

PLANNING EVIDENCE

IN THE MATTER OF Proposed Te Tai o Poutini Plan (pTTPP)

AND

IN THE MATTER OF A hearing into the above pursuant to the Resource Management Act 1991

DATE OF HEARING 27 November – 1 December 2023

**REVIEW OF RESOURCE MANAGEMENT AND PLANNING MATTERS
RELATED TO SUBMISSIONS AND FURTHER SUBMISSIONS OF
WESTPOWER LTD TO THE PROPOSED TE TAI O POUTINI PLAN**

TOPICS:

Energy Activities

Evidence of Martin Kennedy

1.0 INTRODUCTION

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.
- 1.4 This evidence specifically relates to the topic:
 - Energy Activities

2.0 SUBMITTER

- 2.1 The submitter is: Westpower Limited (*Westpower*)
- 2.2 Westpower is a community owned company undertaking activities related to the generation and supply/distribution of electricity to the community. Westpower undertakes activities in all districts in the region. Westpower's ability to undertake its activities for the community is impacted by the provisions of the plan. When assessing the proposed plan activities have been considered under three broad categories (although all are interrelated);
 - the existing electricity network;
 - potential additions and extension to the network;
 - electricity generation activities.

3.0 WITNESS

- 3.1 As above I have been requested by the submitter to present evidence on the resource management issues relating to certain matters which were the subject of submissions and further submissions to the *pTTPP*.
- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I

was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 32 years Resource Management and Planning experience. I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.

- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters.
- 3.3 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.4 I am a current full member of the New Zealand Planning Institute.
- 3.5 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

4.0 SCOPE OF EVIDENCE

- 4.1 Westpower Ltd made submissions to a number of provisions throughout the pTTPP, and later in the process further submissions. There have been no pre-hearing processes since the lodging of submissions and further submissions.
- 4.2 For the purpose of this evidence the current pTTPP document is used as the base for assessment and opinions, with reference to the Section 42A Report (*the s42A Report*).

- 4.3 Westpower Ltd, whilst retaining its submissions and further submissions, is in general agreement with those recommendations of the Section 42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.
- 4.4 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. There are some issues arising with submission points and these are discussed below.
- 4.5 This evidence is therefore submitted for two purposes;
- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
 - To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments. In terms of this hearing the topics covered are;
 - Energy Activities
- 4.6 This evidence covers the topic area and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd, or where issues have been identified with the report.

5.0 CONCLUSION

- 5.1 Whilst there is some agreement on the outcomes arising from a range of submissions and further submissions there are a number of points that in my opinion require further consideration and inclusion in the TTPP.
- 5.2 Rather than summarise the broad range of matters here Sections 7 and 8 below discuss each of those matters where submission points have been either accepted or rejected by the S42A Report and my opinions on each.

5.3 I have also included in Section 7 comments regarding submissions “*accepted*” by the s42A Report and some omissions, ie; further submissions that have not been referenced in the s42A Report but for which an recommendation to “*accept*” is made, two submission points from Westpower that are recommended to be rejected but for which there is no commentary in the Report, the linkage of a further submission to the incorrect submission.

6.0 STRUCTURE OF EVIDENCE

6.1 To assist with this evidence the following sections are provided;

- a. Recommendations on Submissions and Further Submissions (*Section 7.0*) supported
- b. Amendments Required (*Section 8.0*)
- c. Section 32 Analysis (*Section 9.0*)
- d. Part II of the Resource Management Act 1991 (*Section 10.0*)

6.2 To assist with this evidence, summaries of the s42A Report recommendations are attached as Appendix 1 below. These appendices will be referred to where required for ease of cross reference rather than repetition of information.

7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

7.1 Having reviewed the Section 42A Report and appendices, which are understood to reflect the recommendations of that report, Westpower have advised that those recommendations accepting its submissions and further submissions are supported. This is with the exception of those matters discussed below, including where a submission or further submission has been accepted in part.

7.2 I have reviewed those matters and generally support the recommendations to accept those submission points made by Westpower and provide no further evidence in regard to those matters where there is agreement at this stage. In order to assist in progressing matters and focus on the matters in contention I do not comment here on my position regarding the reasons for the recommendations set out the S42A Report. I do recognise that there are some matters where there is overlap between recommendations, either to accept or reject an outcome sought, however this evidence focuses on the overall outcome

when considering how these matters/recommendations have been split in the report and my evidence. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (pages 1-17) attached to this evidence, as submissions and further submissions accepted.

7.3 The remaining matters shown in Appendices 1 (pages 5-9) and 2 (pages 3 - 7) have been recommended to be rejected by the s42A Report and are the main focus of this evidence. Having said that a number of matters have been recommended to be accepted in part and many of these have necessitated further evidence being provided given the outcomes proposed in the report. I consider those to be important matters in development and implementation of the plan and require robust consideration. These matters are canvassed in the following Section 8.

7.4 A point I do note in discussing these matters, and which is a theme in points of submission made by Westpower to the pTTPP, relates to *Section 3.1.5* of the s42A Report. I note at paragraph 71, page 24, that the report list activities identified as “*Regionally Significant Infrastructure*” in the West Coast Regional Policy Statement (the RPS). I note that the list provided does not include electricity matters included in the definition of “*Regionally Significant Infrastructure*” in the RPS. I am concerned this oversight has resulted in a different interpretation of the RPS than is intended in that operative document. Section 75 of the Resource Management Act 1991 requires that the TTPP must give effect to the RPS and discussion will be on that basis when related to the matters arising. The RPS was developed following an extensive process. The RPS adopted by the region is a very detailed and directive document and requires careful consideration to ensure it is given effect in the TTPP.

7.5 For completeness I agree with the proposed recommendations as I understand them with regard to a range of matters discussed in this section of the s42A Report and as set out in the accompanying Appendix 1 to the s42A Report;
S547.034 - Renewable Electricity Generation - no amendment proposed (see paragraph 138 of the s42A Report)

- S547.038 - Significant Electricity Distribution Line - no amendment proposed (see paragraph 138 of the s42A Report)
- S547.040 - Substation (Distribution) - no amendment proposed (see paragraph 138 of the s42A Report)
- S547.035 - Renewable Electricity Generation Activities - amendment proposed as sought by Westpower (see paragraph 158 of the s42A Report)
- S547.116 - ENG-R13 - amendment proposed as sought by Westpower to add the term “*functional*” to item “a” in the matters or restricted discretion. This is consistent with submission points throughout the plan seeking that these terms be used as it provides consistency of terms across provisions and between policy and plan documents. It also supports submission points discussed above and elsewhere in the sections of the plan in this regard as being appropriate. (see paragraph 295 of the s42A Report)
- S547.117 - ENG-R14 - amendment proposed as sought by Westpower to add the terms “*locational and technical*” to item “d” in the matters or restricted discretion. This is consistent with submission points throughout the plan seeking that these terms be used as it provides consistency of terms across provisions and between policy and plan documents. It also supports submission points discussed above and elsewhere in the sections of the plan in this regard as being appropriate. (see paragraph 299 of the s42A Report)
- S547.118 - ENG-R15 - amendment proposed as sought by Westpower (see paragraph 304 of the s42A Report)

7.6 A range of further submissions have been referenced in the report in terms of topics to which they relate and all are recommended to be “*accepted*”. I agree with those recommendations relating to; FS222.011, FS222.0122, FS222.0226, FS222.0241, FS222.0242, FS222.0243, FS222.0227, FS222.0233, FS222.0229, FS222.0235, FS222.0236, FS222.0237, FS222.069.

