

## **Highlights Package**

### **Summary of evidence of Pauline M Whitney on Submission points by Transpower NZ Ltd Before Waikato District Council**

#### **Proposed Waikato District Plan: Hearing 21a – Significant Natural Areas**

- 1 My name is Pauline Mary Whitney. I am a Senior Planner: Principal of Boffa Miskell Limited. I am a Full Member of the New Zealand Planning Institute and have over 23 years' experience as a resource management planner.
- 2 This summary briefly sets out an overview of my Primary Evidence, responds to the Hearing 21a Section 42A Rebuttal Evidence on the Proposed Waikato District Plan ("PWDP"), and outlines a summary of outstanding provisions.

#### **Relationship between Chapter 3 Natural Environment and Chapter 6 Infrastructure**

- 3 Given Chapter 3 applies in addition to Chapter 6 Infrastructure, the Significant Natural Area ("SNA") provisions within Chapter 3 are of relevance to Transpower, noting that Chapter 6 Policy 6.2.5(v) provides a specific policy framework for the National Grid in SNAs within rural areas.

#### **Transpower's submission to Chapter 3 Section 3.2 Significant Natural Areas**

- 4 Transpower lodged 3 original and 5 further submission points to Chapter 3, with the submission points relating to Objective 3.2.1 and Policies 3.2.3, 3.2.4, and 3.2.6, and the definition of Significant Natural Area. In my Primary Evidence I also commented on s42A recommended new policy 3.1.2A, noting that Transpower does not have scope on that particular recommendation.

#### **Primary evidence points**

- 5 In my Primary Evidence I responded to the s42A Report recommendations on the provisions identified in paragraph 3 above. I have reviewed the S42A Rebuttal Evidence and my response is summarised in the following table (Attachment A).

Pauline Whitney, 17 November 2020

## Attachment A - Summary Table of Primary Evidence

PWDP Provision	Position in response to S42A Reports (Primary and Rebuttal_	Relief/Amended Text Sought (Changes recommended by the s42A Report are identified in red, those recommended in the S42A Rebuttal are identified in blue, and outstanding changes sought in this evidence identified in green):
Definition of Significant Natural Area	<p>As outlined in my Primary Evidence, while I <b>accept</b> the s42A Report recommendation, I wish to highlight the challenges of unidentified SNAs for a linear asset such as the National Grid which can involve large scale projects and require assessment across an extensive area for both new development and upgrades, as well as the operation and maintenance of existing assets.</p> <p>I am supportive of the s42A Rebuttal recommendation to include a funding policy. However, the wording could be refined as, currently drafted it requires funding only if the area meets the criteria. I am not clear if this is the intent.</p>	<p><i>Significant Natural Area</i>  <i>Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps or that meets one <u>or more of the criteria in Appendix 2 Criteria for Determining Significance of Indigenous Biodiversity</u></i></p> <p><u><a href="#">3.1.2D Significant Natural Area Assessment Funding Policy Significant Natural Area Assessment Funding Policy</a></u>  <u><a href="#">(1) Council in joint responsibility with Waikato Regional Council will meet the costs of an ecological assessment that shows whether an <del>the</del> area meets one or more of the criteria in Appendix 2: Criteria for Determining the Significance of Indigenous Biodiversity</a></u></p>
Objective 3.2.1	<p>As outlined in my Primary Evidence, I <b>oppose</b> the s42A Report recommendation and notwithstanding the s42A rebuttal to replace the 'and' with 'or', I remain supportive of the deletion of the word 'enhance' from the objective.</p>	<p>3.2.1 Objective – Significant Natural Areas</p> <p>(a) Indigenous biodiversity in Significant Natural Areas is protected <del>and or enhanced</del>.</p>
Policy 3.2.3	<p>As outlined in my Primary Evidence, on the basis of Policy 6.2.5, I am largely <b>neutral</b> on the s42A Report recommended changes to Policy 3.2.3.</p> <p>However, I have suggested amendments to the policy to clarify the interpretation and application and remain supportive of these amendments. I note there is an inconsistency between the recommendation within the S42A Rebuttal and that the Rebuttal Appendix 2 in that the former has the word “significant” within clause (v) and the later has the word “more than minor”.</p> <p>I support the s42A Rebuttal evidence for a new <i>policy 3.2.3 Functional Requirement</i> but recommend the policy also reference “operational need” to reflect that some activities have operational and technical constraints which dictate their location, as opposed to functional need which infers resource dependence.</p>	<p>3.2.3 Policy - Management hierarchy</p> <p>(a) Recognise and protect <u>the values of</u> indigenous biodiversity within Significant Natural Areas by:</p> <p>(i) avoiding <del>the significant more than minor</del> adverse effects of vegetation clearance and the disturbance of habitats <u>in the first instance as far as practicable unless specific activities need to be enabled</u></p> <p>(ii) remedying <u>and/or mitigating</u> any <u>more than minor</u> effects that cannot be avoided; then</p> <p><del>(iii) mitigating any effects that cannot be remedied; and</del></p> <p>(iv) after remediation or mitigation has been undertaken, <u>consider offsetting</u> any <u>significant more than minor</u> residual adverse effects in accordance with Policy 3.2.4.</p> <p><u>(v) If offsetting of any significant/more than minor residual adverse effects in accordance with Policy 3.2.4. is not feasible then <del>economic environmental</del> compensation may be considered.</u></p> <p><u><a href="#">Policy 3.2.3 Functional Requirement</a></u></p>

