

Pauline Whitney - Speaking Notes – 7 February 2024

I have listened to the questioning of the reporting officer. If agreeable to the panel, I will focus on the two matters that arose this morning – being the

- The relationship between the NPS-UD and all infrastructure, as opposed to only the National Grid,
- And essentially whether the references to reverse sensitivity and not compromise should be qualified by “as far as possible”, and the directive nature of the provisions.

If I can make one background comment, the ROPS was notified prior to the gazetting of the NPSET

Happy to take questions as I go.

In relation to **the first issue** – I fully accept the NPS-UD provides no policy framework for a wider group of infrastructure, acknowledging the NPSET sits along side the NPSUD.

I will leave it to other experts to speak to their evidence and the underlying submissions on this matter, noting that in its submission Transpower sought as an alternative relief, that the sought reference be confined to the National Grid. I would be supportive of such an approach.

In terms of the **second line of questions** regarding the directive nature of the provisions and the scope of policy 10 of the NPSET

- Policy 10 addresses two issues – the first being reverse sensitivity and the second being not compromise. As outlined in paragraph 7.8 and 7.9 of my evidence, reverse sensitivity and compromise are two different effects. There is also an ‘and’ separating the two limbs
- I acknowledge the wording “to the extent reasonably possible” is used in Policy 10. However, the requirement is on decision makers – not applicants and its about managing the activities. Given the PC3 provisions relate to RPS plan provisions, I support a clear directive within the RPS. In my opinion, it is reasonably possible at this plan making stage to set a framework within the RPS to achieve policies of the NPSET in the context that the provisions within PC3 relate to intensification and expansion. I would think within this context, an explicit policy direction can be provided in relation to the National Grid.
- Notwithstanding my earlier point relating to the obligation on decision makers, in my opinion the qualifier “to the extent reasonably possible’ applies to reverse sensitivity but it is less clear and arguable as to whether it applies to the second limb (being the compromise component). I am aware I have discussed this issue at other hearings before members of the plan. There is an ‘and’ separating the two limbs. My reading is that if the qualifier was to apply to both limbs and if the policy was only confined to reverse sensitivity, the policy would read:

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.

In terms of the directive nature of the wording, Objective O3 starts off with the word 'manage'. It does not direct to 'avoid'. While there is a strong directive to ensure the infrastructure is not compromised, this reflects the wording in the NPSET. I fully acknowledge there are many ways to frame the objective. My evidence and relief sought focused on the drafting provided in the S42A report with amendments sought to give effect to the other limb (being compromise) within Policy 10. I am comfortable to confine the policy to the National Grid. Given the known National Grid assets and the corridor management approach adopted in district plans for land use and subdivision, it is readily possible to achieve policy 10 without having to insert the uncertain and subjective qualifier 'to the extent reasonably possible'.

I am comfortable with the reworded objective as discussed this morning.

Or, Notwithstanding the above, as noted in my evidence, depending on how the policies are framed, I would be comfortable with a more generic objective – *The intensification and expansion of urban environments contributes to well functioning urban environments that manage effects on the National Grid*'.

- Transpower submission to Policy P4 also sought to give effect to the second limb of policy 10 (being the compromise component) I am comfortable to confine the policy to the National Grid.

I did try and follow the suggested wording discussed this morning and the suggested wording for I think, for Policy 4 being - *Manage the effects of activities on NSI (or the National Grid) to ensure its operation, maintenance or upgrade is not compromised.* I would support such wording as it provides the direction to the lower order to plans to manage the effects, with the outcomes still to ensure the operation, maintenance or upgrade is not compromised.

- Policy P6 relates to unanticipated or out of sequence development. I do accept the policy is wide and very directive. Specific to the National Grid, it should be readily possible to manage activities to avoid effects on the National Grid given the existing assets are known and the policy relates to new development. As such I do not support the qualifier (as far as reasonably practicable) as it would apply to the National Grid. If it were to be retained and apply to the National Grid, it should refer to 'possible' to reflect the wording in the NPSET. But again, I stress at the plan making stage it is possible to avoid the National Grid.

I am happy to take part of any caucusing with the officer and other infrastructure providers should the panel so direct and think that useful.