7.7 There are a range of further submissions recommended to be “*accepted*” in the Summary Appendix to the s42A Report that are not referenced in the report. These are; FS222.0234, FS222.0247, FS222.0231, FS222.0232, FS222.0230. I

agree with the recommendations but if the matters remain in contention I would need the appropriate references to review reasoning and provide comment.

7.8 Further submissions FS222.0245 and FS222.0246 are recommended to be accepted in part but are listed as general submissions not related to the base submissions to which they relate. Each of the base submissions themselves are listed as general submissions. Given the further submissions are recommended to be “*accepted in part*”, if the outcome were to be a change to the plan I would need to know the specifics of the outcome in relation to each to provide further comment.

7.9 Further submission FS222.049 is linked to the wrong base submission as discussed below. It is not possible to provide further comment on the correct linkage until it is known what the intent is in regard that matter.

Omitted Submission Points

7.10 There are three submissions that are listed in the recommendations summary to the s42A Report as to be “rejected” that are not contained in the report itself.

7.11 With reference to submissions S547.028 and S547.031. It is not known what the reasons for the recommendation are in order to comment further at this time. Both relate to adding notes to definitions for “*Infrastructure*” and “*Network Utility Operator*” respectively to assist plan users in interpreting how the plan works in terms of defined activities and the relevant rules. I am unclear how assisting plan users in not an appropriate amendment and am willing to provide input when reasoning is available.

7.12 Submission S547.022 is not referenced in the s42A Report but is listed as being recommended to be “rejected” but there is no associated commentary or reasons. Presumably this relates to “5.2.2 *Key Issue 2: Critical Infrastructure (pages 29-33 – s42A Report)*” and the further submissions discussed below. If clarification can be provided in that regard any further comments that may be required can be provided.

8.0 AMENDMENTS REQUIRED

- 8.1 There are matters which require further amendment in regard to the current pTTPP document and as raised in the s42A Reports. For the purpose of this evidence and the hearing the matters discussed relate to issues associated with energy activities.
- 8.2 For the purpose of cross reference to the s42A Reports the headings used in that report are repeated here when discussing specific submission points.

5.2.2 Key Issue 2: Critical Infrastructure (pages 29-33 – s42A Report)

FS222.0174 (Appendix 1, page 8) 7 FS222.0176 (Appendix 1, page 6)

- 8.3 The s42A Report recommends accepting the submissions to change “*Critical Infrastructure*” to “*Regionally Significant Infrastructure*” as defined in the RPS. I agree that this is appropriate as it gives effect to the RPS. This is a consistent theme in Westpower submissions as it relates to issues already resolved at the regional level. Having said that, this is a fundamental amendment to the pTTPP. This change results in the need for amended wording of provisions throughout the document. I note Westpower’s further submission is summarised as “*not stating*” a decision requested. This is incorrect with reference to the further submissions which, whilst agreeing that the outcome is appropriate for consistency with the RPS, sought to understand the amendments as a whole. This would have assisted with many of the submission points made by Westpower. In my opinion that position is still relevant until an understanding of the document as a whole is able to be obtained.
- 8.4 As an aside I note the reference to FS222.0172 and FS222.0175 in the s42A Report, page 31, under this heading is incorrect as these relate to other definition matters. I also note that paragraph 146 of the s42A Report appears to also refer to further submissions (*FS222.0151* – Appendix 1, pages 16-17 below), (*FS222.0176*, Appendix 1, page 6 below) made by Westpower in this regard but makes no further comment in that regard.

6.2.1 Key Issue 1: General (pages 34-38 – s42A Report)

FS222.0198 (Appendix 1, page 26)

- 8.5 The s42A Report recommends rejecting this further submission on the grounds that it is proposed to retain the plan regime, ie zone chapters do not apply to energy activities, without amendment. I agree with retaining the plan as

intended in this regard. I note that this further submission was in relation to “Zones” and arose in regard to a submission point in another part of the plan so reserve the right to review/comment on that matter further should it arise in a later hearing to ensure this outcome is achieved on a consistent basis.

6.2.2 Key Issue 2: Definitions (pages 38-47, s42A Report)

S547.021 & S547.029 (Appendix 1, page 1) – Definitions: Community Scale, Large Scale

8.6 Paragraph 138 of the s42A Report sets out a number of submission points which have been either accepted or accepted in part. For the purposes of this part of my evidence I have focused on;

S547.021 – Definition of Community Scale

S547.029 – Definition of Large Scale

8.7 Westpower submitted that these definitions in the pTTPP be retained as they had been established as part of the consultation in developing the plan. Westpower did note that there were submissions seeking more consistency with terms in the NPSREG. More consistency was supported provided this did not change the regulatory regime as developed through the plan process. Whilst the s42A report recommends accepting Westpower’s submissions in part it is apparent from the discussion below that the proposed amendments are a significant change to the regime in the plan for these matters. I do not agree with these recommendations as proposed. In my opinion the implications and impacts of the proposed amendments have not been appropriately assessed or evaluated taking in to account the plan development and associated evaluation process. The status quo should be retained with some minor amendment to bring terminology into line with that in the NPSREG rather than a change to the regime regarding how scales of activity are provided for in the plan. See also my comment below in relation to *FS222.0172 (Appendix 1, page 6)*, *FS222.0175 (Appendix 1, page 6)*, *FS222.0179 (Appendix 1, pages 6-7)* and *FS222.0180 (Appendix 1, page 7)*.

