarapa' or 'tangata whenua' in the PDP as terms were subject to interpretation, could create uncertainty for plan users, and the views of the iwi concerned were unknown. On the other hand, we accept and adopt Mr Wesley's recommendation that terms be included within the Tangata Whenua chapter as a means of empowering hapū and whānau to be engaged directly as a rūpū.

5 Whole Plan topic

Summary of the relevant notified provisions

- 5.1 As indicated earlier, the submissions we address in this section of our report are those not made to any one specific chapter and consequently grouped together under the 'Whole plan' topic.

Overview of submissions

- 5.2 Submissions on the Whole Plan topic are the subject of a s42A Report prepared by Ms Katie Huesser (née Treadaway)⁹⁷. As summarised in Ms Huesser's s42A Report, 63 original submission points and 65 further submission points were received on the Whole Plan topic.

Recommended amendments that the Panel adopts

- 5.3 In the s42A Report, 'key issues' arising in submissions to the PDP as a whole are summarised as follows:
- a. matters relating to tangata whenua and the Treaty of Waitangi, including wording clarifications, the perceived adequacy of engagement, and alignment with strategies and settlement legislation;
 - b. the requested addition of a 'Three Waters' chapter to the PDP;
 - c. general requests to correct, align or improve the usability of the PDP;
 - d. submissions on miscellaneous matters;
 - e. submissions generally in support of the PDP; and
 - f. submissions outside the scope of the district plan review.
- 5.4 The majority of the matters outlined above were not pursued further and/or did not remain in contention following the release of the s42A Report and its attendant recommendations⁹⁸.
- 5.5 For the record, we accept Ms Huesser's uncontested recommendations to:
- a. include additional definitions for commonly used Māori words into the Interpretation chapter, relating to 'iwi', 'hapū', 'whenua', 'tangata whenua', 'mana whenua' and 'taonga'⁹⁹;
 - b. retain the definition for 'Council's Engineering Development Standard' while amending any reference to it to 'Council Engineering Development Standard 2023'¹⁰⁰; and
 - c. amend any reference to 'functional need and operational need' in the PDP to 'functional or operational need'¹⁰¹.

⁹⁷ Officer's Section 42A Report – Whole Plan, 8 July 2024

⁹⁸ For completeness we note that Ms Huesser did not identify any need for further amendment of the PDP provisions at the point of preparing her Summary Statement (Officer's Hearing Introduction Summary Statement – Whole Plan, 6 August 2024)

⁹⁹ paras 59 to 64, Officer's Section 42A Report – Whole Plan, 8 July 2024

¹⁰⁰ paras 118 to 119, Officer's Section 42A Report – Whole Plan, 8 July 2024

¹⁰¹ para 133, Officer's Section 42A Report – Whole Plan, 8 July 2024

- 5.6 In each case, we accept Ms Huesser's reasoning for recommending some or no amendments, inclusive of, where the former are concerned, the s32AA evaluations set out in her s42A Report¹⁰². In those instances, we agree with Ms Huesser that the provisions, as amended, represent the most appropriate means to achieve the purpose of the RMA, the relevant objectives of higher order statutory documents, and the objectives of the PDP.
- 5.7 We also note that, while Ms Huesser initially recommended that all references in the PDP to the Treaty of Waitangi should be accompanied by its Māori translation (Te Tiriti o Waitangi) in brackets following¹⁰³, we consider it more appropriate to reverse the order of reference as it appears in the PDP as follows:

"Te Tiriti o Waitangi (Treaty of Waitangi)"

- 5.8 This is a global change affecting all such references in the PDP.

Evaluation and decisions on the key issues remaining in contention

Inclusion of a Three Waters chapter

- 5.9 The one substantive issue that did remain in contention and that was the focus of evidence presented on behalf of submitters, questions we posed of Ms Huesser during the hearing and the contents of Ms Huesser's Reply Statement¹⁰⁴, was whether the PDP would benefit from the addition of a chapter relating to Three Waters.
- 5.10 As notified, the PDP does not contain a Three Waters chapter. The case that it should was developed in evidence presented by Ms Zöllner in relation to GWRC's original request¹⁰⁵; Ms Huesser having concluded in her s42A Report that its inclusion would not be appropriate.
- 5.11 Ms Huesser's position at that point was that, to the limited extent that it related to the functions of the Councils under s31, RMA, the matters that would otherwise be covered in a Three Waters chapter were already addressed in the Subdivision and Zone chapters of the PDP.
- 5.12 Whereas, Ms Zöllner maintained the view that the PDP did have a role in managing the quality and quantity of stormwater runoff associated with subdivision and development, and that a new Three Waters chapter with provisions requiring hydraulic neutrality, protection of waterbodies, management of copper and zinc materials, and water sensitive urban design, represented the most effective and efficient option for the PDP because it would best implement the direction imposed by the NPS-FM and operative RPS.
- 5.13 Ms Zöllner attached an amended version of the contents of the requested chapter to her Evidence in Chief, inclusive of introductory text, two objectives, four objectives, two rules and a definition for 'hydraulic neutrality'.
- 5.14 Meridian Energy had opposed GWRC's original request to insert a new objective replicating the NPS-FM hierarchy of objectives for freshwater¹⁰⁶. On behalf of the submitter, Ms Foster took the opportunity in her evidence to set out why, with respect to the functions of

¹⁰² paras 70 to 74, 122 to 126, 146 to 150, Officer's Section 42A Report – Whole Plan, 8 July 2024

¹⁰³ para 65, Officer's Section 42A Report – Whole Plan, 8 July 2024

¹⁰⁴ Officer's Reply Statement – Whole Plan, 29 August 2024

¹⁰⁵ Submission points S94.041 to S94.53; noting that, at the further submission stage, the relief sought by GWRC was opposed by Genesis Energy (FS74.031) and Transpower (FS97.057) and supported Rangitāne o Wairarapa Incorporated (FS87.043), Te Tini o Ngāti Kahukuraawhitia Trust (FS95.045) and Ian Gunn (FS105.065)

¹⁰⁶ Further submission FS67.158 opposing Submission S94.029

territorial local authorities in managing the effects of land use activities and subdivision, the new objective would conflict with broader s5 RMA considerations relating to provision for social, economic and cultural well-being. While acknowledging that the giving of effect to the NPS-FM was not confined to regional council jurisdiction and regional plans, Ms Foster took the view that no part of the NPS could be read as applying *"the entirety of obligations to all land use activities and land subdivision."*¹⁰⁷

5.15 To our minds, Ms Foster provided a perspective on this specific matter relating to the NPS-FM hierarchy of obligations that we consider can be helpfully applied to the broader question of whether the inclusion of a Three Waters chapter in the PDP is warranted.

5.16 As summarised above, and as we observed in **Minute 3**¹⁰⁸, the above positions taken by the planning witnesses remained in conflict during the course of the hearing. In summary, we heard conflicting planning evidence on:

- a. whether the PDP should contain a specific Three Waters chapter, including provisions relating to stormwater management and hydraulic neutrality, as requested by GWRC;
- b. how and whether the PDP fully gives effect to the NPS-FM and the operative RPS regarding Te Mana o te Wai and hierarchy of obligations, as well as managing the adverse effects of subdivision, use and development on freshwater; and
- c. whether the PDP had appropriate regard to Proposed Plan Change 1 to the RPS on managing the adverse effects of subdivision, use and development on freshwater.

5.17 To guide as to a potential resolution, we asked Ms Huesser, Mr Wesney, Ms Foster and Ms Zöllner¹⁰⁹ to conference on these matters and, specifically, to address the following questions and directions:

- a. *Should a new objective to reflect Te Mana o te Wai and the hierarchy of obligations in the NPS-FM be added to the Natural Environment section of the Strategic Direction chapter?*
- b. *Do the Councils and PDP have a residual role under s31, RMA, to give effect to NPS-FM¹¹⁰ and the operative RPS in terms of an integrated approach to managing the effects on freshwater from land use and subdivision?*
- c. *Does the PDP address all the matters in Part 3.5(4) of the NPS-FM in terms of adverse effects on freshwater from land use and subdivision?*
- d. *Having identified the PDP provisions that apply an integrated approach to freshwater and land use and subdivision, provide comment as to whether these provisions are the most appropriate to achieve the integrated approach to give effect to the NPS-FM.*
- e. *Is there scope in the GWRC submission to adopt the provisions in Ms Zöllner's evidence, and, specifically, the new introductory text and definition for 'hydraulic neutrality'?*
- f. *Would the Three Waters chapter (as proposed in Ms Zöllner's evidence) constitute a*

¹⁰⁷ para 5.8, Statement of Evidence of Christine Anne Foster Called by Meridian Energy Limited – Hearing Stream 1 – Strategic Direction, National Policy Direction Instruments and Definitions, 22 July 2024

¹⁰⁸ Minute 3 Dated 15 August 2024

¹⁰⁹ Mr Sheild attended the conferencing on behalf of GWRC in lieu of Ms Zöllner's absence due to parental leave

¹¹⁰ Specifically, Parts 3.5(1) and 3.5(4)

complete code as a standalone chapter¹¹¹ in a whole of plan sense?

g. What are the PDP requirements for hydraulic neutrality, both for permitted land use activities and activities/subdivision requiring resource consent, and do the Engineering Standards apply at the building consent stage?

- 5.18 We must say at this point that we posed these questions and directed conferencing on them with a degree of tempered enthusiasm. This is because, at the point of having heard the evidence, inclusive of Ms Huesser's initial response¹¹² to the questions summarised in e. to g. above, we remained to be convinced that any bespoke chapter on the topic was indeed warranted, given the limited application of relevant higher order directions to district plan making and the existing level of coverage of relevant matters in the PDP.
- 5.19 At the time of directing conferencing, we deferred its occurrence until after the public notification of decisions on submissions on Proposed Plan Change 1 to the RPS so that implications of those decisions could be considered by the witnesses involved in conferencing. These decisions were notified on 4 October 2024 and the period for lodging references to the Environment Court on those decisions closed on 18 November 2024. We also foresaw efficiencies in considering these matters in conjunction with the Subdivision chapter which contains Three Waters provisions. We subsequently issued a further minute directing that this conferencing occur prior to the hearing on the Subdivision chapter¹¹³.
- 5.20 The witnesses obliged, in preparing a JWS¹¹⁴, as attached to and summarised in Mr Wesley's Supplementary Reply Statement¹¹⁵. In response to the questions we posed in paragraph 5.17 above, the witnesses came to the conclusion that:
- a. care needed to be taken in contemplating the addition of provisions in the PDP relating to the concept of Te Mana o te Wai given recent changes to the RMA to exclude the consideration of the hierarchy of obligations assessing applications for resource consent;
 - b. there is an explicit obligation on territorial authorities under clause 3.5 of the NPS-FM to take an integrated approach in addressing adverse effects on freshwater from land use and subdivision;
 - c. scope exists in GWRC's submission to progress and adopt the amended wording set out in Ms Zöllner's evidence;
 - d. the Three Waters chapter proposed by GWRC would not constitute a complete code as a standalone chapter; and
 - e. hydraulic neutrality was not a concept directly referred to in the PDP albeit relevant standards did impose requirements relating to the catchment, treatment and disposal of stormwater.
- 5.21 Collectively, the witnesses observed that there were no objectives in the PDP (as notified) that directly gave effect to Clause 3.5 in the NPS-FM or Objective 12 and Policy FW.3 in

¹¹¹ i.e., a full suite of objectives, policies and rules

¹¹² paras 6 to 18, Officer's Reply Statement – Whole Plan, 29 August 2024

¹¹³ Minute 14, dated 17 December 2024

¹¹⁴ Joint Witness Statement Strategic Direction Planning Experts, 10 February 2025

¹¹⁵ Supplementary Reply Statement – Minute 14: Further Directions Associated with Hearing 1 (Strategic Direction and General Matters), undated

the RPS¹¹⁶ in capturing the management of land use and development that could affect freshwater. To address this, they recommended one amendment to Strategic Direction Objective NE-O5 relating to Integrated Management as follows:

Land and water are managed using an integrated approach;

1. in collaboration with tangata whenua, the community, and other government entities;
and;

2. to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

- 5.22 The witnesses indicated they considered there was scope to make the amendment, as it achieved the same relief requested in GWRC's submission. We agree with the witnesses that the amendment gives more appropriate effect to the direction provided by the NPS-FM and RPS than the wording as notified (or indeed, the addition of an entire chapter relating to Three Waters), and we adopt it accordingly. We thank them for the efforts in resolving this matter to our satisfaction.

¹¹⁶ The witnesses also observed that the freshwater objectives and policies in the RPS were beyond challenge as there were no appeals under the freshwater planning process. We discuss the wider question of the appropriate regard to be given to Proposed Plan Change 1 to the RPS in Section 3 of our **Index Report**.

Overall conclusions

- 5.23 For the reasons set out in the previous sections, we have determined the adoption of specific changes to Part 1: Introduction and General Provisions and the Strategic Direction Objectives located in Part 2: District-Wide Matters in the PDP.
- 5.24 Our amendments are shown in track change in the 'tracked' version of the provisions in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**.
- 5.25 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions, and will improve its useability.

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 6

**Hearing Stream 6: Ecosystems and Indigenous
Biodiversity, Coastal Environment, Natural Character,
Natural Features and Landscapes and Public Access**

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 6**, namely those submissions on the following chapters in **Part 3** of the Proposed Plan:

- **Ecosystems and Indigenous Biodiversity Chapter**
 - i. Appendix ECO-1 Pest Plant Species
 - ii. Schedule 5: Significant Natural Areas
 - iii. Schedule 6: Recommended Areas for Protection
 - iv. Subdivision within a Significant Natural Area
 - v. Definitions relating to Ecosystems and Indigenous Biodiversity
- **Coastal Environment Chapter**
 - i. Coastal Environment overlay
 - ii. Foreshore Protection Area overlay
 - iii. High and Very High and Outstanding Natural Character overlay
 - iv. Subdivision within the Coastal Environment
 - v. Definitions relating to the Coastal Environment
- **Natural Character Chapter**
 - i. Schedule 11: Significant waterbodies
 - ii. Significant Waterbodies identified by the Planning Maps
- **Natural Features and Landscapes Chapter**
 - i. Schedule 7: Outstanding Natural Features and Landscapes
 - ii. Schedule 8: Special Amenity Landscapes
 - iii. Outstanding Natural Features and Landscapes overlay identified by the Planning Maps
 - iv. Special Amenity Landscapes overlay identified by the Planning Maps
 - v. Subdivision within an Outstanding Natural Features and Landscapes
 - vi. Definitions relating Outstanding Natural Features and Landscapes
- **Public Access**
 - i. Subdivision rules and standards relating to public access

Submissions on other chapters of the Proposed Plan do not form part of this report and are addressed in other decision reports, as follows:

- Definitions as a whole (**Decision Report 1**).
- Rural Zones (**Decision Report 3**).
- The subdivision provisions as a whole (**Decision Report 6**).
- Energy and Network Utilities (**Decision Report 7**)
- Substantive rezoning requests (**Decision Report 11**).

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan¹ – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Plan)

This report should be read in conjunction with the **Index Report**.

The Hearings Panel for the purposes of **Hearing Stream 6** comprised Commissioners, Robyn Cherry-Campbell (Chair), David McMahon, Jo Hayes, Craig Bowyer, Brian Deller and Alistair Plimmer.

¹ Including Schedules 5 - 11

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 6** of twelve Decision Reports prepared by the Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (PDP).
- 1.2 This report contains the Panel's decisions on submissions addressed as part of Hearing Stream 6, namely those submissions on the following chapters in Part 3 of the Proposed Plan, but also the relevant parts of Part 1 and Part 2:
 - a. Ecosystems and Indigenous Biodiversity Chapter
 - b. Coastal Environment Chapter
 - c. Natural Features and Landscapes Chapter
 - d. Sections of the Subdivision chapter relevant to the Ecosystems and Indigenous Biodiversity, Coastal Environment and Natural Features and Landscapes overlays and public access
 - e. Definitions relevant to the Ecosystems and Indigenous Biodiversity, Coastal Environment and Natural Features and Landscapes chapters
 - f. The spatial extent of the relevant Ecosystems and Indigenous Biodiversity, Coastal Environment and Natural Features and Landscapes overlays identified on the Planning Maps.
- 1.3 Based on the above, we have structured our discussion for these chapters as follows:
 - a. Section 2 addresses those submissions on the Ecosystems and Indigenous Biodiversity Chapter provisions and associated appendix, schedules, mapping overlays, definitions and relevant subdivision provisions.
 - b. Section 3 addresses those submissions on the Coastal Environment Chapter provisions, associated mapping overlays, definitions and relevant subdivision provisions.
 - c. Section 4 addresses those submissions on the Natural Character Chapter, associated schedules, mapping overlays, definitions and relevant subdivision provisions.
 - d. Section 5 addresses those submissions on the Natural Features and Landscapes Chapter, associated schedules, mapping overlays, definitions and relevant subdivision provisions.
 - e. Section 6 addresses those submissions on the subdivision provisions relating to public access.

1.4 In each case, Sections 2 to 6:

- i. provide a summary of the relevant provisions;
- ii. provide a brief overview of submissions received on the topic;
- iii. identify the key issues raised in submissions for our subsequent evaluation; and
- iv. evaluate the key issues remaining in contention and set out our decisions.

1.6 Section 7 provides an overall set of conclusions on matters addressed as part of Hearing Stream 6.

1.7 This Decision Report contains the following appendices:

- a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented throughout this Decision Report, where relevant.
- b. **Appendix 2: Summary table of decisions on each submission point.** For each submission point and further submission point we provide a decision as to whether it should be accepted or rejected.
- c. **Appendix 3: Amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we have determined to be made to the PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing changes from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors² have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

- d. **Appendix 4: Amendments to the Proposed Plan provision wording - Accepted.** This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have added. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the Plan Map Viewer.

² For the purposes of Hearing 3, these were Mr Horrell, consultant planner, and Ms Chambers, agribusiness and environmental consultant.

