Chapters 21, 23 and 33- Aileen Craw, Summary of Evidence: Transpower New Zealand Limited

In the first instance, I wish to highlight that my evidence records a significant amount of agreement with the conclusions reached in the Section 42A Reports. This agreement is primarily on the basis that the relief sought by Transpower in relation to Chapter 3 – Strategic Direction, is adopted by the Panel, either via the revised relief sought by Transpower or the amendments included in Council's right of reply which included a new Goal, Objective and Policy in relation to infrastructure.

On this basis, and to summarise my evidence, I wish to briefly address further amendments to Chapters 23 and 33 that are supported by my evidence.

Firstly in terms of Chapter 23 – Gibbston Character Zone, Objective 23.2.1, I have supported replacing the word 'inappropriate' with 'other' activities to ensure that nationally significant infrastructure such as the National Grid is anticipated within the Gibbston Character Zone. Upon reflection, I do not consider that the proposed amendment achieves the relief sought by Transpower, nor is necessary to make amendments to do so, subject to Council's recommended amendments to Policy 23.2.1.7, together with either Transpower's preferred relief or Council's further amendments to Chapter 3.

I now turn to Chapter 33 – Indigenous Vegetation and Biodiversity, and the offsetting Policy, Policy 33.2.1.8. The amendments I seek in my evidence aim to better reflect that offsetting is not a requirement under the RMA and mandating offsetting in a district plan, such that it is required, is not appropriate. I accept that this policy may benefit from further refinement to further clarify the role offsetting **may** play and to better align with Policy 3.5.2 of the Proposed RPS, but my aim is to better express the concept that the onus should be on the applicant to consider offsetting, rather than the onus on Council decision-makers to consider whether the applicant has considered offsetting. I acknowledge that this is a subtle difference, but I consider that the policy can be directive in encouraging applicants to consider offsetting, a policy which Council can then use when assessing a resource consent application. I consider that perhaps the words "*the applicant may consider offsetting*" may be more directive and clear.

In terms of Policy 33.2.2.1, my evidence seeks that the policy be amended to include the words "remedy or mitigate" along with avoid in terms of the clearance of indigenous vegetation within Significant Natural Areas. It is my opinion that, as currently worded, the policy does not give effect to the NPSET, particularly Policy 5 which states that decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets when considering the environmental effects of transmission activities. A National Grid specific policy would give effect to Policy 5 of the NPSET. As currently worded, the policy would not allow the clearance of indigenous vegetation within Significant Natural Areas if it reduces indigenous biodiversity values. Clearly, there will be situations where Transpower will be required to trim or remove vegetation in SNA F40A for instance, to meet its obligations under the Electricity (Hazards from Trees) Regulations 2003.

Lastly, I'd like to take the chance to clearly explain the relief sought in regards to the indigenous vegetation clearance rules and their relationship with the NESETA. Regulations 30-32 of the NESETA provide the rules from the trimming, felling and removal of trees and vegetation for existing transmission lines. These regulations prevail over the relevant District Plan.

Regulation 30(2) of the NESETA defers to the District Plan in terms of identifying 'natural areas' and also states that any tree or vegetation must not be trimmed, felled, or removed if a rule prohibits or

restricts its trimming, felling or removal. Therefore, any vegetation removal or trimming within a Significant Natural Area would generally require resource consent under the NESETA because there are rules within the Proposed Plan (Section 33.3.2) which restrict this activity.

However, the Proposed Plan provides an exemption whereby network utility operators are exempt from the indigenous vegetation rules. Transpower supports this, however, the anomaly with the NESETA means that Transpower would still likely require resource consent under the NESETA because there are rules which restrict or prohibit this activity. Transpower's relief sought in the submission to provide an exemption is intended to balance this out to ensure that Transpower is on the same level as other network utility operators and do not have to obtain resource consent for indigenous vegetation trimming, felling or removal when other network utility operators do not.

However, my evidence recommends that a permitted activity rule is more appropriate way to achieve the same outcome. This would mean that if Transpower are proposing to trim a tree in a Significant Natural Area and they begin to assess the activity under Regulation 30 of the NESETA, condition (2) will not apply because the permitted activity rule in the Proposed Plan will ensure it is not a) restricted or prohibited by a rule (as the rules now make it exempt) and b) it's not in a natural area as the permitted activity rule states it is exempt from Significant Natural Area rules. This would ensure that Transpower is also exempt from these rules, consistent with other network utility operators, and thus are not subjected to more onerous consenting requirements for vegetation clearance. Ms Garvan's legal submissions provides an example of how this works in the South Waikato Plan.

I am happy to take any questions.