S547.041 (Appendix 1, page 1) - Definition: Substation (Zone)

8.8 Westpower submitted that this definition be retained as it had been established as part of the consultation in developing the plan taking in to account the electricity network. It is apparent with reference to paragraph 151 of the s42A Report that an amendment is proposed, “*This does not include substations that are directly connected to the National Grid.*”. Based on the discussion at paragraph 151 this amendment is intended to relate to substations that are a

component of the “national grid” however the wording is such that it will impact substations on the West Coast that are directly connected to the national grid but are not covered by the NPSET or NESETA, such as certain substations owned and operated by Westpower. If it is intended that the amendment is to have wider application I have seen no assessment or evaluation of the implications and impact of that change on the local electricity distribution network. In my opinion the existing definition should be retained and if such an amendment is required to provide for the national grid assets used or owned by Transpower then it should be clear that is what is intended and provided for. The current wording is not clear in that regard and should not be amended as proposed.

FS222.046 (Appendix 1, page 26) – New Definition: Network Utility

8.9 The s42A Report at paragraph 140 recommends inserting a new definition of “network utility” on the basis that it will provide clarity. Westpower had opposed an additional term based on the numerous terms in the pTTPP for the same or similar activities and that the matter had already been provided for in the definition of “Network Utility Operator”, which includes network utility operations. While I support amendments that provide clarity for administering the plan I do not agree that this amendment is required. The report does not advise that the plan is deficient in regard to an ability to understand the provisions with respect to network utilities. Whilst the proposed wording is broad in my opinion the outcome does not improve the interpretation of the plan, rather adds an additional term.

S547.024 (Appendix 1, page 1) – Amended Definition: Energy Activity

8.10 The s42A Report at paragraph 141 accepts the submission of Westpower that the definition of “Energy Activity” should be amended to provide more clarity of activities categorised under this heading. It is noted that in Appendix 2 to the s42A Report the recommendation is shown as “accept in part” however the proposed amendment is not set out in the s42A Report, or the associated Appendix 1, so it is not possible to comment on what the intended change is. In my opinion given that the submission of Westpower is accepted the plan should be amended as per the outcome sought in that submission (see Appendix 1, page 1 below). If it were intended that alternative wording was proposed I reserve

the right to see and comment on that wording before any decision is made in this regard.

S547.127 (Appendix 1, page 24) – New Definition: Major Dam

8.11 The s42A Report at paragraph 142 recommends that the submission of Westpower seeking a new definition of “*major dam*” be rejected on the grounds that there is no definition in the national planning standards for “*dam*” or “*major dam*”, other plans do not include such a definition and there was no justification in the submission for its inclusion. I disagree with those reasons. The matter of “*major dams*” arises in the definition of “*Critical Response Facilities*” and the submission sought the new definition due to this reference. The submission was originally to include a different definition based on a review of international terms however clarification was sought from the plan developers as to what was intended when referring to a “*major dam*”. This clarification was supplied and accordingly the submission states, “*It is understood that the intent of reference to “major dams” is to dams of a scale the same or greater than the large dams associated with schemes set out in Clause 3.31 of the National Policy Statement for Freshwater 2020 – Clause 3.31.*”. As I understand the matter the national planning standards do not preclude definitions other than those found in the standards and I don’t agree that because other plans contain no such definition it is inappropriate to include such a definition in the TTPP. The intent of the submission is to ensure that the plan is implemented as intended, and that intent was confirmed prior to making the submission. The alternative is to leave the undefined term and debate the matter each and every time the issue arises which is likely to lead to inconsistent outcomes. I do not support that approach when it is possible to provide for the matter as intended, and confirmed, through the drafting of the plan. In my opinion the new definition sought through the submission (Appendix 1, page 24 below) should be accepted and incorporated into the plan.

FS222.0225 (Appendix 1, page 26) – Amended Definition: Energy Activity

8.12 The s42A Report at paragraph 143 recommends rejecting further submission of Westpower regarding the definition of “*Energy Activity*” and further proposes that the definition should be amended to provide more clarity of activities categorised under this heading. However the proposed amendment is not set out in the s42A Report, or the associated Appendix 1, so it is not possible to

comment on what the intended change is. In my opinion given that the submission of Westpower (S547.024 above) is accepted the plan should be amended as per the outcome sought in that submission (see Appendix 1, page 1 below). If it were intended that alternative wording was proposed I reserve the right to see and comment on that wording before any decision is made in this regard.

S547.001 (Appendix 1, page 17) – Rationalisation and Consistency of Terms.

8.13 The s42A Report at paragraph 145 recommends rejecting this submission on the grounds that there is no justification provided in the submission for ensuring consistency of terms related to activities undertaken by Westpower throughout the plan. I note the submission of Westpower was on the basis that *"A review of the plan shows that references to "Energy Activities" are limited and a range of different terms are used that may or may not include elements of energy activities; i.e. energy activities, infrastructure, network utilities, utility services, utilities, critical infrastructure, aspects of critical response facilities (dependent on definitions). It is noted, as an example, that the definition of "Infrastructure" includes elements of Westpower's electricity activities but the "Infrastructure" chapter does not apply to Westpower's activities. Later rules in the plan then cross-refer to "Infrastructure" rules which do not provide for Westpower's activities. To assist with plan administration and implementation it is submitted that terms should be rationalised as much as possible to avoid potential issues arising from misinterpretation and assist with implementation and compliance. Reference to a wide range of terms and definitions when determining compliance does not assist in that regard."* I disagree that ensuring clarity and consistency in the terms used is unjustified and I note the s42A Report agrees in other areas with ensuring clarity for interpretation and implementation purposes. I note for instance the proposal to now include the term *"Regionally Significant Infrastructure"* in the plan ensure consistency with RPS provisions and this goes some way to achieving the outcome sought. This submission highlights an issue throughout the plan arising from the use of multiple terms that may or may not be applicable dependent on the circumstances. Resolving these matters before plan implementation can greatly assist with achieving the outcomes sought through the plan. I consider that it is reasonable to rationalise and ensure consistency of terms but this will need to occur throughout the plan to ensure

that provisions appropriately align. The need for this is highlighted a number of times in the s42A Report where it advises that the plan must be read as a whole. In order to do this, terms must be clear and consistent to enable interpretation and implementation. This is an overarching issue that applies to a number of submission points and I consider it is an appropriate consideration.