- 1.5 The requirements in clause 10 of the First Schedule and section 32AA of the Act are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:
- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
 - b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
 - c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our decisions are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.6 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements and may also include the s32 or s32AA assessments provided by submitters where Reporting Officers rely on those. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairarapaplan.co.nz/hearings>
- 1.7 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32/s32AA evaluation into the body of our report as part of our reasons for the decided amendments, as opposed to including this in a separate table or appendix.
- 1.8 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Ecosystems and Indigenous Biodiversity

Outline of matters addressed in this section

- 2.1 With respect to the PDP's approach to protecting and otherwise maintaining and enhancing ecosystems and indigenous biodiversity as set out in the ECO – Ecosystems and Indigenous Biodiversity chapter, this section of our Decision Report:
- a. addresses a number of overarching and inter-related issues relating to the application of the higher order policy framework, and specifically:
 - i. Section 6(c) of the RMA;
 - ii. the NPS-IB;
 - iii. the operative RPS; and
 - iv. Proposed Change 1 to the RPS, now that the period for referring decisions on submissions to the Proposed Change to the Environment Court has closed;
 - b. provides a summary of the relevant notified provisions;
 - c. provides a brief overview of submissions received on the provisions;
 - d. provides a summary of the recommended amendments that the Panel adopts; and
 - e. evaluates and sets out our decisions on the key issues remaining in contention; which we have identified as comprising the extent to which ECO chapter provisions:
 - i. relating to the identification and protection of areas of significant indigenous vegetation or habitats of indigenous fauna and the management of effects within those areas give effect to Section 6(c) of the RMA, the NPS-IB and RPS (inclusive of Proposed Change 1);
 - ii. relating to the management of effects on indigenous vegetation outside of areas of significant indigenous vegetation or habitats of indigenous fauna give effect to that higher order policy framework referred to in i. above;
 - iii. should exempt the development, operation, maintenance, or upgrade of renewable electricity generation activities or electricity transmission activities; and
 - iv. give effect to the NZCPS and RPS (inclusive of Proposed Change 1) where the protection of indigenous biodiversity in the Coastal Environment is concerned.

Higher Order Policy Framework

- 2.2 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Ecosystems and Indigenous Biodiversity Chapter.

Section 6 (c) of RMA

- 2.3 In the first instance, we consider Section 6(c) of the RMA, which identifies that “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna” is a matter of national importance, which shall be recognised and provided for when managing the use, development, and protection of natural and physical resources.
- 2.1 To achieve the purpose of the RMA and promote sustainable management, the PDP must identify and protect significant areas of indigenous vegetation and habitats of indigenous fauna as a matter of national importance. This will be considered in conjunction with the contested issues forming the final sub-section of this decision report.

NPS-IB

- 2.2 It is also important to set out our understanding of the application of the NPS-IB with respect to the PDP. This is in large part because the bulk of submissions and evidence remaining contested during the course of the hearing related to the extent to which the PDP, should, or could, give effect to that higher order direction, among others.
- 2.3 In that respect, it is worth noting that the period over which the PDP was prepared partly intersected with the lengthy development and evolution of the NPS-IB³. This two-horse handicap race was eventually only won by a nose by the NPS-IB, although it had started much earlier. The original version of the NPS-IB came into effect in July 2023, just ahead of the notification of the PDP in October 2023.
- 2.4 At first glance, that outcome might suggest that the PDP was obliged to give full effect to the NPS-IB upon the former’s notification, and that the implications of this higher order direction for the approach taken in the PDP would have been ascertainable somewhat in advance; not least through the release of exposure or consultation drafts in the lead-up to the NPS-IB’s adoption.
- 2.5 While clause 4.1(1) of the NPS-IB obliges local authorities to give effect to it “*as soon as reasonably practicable*”, the NPS appears to implicitly acknowledge that the preparation of, or change to, plans to give that required effect is a formidable task involving the building of a credible evidential base and community and landowner engagement and buy-in, in effectively affording councils time to undertake that groundwork in the lead up to publicly notifying the resulting plans or plan changes.
- 2.6 As it was originally worded, clause 4.2(1) of the NPS-IB 2023 required councils to publicly notify plans or changes to plans within five years of commencement (i.e. by 4 July 2028 at the latest) to give effect to subpart 2 of Part 3 relating to the identification and protection of SNA.

³ Well over a decade from inception (2010) to gazettal (2023).

- 2.7 That required timing as set out in the NPS-IB was amended in October 2024 by the Resource Management (Freshwater and Other Matters) Amendment Act 2024. This extended the timeframe for giving effect to subpart 2 of Part 3 to 31 December 2030⁴. The purpose of this delay was for the Government to give itself time to consider how SNA should be identified, assessed, and managed in the NPS-IB, and then, for councils to implement the resulting directives.
- 2.8 The only exception to this extension countenanced in the amended NPS-IB applies with respect to the giving of effect to clause 3.16, relating to the inclusion in plans of directions requiring significant adverse effects of activities on indigenous biodiversity outside SNA to be managed by applying the effects management hierarchy. Where these plan provisions are concerned, councils are still obliged to publicly notify them within five years of commencement⁵.
- 2.9 Having made these observations about the evolving higher order framework, we do acknowledge and accept the position presented by counsel for DoC and Forest and Bird that as the Amendment Act took effect after the PDP was notified, it does not impact on Councils' obligations to implement the NPS-IB.
- 2.10 Essentially, this comes down to a timing issue where the future Schedule 1 RMA process is concerned. Either the Councils' are held to the timeframes specified in the 2023 version of the NPS-IB, or the timeframes specified in the 2024 version. Respectively, these are July 2028 for SNA⁶ and July 2031 for non-SNA values⁷, and December 2030 for SNA⁸ and either July 2028 or October 2029 for non-SNA values⁹. In any event, the Councils have a reasonable period within which they are obliged to give full effect to the NPS-IB. It remains for the Councils to develop a programme for the required groundwork and engagement that corresponds with the available window under the NPS-IB.
- 2.11 In the next sub-section, we provide a summary of the ECO chapter provisions as notified observing, in doing so, that by the Councils' own admission they largely represent a roll-over of the provisions contained in the Operative District Plan, albeit with some limited amendments to align with the NPS-IB, without affecting the functionality of the PDP.
- 2.12 In this respect, it is the position of the Councils' that to do anything other than adopt the *status quo* was not feasible given:
- a. uncertainties surrounding the exact content and timing of the NPS-IB in the lead up to the notification of the PDP; and
 - b. the insufficient period (i.e., four months) between gazettal of the NPS-IB and the notification of the PDP to enable the retrofitting of the latter to align with the former.

⁴ Via new clause 4.2(2)

⁵ Via an amended clause 4.2(1)

⁶ clause 4.2(1), NPS-IB 2023

⁷ clause 4.1(2), NPS-IB 2023

⁸ clause 4.2(2), NPS-IB 2024

⁹ clause 4.2(1), NPS-IB 2024. The uncertainty here is over whether 'commencement date' refers to the NPS-IB 2023 or the NPS-IB 2024.

- 2.13 The Councils' have indicated their intention to undertake the necessary groundwork and engagement to develop provisions that are fully aligned with the requirements of the NPS-IB and other higher order direction and progress these by means of a Schedule 1 RMA process within the timeframes specified in the NPS-IB.
- 2.14 At this point, and prior to turning our minds to the detailed arguments and positions taken in evidence on contested matters, we set out some interim observations, as follows:
- a. to give full effect to the NPS-IB, particularly where the groundwork necessary to identifying SNA in accordance with NPS-IB criteria is concerned, is not a task to be underestimated;
 - b. it is difficult to see how the Councils' could have given anything other than limited effect to the NPS-IB in the notified version of the PDP, given the state of flux associated with the former, and the need for the groundwork referred to above to be undertaken on the basis of a settled approach to identification in a final version of the NPS-IB;
 - c. partly in acknowledgement of such situations, perhaps, the NPS-IB builds in an explicit 'grace period' within which councils are obliged to give full effect to it;
 - d. the Councils' concerned have indicated that they do not currently have the resources to undertake that groundwork and associated community engagement; and
 - e. even if the results of that work were available at this point in time, there appears to be no clear pathway under the current hearings process to substantially amend the provisions as notified as, in the interests of natural justice and fairness, it is apparent to us that the resulting provisions could only be progressed by way of a subsequent Schedule 1 RMA process (commensurate with the timeframes specified in the NPS-IB) so as to provide interested and affected parties with the ability to make submissions and have them heard.
- 2.15 Having reached these preliminary conclusions, the key question that remains for us to resolve is to determine what amendments to the PDP of a less substantial nature, that do not raise questions of natural justice and fairness, should and can be made in response to the relief sought in submissions, to bring its provisions more closely into alignment with the NPS-IB, and as an 'interim' measure in advance of a future Schedule 1 RMA process.
- 2.16 Necessarily, such amendments will likely need to be limited to the policy framework and associated matters of control and discretion in rules, as opposed to the wholesale identification of new SNA or substantive remodelling of controls relating to other indigenous biodiversity values. These are the matters we turn our minds to in the final sub-section of this Decision Report.

The Operative RPS

- 2.17 The final higher order document, in terms of its bearing on the PDP, that we need to account for, are the provisions of the Operative RPS. The second-generation RPS was made operative on 24 April 2013. The RPS contains a section on indigenous

ecosystems¹⁰ which contains one objective and references five policies¹¹. Under the umbrella of the objective, which seeks to ensure that indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state, the policies focus on the identification, protection and management of effects on such values. District plans are identified as a key vehicle for delivery of these policies which, given their operative nature, must be 'given effect to'¹².

- 2.18 The operative provisions of the RPS do not specify dates by which these mechanisms are to be put in place, but we do observe that they predate the advent of the NPS-IB, which does take that additional step.

Proposed Change 1 to the RPS

- 2.19 Proposed Change 1 to the RPS would have the effect of replacing or amending the Operative RPS provisions referred to above. As such, this is the final higher order direction that we need to give consideration to. As the provisions remain 'proposed', they are something to 'have regard to' where the PDP is concerned¹³; a lesser obligation than that applying to operative provisions.
- 2.20 Proposed Change 1 was notified in August 2022 and hearings took place over June 2023 to April 2024. The focus of Proposed Change 1 is to implement and support the NPS-UD and to start the implementation of the NPS-FM. It also addresses issues related to climate change and indigenous biodiversity. As such, it was developed and then publicly notified prior to the initial gazettal of the NPS-IB in July 2023.
- 2.21 As Ms Wheatley noted in her s42A Report¹⁴, in comparison with the notified version, the Decision Version of Proposed Change 1 incorporates substantive changes to the provisions relating to indigenous biodiversity, as a means of giving effect to the NPS-IB. Of particular relevance are amendments to Objective 16 and Policies 23, 24 and 47 that, collectively, insert deadline dates of 4 August 2028 for the identification and protection of sites with significant indigenous biodiversity values in district plans and provide guidance on how biodiversity offsetting and compensation should be undertaken, including limitations.
- 2.22 Decisions on submissions to Proposed Change 1 were released on 5 October 2024, in the same month that the NPS-IB was reissued with its amended implementation timelines, and a little over two months prior to the commencement of the hearing on the ecosystems and biodiversity topic in the PDP. The period for lodging references (appeals) on those decisions ended on 18 November 2024.
- 2.23 We have identified two reasons why our consideration of the Proposed Change 1 provisions must be tempered.

¹⁰ Section 3.6

¹¹ Objective 16 and Policies 23, 24, 47, 61 and 67

¹² s75(3)(c), RMA

¹³ s74(2)(a)(i)

¹⁴ para 39, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

- 2.24 Firstly, as we noted in our Index Report¹⁵, in response to a request from us¹⁶, Reporting Officers provided us with an inventory of Proposed Change 1 provisions that were subject to appeals to the Environment Court¹⁷. This inventory indicates that the provisions relating to ecosystems and indigenous biodiversity in Proposed Change 1 are broadly subject to appeal. Notwithstanding that the provisions are subject to appeal, they signal a significant shift in regional direction, are implementing national direction and must be given weight and genuine thought and attention.
- 2.25 Secondly, the deadline dates set out in Policies 23 and 24 are intended to align with those in the NPS-IB but, due to a sequencing issue, these represent the dates (July 2028) as they stood in the NPS-IB on its initial gazettal, and not as subsequently amended via the Amendment Act 2024 (to December 2030). In our minds, it is clear that given their incorporation into a nationally mandated higher order document, the deadline dates in the revised NPS-IB must take precedence over those set out in a regional RPS; especially one where the relevant provisions are subject to appeal.
- 2.26 **Table 1** below presents the earliest and latest timeframes for giving effect to the NPS-IB requirements, with specific provisions modified by the Amendment Act highlighted.

Requirement of NPS-IB	Timeframe for giving effect	
	Earliest	Latest
Clause 2.1: Objective e.g. overall maintenance of IB	As soon as reasonably practicable	4 August 2031
Clause 2.2: All policies except Policy 6	As soon as reasonably practicable	4 August 2031
Clause 2.2: Policy 6 (identify SNAs)	25 October 2027	31 December 2030
Clause 3.2 – 3.7: Procedural requirements to giving effect to NPS-IB e.g. decision making principles etc	As soon as reasonably practicable	4 August 2031
Clause 3.8(1), (6) and (8): requires a territorial authority to conduct assessments to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna that qualify as NPSIB SNAs areas of significant indigenous vegetation and significant habitats	25 October 2027	31 December 2030
Clause 3.8(2)-(6) and (7): Requires a territorial authority to use the assessment criteria stipulated in the NPS-IB when including new SNAs in a district plan.	As soon as reasonably practicable	4 August 2031

¹⁵ Section 3 in that Report

¹⁶ Via Minute 9, dated 4 December 2024

¹⁷ Supplementary Reply Statement – Response to Minute 9: Status of Provisions in Plan Change 1 [sic] to RPS, undated

Requirement of NPS-IB	Timeframe for giving effect	
	Earliest	Latest
Clause 3.9(1): requires a territorial authority to notify a plan or plan change to include areas identified as qualifying as NPSIB SNAs	25 October 2027	31 December 2030
Clause 3.9(2): requires a notified plan to include the location and attributes of identified SNAs.	25 October 2027	31 December 2030
Clause 3.9(3): requires that a local authority must, when doing its 10-yearly plan review, assess its district in accordance with clause 3.8(1) and (2) to determine whether changes are needed	25 October 2027	31 December 2030
Clauses 3.10 – 3.15, and 3.17: Directs how the adverse effects on identified SNAs are to be managed (including relevant exemptions)	As soon as reasonably practicable	4 August 2031
Clause 3.16: Directs how adverse effects on IB outside of SNAs is managed.	As soon as reasonably practicable	4 August 2028
Clauses 3.18 – 3.25: Procedural and specific requirements for territorial and regional authorities to follow when giving effect to the NPS-IB	As soon as reasonably practicable	4 August 2031
Clause 3.24: Information requirements	As soon as reasonably practicable	4 August 2028

Table 1: Timeframes for giving effect to the NPS-IB

Strategic Direction objectives in the PDP

- 2.27 Several strategic objectives are relevant to the Ecosystems and Indigenous Biodiversity topic and to key issues canvassed in this report. In particular, we emphasise the following objectives as amended by the Panel:

CCR-OX | Renewable electricity

Recognise the role of renewable electricity generation activities in meeting the New Zealand Government's national target for emissions reduction and generation of electricity from renewable resources to contribute to the transition to a low-carbon future.

HC-O2 | Tangata whenua identity and values

Sites and features that have special qualities and values that contribute to Rangitāne o Wairarapa and Ngāti Kahungūnu ki Wairarapa's sense of place and identity are recognised and protected.

NE-O1 | Natural character, landscapes, features, and ecosystems

Natural character, outstanding natural features and landscapes, and areas of significant indigenous vegetation and significant habitat of indigenous fauna

contribute positively to the Wairarapa's sense of place and identity.

NE-O5 | Integrated management

Freshwater, land, water bodies, ecosystems, and receiving environments are managed using an integrated approach, in collaboration with tangata whenua, the community, and other government entities.

NE-O6 | Healthy ecosystems

The biological diversity of indigenous species and habitats within the Wairarapa are maintained and enhanced, and restored where degraded.

- 2.28 Our observations and findings in relation to the application of Section 6 (c) of the RMA, the NPS-IB, Operative RPS and Proposed Change 1 to the RPS and the Strategic Direction objectives form a reference point for our consideration of contested matters in the final part of this section of this Decision Report.

Summary of the relevant notified provisions

- 2.29 In the PDP, provisions relating to the protection of SNA and the maintaining and enhancing of other ecosystem and indigenous biodiversity values are set out in the standalone ECO – Ecosystems and Indigenous Biodiversity chapter, as directed by the National Planning Standards 2019.
- 2.30 Following an introductory section, the ECO chapter, as notified, outlines a broad approach to managing indigenous biodiversity, represented by Objective ECO-O1 and Policies ECO-P1, ECO-P2, ECO-P9 and ECO-P10 which, respectively, address the importance of coordination, collaboration, support and encouragement and the promotion of public awareness where protection and enhancement initiatives are concerned.
- 2.31 From that general starting point, Objective ECO-O2 and Policies ECO-P3, ECO-P4, ECO-P5, ECO-P6, ECO-P11 and ECO-P12 then provide a framework for identifying, protecting and managing effects within or adjacent to significant indigenous vegetation and habitat; thereby aligning, to a greater or lesser extent, with the focus on SNAs in subpart 2 of Part 3 of the NPS-IB (and particularly clauses 3.8 to 3.15) that we have covered in the previous sub-section. Seventy-seven SNA are identified on the PDP Maps and listed in Schedule 5 to the PDP.
- 2.32 Sitting under this policy framework, Rule ECO-R1 sets out a limited set of circumstances in which the modification of indigenous vegetation is provided for as a permitted activity (and otherwise as a discretionary activity) within identified SNA. This includes works to remove pest plant species identified in Appendix ECO-1.
- 2.33 The second part of the policy framework relates to management of activities and effects on other indigenous vegetation, as represented by Policies ECO-P7 and ECO-P8. As such it tends to address the matters covered in clause 3.16 of the NPS-IB. Rule ECO-R2, together with Standard ECO-S1, set out the broader circumstances in which modification of indigenous vegetation is provided for as a permitted activity, establishing a default restricted discretionary status beyond that provision.
- 2.34 Rule ECO-R3 and Standard ECO-R2 establish controls on the keeping and fencing of goats on sites in proximity to the Natural Open Space Zone (which essentially

represents the public conservation estate).

