

**Topic 004 (Chapter G) – Amendments to Attachment A to Michele Perwick’s Rebuttal
Evidence of 21st November 2014 Sought by Transpower**

1. I have read Ms Michele Perwick’s rebuttal evidence for Auckland Council in preparing these brief comments. There remain a small number of areas of difference of opinion.
2. Ms Perwick’s support for the wording to simplify and clarify the text relating to NES at the end of section 1.4 is appreciated.
3. In relation to prioritisation of provisions relating to precincts and overlays, Transpower continues to seek that overlay provisions “trump” precincts (as well as zones and Auckland-wide rules). The reasons for this are set out in my primary and rebuttal evidence. In my opinion, Ms Perwick’s current proposal to modify section 2.1 to allow for either precinct or an overlay to state that it over-rides another precinct or overlay will add further complexity and uncertainty to the Plan in the long term. I accept that the PAUP is “in development” and there are current inconsistencies¹. In my view, it is important to get these principles sorted out at this stage and this can then guide the contents of the zones, precincts and overlays.
4. I reiterate Transpower’s three options for dealing with the concern:

Notwithstanding (a), the activity status and rules in any precinct do not take precedence over the National Grid Corridor overlay (J1.4).

OR

No precinct adopted after [PAUP notification date] may impose a rule which is less stringent than a rule in an overlay.

OR, ideally

The activity status in an overlay takes precedence over the status of the same activity status or use in a precinct, Auckland-wide provision or zone, ~~unless the precinct expressly states otherwise~~. If more than one overlay applies to the same activity or use then the most restrictive activity status applies.

5. With respect to Ms Perwick’s argument that section 87B allows a plan to set a “default” position in terms of rules, I do not disagree that this can be non-complying. However, to do so is to set in place rules more onerous than the RMA guidance for situations that the Plan has omitted to address. It would be normal for general provisions, zones, precincts and overlays to determine a

¹ Ms Perwick gives two examples of potential inconsistencies between zones (not precincts) and overlays, and refers to Mr Duthie’s evidence on stormwater in relation to precincts. I do not agree with the issues about stormwater (see my rebuttal evidence paragraph 3.5), and clearly the zone/overlay issue examples need to be sorted out through the hearings and the Panel’s decision-making processes.

status for activities not provided for, so I understand section 2.2 to be applied only for a genuine gap elsewhere in the Plan.

6. I understand from Ms Perwick's original evidence (paragraphs 15.2 to 15.6) that it is intended that the rule tables for "regional" activities continue to contain a discretionary default component. Equally, "district" provisions may have a "catchall" non-complying provision. There is, however, a concern over activities which are both "regional" and "district" which has yet to be worked out. My preference would be that section 2.2 has a discretionary default, and that it would be rarely used because rules in the plan would be sufficient to address virtually all situations.
7. Transpower sought that, amongst the list of specialist reports set out in G.1.4A.26 that the council may require, item (f) should be slightly reworded to state:
 - f. provision of infrastructure and ~~utilities assessment servicing/utility provision~~
effects on existing or proposed infrastructure.
8. I support this request as otherwise the requirement may be interpreted as applying only to new utilities to service a specific proposal. Ms Perwick, after indicating general support, does not appear to have addressed this specific request in either of her statements of evidence and has not included this small change in her Rebuttal Attachment A.

Sylvia Allan
1st December 2014