FS222.0172 (Appendix 1, page 6), FS222.0175 (Appendix 1, page 6), FS222.0179 (Appendix 1, pages 6-7) and FS222.0180 (Appendix 1, page 7) – Definitions: Small Scale, Community Scale, Large Scale

8.14 The s42A Report at paragraphs 146 and 147 recommends accepting these further submissions in part in relation to matters related the definitions of “small”, “community” and “large” scale electricity generation. Westpower had submitted, see S547.021 & S547.029 above, that the definitions in the plan be retained in regard to these matters. On the basis of submissions by Manawa Energy changes to align terms to be consistent with the NPSREG were supported on a qualified basis. Westpower sought that any amendments do not increase uncertainty or complexity and do not result in greater levels of restriction or impact on activities undertaken by Westpower. I consider that the outcome proposed by the s42A Report, whilst going some way to achieving consistency, also seeks to fundamentally change the regulatory regime proposed through the development of the plan by removing the proposed community scale provisions between 20kW and 100kW. These issues had been developed through the plan formulation and consultation process described in the s42A Report. The s42A Report now seeks to remove some of these provisions (ie. community scale generation activities between 20kW and 100kW) with no assessment of such an amendment on generation throughout the region. I do not agree with that approach and consider the approach as generally proposed in the pTTPP should be retained.

S547.043 (Appendix 1, page 18) – Definition: Upgrading

8.15 The s42A Report at paragraph 148 recommends rejecting the submission as it does not provide clarity and focuses on electricity lines as opposed to other infrastructure. I note that the submission of Westpower was due to the proposed definition being inappropriate in enabling Westpower to provide for the communities it serves, and managing and operating its network, given that the matters raised are part of standard operations. This is a relevant matter given

the provisions and rules throughout the plan and I note there is no assessment in the s42A Report in regard to those reasons for the requested amendment. I consider that it is relevant to include the outcomes sought in the Westpower submission. In my opinion, taking into account provisions throughout the plan, total restrictions on improvements or increases in carrying capacity, operational efficiency, and security and safety of existing energy activities is not appropriate in the context of the West Coast. I disagree that provisions should not be made for improvements in operational efficiency, safety and security given that existing energy activities are of significant importance to the West Coast, particularly in light of the plan provisions as a whole. It is important to ensure efficiency, safety and security of existing energy resources, and the ability to operate lines at the optimal capacity they have been designed for, can be achieved when the development of new energy resources is controlled to a higher degree. However I do accept that the proposal could be seen as removing the reference to other infrastructure activities and these matters should be retained with reference to other infrastructure if that is required by other providers relating to activities which are not energy activities. In my opinion these amendments are appropriate to incorporate into the definition as they clearly state what they are related to and can delineate the issues relevant to energy activities with regard to upgrading.

S547.044 (Appendix 1, pages 18-19) – New Definition: Minor Upgrading

8.16 The s42A Report at paragraph 159 recommends rejecting the submission on the grounds that the proposal will limit the extent of minor upgrading to specific activities, and is inconsistent with the pTTPP. The s42A Report further considers that the definition of ‘upgrading’ is appropriate. There is no further discussion as to why the proposal is inconsistent with the pTTPP or what limits in extent are sought to enable an informed comment or assessment in regard to those matters. The matter of upgrading is discussed above in relation to S547.043 and it is my opinion that some amendment to that definition is required to ensure appropriate implementation across the plan as a whole. I note in making the submission that the reasoning for the proposal was that there is no definition for "*minor upgrading*" in the plan although it is a term used in rules. Further it is considered that some activities that may be considered a "*minor upgrade*" may in fact be to achieve matters raised in the current

upgrading definition. This means, based on rules in the plan, that some activities that could be undertaken as minor upgrading will be prevented from being achieved. It is unclear whether this is the intention of the plan and is a matter that should be resolved, including ensuring that the implications and impacts of the proposals are appropriately evaluated. In my opinion, given the provisions of the plan as a whole, a definition of “*minor upgrading*” is required. The proposed definition in the submission is consistent with plans of a similar layout and regime to the pTTPP so is an appropriate addition and will achieve an outcome consistent with energy activities as proposed in the submission. It is important that amendments are linked to the “*upgrading*” amendment to ensure rationalisation and consistency of terms as proposed through submission points elsewhere.

6.2.3 Key Issue 3: Overview (pages 47-50, s42A Report)

S547.066 (Appendix 1, page 19), S547.067 (Appendix 1, Page 20), S547.068 (Appendix 1, page 20) - Energy Activities: Overview

8.17 I note that the submission of Westpower supported the overview in part but requested three amendments to reflect higher order policy documents, the context of the West Coast and the layout and interpretation of the chapter of the plan.

8.18 Before discussing those matters I note that the first paragraph of the of the overview is now proposed to be amended to remove reference to “protection” of regionally significant infrastructure as recognised in the RPS. My understanding based on the discussion at paragraph 163 is that the s42A Report proposes this change as the RPS does not specify the protection of regionally significant infrastructure. I disagree with that assessment and note that the issue of protection is raised in two chapters of the RPS, ie;

- Chapter 5 – Use and Development of Resources, Policy 2 recognising the need to protect certain activities from significant negative impacts (including at 2(a)(v) and 2(b)(ii) regionally significant infrastructure).
- Chapter 6 – Regionally Significant Infrastructure, Policy 4 recognising the need to protect RSI from reverse sensitivity effects from incompatible new subdivision and the adverse effects of other activities which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.

In my opinion the assessment in the s42A Report is incorrect in this regard and the wording as set out in the pTTPP in the first paragraph, ie “... specific recognition and protection, ...” should be retained to give effect to the RPS as intended by that document and proposed by the pTTPP.

S547.067 (Appendix 1, page 20)

8.19 The s42A Report is silent in regard to this submission point but the Appendix 2 summary to the report recommends it be rejected. Reviewing the discussion at paragraph 161, and associated recommended amendment, this outcome essentially mirrors that sought in this submission point. It is therefore unclear why it is recommended to be rejected. Provided the amendment is made to the overview paragraph 2 as shown on page 48 of the s42A Report I agree with that outcome and recommend it be adopted as proposed.

S547.066 (Appendix 1, pages 19-20)

8.20 The s42A Report recommends that this submission point be rejected based on the section only being an overview paragraph and sufficient West Coast context is provided. I disagree that context is not required and this is a consistent submission point from Westpower, including that existing energy activities have not been appropriately recognised and assessed through the plan development. Contrary to the s42A Report I consider that little context is provided in the overview and as proposed in the submission. The paragraph proposed to be inserted is also consistent with policy provisions for significant regional infrastructure in the RPS. In my opinion it is a relevant contextual paragraph that should be included given this is a chapter relating to regionally significant infrastructure.