		<u>Recognise that activities may have a functional or operational need requirement to traverse or locate within a Significant Natural Area where no reasonably-practicable alternative location exists</u>
Policy 3.2.4	I <b>accept</b> the s42A Report recommendation (and rebuttal amendments) on Policy 3.2.4	<p>3.2.4 Policy – Biodiversity Offsetting</p> <p>(a) Allow <del>for a</del> biodiversity offsetting <del>to be offered by a resource consent applicant</del> where an activity will result in <del>significant</del> residual adverse effects on a Significant Natural Area, <del>or on indigenous biodiversity outside such Significant Natural Areas.</del></p> <p>(b) Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided, <u>to the extent practicable, and then</u> remedied or mitigated in accordance with the hierarchy established in Policy 3.2.3; and</p> <p>(i) the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting; and</p> <p>(ii) the biodiversity offset can achieve no net loss, <u>and preferably a net gain</u>, of indigenous biodiversity:</p> <p>A. preferably in the affected area of Significant Natural Area; or</p> <p>B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located.</p> <p><u>(iii) recognising that there are limits to the appropriate use of biodiversity offsetting, including because of the irreplaceability or vulnerability of the biodiversity affected.</u></p>
Policy 3.2.6	I remain in <b>support</b> of the s42A Report recommendation (and as amended through rebuttal evidence) to include the reference to vegetation clearance associated with the operation maintenance and upgrading of infrastructure, within Policy 3.2.6	<p>3.2.6 Policy-Providing for vegetation clearance</p> <p>(a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:</p> <p>(i) maintaining tracks, fences and farm drains</p> <p>(ii) avoiding loss of life injury or damage to property</p> <p>(iii) collecting material to maintain traditional Maaori cultural practices</p> <p>(iv) collecting firewood for domestic use</p> <p><u>(v) operating, maintaining or upgrading existing infrastructure</u></p> <p>(b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for the construction of building platforms, services, access, vehicle parking and on-site manoeuvring and for the development of Maaori Freehold Land by:</p> <p>(i) using any existing cleared areas on a site that are suitable to accommodate new development in the first instance;</p> <p>(ii) using any practicable alternative locations that would reduce the need for vegetation removal;</p>

		<p><i>(iii) retaining indigenous vegetation which contributes to the ecological significance of a site, taking into account any loss that may be unavoidable to create a building platform, services, access, vehicle parking and manoeuvring on a site;</i></p> <p><del><i>(iv) Firewood.</i></del></p> <p><del><i>(iv) operating, maintaining or upgrading existing infrastructure</i></del></p>
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