- 2.35 Aside from mapping and listing SNA, PDP also lists 58 "Recommended Areas for Protection" (RAP) in Schedule 6. These areas were identified by DoC in 2004 as containing "indigenous biodiversity values of significance" although not to the extent that they are identified as SNA in the PDP. They are included in the PDP for informational purposes, and no policies, rules or standards are formally tied to their inclusion. In practice, we surmise, they would at least form a reference point to assist in determining whether the 'general clearance' controls (Rule ECO-R2 and Standard ECO-S1) apply, in combination with field work.
- 2.36 For completeness, we take the opportunity at this point to note that, as at the notification of the PDP, all the ECO chapter rules and standards took immediate legal effect under s86B(3) of the RMA.
- 2.37 To a large extent, with some exceptions, the ECO chapter provisions, as notified, represent a roll-over of the provisions contained in the Operative District Plan. In the intervening period since the original provisions became operative, the higher-level policy framework has evolved, as noted in the previous sub-section. As we shall see, questions over the extent to which the PDP provisions do, or do not (but potentially should) give effect to that national and regional framework lie at the heart of the contested matters before us.

Overview of submissions

- 2.38 As summarised in Ms Wheatley's s42 Report¹⁸, 164 submission points and 191 further submission points were received on the Ecosystems and Indigenous Biodiversity topic. Given that the PDP largely retains the *status quo* approach to managing ecosystems and indigenous biodiversity, many submitters have commented on the misalignment of the provisions with the NPS-IB, the Wellington RPS, and other higher order direction. As Ms Wheatley noted, the relief sought by submitters ranges from giving partial to full effect to these higher order directions¹⁹.
- 2.39 It is those contested matters relating to that degree of (mis)alignment that we need to turn most of our attention to. Firstly, however, and in line with the approach we have adopted in the other Decision Reports, we propose to cover off on other submission points to the ECO chapter provisions, that were generally not contested during the course of the hearing; where we adopt the recommendations of Reporting Officers²⁰ to partly or fully accept the submission points concerned together with consequential amendments to the provisions or, conversely, rejection of the points and no change to the provisions.

Recommended amendments that the Panel adopts

- 2.40 As mentioned above, a number of issues raised in submissions were addressed by Ms Wheatley in her s42A Report and Hearing Summary Statement in a manner which meant there was little residual disagreement or active contest by the time of the hearing. With respect to these issues, we adopt the Reporting Officer's recommendations for amendment and their accompanying reasoning and s32AA evaluations. In sum, these amendments principally involve:
- to the **introductory text** to clarify the approach of the ECO chapter in response to a submission from Forest and Bird²¹;
 - the inclusion of a reference to "*no overall loss*" of "*indigenous*" (as opposed to "*biological*") biodiversity in **Objective ECO-O1** to align better with the NPS-IB in response to a submission from the Māori Trustee²²;
 - the addition of a **new objective** recognising and providing for the relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna in response to a submission from the Māori Trustee²³;
 - minor amendments to **Policies ECO-P1, ECO-P3, ECO-P5 and ECO-P7** in response to submissions from Fish and Game, the Māori Trustee, GWRC and Forest and Bird²⁴ and in response to evidence presented by Ms Levenson on

¹⁸ para 15, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity, 18 November 2024

¹⁹ para 6, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity, 18 November 2024

²⁰ We note that Ms Wheatley was responsible for preparing the s42A Report and Summary Statement, whereas Mr Horrell and Wesney have latterly been involved in responding on this topic.

²¹ For the reasons set out in paras 362 and 376 to 379, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

²² For the reasons set out in paras 70 and 92 to 95, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

²³ For the reasons set out in paras 90 and 92 to 95, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity. In this respect we accept the advice of Reporting Officers in response to a query from us that we do not have sufficient scope to further amend the new objective in the manner suggested by Ms Bangi, for GWRC, for the reasons outlined in paras 32 to 26, Officer's Reply Statement – Ecosystems and Indigenous Biodiversity, undated

²⁴ For the reasons set out in paras 105, 119, 152, 191 and 226 to 229, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

behalf of Horticulture NZ and Ms Foster on behalf of East Leigh Ltd and Meridian Energy²⁵;

- e. amendments to Rule **ECO-R1** to clarify that trimming is permitted where required to address an imminent danger to an electricity line and to insert a new restricted discretionary activity rule where limitations on the nature of trimming for such purposes are not met, in response to a submission from Transpower²⁶;
- f. an amendment to Rule **ECO-R2** to remove reference to the Forests Act 1949 in response to a submission from DoC²⁷;
- g. an amendment to Standard **ECO-S1** to clarify the spatial application of clause (3)(b) in response to a submission from Transpower²⁸;
- h. an amendment to Rule **SUB-R7** relating to the subdivision of land within SNA to alter the consent status from a controlled to a restricted discretionary activity and include a cross-reference to Policy ECO-P6, in response to a submission from Forest and Bird²⁹;
- i. to amend the **definitions** for 'conservation activities', 'customary activities', 'modification' and 'significant natural area', to replace and further amend the definition for 'indigenous vegetation', and to correct a numbering error in relation to the definition for 'natural inland wetland' in response to submissions from DoC, Forest and Bird and Genesis Energy and in response to evidence presented by Ms Schipper on behalf of DoC and Ms Foster on behalf of Meridian Energy³⁰;
- j. to add the NPS-IB **definition** for 'biodiversity compensation', delete the notified definition for 'environmental compensation' and amend the definition for 'biodiversity offset' to align with that used in the NPS-IB in response to evidence presented by Ms Foster on behalf of Meridian Energy³¹; and
- k. to rectify errors arising from the tracked version of the ECO provisions not accurately reflecting certain recommendations in the accompanying s42A report³².

2.41 A more detailed summary of the nature of recommended amendments to the ECO chapter provisions that we have adopted and that collectively arose in response to both submissions is set out in Section 7 of the s42A Report³³ and additionally, and in

²⁵ For the reasons set out in paras 27 to 30, 56, 64 and 78, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

²⁶ For the reasons set out in paras 242 and 265 to 268, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

²⁷ For the reasons set out in paras 259 and 265 to 268, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

²⁸ For the reasons set out in paras 280 and 284 to 287, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

²⁹ For the reasons set out in paras 295 to 299, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

³⁰ For the reasons set out in paras 314, 324, 328, 329, 336 and 349 to 352, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity and paras 19, 29 and 78, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

³¹ For the reasons set out in paras 65 to 68 and 78, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

³² As set out in paras 77 and 78, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

³³ Section 7, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity and Section 5, Summary Statement – Ecosystems and Indigenous Biodiversity

relation to pre-circulated evidence, in Section 5 of Ms Wheatley's Summary Statement. Aside from Ms Wheatley's recommendations relating to contested matters, which we need to further consider in the light of all evidence presented to us, as set in the following sub-section, we also adopt her reasons for recommending the retention of the provisions as notified, in situations where she considered no amendments were warranted.

Decisions on key issues remaining in contention

- 2.42 Having set out our preliminary observations and findings with respect to higher order directives, summarised the PDP provisions as notified and the tenor of submissions and the recommendations of Reporting Officers that we are prepared to adopt, we are now in a position to evaluate and decide on the matters remaining in contention during the course of the hearing.
- 2.43 As a reminder, these matters comprise the extent to which ECO chapter provisions:
- a. relating to the identification and protection of areas of significant indigenous vegetation or habitats of indigenous fauna and the management of effects within those areas give effect to s6 of RMA, the NPS-IB and the RPS (inclusive of having regard to Proposed Change 1);
 - b. relating to the management of effects on indigenous vegetation outside of areas of significant indigenous vegetation or habitats of indigenous fauna give effect to that higher order policy framework referred to in a. above;
 - c. should exempt the development, operation, maintenance, or upgrade of renewable electricity generation activities/electricity transmission activities; and
 - d. give effect to the NZCPS and RPS (inclusive of Proposed Change 1) where the protection of indigenous biodiversity in the Coastal Environment is concerned.
- 2.44 In each case, and particularly where the first two matters are concerned, the extent to which the ECO provisions can give effect to higher order direction is in our view practically limited, for the reasons outlined in paragraphs 2.2 to 2.31 above. Our considerations in this sub-section are guided by our previous findings in this respect, and mean that we are generally focused on determining what improvements can be made to the provisions to further align them with that higher order direction:
- a. where that direction is sufficiently settled; and
 - b. where any amendments would not second-guess the outcomes of groundwork and community engagement required to support a Schedule 1 RMA process to more substantively give effect to that direction.

The identification and protection of SNA and management of effects

- 2.45 Having established the precepts above, the first matter we need to determine concerns the extent to which ECO chapter provisions relating to the identification and protection of SNA and the management of effects within those areas can give practical effect to s6 of the RMA, the NPS-IB and RPS (inclusive of having regard to Proposed Change 1).

- 2.46 In response to submissions from a number of entities including DoC, Forest and Bird, Genesis Energy and GWRC, the s42A Report³⁴ recommended reasonably substantive amendments to Policy ECO-P6 to incorporate the effects management hierarchy set out in the NPS-IB. Ms Wheatley also proposed an amendment to Policy ECO-P4 to directly cross-reference the amended Policy ECO-P6. In Ms Wheatley's view, those amendments to align with the NPS-IB were achievable without significantly departing from the *status quo* approach that the PDP necessarily took, and presented no difficulties in implementing Rules ECO-R1 and ECO-R2.
- 2.47 As we have alluded to previously, that *status quo* approach, in Ms Wheatley's words, represented:
- "an interim approach while the Councils collect further information and undertake further processes required in order to give effect to the NPS-IB. To date, the provisions of the Operative District Plan have so far been effective and efficient in meeting the objectives to protect, maintain, and restore indigenous biodiversity across the Wairarapa, and it is therefore unlikely that any significant losses to indigenous biodiversity values will occur while this work is undertaken."*³⁵
- 2.48 In this context, Ms Wheatley also recommended an amendment to Policy ECO-P3 to include, as a potential means of identifying SNA, through resource consent processes applying the significance criteria set out in the RPS, in response to submissions from DoC and Forest and Bird. In her view, a cross-reference to the RPS criteria is preferable to those contained in the NPS-IB, given the Government's signalled intention to review the latter³⁶.
- 2.49 Legal submissions presented by Mr Williams on behalf of Forest & Bird³⁷ set out the Society's position that the reliance on a *status quo* approach would be inappropriate as it would not fulfil the overarching obligation to give effect to NPS-IB *"as soon as reasonably practicable"*³⁸ or the operative RPS.
- 2.50 Mr Williams did, however, indicate that Forest and Bird supported Ms Wheatley's recommendation to include the full effects management hierarchy into Policy ECO-P6, thereby giving partial effect to clause 3.10 of the NPS-IB, and to amend ECO-P3 in the manner described above. However, in relation to SNA, the society continued to request that:
- a. the avoidance policies set out in NPS-IB clause 3.10(2) be included in the PDP and apply with respect to the SNA identified in the PDP;
 - b. Policy ECO-P3 be further amended to *"identify and protect"* SNA as a means of giving effect to the Operative RPS, and to ensure that records are kept for the purposes of future resource consenting and plan making, pending the Schedule 1 process anticipated by the NPS-IB;
 - c. the definition for 'significant natural area' be amended to refer to other areas

³⁴ paras 133, 170 and 226 to 229, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

³⁵ para 11, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

³⁶ paras 120 to 122 and 226 to 229, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

³⁷ Legal Submissions on behalf of the Royal Forest and Bird Protection Society of New Zealand Incorporated for Hearing Stream 6, 13 December 2024

³⁸ Clause 4.1(1)

that meet the RPS significant criteria, including those identified through resource consent processes; and

- e. that spatial limits on permitted clearance within SNA should be included in Rule ECO-R1 to improve clarity and remove ambiguity.
- 2.51 We heard similar legal submissions by Ms Anton on behalf of DoC in relation to the broad obligation on councils to give effect to the NPS-IB as soon as reasonably practicable³⁹. Both she and Ms Schipper (DoC's planning witness) did acknowledge that the PDP was not required to give full effect to the NPS-IB at this stage, and that a separate Schedule 1 RMA process was necessary to fully give effect to both it and the RPS.
- 2.52 Ms Schipper, for DoC, proposed a series of amendments to the ECO chapter, including the definition for 'significant natural area' and to the policy framework and rules to specify stricter controls on activities both within SNA (and for areas outside SNA), and provide a 'cohesive path' for assessing proposals in areas not already identified as SNA in the PDP, as a means of giving greater effect to the NPS-IB.
- 2.53 In her evidence on behalf of GWRC, Ms Bangi acknowledged Ms Wheatley's partial acceptance of the relief sought by GWRC inclusive of the incorporation of the effects management hierarchy in Policy ECO-P6, but sought further amendments to this policy and to other provisions to bring the PDP into further (or even 'full') alignment with the NPS-IB and RPS (both operative and Proposed Change 1 elements).
- 2.54 In her Summary Statement, Ms Wheatley did recommend a consequential amendment to the definition for 'significant natural area' to include a similar cross-reference to RPS criteria, in response to the request from submitters above⁴⁰.
- 2.55 The above changes, in her view, were achievable in the context of the *status quo*; an approach she did not resile from, noting that SNA identified in this way could only be incorporated into the District Plan by way of a Schedule 1 RMA process (e.g., the future amendment intended to give full effect to higher order directions).
- 2.56 In that context, Ms Wheatley indicated she was not otherwise amenable to the detailed requests outlined in evidence presented by Ms Schipper and Ms Bangi as, in her view, they would stray too far from the *status quo* approach, did not acknowledge the level of uncertainty arising from the Government's stated intention to revisit a national approach to identifying and protecting SNA, and would not be appropriately adopted in advance of that review⁴¹.
- 2.57 We note at this point that, consistently, throughout the presentation of their case, Council Reporting Officers have emphasised that, in their view, the provisions of the Operative District Plan have been effective in managing indigenous biodiversity values to date and that there is "limited risk" in continuing with the *status quo* approach in the interim before the work required to support a Schedule 1 RMA process bears fruit and higher order directions can be given effect to in an integrated and logical manner.

³⁹ Legal Submissions for the Director-General of Conservation, 12 December 2024

⁴⁰ para 19, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

⁴¹ paras 23 and 48, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

- 2.58 The Councils' broad position in this regard was ably summarised by Mr Horrell in his Supplementary Reply Statement⁴². We consider this bears repeating in part as follows:

The PDP was notified on 5 October 2023. The Section 32 Report for the Ecosystems and Indigenous Biodiversity topic considered options for giving effect to the NPS-IB; however, the overall conclusion was that there was too greater risk of acting on uncertain and insufficient information in accordance with Section 32(2)(c) of the RMA to give substantive effect at that time. The following reasons were provided in support of this conclusion:

- i. A comprehensive assessment of significant natural areas throughout the Wairarapa has not been undertaken and could not be undertaken in accordance with the NPS-IB criteria with the District Plan review timeframe,*
- ii There is insufficient information generally regarding indigenous biodiversity throughout the Wairarapa to revise general clearance standards,*
- iii Due to the timeframes, there is an inability to give effect to the 'decision-making principles' as required by the NPS-IB which will require effective partnership with tangata whenua.*

The PDP rather adopted an approach that generally retained the 'status quo'. This approach relying on both regulatory and non-regulatory methods for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, and the maintenance of indigenous biodiversity generally. The regulatory methods for protection set limitations on activities and effects on identified Significant Natural Areas (SNA), which reflect a 'roll over' of SNAs identified in the Operative District Plan.

- 2.59 To test the Reporting Officers' premise regarding the 'effectiveness' of the operative provisions and the 'limited risk' presented by their roll-over, and aid our contextual understanding, we posed a number of questions at the close of the hearing. Specifically, and in relation to scheduled SNA (or potential SNA), we asked Reporting Officers to indicate:

- a. How many scheduled SNA have a covenant or other form of legal protection?*
- b. How many QEII National Trust covenants⁴³ are there within the Wairarapa that are not scheduled SNAs?*
- c. How many RAPs have a covenant or other form of legal protection?*
- d. Has the total area of land legally protected by other instruments (e.g., QEII National Trust covenant) changed since the Operative Plan was made operative in 2011? If so, what is the total land area of this increase?*
- e. Would the SNA criteria in the NPS-IB and RPS support the scheduled SNAs in*

⁴² paras 5 and 6, Supplementary Reply Statement – Minute 19: Further Directions Associated with Hearing 6 (Ecosystems and Indigenous Biodiversity), 28 February 2025

⁴³ Under the Queen Elizabeth the Second National Trust Act 1977

the Proposed District Plan? Or would the spatial extent of the SNAs change?

f. What timeframe are the Councils planning for giving effect to the NPS-IB in terms of scheduling Significant Natural Areas?

2.60 The Reporting Officers addressed these questions in their collective Reply Statement⁴⁴. From this we gleaned the information that:

- a. some 51% of scheduled SNA are either partially or fully subject to some form of legal protection outside the PDP;
- b. some 221 parcels of land in the Wairarapa that are not otherwise scheduled in the PDP are protected by QEII National Trust covenants;
- c. it is not possible to advise how many RAP enjoy some form of legal protection given data quality issues;
- d. protective mechanisms have been imposed on land totalling just under 600 ha. in area in the Wairarapa since 2011;
- e. it is not possible to determine whether scheduled SNA would meet NPS-IB or RPS criteria for identification and whether that might lead to spatial changes, given the lack of historical information regarding their original delineation; and
- f. that the planning timeframe for giving full effect to the NPS-IB could not be confirmed as it relied on budget provisions by the Councils that were not yet made, but that the Councils were cognisant of the December 2030 deadline for a Schedule 1 RMA process imposed by the NPS-IB.

2.61 In the view of the Reporting Officers, the field work required to address the information gap noted in e. above would be best undertaken as part of a comprehensive approach to the development of that future Schedule 1 RMA process.

2.62 Relatedly, Reporting Officers also indicated, in response to queries from us, that the Councils had not undertaken state-of-the-environment or District Plan effectiveness monitoring in relation to ecosystems and indigenous biodiversity, nor had undertaken any enforcement actions in relation to the topic in the last ten years.

2.63 In the absence of active monitoring, we cannot comprehensively conclude from this enforcement 'inaction' that there has been no loss of biodiversity; however, neither have we been presented with any evidence to the contrary (e.g., examples of wholesale clearance in contravention to the operative provisions). On balance, in our minds, this tends to support the Council's position that there is at most "limited risk" in retaining the *status quo* approach in the intervening period before the additional protections in higher order directions can be brought to bear by way of a Schedule 1 RMA process.