S547.068 (Appendix 1, page 20)

8.21 The s42A Report is silent in regard to this submission however the Appendix 2 summary to the report recommends that it be rejected. For clarity it appears that the summary of submissions has repeated parts (1) and (2) of this submission with submissions S547.066 and S547.067 which are already discussed above. The only difference is point (3) which supports the plan interpretation clarification that, “*the Infrastructure Chapter and Area Specific Provisions (Zone Chapters) do not apply to Energy Activities.*”. The submission simply requests that this statement be moved under the heading “*Other relevant Te Tai*

o Poutini Plan provisions” as that is the appropriate location to assist with interpreting and implementing the plan. The s42A Report is silent in regard to this matter although presumably it is rejected in the Appendix 2 summary. In my opinion this is a relevant amendment to assist plan users and administrators. I note that the s42A Reporting Officer for the *“Introduction and General Provisions”* hearing recommended an amendment be made to the *“General Approach”* section of the plan to assist with this matter and the requested change at this section would be consistent with that approach.

S547.069 (Appendix 1, page 20)

8.22 The s42A Report is silent in regard to this submission point but the Appendix 2 summary to the report recommends it be rejected. Given that there is no discussion in this regard it is difficult to provide comment. The submission intended to ensure it was clear how the plan was to be interpreted particularly given the numerous terms that may apply to *“Energy Activities”* throughout the plan. I recommend that this should still be provided to better assist plan users and administrators.

S547.070 (Appendix 1, page 20)

8.23 The s42A Report recommends this submission be rejected based on the issue being infrastructure related to *“Energy Activities”*. This submission highlights the issue raised elsewhere regarding numerous defined terms of the same or similar activities. It is my opinion that the infrastructure associated with *“Energy Activities”* is included in the definition of *“Energy Activities”* and so that term should be used for consistency of interpretation. The plan has been specifically developed to group and manage *“Energy Activities”* together and separate from *“Infrastructure”*. I note, as discussed above, that the definition of *“Energy Activity”* is to be amended but that amendment is not included in the report or associated appendices. At this point I cannot comment further or provide any assessment in that regard. I request the right to do so when this information becomes available.

S547.071 (Appendix 1, page 21)

8.24 The s42A Report recommends this submission be rejected based on the need to ensure *“that any energy activity proposed on surface water considers the necessary provisions of the pTTPP”*. I agree in that regard if that is the intent,

however I note the reason in the submission was that it was understood through the plan development process that this bullet point was not meant to apply to Energy Activities. The submission sought to resolve that issue. This matter cross references to the chapter relating to the surface of water and the outcomes sought in that regard if it is now intended that that section does apply. I reserve the right to comment further in regard to those matters through the hearing process for that chapter.

FS222.049 (Appendix 1, page 10)

8.25 The s42A report, at paragraph 167, attribute this further submission to opposing a submission by Transpower seeking that the “Energy Activities” chapter essentially be self contained. This is an **error** which can be seen, with reference to Appendix 1 below, where this further submission relates to another matter. On the contrary I agree there is benefit on bringing together the provisions for ease of use and understanding of the plan provisions. This would assist with easing plan complexity and the use of numerous terms, all of which are submission points made by Westpower, and would be consistent with outcomes sought by the RPS as discussed at previous hearings. My experience of similar plans to the pTTPP is that bringing the provisions together greatly assists interpretation and implementation and ensures matters are considered and assessed holistically. I note that Westpower has made a similar submission regarding collation of all relevant rules into this section and this is to be considered and discussed at paragraph 237 of the s42A Report below. In my opinion this is an appropriate amendment that would assist plan interpretation and implementation.

6.3.4 Key Issue 4: Energy Objectives (pages 50-55 – s42A Report)

ENG-O1 (pages 50-51)

S547.074 (Appendix 1, page 21)

8.26 At paragraph 171 the s42A Report recommends accepting in part an amendment to existing ENG-O1 but recommends rejecting a new objective for the purpose of giving effect to the RPS. These recommendations are on the basis that an addition of “national benefits” is consistent with the RPS but that the new objective is not required as it is already provided for under ENG-O4. I do not agree with those reasons and consider that the objective as proposed do not give effect to, and are not consistent with the RPS. I note for instance that ENG-O4

is restricted to the national grid and does not provide for enabling energy activities as envisaged by the RPS (Chapter 6, Objective 1). I find it interesting, and inconsistent, that proposed Objective 1 in the Infrastructure section does give effect to the RPS in this regard by seeking to “enable” activities under that section. Those provisions are specifically excluded from applying to energy activities in the format of the plan, yet all are related regionally significant infrastructure as defined in the RPS and now proposed to be adopted in the pTTPP. It is unclear to me why a lesser outcome is sought or considered appropriate for energy activities than other infrastructure given the significance of energy activities to the region, and nationally, in achieving community and environmental outcomes. In my opinion the recommendations of the s42A Report is inconsistent, will not give effect to the RPS and does not reflect outcomes sought for the region on an integrated basis. My opinion is that the outcomes sought in this submission point, and set out at paragraph 171, should be adopted and included in the plan.

ENG-02 (pages 51-53)

S547.076 (Appendix 1, pages 1-2), S547.077 (Appendix 1, page 21)

8.27 At paragraph 175 the s42A Report recommends rejecting the submission but summarises the recommendation as being “accepted in part”. This appears to be on the grounds that; the plan format does not provide an ability to include locational and technical matters, the RMA requires all effects to be minimised and there was limited reasoning for these changes.

8.28 I note the Westpower submission was broadly supportive of the objective however noted that the objective is a mix of two matters, i.e. functional/operational needs and minimising effects. The submission sought two outcomes;

- (1) The existing objective should be split into two objectives to provide for the two matters and enable a clear interpretation and understanding of the outcomes sought. This included the “technical and locational” needs should be added to ensure consistency with the plan and with the RPS.
- (2) With regard to “minimising” effects it was unclear what definition was being used to determine whether effects are minimal. Given the requirements of energy activities it may not always be possible to achieve minimal effects; instead the effects must be managed. To achieve the

outcome a new objective was proposed regarding management of effects. This objective is not considered in the s42A Report.

8.29 In my opinion there were clear reasons for the proposed amendments that catered for the issues of concern raised by the s42A Report. I consider that the reasoning and integration of the proposals has been compromised in the s42A by separating the two matters (*S547.076* and *S547.077*). I note, for example, that the proposed new objective to manage effects is listed as being recommended for rejection (*S547.077, Appendix 1 – page 21*) but is not considered or assessed in the s42A Report. I cannot comment on the reasoning for that recommendation and would reserve the right to do so if that information becomes available.