2.64 Finally, the Officers' Reply Statement⁴⁵ also provided a response to queries that go to the first of the three fundamental issues before us, namely the extent to which

⁴⁴ paras 4 to 18, Officer's Reply Statement – Ecosystems and Indigenous Biodiversity, undated

⁴⁵ paras 19 to 24, Officer's Reply Statement – Ecosystems and Indigenous Biodiversity, undated

the PDP is able to give effect to higher order directions with respect to the identification and protection of SNA, and the managing of the effects of activities on SNA. Our verbal queries outlined during the hearing to the Reporting Officers were as follows:

- a. Does Change 1 to the Wellington RPS amend the indigenous biodiversity policies in the RPS? If so, does the Proposed Plan give effect to these amended policies?*
- b. Does the Proposed Plan give effect to clause 3.10(2) in the NPS-IB?*
- c. Discuss the requirements to give effect to Policies 23 and 24 in the Wellington RPS on identifying and protecting SNAs and explain how the Proposed Plan gives effect to these policies, including the relevance of RAPs.*

2.65 The responses of Reporting Officers on the above matters can be summarised as follows:

- a. Proposed Change 1 amends RPS Policies 23 and 24 to insert timeframes to undertake comprehensive mapping of SNA and include these in district plans in accordance with the August 2028 timeframes set out in the originally gazetted version of the NPS-IB.
- b. Proposed Change 1 also introduces Policies 24A and 24B which, respectively, prescribe the circumstances in which biodiversity offsetting and compensation are applied and requiring that district plans, also by August 2028, include provisions specifying the adverse effects that are to be avoided in SNA while otherwise applying the effects management hierarchy in relation to specific activities, and describe the limited circumstances in which activities are allowed in SNA.
- c. The giving of full effect to the amended RPS policies (beyond recommended changes in the PDP to align the definitions for biodiversity offsetting and compensation) and clause 3.10(2) of the NPS-IB is only something that can be achieved as a result of the groundwork referred to earlier and that in its current absence, the PDP can only give, at most, partial effect to the direction in the interim.

2.66 In their Reply Statement, Reporting Officers identified errors and omissions in Schedule 5 and in the definitions for 'biodiversity offsetting' and 'biodiversity compensation' that can be corrected with reference to clause 16, Schedule 1, RMA⁴⁶.

2.67 To sum, then, Reporting Officers are of the view that all that can be done to align the PDP provisions with higher order directions has been, in terms of their final recommendations, without departing from a *status quo* approach; in anticipation that full alignment would be achieved via a Schedule 1 RMA process, commensurate with to-be-settled methodologies and in accordance with the allowable timeframes set out in that national direction.

⁴⁶ paras 18 and 37, Officer's Reply Statement – Ecosystems and Indigenous Biodiversity, undated

- 2.68 We find ourselves in agreement with this position. We are of the view that, with respect to SNA, all the potential improvements to further align the PDP provisions with that higher order direction have been identified in evidence presented by the Reporting Officers, in a context where, as set out in paragraph 2.63 above, that direction is sufficiently settled and the amendments concerned would not second-guess the outcomes of groundwork and community engagement required to support the necessary Schedule 1 RMA process (which the submitters accept is a necessity). To be clear, then, we accept and adopt the recommendations for amendment summarised in paragraphs 2.49, 2.51, 2.53 and 2.57 of this Decision Report.
- 2.69 From our perspective, the outcome is adequate albeit not optimal, in that in adopting the proffered recommendations for amendment, the PDP will go forward with an approach that does not give full effect to higher order directions. However, we see this as an inevitability, given the long and uncertain gestation of the NPS-IB, the current limited weight to be given to RPS provisions that are subject to appeal, the timing of the development of the PDP relative to those higher order initiatives, and the absence of sufficient up-to-date information regarding indigenous biodiversity values in the Wairarapa.
- 2.70 We also perceive that the risks to indigenous biodiversity values in the intervening period ahead of the Schedule 1 RMA process are reduced by the backstop that the PDP provisions, building on the legacy of the Operative District Plan provisions, will provide. Submitters can take succour from the clear obligation that the Councils have in terms of achieving full alignment with national directives within a defined period, as set out in the NPS-IB.

Indigenous vegetation outside of areas of significant indigenous vegetation

- 2.71 The second matter we need to determine concerns the extent to which ECO chapter provisions relating to the management of effects on indigenous vegetation outside of areas of significant indigenous vegetation or habitat can give practical effect to s6 of RMA, the NPS-IB and RPS (inclusive of Proposed Change 1).
- 2.72 In contrast to the reasonably substantive amendments recommended by the Reporting Officer in response to submissions from DoC, GWRC and Forest and Bird, relating to the management of effects within SNA, Ms Wheatley initially recommended that no amendments be made to provisions focusing the management of effects on indigenous vegetation outside SNA.
- 2.73 In Ms Wheatley's view⁴⁷, the requested amendments would shift the approach to managing non-SNA biodiversity values away from the *status quo* as an interim measure in advance of the anticipated Schedule 1 RMA process to give full effect to the NPS-IB.
- 2.74 We subsequently heard legal submissions and evidence from the submitters concerned maintaining that the provisions, as unamended, failed to give effect to clause 3.16 in the NPS-IB which, in part, required the application of the effects management hierarchy as a basis for managing significant adverse effects on indigenous biodiversity outside SNA. In that absence, submitters contended:

⁴⁷ paras 188, 191, 201, 202, 260, 278, 281 and 282, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity

- a. Policy ECO-P7 appeared to encourage the clearance of indigenous vegetation;
 - b. the requirement to 'avoid, remedy or mitigate' adverse effects in Policy ECO-P8 did not reflect the correct sequential approach the managing such effects in higher order directives; and
 - c. Rule ECO-R2 and Standard ECO-S1 provided overly wide avenues to facilitate that clearance.
- 2.75 Submitters identified these matters as a weakness of the ECO chapter provisions, particularly in the absence of the giving of full effect to higher order obligations with respect to SNA.
- 2.76 Ms Wheatley did not subsequently resile from her view that no substantive amendments could be made to provisions relating to non-SNA values in advance of the future review, not least because of the impact on landowners, who would not otherwise be provided with an opportunity to engage on their implications⁴⁸.
- 2.77 Relatedly, we did ask Reporting Officers at the close of the hearing to consider the option of excluding RAPs from Standard ECO-S1 including whether there might be scope to affect this.
- 2.78 The purpose of doing so was to explore whether, in excluding vegetation modification in RAP from the constraints imposed under Standard ECO-S1 (and therefore Rule ECO-R2), control of such an activity would fall to legal mechanisms such as QEII Trust covenants. Reporting Officers responded that they did not consider this to be an efficient or effective option and did not recommend that it be considered further⁴⁹, and we let the matter rest there.
- 2.79 More substantively, we sought via a post-hearing Minute⁵⁰ to establish to what extent the PDP gave effect to clause 3.16 of the NPS-IB with respect to indigenous biodiversity values outside SNA.
- 2.80 In doing so, we alluded to the critique of the PDP's approach in respect as set out in the legal submissions presented by Mr Williams on behalf of Forest and Bird⁵¹. Specifically, we asked Reporting Officers to give a broad consideration to that critique and in particular to specifically considering the following matters:
- a. *the assertion that the PDP in its "current form" (i.e. as notified and otherwise as recommended for amendment by Reporting Officers) lacks policy directed towards the maintenance of indigenous biodiversity outside SNAs⁵²;*
 - b. *the suggestion that the effects management hierarchy should be applied to activities with significant adverse effects on indigenous biodiversity outside SNAs⁵³; and*

⁴⁸ paras 22 and 48, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

⁴⁹ paras 10 to 11, Officer's Reply Statement – Ecosystems and Indigenous Biodiversity, undated

⁵⁰ Minute 19, dated 19 February 2025

⁵¹ paras 34 to 39, Legal Submissions on behalf of the Royal Forest and Bird Protection Society of New Zealand Incorporated for Hearing Stream 6, 13 December 2024

⁵² *Ibid*, para 37

⁵³ *Ibid*, para 38

- c. *the observation that, to the contrary, Policy ECO-P7.a. – b. appears to encourage indigenous vegetation clearance*⁵⁴.

2.81 As part of preparing their response, we requested that Reporting Officers:

- a. identify any further amendments to the ECO chapter provisions that they consider are required to address the concerns expressed in the legal submissions, to the extent that those concerns are considered valid;
- b. identify the available scope in submissions for making such amendments (if need is identified); and
- c. provide a suitable s32AA evaluation to accompany any such recommendations for amendment.

2.82 In responding to a. immediately above we anticipated that Reporting Officers would determine, on a non-prejudicial basis, whether there was scope in submissions and proffered evidence to introduce the effects management hierarchy into Policy ECO-P8 and insert more precise metrics relating to vegetation modification into Rule ECO-R2.

2.83 We acknowledge that Mr Horrell provided us with a Supplementary Reply Statement⁵⁵ on the matters above following our request. On the matters set out in both paragraphs 2.83 and 2.84 above, Mr Horrell's advice can be summarised as follows:

- a. That it was reasonable to infer that, at a minimum, the PDP should not enable activities that could give rise to significant adverse effects (with reference to the application of the effects management hierarchy in NPS-IB clause 3.16).
- b. That, consequentially, Policy ECO-P8 should be amended to include the effects management hierarchy to manage significant adverse effects on indigenous vegetation and habitats of indigenous fauna.
- c. That, in relation to changes requested by submitters to ECO-P7, ECO-R2 and ECO-S1, as they apply modification of indigenous vegetation outside SNA and, with reference to a s32AA evaluation, there remains too greater risk of acting on insufficient information to adopt the requests.
- d. Specifically, that there was insufficient information to indicate that the *status quo* had been ineffective or to constitute the social, economic and cultural costs of adopting the alternative option.

2.84 On that basis, Mr Horrell did not recommend that the changes sought by Forest and Bird be accepted, although he acknowledged that there existed suitable scope to make them. However, in the event that we were minded to accept (wholly or in part) the relief sought by Forest and Bird, Mr Horrell provided us with a version of Policy ECO-P7 and Rule ECO-R2 which effectively expunged the enabling of the removal of kanuka, manuka and tauhini species and other, lower-level vegetation as a permitted

⁵⁴ *Ibid*, para 39

⁵⁵ Supplementary Reply Statement – Minute 19: Further Directions Associated with Hearing 6 (Ecosystems and Indigenous Biodiversity), 28 February 2025

activity outside SNA (and also would see the deletion of Standard ECO-S1 in full).

- 2.85 We appreciate Mr Horrell's openness to further considering means, at this point, to bring the ECO chapter provisions relating to indigenous biodiversity outside SNA into closer alignment with the RMA, the NPS-IB and regional-level directives. This being of course to the extent that that exercise proved feasible, given the constraints that we alluded to in paragraph 2.50 and associated with working within and to higher-level direction that is sufficiently settled and where the amendments concerned would not second-guess the outcomes of groundwork and community engagement required to support the necessary Schedule 1 RMA process to give full effect to that direction.
- 2.86 On this matter, we agree with Mr Horrell's view that the giving of full effect to the NPS-IB and development of methods for achieving maintenance of indigenous biodiversity throughout the Wairarapa are most appropriately considered as a full package rather than in isolation.
- 2.87 As Mr Horrell also usefully observed, the NPS-IB establishes that, in the giving of effect to it, certain procedural principles must be followed, including transparency and quality parameters regarding the gathering of information, partnering with tangata whenua, and engaging with landowners, people and communities⁵⁶.
- 2.88 This strongly suggests to us that the Councils' need to bring the broader community with them to develop a comprehensive approach to fully implementing the NPS-IB and that that can only occur with reference to a Schedule 1 RMA process, beyond a certain point where options for adjusting the interim framework within the PDP have been practically exhausted.
- 2.89 It is our view that that point has been reached with respect to the final set of amendments recommended by Reporting Officers in relation to non-SNA values. To be clear then, we accept and adopt the recommendations and associated s32AA reasoning of Reporting Officers to amend Policy ECO-P8 summarised in paragraph 2.86b. above, and not also the additional amendments to PDP provisions requested by Forest and Bird as referred to in paragraph 2.87 above.
- 2.90 As we have stressed both here and in the Index Report⁵⁷, the time that the Councils have at their disposal to give full effect to the NPS-IB by way of a Schedule 1 RMA process may at first glance seem generous, but the mahi involved is not to be underestimated. We would encourage the Councils to allocate the necessary funding and develop a detailed programme for the Schedule 1 RMA exercise at the earliest opportunity.

Renewable electricity generation and electricity transmission activities

- 2.91 The third issue we need to resolve is the extent to which the ECO provisions should exempt the development, operation, maintenance, or upgrade of renewable electricity generation activities or electricity transmission activities.
- 2.92 This is another matter which harks back to higher order directives and, specifically in this case, the relationship between the NPS-IB, the NPS-REG and the NPS-ET.

⁵⁶ NPS-IB clauses 3.2, 3.3 and 3.8

⁵⁷ Para 2.36 of the Index Report

Notably, clause 1.3(3) in the NPS-IB states that:

"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not "specified infrastructure" for the purposes of this National Policy Statement."

- 2.93 The matter arose in submissions from Genesis Energy, Meridian Energy and Transpower, concerned with the degree of (mis)alignment between the PDP ECO chapter provisions and the above directive in the NPS-IB; essentially, the ECO chapter provisions neglected to carve out appropriate exemptions in relation to the activities concerned. This matter straddles the line between this report topic and the Energy and Network Utilities topics. Accordingly, our evaluation here should be read in conjunction with the corresponding sections in Decision Report 7.
- 2.94 In her s42A Report, Ms Wheatley recommended some amendments to Policies ECO-P7 and ECO-P8 and Rules ECO-R1 and ECO-R2 to reduce potential barriers to consent for the modification of indigenous vegetation where it related to the functional or operational needs of infrastructure activities (notably activities/facilities associated with electricity transmission and renewable energy regeneration).
- 2.95 Having then considered the pre-circulated evidence of Mr Matthews for Genesis Energy, Ms Foster for Meridian Energy, and Ms MacLeod for Transpower, Ms Wheatley recommended some additional amendments to better align Policies ECO-P5 and ECO-P8 with the clause 1.3(3) exemptions for renewable electricity generation and electricity transmission network activities and the enabling tenor of the NPS-REG and NPS-ET⁵⁸.
- 2.96 She also recommended the insertion of new policies into the PDP to manage the effects of renewable electricity generation and electricity transmission activities on the natural values protected by overlay chapters (including the ECO chapter). She suggested that these policies could either be inserted into the overlay chapters, or the Energy and Network Utilities chapters and signalled her interest in working with the planning witnesses for Meridian Energy, and Transpower to develop the specific wording of these provisions and determine where they should sit in the PDP⁵⁹.
- 2.97 Consequentially, we directed expert conferencing between Reporting Officers, the planning witnesses for the network utility operators and additionally those for GWRC and DoC, on how best to recognise the exemptions within the NPS-IB for renewable energy generation and electricity transmission assets and activities occurring within SNAs, and their relationship to Policies ECO-P4 and ECO-P6. Welcoming Ms Wheatley's offer, we also directed expert conferencing on a policy or policies for electricity transmission activities within the natural environment overlays.
- 2.98 We asked the conferencing experts to advise what the most appropriate policies are to recognise the exemptions for renewable electricity generation activities and electricity transmission activities in the NPS-IB (and noting potential interactions with

⁵⁸ para 76, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

⁵⁹ para 41, Officer's Hearing Introduction Summary Statement – Ecosystems and Indigenous Biodiversity

policies ECO-P4 and ECO-P6). We noted also that proposed RPS Change 1 includes a new policy (24D) on this matter which might provide a useful starting point.

- 2.99 We subsequently received a joint witness statement (JWS) from planning witnesses for various parties to Hearings 6 and 7 dated 17 March amongst other documents included in the Councils' reply statement and bundle for Hearing 7.
- 2.100 Notwithstanding that we asked the experts to consider both renewable electricity generation *and* electricity transmission activities, the experts unilaterally decided that discussions should be focused on the former only and their relationship with relevant provisions in the ECO chapter. The experts further noted that:
- a. the Panel previously directed conferencing between the Council and Transpower in Minute 18 on the possibility of producing bespoke National Grid provisions relating to all district-wide chapters; and
 - b. that separate process may be the appropriate forum to address the Panel's directions summarised above as relates to electricity transmission.
- 2.101 Notably, the conferencing experts agreed to the inclusion of a new policy – 'ECO-PX' – which addresses renewable electricity generation activities within significant natural areas or significant habitats of indigenous fauna, and to consequential amendments to other relevant provisions.
- 2.102 Having considered the JWS and the subsequent reasons and s32AA evaluation provided by Mr Wesley who had assumed reporting responsibility from Ms Wheatly in his reply statement on the Energy Topic⁶⁰, the Panel is satisfied that the recommended policy of the conferencing experts provides appropriate direction to implement the relevant higher order direction from both the NPS-IB and the NPS-REG. There were, however, three related matters arising from the conferencing which we need to address in further detail.
- 2.103 Firstly, the JWS provided a placeholder for a reference to two appendices that detail the principles for applying biodiversity offsetting and biodiversity compensation in both the ECO-PX and the associated definitions. It was apparent that all participants of the JWS agreed that those principles should reflect the same principles that are specified in Appendices 3 and 4 of the National Policy Statement for Indigenous Biodiversity 2023. However, the JWS indicated two options for the Panel's consideration to achieve this⁶¹, being either:
- a. Provide a direct cross reference to Appendices 3 and 4 of the NPS-IB in the definitions and ECO-PX⁶²; or
 - b. Embed those principles into the PDP by preparing two new Appendices that reflect the NPS-IB⁶³ and subsequent changes to the definitions and ECO-PX to reference those Appendices.
- 2.104 The Panel adopt the first option to provide the direct cross reference as we consider it is more efficient and avoids any confusion for plan users as to where those

⁶⁰ Officer's Reply Statement Energy Topic, para 36-41

⁶¹ Paragraphs 14 – 19 of the JWS.

⁶² Clause (c).

⁶³ A note was also recommended to clarify how Table 17 and Appendix 1A of Plan Change 1 to the Regional Policy Statement relates.

principles have been derived.

- 2.105 Secondly, the Panel observed an apparent lack of consistency in terminology used for describing areas and resources of relevance to the ECO chapter. We sought assistance from the parties on this matter at the integration hearing and it is addressed further. Those matters were resolved to our satisfaction during the integration hearing courtesy of drafting recommendations from Ms Fallowfield who had more recently assumed reporting responsibility from Ms Wheatly and Mr Wesney. In summary those refinements include:
- a. Whole of plan: Amend any reference to 'Functional need and operational need' to 'Functional or operational need'
 - b. ECO chapter: Address lack of consistency in the terminology used to describe areas and resources of relevance to indigenous biodiversity.
- 2.106 Thirdly, experts who participated in the conferencing on this matter for GWRC and DOC – Ms Bangi and Ms Schipper – also sought directions in the JWS from the Panel to: enable participation by those experts in the separate conferencing the Panel had directed in Minute 18; and set out a process for additional provisions to be prepared to address a gap identified by Ms Bangi and Ms Schipper in conferencing regarding Energy and Indigenous Biodiversity matters.
- 2.107 Upon receiving the JWS, the Panel issued preliminary directions on 21 March 2025 as follows:

5. Prior to responding to the direction sought by the JWS parties, the Hearing Panel has identified particular matters relating to the scope for any consequential amendments (particularly new rules/standards) arising from proposed new Policy ECO-PX; noting this new policy is already a consequential amendment arising from submissions on notified policies in the PDP. The Hearings Panel notes several parties made submissions on the policies and rules in the ECO Chapter in the PDP, and any consequential amendments arising from this proposed new policy may raise fairness and natural justice issues for those parties not involved in the formulation of any consequential new rules/standards to give effect to proposed new Policy ECO-PX.

Direction

- 6. In this context and before committing the JWS parties to the time and cost associated with the further expert evaluation (e.g. ecological and planning conferencing mentioned in the JWS), the Hearing Panel needs to be certain there is scope for these additional consequential amendments (rules and/or standards) arising from new Policy ECO-PX. The Panel requests that:*
- 1. Greater Wellington Regional Council and the Director General of Conservation to outline in detail the scope for the additional consequential amendments arising from new Policy ECO-PX.*
 - 2. Any of the parties involved in the recently completed conferencing to respond (either individually or preferably collectively) to the natural justice and fairness issue raised in paragraph 5 above.*
- [footnote omitted]

- 2.108 We subsequently received various documents in response to the above. Firstly, we received legal advice from DLA Piper on behalf of GWRC providing analysis of scope.

Their opinion is that sufficient scope is available to include consequential provisions but any questions as to natural justice or fairness would be a matter for the Panel. That advice was supported by Ms Katherine Anton on behalf of DOC.

- 2.109 Included in the response bundle from DOC and GWRC was a supplementary statement of evidence from Ms Bangi and Ms Schipper, which recommended amendments to rule provisions to implement the new policy ECO-PX.
- 2.110 Mr Andrew Feierabend, on behalf of Genesis Energy and Meridian Energy, also provided a brief response to the Panel to express concerns as to fairness and natural justice with additional provisions being applied.
- 2.111 Mr Horrell and Mr Wesney accepted the legal advice from DLA Piper, but shared Mr Feierabend's view that the new provisions sought by GWRC and DOC raise matters of fairness and natural justice. In their view, the amendments sought in the respective submissions of these parties are materially different to the changes sought in the supplementary statement prepared by Ms Bangi and Ms Schipper.⁶⁴
- 2.112 We subsequently invited the Councils and other relevant submitters to comment on the substance of the amendments proposed by Ms Bangi and Ms Schipper. The only response we received was from Mr Wesney, as follows:
- a. Mr Wesney supported the other experts' recommended amendments of the term 'indigenous vegetation' with 'indigenous biodiversity' in various matters of control/discretion, though he noted this would be subject to recommendations by others at the integration hearing;
 - b. on the understanding that effects on significant natural areas and significant effects on all other indigenous biodiversity should be considered where consent is required under Rule ENG-R3(3), he supported the additions to the matters of discretion as proposed by Ms Bangi and Ms Schipper; and
 - c. Mr Wesney did not consider there to be sufficient evidence to support the vegetation clearance limit proposed by Ms Bangi and Ms Schipper, though in acknowledging 'somewhat of a gap' in that regard, a more appropriate solution to address potential effects of community scale renewable generation activities on indigenous biodiversity, in Mr Wesney's view, would be to cross reference standard ECO-S1 under energy rules ENG-R4 and ENG-R5.⁶⁵
- 2.113 In addressing this matter, we firstly acknowledge the efforts of many to assist us across multiple hearing streams, joint witness conferences and through responses to multiple minutes issued by us. This was one of the more involved and nuanced integration matters for the Panel to address.
- 2.114 Having carefully considered the matter, we are only prepared to adopt the minor terminology changes as confirmed in the integration hearing (and summarised above) in response to the recommendations of Ms Bangi and Ms Schipper. This is due to reasons both of fairness and appropriateness.
- 2.115 In terms of procedural fairness, we are firstly hesitant to adopt limits on vegetation

⁶⁴ Officer's Supplementary Reply Statement Ecosystems and Biodiversity Topic, para 7-8

⁶⁵ Officer's Second Supplementary Reply Statement Ecosystems and Biodiversity Topic, para 4-8

clearance that do not appear to be well-founded in evidence, nor supported by compelling s32AA analysis from Ms Bangi and Ms Schipper. We are grateful to Mr Wesney for his alternative suggestion and his efforts to provide us with sound planning rationale to address the 'gap' identified by Ms Bangi – however, that does not overcome our hesitancy to act in this case. The lack of clear evidential rigor points to a need for more considered examination of options and alternatives, including opportunities for all potentially affected persons to test those. In our view, this is better managed through future Schedule 1 RMA process.

- 2.116 We also record our discomfort with the focus of the amendments from Ms Bangi and Ms Schipper being related to community scale renewable electricity generation facilities, when the focus of ECO-PX is clearly solely directed towards larger scale energy proposals. We note in particular – under clause a.ii of the policy – that the direction is only relevant where a proposal is 'nationally or regionally significant'. By definition, we cannot reconcile that such a classification could extend to community-scale projects. This raises the question as to whether the further amendments recommended by Ms Bangi and Ms Schipper can be fairly said to implement ECO-PX as a consequential change arising from the joint witness conferencing that generated that proposed policy.
- 2.117 Putting those matters to one side and addressing the 'gap' left by our decision not to act in this case, we record that the risks that significant effects on indigenous biodiversity arising are low in our view. This is principally owing to the following factors:
- a. the controlled activity rules under ENG-R4 and ENG-R5 do not apply where a community scale solar facility or wind facility (respectively) are located within any SNA – such proposals would be assessed as fully discretionary activities and any impacts on indigenous biodiversity would be open for decision-makers to consider;
 - b. notwithstanding that RPS Change 1 remains under appeal, we do not consider any measures to address the so-called gap are needed to implement the relevant direction in the RPS and Change 1 decisions versions – this reflects in particular the general alignment of ECO-PX and Policy 24D in Change 1;
 - c. both under RPS Change 1 and the NPS-REG we are to enable small and community scale renewable energy generation, and there is no direction in the suite of Policy 24 – Policy 24D provisions in Change 1 that suggest limits need be imposed where community scale generation facilities are proposed *outside* SNAs but may involve modification to other indigenous vegetation;
 - d. related to the previous point, Policy 24 sub-clause (c) of RPS Change 1 clarifies that the renewable generation activities are not subject to Policies 24A and 24B, and the nexus between such activities and significant indigenous biodiversity values is managed by Policy 24D; and
 - e. there are appropriate matters of control and discretion in rules ENG-R4 and ENG-R5, in combination with the limits as to the scale of proposed community scale solar and wind facilities in the ENG chapter standards, that will ensure effects on indigenous biodiversity are considered alongside other potentially relevant factors – including the benefits to be derived from the generation facility.

- 2.118 In the absence of compelling evidence and/or clear policy direction from higher order statutory instruments requiring otherwise, we consider the most efficient and effective solution is to discount Ms Bangi and Ms Schipper's substantive changes recommended in their joint statement.

Give effect to the NZCPS and RPS (inclusive of Proposed Change 1) where the protection of indigenous biodiversity in the Coastal Environment is concerned

- 2.119 The fourth issue to resolve relates to how the PDP gives effect to the NZCPS and RPS (inclusive of Proposed Change 1) direction within the coastal environment. Specifically, the direction provided through Policy 11 of the NZCPS and the similar direction provided in Policy 24C of the RPS Change 1. This direction requires the protection of indigenous biodiversity in the Coastal Environment.
- 2.120 This matter relates principally to Policy CE-P4 and the extent to which clause (b)(vi) implements the requirements of Policy 11 of the NZCPS and Policy 24C of the RPS Change 1. A difference of opinion was expressed between Director General of Conservation⁶⁶ and the Reporting Officer⁶⁷ (Ms. Wheatley).
- 2.121 While this matter relates to a provision in the Ecosystem and Indigenous Biodiversity Topic, we consider it is more appropriately considered amongst other related matters in the deliberations on the Coastal Environment Topic. Consideration of this matter has therefore been provided in Paragraphs 3.85 – 3.97.

⁶⁶ Statement of Evidence of Christina Schipper on behalf of Director-General of Conservation, para 126-133, dated 2nd December 2024

⁶⁷ Para 141, Officer s42A Report, Coastal Environment

3 Coastal Environment Chapter

Outline of matters addressed in this section

- 3.0 The Coastal Environment (CE) Chapter represents the PDP's approach to integrated management applying an activity-based approach to the range of issues which relates to coastal environment that extends landward from the Mean High-Water Springs (MHWS).
- 3.1 In terms of the CE Chapter, this section of our Decision Report:
- a. addresses a number of overarching and inter-related issues relating to the application of the higher order policy framework, and specifically the New Zealand Coastal Policy Statement
 - b. provides a summary of the relevant notified provisions;
 - c. provides a brief overview of submissions received on the provisions;
 - d. provides a summary of the recommended amendments that the Panel adopts; and
 - e. evaluates and sets out our decisions on the key issues remaining in contention; which we have grouped into the three categories:
 - i. *The extent of the Coastal Environment and Foreshore Protection Area overlays*
 - ii. *Subdivision and the interaction between the Coastal Environment and Settlement Zone*
 - iii. *General Matters relating to the provisions of the Coastal Environment Overlay (Objectives and policies re: NZCPS and specific rules and standards)*

Higher order policy framework

- 3.2 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Coastal Environment Chapter.

Section 6 (a) of RMA

- 3.3 Section 6(a) of the RMA directs Councils to recognise and provide for "the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development" as a matter of national importance.

NZCPS

- 3.4 The NZCPS requires a strategic approach to managing development on the coast, in addition to Policy 11, 15, 18 and 19 in relation to the management of indigenous biodiversity, natural features and landscapes, and public access as they respectively relate to the coastal environment.

- 3.5 In accordance with the requirements of the National Planning Standards, these issues are managed in the Coastal Environment Chapter in addition with the Ecosystems and Indigenous Biodiversity, Natural Feature and Landscapes, and Public Access chapters respectively.

The Operative RPS and Proposed Change 1 to the RPS

- 3.6 The RPS and PC1 to the RPS contain directions relating to the coastal environment that align with and give effect to both the NZCPS and the RMA.
- 3.7 The operative RPS seeks to protect the indigenous biodiversity values, use and development within the coastal environments by avoiding adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 of the New Zealand Coastal Policy Statement.
- 3.8 The policy direction focus contained in Proposed Change 1 relevant to the Coastal Environment topic has shifted towards the management of effects of development on the coastal environment, resilience to climate change and natural hazards, and protecting coastal environment values.

Strategic Direction Objectives

- 3.9 The PDP also includes Strategic Direction Objectives relating to ecosystems and indigenous biodiversity within the Natural Environment section that the corresponding provisions of each chapter in the PDP must align with. The relevant Strategic Direction Objectives for the Coastal Environment Chapter are:
- a. CCR-02: Adapting to climate change
 - b. CCR-03: Resilience to Natural Hazards
 - c. NE-01: Natural character, landscapes, features, and ecosystems
 - d. NE-02: Wairarapa Moana
 - e. NE-04: Coastal Environment
 - f. NE-05: Integrated management
 - g. NE-06: Healthy ecosystems
 - h. TW-04: Kaitiakitanga
 - i. UFD-01: Urban form of the Wairarapa
- 3.10 Therefore, the CE Chapter needs to align and deliver the above Strategic Objectives through the chapter provisions, particularly the overarching Coastal Environment Strategic Objective NE-04, to ensure that the special qualities of the coastal environment are recognised and protected whilst ensuring it also assists in delivering the other objectives listed above.
- 3.11 Therefore, our observations and findings in relation to the application of Section 6(a) of the RMA, the NZCPS, Operative RPS and Proposed Change 1 to the RPS and Strategic Objectives all form a reference point for our consideration of contested matters in the final part of this section of this Decision Report.

Summary of the relevant notified provisions

- 3.12 The PDP Coastal Environment chapter takes an activity-based approach, as opposed to the effects-based approach, to the coastal environment than that of the ODP.
- 3.13 The introductory section of the CE chapter, as notified, details the spatial extent of the CE. It also explains that there are other spatial elements included within the coastal environment, such as areas of outstanding natural character and very high and high natural character, Significant Natural Areas, Outstanding Natural Features and Landscapes and Special Amenity Landscapes, which are addressed through the Ecosystems and Indigenous Biodiversity and Natural Features and Landscape chapters. There are four Plan map overlays and two schedules that give effect to the provisions of Coastal Environment chapter:
- a. Coastal Environment overlay
 - b. Schedule 9: Outstanding Natural Character Areas and map overlay
 - c. Schedule 10: High and Very High Natural Character areas and map overlay
 - d. Foreshore Protection Area: Provides a setback for development from potential coastal hazards and protects the natural character and ecology of the foreshore from the adverse effects of development.
- 3.14 The CE Chapter contains five objectives which: set out the qualities of the coastal environment (CE-01), how the coastal natural character is preserved (CE-02), how the risks from coastal hazards are managed (CE-03), recognises Tangata Whenua values (CE-04) and how activities are managed (CE-05).
- 3.15 The nine policy framework (Policies CE-P1-P9) supporting the objectives seek to:
- a. Identify the extent of the coastal environment
 - b. Avoid adverse effects of subdivision, use and development on the Outstanding Natural Character Areas
 - c. Manage subdivision, use and development within Very High and High Natural Character Areas
 - d. Ensure that there is a functional or operational need for activities and subdivision to be located within the coastal environment
 - e. Manage residential activities within the coastal environment
 - f. Provide for maintenance, repair, and removal of existing infrastructure and manage appropriate new infrastructure within the Very High and High Natural Character areas
 - g. Recognise and manage adverse effects on coastal archaeology
 - h. Adopt an precautionary approach to subdivision, use and development from risks of coastal hazards by identifying the Foreshore Protection Area
 - i. Encourage soft engineering solutions within the Foreshore Protection Area

- 3.16 The corresponding rules and standard framework provide for the following activities within the following spatial extents as permitted activities and where standards are not achieved, they are provided for as restricted discretionary activities:
- a. CE-R1: Earthworks or buildings and structures in the *Coastal Environment*
 - b. CE-R2: Earthworks or buildings and structures within Areas of Very High and High Natural Character
 - c. CE-R3: Earthworks, modification of vegetation, or buildings and structures within Areas of Outstanding Natural Character
- 3.17 The following activities are non-complying activities:
- a. CE-R4: Plantation forestry within area identified as Outstanding Natural Character and Very High and High Natural Character.
 - b. CE-R5: New residential activity within the Foreshore Protection Area
 - c. CE-R6: Earthworks, modification of indigenous vegetation, or buildings and structures (including construction, additions, and alterations) not otherwise listed in this chapter
- 3.18 The three corresponding standards relate to earthworks, modification of indigenous vegetation and buildings and structures.

Overview of submissions

- 3.19 A total of 134 submission points and 82 further submission points were received on the Coastal Environment topic, as set out in further detail in the s42A Report.⁶⁸
- 3.20 Submitters were generally supportive of the overall provisions of the CE Chapter but sought an increase in alignment with the NZCPS and further clarification for specific activities.⁶⁹
- 3.21 The greatest number of submissions related to the proposed policies, with a total of 46 submission points and 26 further submission points received.
- 3.22 We focus on the key areas in contention as listed i-iii. above under para 3.2 e.
- 3.23 For efficiency, those submission points where the Reporting Officers recommended changes that were generally not contested during the course of the hearing; we adopt the recommendations and make no further evaluation on these, which we set out in the proceeding section below.

⁶⁸ para 54-57, Officer's Section 42A Report – Coastal Environment, 18 November 2024

⁶⁹ para 6, Officer's Section 42A Report – Ecosystems and Indigenous Biodiversity, 18 November 2024

Recommended amendments that the Panel adopts

- 3.24 There are two scenarios in which recommended changes were made by Reporting Officers prior to the hearing:
- a. Initial recommended changes to the notified provisions based solely on matters raised in submissions or further submissions and set out in the **Officers' s42A Report**; or
 - b. Further changes to the notified provision or to the changes set out in **a.** as a result of pre-circulated evidence from submitters and set out in the **Officers' Summary Statement**.
- 3.25 The Panel has carefully considered the recommendations made at **a.** and **b.**
- 3.26 Where we were satisfied that the recommended changes made in **a.** and **b.** above addressed submitters concerns and were no longer actively contested by the time of the hearing, we have adopted those changes and their accompanying reasoning and s32AA evaluations and – where relevant – the evidence of others the Officers have relied upon and make no further evaluation on these.
- 3.27 As a result, we have accepted and adopted the following amendments below:
- a. Amend the **introduction** to clarify the relationship of Coastal Environment provisions with the NZCPS and clarifying the purpose of the Foreshore Protection Area.⁷⁰
 - b. Amend **CE-O2** for alignment with Section 6 of the RMA, Objective 2 and Policy 13 of the NZCPS, and Objective 4 and Policy 3 of the Wellington RPS.⁷¹
 - c. Amend **CE-O3** and **CE-O4** to encourage the reduction of risk from natural hazards and provide for tangata whenua involvement in managing the coastal environment in response to submissions from Toka Tū Ake EQC and East Leigh.⁷²
 - d. Amend **CE-P1, CE-P2, CE-P3, CE-P4, and CE-P6** to align with Higher Order Documents and to encourage protection of areas of natural character, clarify the purpose of the Foreshore Protection Area, and enable minor upgrading of existing infrastructure.⁷³
 - e. Amend **CE-P4**, clause (x) to include the words 'reduced or' in respect to the risk to other people, properties and activities in relation to coastal hazards, in response to submission from Toka Tū Ake EQC and further submission in

⁷⁰Including the reasons set out in para 280-284, Officer's Section 42A Report – Coastal Environment, 18 November 2024 and the s32AA evaluation at paras 287-290.