8.30 I disagree that the plan cannot recognise and provide for technical and locational requirements of energy activities. I note that the proposed amendments to “matters of discretion” in amended rules shown in Appendix 1 to the s42A Report include these matters. The objective should likewise refer to these matters for consistency within this plan and to give effect to provisions of the RPS. I do not agree the RMA requires all effects to be minimised in all circumstances. I note with interest the discussion at paragraph 173 which appears to support my opinions here, and that this matter has been canvassed in previous hearing evidence. In any event the submission of Westpower did not simply seek the removal of effects management rather proposing a specific objective in that regard that provides for “management of adverse effects”. From the comments in the s42A Report, and previous hearing reports, it is my opinion that the proposed objectives achieve what is intended for the plan. I consider the submission and outcomes sought by Westpower (see *S547.076 (page 1-2)* and *S547.077 (page 21)* in *Appendix 1* below) should be adopted and incorporated in to the plan to appropriately achieve the outcomes sought.

ENG-03 (pages 53-54)

S547.078 (Appendix 1, pages 21-22)

8.31 At paragraph 181 the s42A Report recommends rejecting the submission but only appears to refer to one proposed amendment from the submission. This submission generally supported the intent of the objective by identifying that it was a mix of two matters and sought to separate those matters in to two distinct

objectives; the first being to enable energy activities and secondly to protect energy activities. This was for the purposes of providing clarity of outcome, consistency of approach, and to give effect to the RPS. These matters are also discussed above and the reasoning is the same. I note again that it would also be consistent with proposed Objectives 1 and 2 of the infrastructure chapter which have the split of objectives and general wording sought. I am unclear as to why consistency or alignment of provisions in the plan is not wanted or why a lesser outcome is proposed to be adopted for energy activities when compared with other types of infrastructure. I do not agree with the approach proposed in the s42A Report or the statement that “*providing*” for an activity is comparable to “*enabling*” an activity. I consider the submission and outcomes sought by Westpower (see *S547.078 (page 21) in Appendix 1* below) should be adopted and incorporated in to the plan to appropriately achieve the outcomes sought. This outcome would complement *S547.074* discussed above and assist in achieving an integrated approach across plan provisions and given effect to the RPS.

New Objective (page 55)

S547.073 (Appendix 1, page 21), S547.075 (Appendix 1, page 21)

8.32 Whilst not specifically referring to these submission numbers the wording appears to be that discussed at paragraph 186 in regard to a submission by Westpower. This is recommended by the s42A Report on the grounds that ENG-O3 provides for protection and coordination of infrastructure is provided for in the subdivision section. The proposed objectives in this case do not relate to “protection” matters and therefore are not provided for in ENG-O3. The submission sought new objectives to give effect to the RPS and ensure consistency of provisions across the plan as discussed above. The “enabling” objective is discussed above and my opinion remains the same in that regard for reasons already canvassed. In regard to the requested “efficient provision and coordination” objective I note the same issues arise, including reference to proposed INF-O3. I do not agree with the inconsistent approach adopted and note elsewhere, in regard to matters being located in the subdivision section, the S42A Report opposes aggregation of provisions on the basis that the plan must be read as a whole. I note RPS policies for RSI (ie. Chapter 6, Policy 8) seeks integration of land use and infrastructure which appears to be have been carried

through to the “*Infrastructure*” chapter (INF-O3) but not the “*Energy Activities*” chapter. As with the discussion above I am unclear as to why a lesser approach is proposed for energy activities given the benefits of the generation, supply and use of renewable electricity for the community and the environment. The plan specifically advises that these chapters apply separately and accordingly there should be consistency of provisions as sought through the submission. In my opinion the outcomes sought by S547.073 (*Appendix 1, page 21*), S547.075 (*Appendix 1, page 21*) should be adopted and included in the plan for the reasons discussed.

6.3.5 Key Issue 5: Energy Policies (pages 58-76)

ENG-P1 (pages 58-60)

S547.084 (Appendix 1, page 23)

8.33 Whilst not specifying the submission reference (the reference 560 clearly being a drafting error) the s42A Report refers to a Westpower submission which I take to be S547.084 and which is recommended to be rejected in the appendix accompanying the report. The s42A Report makes the recommendation on the basis that it is not necessary to differentiate the specific energy activities as the definition of ‘energy activity’ captures what is encompassed by energy activities. Further, we consider this would result in unnecessary wording that would create ambiguity. It was a common theme of submissions from Westpower that terms should be rationalised as far as possible to ensure consistency of interpretation and I agree that should occur. On the basis of the plan as drafted there are elements of energy activities within all of the terms proposed in the submission (although with slightly different wording in each) and given the plan is to be read as a whole the relevant terms should be included. It is unclear what ambiguity is created by making sure this matter is clear if indeed each of those terms includes energy activities? I note the already accepted change to use the term “Regionally Significant Infrastructure” as that is an encompassing term adopted at the RPS level which the plan, until the hearings, had distinctly sought not to adopt. In my opinion the outcome sought by Westpower is appropriate to ensure consistent application and interpretation of the plan in the absence of any rationalisation of the numerous terms used for the same activities and should be adopted and incorporated in to the plan. Ensuring consistency of terms and provisions was a submission point made by

Westpower (S547.080 – Appendix 1, page 22) which is referenced but not discussed. In my opinion there is inconsistency in terms and provisions, including in regard to matters discussed above, that should be resolved.

ENG-P2 (pages 60-62)

S547.085 (Appendix 1, page 2)

8.34 Whilst not specifying the submission reference the s42A Report refers to a Westpower submission which I take to be S547.085. The recommendation is to accept the submission in part and generally for the reasons proposed. The issue not in agreement relates to an addition to “e” of the pTTPP and now shown as “f” in the amended ENG-P2 set out in the s42A Report. In terms of the amendments agreed I have reviewed amended ENG-P2 as proposed and generally agree with the proposals, with one change”. In my opinion the Policy should include the word “*When*” at the beginning, ie “*When* managing the”. This is consistent with the submission of Westpower and ensures that the policy is worded appropriately. In terms of an addition to the now item “f” the s42A Report advises that this is because it is already provided for in ENG-O2. I disagree that ENG-O2 provides a policy direction for effective electricity supply to the consumer. In my opinion having particular regard to the benefits of the effective supply of electricity to the consumer is an appropriate matter and is relevant to include as part of the now item “f”. There is little point having effective transmission and distribution if that does not include supply to the consumer. I also note that this concept is advised through the various s42A Reports to date as being included in the definitions of “Infrastructure”, “Energy Activities”, “Critical Infrastructure” and the now “Regionally Significant Infrastructure” so is an appropriate inclusion. In my opinion the amendment sought to “e” and proposed as “f” should be made to refer to “*including to consumer*”.