⁷¹Including the reasons set out in para 29 and 33, Officers Summary Statement – Coastal Environment, relying on the Evidence of Evidence of Christine Foster – Hearing Stream 6 – Overlays Part 2 (2 December 2024), paras 3.1-3.8

⁷²Including the reasons set out in para 87, Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 97-100.

⁷³Including the reasons set out in para 123 Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 180-183 and Paras 24, 26, 29, 34 and 35 Officers Summary Statement – Coastal Environment, including evidence of Christine Foster – Hearing Stream 6 – Overlays Part 2 (2 December 2024), paras 4.1-4.2, 5.1-5.6 and 6.1-6.3

supported by GWRC⁷⁴ set out in the s42A Report and further amendments to **CE-P4** and clause (a) in response to pre-circulated evidence⁷⁵

- f. Amend **CE-R1** matter of discretion as a minor correction⁷⁶
 - g. Amend **CE-R2** and **CE-R3** to clarify the activity status of activities, clarify matters of discretion and enable network utility poles up to 8m in height in light of submission⁷⁷
 - h. Delete **CE-R6** as a consequence of the changes set to rules CE-R1, CE-R2, CE-R3.⁷⁸
 - i. To add **CE-RX** to make any earthworks, modification of indigenous vegetation or buildings and structures (including construction) for the development of the National Grad within any area of Outstanding, Very High, and High Natural Character a discretionary activity.⁷⁹
 - j. Amend matters of discretion in Standards **CE-S1, CE-S2, and CE-S3** to consider coastal indigenous biodiversity matters to align with Policy 11 of the NZCPS⁸⁰ and **CE-S3** to enable network utility poles up to 8m in height.⁸¹
- 3.28 With respect to Policy CE-P4: Activities and subdivision within the coastal environment, there were further aspects of the policies that remained in contention and our evaluation are set out below in paragraphs 3.85-3.96.
- 3.29 Full details of the recommended amendments and the rationale and corresponding s32AA evaluation for the above changes that we have adopted are set out in Section 6 of the s42A Report⁸² and additionally, and in relation to pre-circulated evidence, in Section 4 of Ms Wheatley's Summary Statement.

Decisions on key issues remaining in contention

- 3.30 We now turn to our evaluation of the key matters still remaining in contention during prior to and/or during the course of the hearing, which we set out below in more detail on the following:

a. The extent of the Coastal Environment and Foreshore Protection Area overlays

⁷⁴Including the reasons set out in para 135, Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 180--183.

⁷⁵Evidence of Christine Foster – Hearing Stream 6 – Overlays Part 2 (2 December 2024), paras 5.1-5.6

⁷⁶Including the reasons set out in para 188-191, Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 216-219, paras 37-38 Officers Summary Statement – Coastal Environment

⁷⁷ Including the reasons set out in paras 193-196 and 198-203, Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 216-219, paras 37-38 and 41 Officers Summary Statement – Coastal Environment

⁷⁸Including the reasons set out in paras 208-211, Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 216-219

⁷⁹ Including the reasons set out in para 31-38, Officers Summary Statement – Coastal Environment

⁸⁰Including the reasons set out in para 28, Officers Summary Statement – Coastal Environment

⁸¹ Including the reasons set out in para 243 Officer's Section 42A Report – Coastal Environment, 18 November 2024 the s32AA evaluation at paras 247-250

⁸² Section 6, Officer's Section 42A Report – Coastal Environment and Section 4, Summary Statement – Coastal Environment

- b. *Subdivision and the interaction between the Coastal Environment and Settlement Zone*
- c. *General Matters relating to the provisions of the Coastal Environment Overlay*

The extent of the Coastal Environment and Foreshore Protection Area overlays

- 3.31 A total of nine submission points and six further submission points were received on the Coastal Environment and Foreshore Protection Area overlays.
- 3.32 For context, we reiterate the relevant overlays within the Coastal Environment are:
 - a. Coastal Environment overlay
 - b. Schedule 9: Outstanding Natural Character Areas and map overlay
 - c. Schedule 10: High and Very High Natural Character areas and map overlay
 - d. Foreshore Protection Area overlay
- 3.33 We set out our evaluation for each of the relevance overlays in turn below.

Coastal Environment overlay

- 3.34 In relation to the Coastal Environment Overlay, as notified, the Riversdale Beach settlement area was covered by the Coastal Environment Overlay which is applied 'over the top' of the Settlement Zone.
- 3.35 There were three submissions received in respect to the Coastal Environment Overlay at Riversdale,⁸³ one in support of the spatial extent and two seeking amendments to the overlay. There was one further submission in opposition to the submission seeking amendments.⁸⁴
- 3.36 The submitters in opposition to the Coastal Environment Overlay generally sought that the extent of the Coastal Environment excludes the Settlement Zone and only coincide with the Foreshore Protection Area and considers the overlay inconsistent with Policy 4 of the RPS.
- 3.37 Initially, the reporting officer, Ms. Wheatley considered that the 2020 Wairarapa Coastal Study, which was the basis of defining the spatial extent of the coastal environment, used a robust, regionally adopted method that aligned with both the NZCPS and RPS. The study identified inland boundaries that incorporated the extent where significant coastal influences are recognised and can include "physical resources and built facilities, including infrastructure, that have modified the coastal environment." Therefore, Ms. Wheatley considered it both appropriate and consistent with the higher order policies that the areas of the Settlement Zone where identified within the coastal environment, are included within the Coastal Environment Overlay and rejected the relief sought by submitters.⁸⁵

⁸³\$28.005, \$210.001 and \$239.048

⁸⁴F55.001

⁸⁵ Para 297, Officer's Section 42A Report – Coastal Environment

- 3.38 East Leigh provided planning, legal and landscape evidence with regards to this matter and where of the opinion that the extent of genuine coastal influence (the coastal environment) ceases beyond the top of the coastal escarpment along the western edge of the original Riversdale Beach settlement and therefore the inland boundary of the Coastal Environment Overlay should be reduced accordingly.⁸⁶
- 3.39 However, in response to the submitters evidence, Council's Landscape Planner concluded that, the inland extent of the coastal environment has been defined through a robust methodology that has included inputs from expert landscape architects, ecologists, and coastal scientists and therefore the location as proposed should be upheld. On this basis, at the hearing, Ms. Wheatley retained her s42A position and did not recommend any change to the Coastal Environment mapping at Riversdale Beach.
- 3.40 We heard from Ms. Foster at the hearing in relation to this, setting out the rationale of East Leigh's involvement in the hearing was due to its developed land at Riversdale Terraces being zoned General Rural, and seeks rezoning to Settlement and Natural Open Space to align with actuality. Whilst Ms. Foster was encouraged by Ms. Wheatley's potential support of rezoning to be dealt with through the substantive rezoning hearing, until such time as the zoning matter is resolved, East Leigh continue to engage in discussions relating to all relevant notified planning provisions applying to Riversdale.⁸⁷
- 3.41 To assist the Panel during site visits after the hearing, they requested Ms McRae (Landscape Planner at Boffa Miskell for the Councils) provide representative sites for the Panel to gain further understanding of the context and extent of the Coastal Environment and two specific sites on East Leigh's property (northern terrace, currently unbuilt but consented), plus go to the corner of Tama and Knoyle Roads. Site visits were undertaken by the Panel on 27th February 2025.
- 3.42 However, in response to evidence presented at the hearing, Ms. Wheatley did not recommend any changes to the spatial extent of the Coastal Environment in her Reply Statement.
- 3.43 During the site visit, the Panel tested the five criteria⁸⁸ used in the Wairarapa Coastal Study to identify the inland extent of the Coastal Environment of both the notified extent and the amended extent sought by East Leigh, along with factors set out in the NZCPS in terms of determining the extent of the coastal environment.
- 3.44 Ultimately, as a result of the site visits and on balance of all evidence presented, the Panel favour the Landscape evidence of the submitter, Mr. Hudson, specially that a determining factor of the extent of the coastal environment is 'where coastal processes, influences or qualities are significant' and as notified, that the Panel considers that the inland extent of the coastal environment as sought by East Leigh is more accurately aligned with criteria than the inland boundary as notified.⁸⁹
- 3.45 Whilst the Panel acknowledge East Leigh's preference to resolve the zoning matter is

⁸⁶ Para 5.7, Statement of Planning Evidence of Christine Foster on behalf of East Leigh, dated 2 December 2024

⁸⁷ Para 1.2, Speaking notes of Christine Foster on behalf of East Leigh, dated 16 December 2024

⁸⁸ Criteria 'Image 1' as provided for within Summary Statement of Evidence by Emma McCrae on Coastal Environment, dated 16-17 December 2024

⁸⁹ Statement of Landscape Evidence of John Hudson on behalf of East Leigh, dated 2 December 2025

the priority issue, and if their rezoning request is resolved, it may in turn resolve their concern with the Coastal Environment Overlay, it is important for the Panel to make a determination on this matter in principle irrespective of the underlying zoning.

- 3.46 Therefore, this matter should also be read in conjunction with **Decision Report 11** in respect of the rezoning requests of East Leigh.

S32AA Evaluation

- 3.47 The Panel considers that the amended boundary of the Coastal Environmental overlay more effectively and efficiently manages the area where coastal processes, influences and qualities are '*significant*' and not just '*present*'.
- 3.48 In terms of the risks of acting vs not acting, the Panel considers that given the majority of the area covered by the Coastal Environment Overlay that corresponds to the Riversdale Beach settlement is already largely developed and underlying zoning of the area that falls between the notified inland boundary and the boundary sought by the submitter is provided for in terms of protected from inappropriate use and development through the underlying zoning provisions.
- 3.49 The reduction of the extent of the Coastal Environment Overlay will reduce consenting costs to landowners and only apply to the areas where coastal environment is 'significant'.

Schedule 9: Outstanding Natural Character Overlay and Schedule 10: Very High and High Natural Character Overlay

- 3.50 The proposed plan introduced two new overlays, Schedule 9 and 10 with associated provisions that limit land use, development and subdivision to protect their values and their spatial extents have been identified to ensure protection under Policy 13 of the NZCPS and Policy 24 of the Wellington Regional Policy Statement.
- 3.51 There was one submitter seeking sites deleted from Schedule 9 where landowner agreement has not been reached, however there were further submissions in opposition to this.
- 3.52 Similarly, with respect to Very High and High Natural Character Overlay (Schedule 10), submitters sought minor corrections for boundaries and the removal of sites where landowner agreement had not been reached.
- 3.53 However, Ms. Wheatley concluded on both matters in her S42A Report that no landowners have opposed the areas of Outstanding Natural Character and therefore did not recommend any deletions from Schedule 9 or 10.⁹⁰ In respect of the submitter seeking boundary adjustments, Ms. Wheatley notes that physical boundaries of the natural character area does not account for surveyed land boundaries and that as no titles are listed in Schedule 10, no corrections to the schedule are required.
- 3.54 There was no evidence presented to challenge this matter at the hearing and therefore the Panel accepts and adopts the recommendation of Ms. Wheatley that no further amendments are required.

⁹⁰Para 303, Officers Section 42A Report – Coastal Environment

Foreshore Protection Area

- 3.55 The operative plan provides for a Foreshore Protection Area and the notified plan was essentially a roll-over of this provision, which restricts use and development in proximity to the coastline to manage coastal hazards and protect this sensitive environment but with the new provisions strengthening the requirement to avoid new development that would increase coastal hazard exposure and risk.
- 3.56 Two key submitters were opposed to the Foreshore Protection Area, firstly, EQC sought the overlay be renamed to "Coastal Hazards Area" and East Leigh seeking it be amended to better anticipate future sea level rise.⁹¹
- 3.57 Ms. Wheatley responded to these submission points in her s42A and concluded firstly on the EQC renaming request, stating that the overlay has a dual purpose and is not solely in relation to coastal hazards but also natural character and ecology and the renaming sought by EQC would not reflect the dual purpose of the overlay. However, she did concede an amendment to the Introduction of the chapter explaining the purpose of the Foreshore Protection Area would clarify this.
- 3.58 Secondly, in response to East Leigh submission, Ms. Wheatley reiterated that the inland boundary for the Foreshore Protection Area was a roll over from the ODP and was based on the most recent available information. As no further assessment was provided to the contrary by the submitter, Ms. Wheatley did not recommend any changes to the spatial extent of the Foreshore Protection Area.
- 3.59 To note, Ms. Foster, on behalf of East Leigh stated in her evidence that they would not be pursuing this matter any further⁹² and therefore the Panel accepts and adopts Ms. Wheatley's recommendation to retain the overlay as notified.

Subdivision and the interaction between the Coastal Environment and Settlement Zone

- 3.60 There is one rule within the Subdivision Chapter that relates to the Coastal Environment (SUB-R12). As notified, the activity status for subdivisions of all zones within the Coastal Environment was restricted discretionary, except where it did not meet the RDA criteria clauses (1)(a)-(c), whereby it comes a Non-complying activity. As notified, under clause (1)(b) subdivision with the Settlement Zone would trigger a non-complying consent.
- 3.61 Submissions received on this rule either sought retention⁹³ of the notified version or amendments⁹⁴ in the following aspects of the subdivision rule:
- a. Reduction in the allotment size*
 - b. Amendment to the activity status*
 - c. Amendments to the Matters of Discretion*

⁹¹ Para 298-301, Officers Section 42A Report – Coastal Environment

⁹² Para 12.1, Statement of Planning Evidence by Christine Foster on behalf of East Leigh, dated 2 December 2024

⁹³ Toka Tū Ake EQC (S90.026) and Heritage NZ (S249.048)

⁹⁴ AdamsonShaw (S152.017, FS80.011), Scott Anstis (S233.015), Brian John McGuinness (FS86.056, FS86.057, FS86.059), East Leigh (S239.028), the Wairarapa District Councils (S251.003), and Adrian and Julie Denniston (FS23.001)

3.62 With respect to a.- c. above submitters sought the minimum lot size for subdivision in the Coastal Environment be amended from 40ha to 20ha, allow for subdivision of sites in Settlement Zones in accordance with activity status contained in the underlying zone, and an additional matter of discretion be added in relation the extent that subdivisions could strengthen isolated communities⁹⁵ or to add “ecological values” and “natural character”.⁹⁶

3.63 The submissions in relation to Rule SUB-R12 remained in contention prior to and at the hearing, we address the matters of para 2.62 a.- c. in turn below:

Reduction in the allotment size

3.64 The submission from Adamson Shaw⁹⁷ sought the removal of the 40ha minimum lot size for subdivision in the coastal environment and seeking the rules applying to rural lifestyle subdivision in the coastal environment being the same of the underlying General Rural Zone.

3.65 The Panel notes that Ms. Wheatley agreed with this submission point and recommended the deletion Clause (1)(c) from rule SUB-R12 in her s42A Report.⁹⁸

3.66 Furthermore, we acknowledge that Ms. Wheatley agreed with Ms. McWilliams pre-circulated evidence on behalf of Adamson Shaw supported the amendments made in the s42A Report and that all minimum lot sizes for subdivision in the coastal environment should default to those of the underlying zone. The Panel accepts and adopts this recommended change.

3.67 To be clear, this is simply an administrative arrangement to transfer the subdivision standards from the overlay rules to the underlying zone rules. It does not involve alterations to the minimum allotment sizes for subdivision in the underlying zone other than what has been determined in Decision Report 3 (Rural and Rural Lifestyle Zone).

Amendment to the activity status

3.68 The submission from Brian McGuinness⁹⁹ and evidence presented on behalf of Brian McGuinness sought that the activity status of (Rule SUB-R12(1)) be amended from a Restricted Discretionary to a Controlled activity in the Settlement Zone.

3.69 Ms. Wheatley did not recommend any change to activity status prior to the hearing, citing that areas where the underlying zone standards may not adequately protect values and characteristics is within areas of areas of High, Very High, and Outstanding Natural Character and the Foreshore Protection Area, which is reflected by the Non-complying activity status, with the full range of potential effects able to be assessed.¹⁰⁰

3.70 However, the submitter continued to oppose the non-complying activity status in their evidence and sought that Controlled activity status for subdivision in the Settlement Zone, where the Coastal Environment Overlay applies.¹⁰¹

⁹⁵ Federated Farmers (S214.082), The Director General of Conservation (S236.101), Forest and Bird (S258.205)

⁹⁶ Director General of Conservation (S236.101)

⁹⁷ S152

⁹⁸ Para 263, Officers s42A Report, Coastal Environment

⁹⁹ S226/FS86

¹⁰⁰ Para 262, Officer s42A Report, Coastal Environment

¹⁰¹ Para 31, page 12, Statement of Planning Evidence of Deborah Donaldson on behalf of Mr McGuinness, dated 2 December 2024

- 3.71 Ms. Wheatley returned to this matter in her Hearing Statement and considered both controlled and restricted discretionary activity status and Hearing Statement concluding that a Restricted Discretionary activity is the most appropriate option as a Controlled activity status would not enable Councils to decline consent if the effects of the subdivision on the Coastal Environment were unacceptable.¹⁰²
- 3.72 In relation to this matter, at the hearing, we asked what the most appropriate activity status for subdivision should be and if a Controlled Activity status is appropriate for subdivision within the Coastal Environment and what matters of control should be applied.¹⁰³
- 3.73 The Panel further sought that Joint Witness Conferencing take place between the parties to confirm the appropriate activity status for subdivision within the Settlement Zone within the Coastal Environment Overlay.
- 3.74 As a result of the JWS, the following matters were clarified and further amendments agreed to as follows:
- a. The most appropriate activity status for subdivision within the Settlement Zone of the Coastal Environment is 'Controlled' on the basis of the evidence from a Landscape Planner in that land subject to Settlement Zone is already development / degraded and that localised effects associated with subdivision could be appropriately minimised and mitigated within the wider character and amenity context of the Settlement Zone. Subdivision within all other zones with the Coastal Environment is considered to retain the restricted discretionary activity status.
 - b. To clarify any conflict or overlap between the underlying subdivision zone rule for the Settlement Zone, additional wording was recommended to be added to the introductory text of the Subdivision Chapter.
- 3.75 On the basis of the JWS and agreed positions by all parties, the Panel accepts and adopts the amendment provisions as set out in the JWS and the s32AA Evaluation¹⁰⁴
- 3.76 As this matter relates to the subdivision provisions that are contained in Part 2, Subdivision Chapter and Decision Report 8, this report should be read in conjunction with this report.

Matters of Discretion

- 3.77 Federated Farmers submission sought the following matter of discretion be included to SUB-R12 for subdivision in the Coastal Environment:

*"x. The extent to which appropriate subdivision could strengthen isolated rural communities where cumulative effects of further subdivision and development within the coastal environment will be minor due to proximity to existing subdivided and developed land at cape Palliser, Castlepoint, Flat Point, Mataikona, Ngawi, Otahome, Riversdale and Whangaimoana."*¹⁰⁵

¹⁰² Para 17, Reply Statement, Coastal Environment

¹⁰³ Para 5 a-e, Officer Reply Statement, Coastal Environment

¹⁰⁴ Appendix 2: 32AA Evaluation, JWS: Coastal Topic: Planning Experts, dated 23 January and 3 February 2025

¹⁰⁵ Federated Farmers (S214.082)

- 3.78 Forest and Bird sought additional standards and matters of discretion also be added to manage vegetation or of habitat value, include setbacks from significant natural areas and from wetlands and control/restrict household pets in new subdivisions in the coastal environment.¹⁰⁶
- 3.79 Director General of Conservation, sought to add “ecological values” and “natural character” to matter of discretion (2) and amend “natural features and landforms” to “natural features and landscapes”.
- 3.80 Ms. Wheatley addressed each of these matters in turn in her s42A Report and concluded that the amendments sought by Federated Farmers that it was not appropriate to include such a specific issue as a matter of discretion and the purpose of this rule is to protect the values and characteristics of the coastal environment, not to strengthen rural communities and therefore did not recommend any changes.¹⁰⁷
- 3.81 In respect to Forest and Bird’s amendments, Ms. Wheatley considered that notified Rule SUB-R7 for subdivision within Significant Natural Areas appropriately manages subdivision within Significant Natural Areas and restrictions on household pets can be included in resource consent conditions (i.e. consent notices) for subdivisions when it is appropriate to do so and therefore did not recommend any further changes.
- 3.82 However, Ms Wheatley did consider that amendments sought by the Director General of Conservation, were appropriate as it better aligns with the listed values of the coastal environment as set out in CE-P1 and therefore recommended adding “ecological values” and “natural character” to matter of discretion (2) in SUB-R12(2) and amend “natural features and landforms” to “natural features and landscapes”.¹⁰⁸
- 3.83 The Panel therefore accepts and adopts the recommended changes to the matters of discretion as set out in Ms. Wheatley’s s42A Report.

General Matters relating to the provisions of the Coastal Environment Overlay

- 3.84 As set out above in paragraphs 3.20-3.28 there were number of submissions relating to the introduction, objectives, policies, rules and standards of the Coastal Environment that were recommended to be amended prior to the hearing that were not contested, and the Panel have accepted these accordingly.
- 3.85 However, the introductory text, Policy CE-P4: *Activities and subdivision within the coastal environment* and Standards CE-S1, S2 and S3 remained in contention and therefore we set out our evaluation on these provisions below.

Introductory text

- 3.86 The Director General of Conservation¹⁰⁹ sought additional wording be included at the end of the CE Introduction that the CE chapter should be read in conjunction with the ECO chapter is required to provide clarity to plan users to ensure that the Councils have given effect to their obligations under the Act for integrated management.

¹⁰⁶ Para 260, Officer s42A Report, Coastal Environment

¹⁰⁷ Para 257, Officer s42A Report, Coastal Environment

¹⁰⁸ Para 265, Officer s42A Report, Coastal Environment

¹⁰⁹ S236/FS73

- 3.87 Furthermore, the Director General of Conservation considered that there is a potential gap in the current policy framework to align with Policy 11 of the NZCPS to provide for specific direction about indigenous biodiversity in the coastal context.¹¹⁰
- 3.88 Ms. Wheatley responded to these matters in her Summary Statement, concluding that an explicit statement that other chapters apply via cross-references is not necessary and is sufficiently explained in the 'How the Plan Works' section of the PDP.¹¹¹ The Panel accepts Ms. Wheatley's conclusion on this matter and agrees that the plans 'How the Plan Works' section is the most appropriate 'one-stop-shop' providing a navigational aid for the plan user. The Panel also considers that including multiple cross-references within a district plan increases complexity, duplication and can result in the possibility of inconsistencies if linkages are inadvertently missed.

Policy CE-P4: Activities and subdivision within the coastal environment

- 3.89 There were six submissions and one further submission in support¹¹² that sought Policy CE-P4: *Activities and subdivision within the coastal environment* be retained as notified, there were eight submitters¹¹³ that opposed the policy and sought amendments. There were also eight further submissions¹¹⁴ that both opposed and supported the original submissions in opposition.
- 3.90 Whilst there were a number of changes recommended to CE-P4 prior to the hearing that were not contested, which the Panel have adopted as set out above in paras 2.18 (e) and (f), there were additional changes sought to the Policy by submitters that remained in contention.
- 3.91 The outstanding matter in contention with respect to Policy CE-P4, relates to clause (b)(vi), which the Director General of Conservation sought be amended to avoid all adverse effects on significant areas of indigenous vegetation and habitats, not just significant adverse effects, to ensure that the policy implements Policy 11 of the NZCPS.
- 3.92 Ms. Wheatley's response in her s42A Report acknowledged that there is both policy and spatial overlap between the NZCPS and NPS-IB in protecting indigenous biodiversity, particularly within the coastal environment, however, she did not recommend any change to the wording of clause (b)(vii) as a result.¹¹⁵
- 3.93 In response to the pre-circulated evidence of Ms. Schipper on behalf of the Director General of Conservation, Ms. Wheatley recommended alternative wording to clause (b)(vii), stating that she acknowledged the point that the NZCPS provides specific direction about indigenous biodiversity in the coastal context, and therefore recommended alternative wording sought by the original submission, which more

¹¹⁰ Statement of Evidence of Christina Schipper on behalf of Director-General of Conservation, para 113, page 27, dated 2nd December 2024

¹¹¹ Para 19, Officer Summary Statement, Coastal Environmental.

¹¹² Fire and Emergency NZ (S172.050), the Telecommunications Companies (S189.072), David Ian McGuinness (S191.052), Brian John McGuinness (S226.005), Ministry of Education (S245.022), and Heritage NZ (S249.052) and Brian John McGuinness (FS86.052).

¹¹³ Toka Tū Ake EQC (S90.027), Wellington Fish and Game (S186.059), Māori Trustee (S212.063), Federated Farmers (S214.089), Meridian Energy (S220.028), East Leigh (S239.032), Forest and Bird (S258.148)

¹¹⁴ Transpower (FS97.125), Meridian Energy (FS67.196) and Transpower (FS97.078), Te Tini o Ngāti Kahukuraawhitia Trust (FS95.194), Genesis Energy (FS74.027) and opposed by GWRC (FS90.108) Brian John McGuinness (FS86.065), Ian Gunn (FS105.149)

¹¹⁵ Para 141, Officer s42A Report, Coastal Environment

closely aligns with the wording of Policy 11 of the NZCPS, and invited Ms. Schipper to provide feedback on these changes at the hearing.¹¹⁶

- 3.94 The Panel note that Ms. Schipper did not provide any feedback on this matter in her speaking notes at the hearing.
- 3.95 Overall, the Panel agrees with the sentiments raised by the Director General of Conservation in respect to the amendments sought to Policy CE-P4 to provide for NZCPS Policy 11(b) to implement the necessary protection required for coastal vegetation and ecosystems.¹¹⁷
- 3.96 However, the Panel considers that the alternative wording of Policy CE-P4 provided by Ms. Wheatley is in general accordance with the outcome sought by the Director General of Conservation¹¹⁸ and in the absence of any response from Ms. Schipper, we accept that it provides for the two tiered approach that gives effect to the NZCPS as sought by the Director General of Conservation submission.¹¹⁹

¹¹⁶ Para 20, Officer Summary Statement, Coastal Environmental.

¹¹⁷ Statement of Evidence of Christina Schipper on behalf of Director-General of Conservation, para 126-133, dated 2nd December 2024

¹¹⁸ Para 124, Statement of Evidence of Christina Schipper on behalf of Director-General of Conservation, para 126-133, dated 2nd December 2024

¹¹⁹ Para 125, Statement of Evidence of Christina Schipper on behalf of Director-General of Conservation, para 126-133, dated 2nd December 2024

4 Natural Character

Outline of matters addressed in this section

- 4.1 This section provides for the following in relation to the Natural Character Chapter of the PDP:
- a. sets out the application of the higher order policy documents
 - b. provides a summary of the relevant notified provisions;
 - c. provides a brief overview of submissions received on the provisions;
 - d. provides a summary of the recommended amendments that the Panel adopts; and
 - e. evaluates and sets out our decisions on the key issue remaining in contention.

Higher order policy framework

- 4.2 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Natural Character Chapter.

Section 6 (a) of RMA

- 4.3 Section 6(a) of the RMA directs Councils to recognise and provide for “the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development” as a matter of national importance.

NPS-FM

- 4.4 At the time of notification, the Natural Character topic embedded the hierarchy of the objective of NPS-FM which is to ensure natural and physical resources are managed in a way that prioritises the health of waterbodies, the health of people, and social, economic, and cultural well-being.
- 4.5 However, it is acknowledged that in May 2024, the Government sought to review and replace the NPS-FM and there is still some uncertainty regarding what changes may result but at the time of notification, the PDP undertook to ensure it was aligned with the relevant provisions at that time.

NZCPS

- 4.6 The NZCPS contains objectives and policies relating specifically to natural character, particularly **Policies 13 and 14**, which aim to preserve natural character of the coastal environment and protect it from inappropriate subdivision, use, and development and promote restoration or rehabilitation of the natural character of the coastal environment, including by providing policies, rules and other methods directed at restoration or rehabilitation in plans.

The Operative RPS and the Natural Resources Plan

- 4.7 The RPS and NPS contain objectives and policies relating to natural character particularly in the coastal environment and coastal marine area that the NC Chapter seeks to align with.

Strategic Direction Objectives

- 4.8 The PDP also includes Strategic Direction Objectives relating to natural character within the Natural Environment section that the corresponding provisions of each chapter in the PDP must align with, the following Strategic Direction Objectives are relevant for the Natural Character Chapter:
- a. NE-O1: Natural character, landscapes, features, and ecosystems
 - b. NE-O3: Open Space
 - c. NE-O5: Integrated management
 - d. RE-O4: Character of the rural environment
 - e. TW-O4: Kaitiakitanga
- 4.9 Therefore, the NC Chapter needs to align and deliver the above Strategic Objectives through the chapter provisions, particularly NE-01, to ensure natural environment contributes positively to the Wairarapa's sense of place and identity whilst ensuring it also assists in delivering the other objectives listed above.
- 4.10 Therefore, our observations and findings in relation to the application of Section 6 (a) of the RMA, NPS-FM, NZCPS and Operative RPS and NRP and the Strategic Objectives all form a reference point for our consideration of contested matters in the final part of this section of this Decision Report.

Summary of the relevant notified provisions

- 4.11 The purpose of the Natural Character (**NC**) Chapter is to recognise and preserve natural character within the riparian margins of lakes, rivers, and wetlands.
- 4.12 The PDP Natural Character largely retained the ODP provisions with the key changes seeking to provide for updated lists of significant waterbodies and increased surface waterbody setbacks in the General Rural Zone.
- 4.13 The introductory section of the NC Chapter sets out the criteria for the significant waterbodies. It also explains the connection with the Coastal Environment Chapter.
- 4.14 The NC Chapter contains a single overarching objective (NATC-O1) that sets out that Wairarapa's rivers, lakes, and natural inland wetlands and their margins are to be preserved and enhanced.
- 4.15 The policy framework (Policies NATC-P1-P6) supporting the objectives and seek to:
- a. Retain special qualities and natural character of surface waterbodies
 - b. Encourage the restoration and enhancement of surface waterbodies
 - c. Enable earthworks in proximity to Significant Waterbodies
 - d. Restrict earthworks within 25m of Significant Waterbodies for the purposes of infrastructure maintenance
 - e. Discourage buildings and structures within the proximity of surface waterbodies
 - f. Allow for modification of vegetation in proximity to Significant Waterbodies for pest plant species or associated with primary production

- 4.16 The corresponding rules and standard framework provide for the following activities as permitted activities and where permitted activity criteria are not achieved, they are provided for as restricted discretionary activities:
- a. NATC-R1: Earthworks within 25m of a Significant Waterbody
 - b. NATC-R2: Modification of vegetation and associated earthworks within 25m of a Significant Waterbody

Overview of submissions

- 4.17 A total of 75 submission points and 26 further submission points were received on the Natural Character Chapter, as set out in further detail in the s42A Report.¹²⁰
- 4.18 Submitters were generally supportive of the intentions of the NC Chapter, but sought amendments to the provisions relating to modification of vegetation and associated earthworks within 25m of a Significant Waterbody. There were also three submitters who sought waterbodies be added or deleted from Schedule 11.¹²¹

Recommended amendments that the Panel adopts

- 4.19 The Panel has carefully considered the recommendations by the Reporting Officer contained in the S42A Report and the Summary Statement and are satisfied that the following recommended changes addressed submitters concern and were not actively contested at the hearing.
- 4.20 As a result, we have accepted and adopted the following amendments below on the basis of the accompanying reasoning by the Reporting Officer and s32AA evaluations and – where relevant – the evidence of others the Officers have relied upon and make no further evaluation on these:
- a. Amend **NATC-R2** to enable vegetation modification for biosecurity purposes and include indigenous biodiversity in the matters of discretion.¹²²
 - b. Amend **NATC-P6** to enable vegetation modification for biosecurity purposes.¹²³

Decisions on key issues remaining in contention

- 4.21 We now turn to our evaluation of the sole issue that was in contention prior to the hearing in relation to the evidence provided by Mr Anderson, representing the Telecom Companies¹²⁴, who sought *examples of infrastructure given in Policy NATC-P3* be removed.

Examples of Infrastructure within NATC-P3

- 4.22 The submission from the Telecom Companies initially sought that Policy NATC-P3 only include reference to 'infrastructure' in general and not give specific examples of

¹²⁰ para 8, Officer's Section 42A Report – Natural Character, 18 November 2024

¹²¹ para 10, Officer's Section 42A Report – Natural Character, 18 November 2024

¹²² Including the reasons set out in para 152-156, Officer's Section 42A Report – Natural Character, 18 November 2024 and the s32AA evaluation at paras 162-164.

¹²³ Based on evidence relied on by Reporting Officer, Summary Statement, para 15 – Coastal Environment, Evidence of Emily Levenson for Horticulture NZ, para 39, dated 2 December 2024

¹²⁴ S189

infrastructure as notified.

- 4.23 Initially, the Reporting Officer for Natural Character, Mr Matthew Gulson, did not recommend any further changes to the policy in his s42A Report, citing that removing certain examples would not have any material difference in the interpretation of the policy.¹²⁵
- 4.24 At the hearing, we heard from Mr Anderson on behalf of the Telecom Companies who continued to seek Policy NATC-P3 does not need to include examples of infrastructure on the basis that infrastructure is a defined term in the PDP and would be clearer without examples being referred to.¹²⁶
- 4.25 Mr Gulson returned to this matter in his Summary Statement, and on the basis of the evidence presented at the hearing by Mr Anderson, Mr Gulson subsequently reversed his initial s42A Report recommendation and recommended that the examples of infrastructure be removed from the policy. Mr Gulson acknowledged that providing examples of common infrastructure in the policy could be considered confusing and removing examples from the policy will be concise and understandable.¹²⁷
- 4.26 The Panel accepts and adopts Mr Gulson's revised position to amend NATC-P3, for the reasons set out in his Reply Statement, based on evidence provided by Mr Anderson and the further s32AA Evaluation provided.¹²⁸

¹²⁵Para 111, Officer's Section 42A Report – Natural Character, 18 November 2024

¹²⁶Para xi, Telecommunications Companies Hearing Presentation, dated 17 December 2024

¹²⁷Para 5, Officers Reply Statement – Natural Character

¹²⁸Para 4-8, Officers Reply Statement – Natural Character

5 Natural Features and Landscapes

Outline of matters addressed in this section

- 5.1 This section provides for the following in relation to the Natural Features and Landscapes (**NFL**) Chapter of the PDP:
- a. sets out the application of the higher order policy documents
 - b. provides a summary of the relevant notified provisions;
 - c. provides a brief overview of submissions received on the provisions;
 - d. provides a summary of the recommended amendments that the Panel adopts; and
 - e. evaluates and sets out our decisions on the key issue remaining in contention.

Higher order policy framework

- 5.2 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Natural Features and Landscape (NFL) Chapter.
- 5.3 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Natural Character Chapter.

Section 6 (a, b and e) of RMA

- 5.4 Section 6(a) of the RMA directs Councils to recognise and provide for “the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development” as a matter of national importance. As there are ONFLs identified within the Coastal Environment, Section 6(a) is a relevant consideration.
- 5.5 Section 6(b) seeks the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, which are identified within this chapter.
- 5.6 Section 6(e) seeks the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga and as there is strong Māori cultural relationship with ancestral lands, water, sites, waahi tapu, and other taonga within the Wairarapa, Section 6(e) is a relevant consideration.

NZCPS

- 5.7 The NZCPS **Objective 2** aims to preserve natural character of the coastal environment and protect natural features, whilst Policy 15 seeks to protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development.

NPS-ET

- 5.8 Policies 7 and 8 of the NPS-ET seeks that transmission systems should avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities in both urban

and rural environments.

NPS-FM

- 5.9 The NPS-FM allows for a rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development.

The Operative RPS and the Natural Resources Plan

- 5.10 The RPS and NRP contain objectives and policies relating to outstanding natural features and landscapes that the NFL Chapter seeks to align with, in particular, that they are identified and protected.

Strategic Direction Objectives

- 5.11 The PDP also includes Strategic Direction Objectives relating to natural character, landscapes, features and ecosystems within the Natural Environment section that the corresponding provisions of each chapter in the PDP must align with, the relevant Strategic Direction Objectives for the NFL are:
- a. NE-01: Natural character, landscapes, features, and ecosystems
 - b. NE-03: Open Space
 - c. NE-05: Integrated management
 - d. TW-04: Kaitiakitanga
- 5.12 Therefore, the NFL Chapter needs to align and deliver the above Strategic Objectives through the chapter provisions.
- 5.13 Therefore, our observations and findings in relation to the application of Section 6 (a, b and e) of the RMA, NPS-FM, NZCPS, NPS-ET and Operative RPS, NRP and Strategic Objectives of the PDP all form a reference point for our consideration of contested matters in the final part of this section of this Decision Report.