ENG-P3 (pages 60-62)

S547.088 (Appendix 1, page 23)

8.35 Whilst not specifying the submission reference the s42A Report refers to a Westpower submission which I take to be S547.088. The s42A Report recommend the submission be rejected on the basis of Policy 10 of the NPSET which provides different wording. It does not however consider the provisions of the RPS, which were matters raised in the submission. This is because not all

elements of “*Energy Activities*” are provided for through the NPSET with these other matters being incorporated as “*Regionally Significant Infrastructure*” (RSI) in the RPS. In giving effect to the RPS in such matters RSI needs to be protected from various activities (Chapter 6, Policy 4) and (Chapter 5, Policy 2). The wording sought by Westpower was intended to be encompassing given the intent not to refer to RSI in the plan. This approach has now changed through the s42A Reports where RSI is now an accepted term. I note the protection of utilities and infrastructure is an objective, INF-O2, of the Infrastructure section which presumably is to give effect to the RPS given its wording it is unclear why a lesser outcome would be applied to energy activities given their importance to the community and nationally in achieving renewable energy targets. In my opinion the wording of ENG-P3 as proposed in the s42A Report is inappropriate for these reasons and the wording in S547.088 is appropriate for this policy to give effect to the outcomes sought by the RPS and should be included in the plan at ENG-P3.

ENG-P4 (pages 65-67)

S547.089 (Appendix 1, page 2), S547.090 (Appendix 1, pages 2-3), S547.091 (Appendix 1, page 3)

8.36 Whilst not specifying the submission reference the s42A Report refers to a Westpower submission which I take to be S547.089 and S547.090 as these submission points relate to ENG-P4. I note that the s42A Report recommends accepting S547.089 and I support that recommendation and the amendment made in that regard. Having said that I note that part of the reasoning is consistency with NPSET which will not always be relevant given the activities covered in this Chapter. In my opinion the amendment is appropriate in any event as “management” is the appropriate terminology to give effect to higher order documents such as the RPS. It is also a relevant matter in terms of consistency across provisions in the plan. I recommend this amendment be adopted.

8.37 In terms of S547.090 the s42A Report recommends accepting the submission in part. This includes retention of the word “*communities*”. This was requested to be removed on the basis that the word “*environment*” was retained we are advised in previous s42A Reports that the definition of “*environment*” in the RMA includes “*people and communities*”. It is unclear what is proposed in

terms of “urban amenity” as this is not included in the amended ENG-P4 set out in the Appendix to the s42A Report so cannot comment further at this time. I do note in regard to these matters that the infrastructure chapter specifically refers to overlays and not zoning and simply requires consideration of the need to manage effects on the environment in those areas. As per other submissions of Westpower there needs to be a consistent approach to such matters.

8.38 In terms of S547.090 and S547.091 I note that the s42A Report accepted that the word “operation” should be inserted in to proposed “c”, ie “... *operation, maintenance and upgrading* ...” although this is not shown in the Appendix to the Report that sets out the amended provisions. I support that amendment and this should be included in the wording shown in the Appendix to the S42A Report as ENG-P4.

ENG-P5 (pages 67-69)

S547.092 (Appendix 1, page3), S547.093 9Appendix 1, page 3). FS222.0361 (Appendix 1, pages 24-25)

8.39 Whilst not specifying the submission reference the s42A Report refers to a Westpower submission at paragraph 216 which I take to be S547.092 and S547.093 as these submission points relate to ENG-P5 and cover the same matters. The s42A Report recommends accepting these matters and I generally support those recommendations, with the following minor amendments for consistency and interpretation. In my opinion the Policy should be worded as set out in the submission, ie “*When managing the development, operation, maintenance and upgrading of new and existing energy activities; a. Have particular regard to function, location, technical and operation constraints and requirements of the related activities and infrastructure; and*”. I consider this wording is consistent with plan provisions throughout the plan, including proposed matters of discretion, and is also consistent with wording in the provisions of the RPS. I have discussed these issues above and in previous evidence before the hearing panel and I consider those matters remain relevant. I recommend the proposed ENG-P5 be amended to reflect this wording.

8.40 In terms of FS222.0361 the s42A Report recommends reject that submission in relation to item “b” of ENG-P5. This arises as a result of a submission by Transpower to remove reference to “*transmission infrastructure*” and either

replace with “*significant electricity distribution line*” or delete that part in its entirety. Westpower submitted in opposition to the proposal for the reasons set out in paragraph 215 of the s42A Report as it introduces duplication. The s42A Report recommends rejecting the further submission on the grounds that the outcome is consistent with Policy 5 of the NPSET. I disagree that that assessment is relevant as the matter as proposed does not relate to transmission activities, which is the reason for Transpower to remove those “transmission” references. Westpower was open to this provision being retained based on appropriate wording to remove the requirement to “minimise” adverse effects and replacement with management. As management is now proposed to be included at the beginning of ENG-P5 the term “minimise” needs to be amended to “avoided, remedied or mitigated” which, if referencing the NPSET would be consistent with the wording of Policy 4 and when combined with the now proposed “a” the wording of Policy 3. As discussed above I do not agree that the NPSET is relevant as the matter no longer relates to transmission activities. Overall it is my opinion that the wording should not be retained and “b” should be removed as it was intended to relate to transmission activities and now indicates that all new distribution lines require resource consent to assess effects. This is not intended by the pTTPP as notified.

ENG-P6 (pages 69-70)

S547.094 (Appendix 1, page 3)

8.41 The s42A Report recommends accepting this submission in part as some amendments are proposed based on other submissions. The proposed amended ENG-P6 is set out in the Appendix to the report. Provided the amended wording is adopted I agree with the recommendation of the s42A Report in that regard.

New Policies (pages 74-76)

FS222.0181 (Appendix 1, page 25)

8.42 The s42A Report, at paragraph 233, recommends rejecting this further submission on the grounds that existing proposed policies will appropriately manage non-renewable energy activities. Westpower’s submission had supported the concept raised in the submission in part but also recognised that there were times when an interim ability to use stand-by generators is required, particularly in emergency situations, to ensure the continued supply of energy to

the community. I accept the recommendation of the s42A Report in this regard that the matter not be included in the plan.

S547.081 (Appendix 1, page 2)

8.43 The s42A Report, at paragraph 235, recommends accepting this submission in part on the grounds that significant electricity distribution is not specifically provided for in the policies. This is for the reasons that ENG-P1-P4 relate to transmission activities although considers that “avoidance” in the policy sought is too onerous and should be replaced with “managed”. Whilst I support the recommendation to include the policy I do not agree with the reasoning or proposed amendments. In my opinion ENG-P1-P4 do not relate solely to “Transmission” activities but to “Energy Activities” as a whole including distribution and servicing of consumers as those are components of the activities of Westpower and the s42A Reports to date have repeatedly advised that the various terms (energy activities, infrastructure, critical infrastructure, now proposed as regionally significant infrastructure) are all encompassing of the activities undertaken by Westpower. This policy is aimed at achieving the protection of such lines from activities as required by the RPS, and provided for in following rules in the plan. It also ensures objectives proposed in submissions above in this regard, ie protection, are achieved. The term “avoid” in parts “b” and “d” of the proposed policy in the submission are intended to achieve the outcomes sought in the RPS (Chapter 5, Policy 2 and Chapter 6, Policy 4) and include similar wording in that regard to ensure those matters are given effect. If considered necessary both “b” and “d” could be reworded to refer to “protect” however the intent is clear. This wording could be;

“b. protect the lines from incompatible subdivision, use and development.”