Summary of the relevant notified provisions

- 5.14 The purpose of the NFL Chapter is to identify Outstanding Natural Features and Landscapes and Special Amenity Landscapes within the Wairarapa and provide protection or maintenance of their values.
- 5.15 The chapter applies to two spatial overlays identifying Outstanding Natural Features and Landscapes and Special Amenity Landscapes throughout the Wairarapa districts. These are district-wide overlays which apply across all zones containing these landscapes and features.
- 5.16 The introductory section of the chapter, as notified, provides an explanation of how Outstanding Natural Features and Landscapes and Special Amenity Landscapes are identified as set out in associated schedules SCHED9 and SCHED8 respectively.
- 5.17 The NFL Chapter contains two objectives (NFL-O1 and NFL-O2) providing for the protection of Outstanding Natural Features and Landscapes and maintenance and enhancement of Special Amenity Landscapes.

- 5.18 The policy framework (Policies NFL-P1-P7) supports the objectives by seeking to:
- a. Identify Outstanding Natural Features and Landscapes
 - b. Identify Special Amenity Landscapes
 - c. Only allows for subdivision, use, and development within an Outstanding Natural Features and Landscapes outside the Coastal Environment where it avoids significant adverse effects
 - d. Avoids adverse effects from subdivision, use, and development within Outstanding Natural Features and Landscapes within the Coastal Environment
 - e. Allows for appropriate activities within Outstanding Natural Features and Landscapes
 - f. Increase public awareness of landscape values
 - g. Provide support and incentivise voluntary protection for landowners
- 5.19 The corresponding rules and standard framework provide for the following activities as permitted activities and where permitted activity criteria are not achieved, they are provided for as restricted discretionary activities.
- 5.20 For activities that are not provided under the above rule framework, or for plantation forestry activities, the activity status is non-complying.
- a. NFL-R1: Earthworks, modification of indigenous vegetation, or buildings and structures (including construction, additions, and alterations) within Outstanding Natural Features and Landscapes
 - b. NFL-R2: Plantation Forestry within Outstanding Natural Features and Landscapes
- 5.21 The three corresponding standards relate to earthworks, modification of indigenous vegetation and buildings and structures.

Overview of submissions

- 5.22 A total of 83 submission points and 36 further submission points were received on the Natural Features and Landscape Chapter, as set out in further detail in the s42A Report.¹²⁹
- 5.23 There were a range of issues raised by submitters, and where amendments were sought, this was generally to better align objectives and policies with higher order documents or provide for or exempt specific activities from rules and standards.
- 5.24 Submitters also sought amendments to the spatial extent of mapped Outstanding Natural Features and Landscapes.¹³⁰

Recommended amendments that the Panel adopts

- 5.25 On the basis of the Panel's careful consideration of the recommendations by the Reporting Officer contained in the S42A Report and the Summary Statement and corresponding s32AA Evaluations, and – where relevant – the evidence of others the

¹²⁹ para 5, Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024

¹³⁰ para 5, Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024

Officers have relied upon, we have accepted and adopted the following amendments and make no further evaluation on these:

- a. Amend **Objectives NFL-O1 and NFL-O2** to clarify the scope of the objectives¹³¹
- b. Amend **Policies NFL-P2** to clarify the contributing factors, scope and applications of the policies and subsequent consequential changes to Policies **NFL-P3 and P4** subsequent deletion of **Policy NFL-P5**¹³²
- c. Amend **NFL-R1** to be more enabling for biosecurity and National Grid Infrastructure purposes¹³³
- d. Amend **NFL-S3** to enable telecommunications poles up to 8m in height¹³⁴
- e. Amend **Sub-R13** to include vegetation as a matter of discretion for subdivision within an ONFL¹³⁵
- f. Amend Outstanding Natural Features and Landscapes Tararua/Remutaka Forest Parks (**ONFL 1**) to exclude the rail corridor.¹³⁶

Decisions on key issues remaining in contention

5.26 We now turn to our evaluation of the key issues that remained in contention prior to and/or at the hearing as follows:

- a. *Schedule 8 – Special Amenity Landscapes - Riversdale Maps – SAL1*
- b. *Nga Waka o Kupe – ONFL9*

Schedule 8 – Special Amenity Landscapes - Riversdale Maps – (SAL1, Wairarapa Coastline)

- 5.27 Initial submissions in relation to SAL1 were supported by Māori Trustee¹³⁷ however, other submissions¹³⁸ sought that Schedule 8 be deleted in its entirety on the basis that there are no rules relating to the overlay and therefore serves no practical purpose.¹³⁹
- 5.28 The submission by East Leigh sought to remove the overlay, in particular from coastal settlements and surrounds and to 'delete 40m coastal contour'.¹⁴⁰
- 5.29 Ms Wheatley responded to the latter point in her s42A Report explaining that whilst there are no associated rules for Special Amenity Landscapes, the relevant objective

¹³¹Including the reasons set out in para 59-69, Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 70-73.

¹³²Including the reasons set out in para 86-87, 95, 100, 108 Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 113-116.

¹³³Including the reasons set out in para 120-128 Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 132-135

¹³⁴Including the reasons set out in para 138-142 Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 156-159

¹³⁵Including the reasons set out in para 169-171 Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 172-175

¹³⁶Including the reasons set out in para 203 Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024 and the s32AA evaluation at paras 205-208

¹³⁷(S212.078)

¹³⁸Federated Farmers (S214.121)

¹³⁹Para 186, Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024

¹⁴⁰Submission for East Leigh (s239), dated 19 December 2023

and policy direction in this chapter will apply if resource consent are required for an activity within a Special Amenity Landscape and therefore did not recommend deleting Scheule 8.¹⁴¹

- 5.30 To note, Ms Wheatley did not specifically address changes sought to SAL1 by East Leigh's submission in her s42A Report.
- 5.31 On the basis of the pre-circulated evidence from East Leigh, both Ms Wheatley and the Council's Landscape Planner, Ms Emma McRae provided further assessment on East Leigh's requested amendments to SAL1 in their respective Hearing Statements. Neither Ms McRae or Ms Wheatley recommended any changes in terms of the spatial boundary in relation to East Leigh's submission.¹⁴² In particular, Ms McRae concluded that *"the inclusion of the Riversdale settlement and terraces within the proposed SAL is justified due to their setting as part of the wider landscape and their shared and recognised values which form a part of the overall values of the SAL. The inclusion of these areas is also consistent with the higher order policy for the inclusion of Special Amenity Landscapes as outlined in the Wellington Regional Policy Statement."*¹⁴³
- 5.32 At the hearing, Ms Foster, on behalf of East Leigh continued to oppose the identification of the submitters land as SAL1¹⁴⁴ on the basis that the supporting Policy NFL-P2 does not provide sufficient guidance as to what constitutes special amenity landscape values, and the large area encompassed by SAL1, including modified built environments of coastal settlements such as Riversdale Beach.¹⁴⁵
- 5.33 At the hearing, we heard from Mr Hudson and Ms Foster on behalf of East Leigh in relation to the mapping of the Riversdale township being included in the SAL1. Both Mr Hudson and Ms Foster continue to seek the *"removal of Special Amenity overlay from Riversdale Settlement and Riversdale Terraces as these areas do not have a Dominance of Natural Components nor meet the requirements of RPS Policy 27."*¹⁴⁶
- 5.34 Ms. Wheatley returned to this matter in her Reply Statement, concluding that *"as drafted, Objective NFL-O2 and Policy NFL-P2 that support the application and implementation of Special Amenity Landscapes accurately reflect the direction of the Wellington RPS. I do not recommend any changes in this regard, including to the spatial extent of the SAL1 as mapped in the notified Proposed District Plan."*¹⁴⁷
- 5.35 The Panel acknowledges that there remained a difference of opinion between Reporting Officers and the experts representing East Leigh at the conclusion of the hearing.
- 5.36 On careful review of all evidence presented and the Reporting Officers assessment, the Panel prefers the evidence of the Ms. Foster and Mr. Hudson in particular the following rational Ms. Foster provides that the SAL1 is a large stretch of the Wairarapa coastline, and whilst the majority of the SAL1 aligns with the values described in SCHED8, such as "natural coastal processes" and an "open, expansive, isolated and

¹⁴¹ Para 188, Officer's Section 42A Report – Natural Features and Landscapes, 18 November 2024

¹⁴² Para 20, bullet point d. Officers Summary Statement – Natural Features and Landscapes, Erica Wheatley

¹⁴³ Para 30, page 5, Officer Summary Statement – Natural Features and Landscapes, Emma McRae

¹⁴⁴ Para 15.8, Evidence of Christine Foster – Hearing Stream 6 – Overlays Part 2, dated 2 December 2024

¹⁴⁵ Para 4, Officers Reply Statement – Natural Features and Landscapes, Erica Wheatley

¹⁴⁶ Para 45, page 11, Brief of Evidence of John Hudson on behalf of East Leigh, dated 2 December 2024

¹⁴⁷ Para 11, Officers Reply Statement – Natural Features and Landscapes

largely undeveloped” landscape, the built-up, urban nature of Riversdale Beach settlement does not.¹⁴⁸

- 5.37 Furthermore, in respect to Mr Hudson evidence, we also agree that that grouping built-up and natural areas together under the same SAL designation may misrepresent the true amenity values of each area and the open and natural character of the reserve area to the south of the Riversdale settlement cannot have the same value as the built-up areas in the settlement, especially in terms of ‘Dominance of Natural Components’ in respect of the criteria for an SAL contained in Policy NFL-P1.¹⁴⁹
- 5.38 Therefore, the Panel accepts in part the relief sought by East Leigh to delete the SAL1 over the Riversdale Beach settlement area but maintain the SAL1 over the remaining Wairarapa Coastline. This change is indicated in the map below.



S32AA Evaluation

- 5.39 The Panel considers the amended SAL1 overlay better aligns with Policy NFL-P1 of the PDP in that it more accurately reflects the criteria set out within the policy, particularly clause (b) in that their natural components dominate over the influence of human activity and the removal of the Riversdale Beach Settlement ensures that the remaining areas of the SAL1 as notified align with this clause.
- 5.40 There are no identified risks of acting versus not acting in relation to this matter as

¹⁴⁸Para 15.9 Statement of Evidence of Christine Foster on behalf of East Leigh, dated 2 December 2024

¹⁴⁹ Para 44 Statement of Evidence of John Hudson on behalf of East Leigh, dated 2 December 2024

the Riversdale Beach settlement is already developed and therefore is no risk development resulting in adverse effects on any Significant Amenity Landscape.

Nga Waka o Kupe Hills – ONFL9

- 5.41 As notified, the spatial extent of Nga Waka o Kupe Hills (ONFL9) was sought to be increased slightly from the ODP.
- 5.42 One submitter¹⁵⁰ sought that the extent of ONFL9 be reduced back as “the Three Canoes” or as an alternative relief, seeks the buffer zone around the landform be reduced to only include the land titles containing the landform.
- 5.43 In response to this submission, Ms. McRae, Council’s Landscape Planner undertook a site visit to this property prior to the hearing and in her Summary Statement, concluded that the location where the submitter has requested the boundary to be adjusted back would sever the continuity of the landform which is being recognised by the ONFL boundary and that the removal of this area would be incongruous with the wider recognised landform of Nga Waka O Kupe and therefore Ms. McRae did not recommended any changes to ONFL9. On the basis of Ms. McRae’s assessment, Ms. Wheatley also did not recommend any further changes to ONFL9.
- 5.44 Whilst the submitter did not present further evidence at the hearing, the Panel requested a copy of the evaluation text and maps of Nga Waka o Kupe from the Landscape Evaluation Study.
- 5.45 The Panel also carried out a site visit and tested the evidence of Ms. McRae with regards to the ONFL boundary.
- 5.46 On review of the evaluation text¹⁵¹, in particular the rationale of the spatial extent text, coupled with the recommendations from Ms. McRae, the Panel have decided to adopt a hybrid boundary, which lies between the notified version and the boundary sought by the submitter.
- 5.47 Therefore, the Panel partially accepts the relief sought by the submitter but considers that the cadastral boundary of the site, is the most rational boundary as this would not unduly restrict the working ability of the farming activities currently occupying the land.

S32AA Evaluation

- 5.48 The Panel consider that the amended boundary is more appropriate and is the most appropriate way to the achieve the purpose of the Act.¹⁵² Furthermore, the amended boundary will not affect the integrity of the landscape feature but will provide for a more logical and workable boundary to allow the owner to continue operating the existing farming activities.

¹⁵⁰ Shaun Draper (S63.001)

¹⁵¹ <https://drive.google.com/file/d/14mVVyJOviAAIqzHto10kKlh6d8mFtsI/view>

¹⁵² Section 6(b) of the Resource Management Act 1991

6 Public Access

Outline of matters addressed in this section

- 6.1 This section provides for the following in relation to the Public Access (**PA**) Chapter of the PDP:
- a. sets out the application of the higher order policy documents;
 - b. provides a summary of the relevant notified provisions;
 - c. provides a brief overview of submissions received on the provisions;
 - d. provides a summary of the recommended amendments that the Panel adopts; and
 - e. evaluates and sets out our decisions on the key issue remaining in contention.

Higher order policy framework

- 6.2 The PA Chapter provides for section 6 matters of the RMA in that it maintains and enhances public access to and along the Coastal Marine Area, lakes, and rivers, which are matters of national importance. Furthermore, public access to and along the coastal environment is a key consideration of the New Zealand Coastal Policy Statement, which the chapter addresses in conjunction with subdivision chapter.

Summary of the relevant notified provisions

- 6.3 The purpose of the PA Chapter is to provide for public access to and along surface waterbodies and the Coastal Marine Area throughout the Wairarapa.
- 6.4 The introductory section of the chapter, as notified, provides an explanation of how public access is provided and the connection and alignment of public access provisions within the Subdivision Chapter and the Natural Character chapter where they relate to public access for esplanade reserves and esplanade strips and margins of Significant Waterbodies respectively.
- 6.5 The PA Chapter contains a single overarching objective (PA-O1) providing for public access and enjoyment to coast, rivers, lakes, and natural inland wetlands and their margins.
- 6.6 The policy framework (Policies PA-P1-P3) supports the objectives by seeking to:
- a. Require, through subdivision, esplanade reserves and strips to form connections where appropriate
 - b. Enable compatible activities adjacent to the coast and surface waterbodies that do not restrict or prevent public access
 - c. Ensure public access to the Coastal Marine Area is enhanced and only restricted for limited reasons as set out in the policy
- 6.7 There are no corresponding rules or standards contained within this chapter.

Overview of submissions

- 6.8 A total of 22 submission points and 8 further submission points were received on the Public Access chapter.¹⁵³
- 6.9 Submissions were generally partially supportive of the notified provisions, with most amendments sought to give effect to higher order documents, or to reduce effects on private landowners or existing activities. There was one request for an additional objective.¹⁵⁴

Recommended amendments that the Panel adopts

- 6.10 The Panel have considered the recommendations by the Reporting Officer contained in the S42A Report and the Summary Statement and corresponding s32AA Evaluations, and – where relevant – the evidence of others the Officers have relied upon, we have accepted and adopted the following amendments and make no further evaluation on these based on the fact that these matters were not contested by the time of the hearing:
- a. Amend **PA-O1** to better align the objective with the purpose of esplanade reserves and strips under the RMA¹⁵⁵
 - b. Amend **PA-P1** to better align the policy with the purpose of esplanade reserves and strips under the RMA¹⁵⁶
 - c. Amend **PA-P3** to give effect to Policy 19 of the NZCPS, wherein access to the coast can be restricted.¹⁵⁷

Decisions on key issues remaining in contention

- 6.11 One matter remained in contention between the Reporting Officer and evidence of one submitter in relation to *Restriction extended to Lakes, Rivers and Wetlands*.¹⁵⁸ We provide our evaluation on this matter below.

Restriction extended to Lakes, Rivers and Wetlands

- 6.12 The submitter originally sought that PA-P3 should be extended to cover lakes, rivers, and wetlands, to give effect to the RPS Policy 53.
- 6.13 Whilst the Reporting Officer, Mr Gulson agreed with the submitter that it is appropriate to restrict access to lakes, rivers and wetlands in accordance with the RPS, the changes recommended to PA-P3, as agreed by the Panel above contained in the s42A Report, was considered to appropriately attend to the submitters concerns.
- 6.14 However, at the hearing, the submitter¹⁵⁹ continued to seek amendments to PA-P3 to extend to cover lakes, rivers, and wetlands.

¹⁵³ para 52, Officer's Section 42A Report – Public Access, 18 November 2024

¹⁵⁴ Federated Farmers NZ (S214.072)

¹⁵⁵ Including the reasons set out in para 61-63 Officer's Section 42A Report – Public Access, 18 November 2024 and the s32AA evaluation at paras 77-80

¹⁵⁶ Including the reasons set out in para 88-90 Officer's Section 42A Report – Public Access, 18 November 2024 and the s32AA evaluation at paras 106-108

¹⁵⁷ Including the reasons set out in para 96-102 Officer's Section 42A Report – Public Access, 18 November 2024 and the s32AA evaluation at paras 106-108

¹⁵⁸ Emily Levenson, S221.092 and FS13.051

¹⁵⁹ Ms McLeod, representing Transpower (S218)

- 6.15 Mr Gulson returned to this matter in his Reply Statement, concluding that he considered the initial changes made to Policy PA-P3 as set out in his s42A Report remain appropriate and no further changes should be made to this policy but conceded that an additional policy should be inserted in response to the submitters specific request for public access to and along lakes, rivers and wetlands.
- 6.16 The Panel accepts and adopts the additional policy for the reasons and corresponding s32AA set out in the Reporting Officers Reply Statement¹⁶⁰.

¹⁶⁰ Including the reasons set out in para 4-6 Officers Reply Statement – Public Access, and the s32AA evaluation at paras 7-9

7 Overall Conclusions

- 7.1 For the reasons set out in the previous sections, we have determined the adoption of specific changes to the aforementioned chapters and provisions in the PDP.
- 7.2 Our amendments are shown in track change in the 'tracked' version of the provisions in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**.
- 7.3 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions and will improve its useability.