[noting that this would become item “d” based on the wording in the Appendix to the s42A Report.]

“d. protect the lines from potential reverse sensitivity effects.”

[noting that this would become an amendment to item “c” based on the wording in the Appendix to the s42A Report.]

In my opinion the new policy should be adopted based on these amendments. It is not otherwise clear why disruption of the safe, secure and efficient supply of electricity to the community would be potentially allowed?

S547.082 (Appendix 1, page 22)

8.44 The s42A Report, at paragraph 235, recommends rejecting this submission on the grounds that a policy exists in the subdivision section, SUB-P2. I disagree with that approach and note reasoning in the s42A Report elsewhere that matters related to energy activities should be in the energy activities section. While I agree that it is appropriate to bring provisions together to enable a clear interpretation of the plan it is unclear why there is inconsistency in regard to this matter in the Report where the thrust has generally been that the plan must be read as a whole. Further to this, and one of the reasons for the matter being submitted by Westpower, is that the electricity elements of this policy also appear in the infrastructure section at proposed policy INF-P4, particularly items “f” and “h”. That policy is not available to energy activities due to the format of the plan and it is not clear why a complimentary policy would not be included in the energy activities section as it is clearly intended to provide for electricity. It is again unclear why electricity matters would be provided with lesser policy direction in regard to the same issues recognised and provided for in terms of other infrastructure. In my opinion the new policy sought as set out in the submission is an appropriate addition and ensure consistent of approach and also assist in achieving the integration of land use and infrastructure as sought by the RPS, chapter 6 Policy 8.

S547.083 (Appendix 1, pages 22-23)

8.45 The s42A Report, at paragraph 235, recommends rejecting this submission on the grounds that a policy exists that appropriately addresses the matter, ENG-P6. I disagree with that assessment as that policy is restricted to renewable energy generation and policy sought relates to energy activities as a whole, including associated infrastructure and what would now be accepted as regionally significant infrastructure. Again, and as discussed above, one of the reasons for the matter being submitted by Westpower is that this is a policy in the infrastructure section, INF-P6. That policy is not available to energy activities due to the format of the plan and it is not clear why a complimentary policy would not be included in the energy activities section as it is clearly intended to provide for infrastructure, which the various s42A Reports reiterate includes energy activities. It is again unclear why electricity matters would be provided with lesser policy direction in regard to the same issues recognised and

provided for in terms of other infrastructure. In my opinion the new policy sought as set out in the submission is an appropriate addition and ensures consistency of approach across the plan.

6.3.6 Key Issue 6: Energy Standards (pages 76-103 – s42A Report)

S547.096 (Appendix 1, page 23)

8.46 At paragraph 237 the s42A Report recommends rejecting this submission on the grounds that the structure of the pTTPP has been established in accordance with the National Planning Standards. The intent of the submission was to bring all of the relevant rules, whether in summary or relocation, together in the “*Energy Activities*” section to enable a more efficient assessment of compliance and provide ease of use and implementation of the Plan. In my opinion these are appropriate considerations and are consistent with, and would give effect to, the RPS (Chapter 4, Policy 2 as discussed elsewhere) in assisting to simplify the interpretation of a complex plan. The proposal is to make it easier to ensure compliance and assessment of the appropriate matters when dealing with energy activity matters. I do not consider that this makes it at odds with plans developed under the national planning standards as my understanding is that the standards seek to assist with administration, use and interpretation of plans. That is the outcome sought through this submission. In my opinion this would be a relatively straightforward exercise and would not negate the need to refer to other chapters where issues of non-compliance arose in terms of any rule. As discussed in other s42A Reports the use of cross-referencing would also assist in that regard. Issues that may be highlighted in undertaking such an exercise are; whether the myriad of rules located throughout other chapters coalesce into the management framework intended for energy activities when developing the plan, and whether there is a consistent application of terminology. I have experience undertaking compliance assessment in plans with a similar layout to the pTTPP but in which all rules were aggregated. I found this made navigation and assessment of the many standards much more straightforward. In my opinion this should be given further consideration and I note other submitters have suggested similar outcomes. I do not think the intent of the standards is to be so rigid that it prevents efforts to ease use, administration and implementation of the plan and in fact the intent was likely the opposite.

Underground Electricity Lines

8.47 The s42A Report at paragraph 238 indicates a range of submitters sought clarification regarding underground lines. The report includes Westpower in this due to an unspecified submission point. I presume this relates to *S547.097 (Appendix 1, pages 3-4)* which is discussed below. Westpower has been advised through the plan development process that the provision of new lines is provided for in ENG-R4. That rule does not specify whether they be above or below ground so both options are available. Westpower in its submissions sought, based on the plan development process, to ensure clarity of interpretation and also considered it appropriate to delineate when lines are to be underground. This matter could have been left but Westpower did not think that was appropriate and sought to be proactive in the matter so that there was some clarity for implementation purposes. This issue is discussed below but in my opinion indicates a misunderstanding on behalf of the s42A Report writers in regard to the intent of ENG-R4.

ENG-R1 (page 85)

No submission

8.48 Whilst not being a submitter or further submitter to this rule, having reviewed the s42A Report and associated summary of recommendations on page 76 it appears that there has been a total change to the wording of this rule. I am unclear on what basis that has occurred and it appears at odds with the s42A discussion regarding applicability of standards and the need for a plan change should those standards change. In my opinion there is no justification for this change and it is potentially a drafting error that requires amendment.

ENG-R2 (pages 85-86)

S547.100 (Appendix 1, page 4), S547.101 (Appendix 1, page 4), S547.099 (Appendix 1, page 23) S547.102 (Appendix 1, page 23)

8.49 At paragraph 248 the s42A Report discusses this suite of submission points and recommends accepting and rejecting elements of these submissions. The intent of the submissions was to maximise efficiency of the existing network whilst ensuring that appropriate controls were in place to manage potential effects.

8.50 With regard to *S547.099* the s42A Report recommends rejecting these amendments on the grounds that they may result in unintended consequences

with regard to new works. I can understand this concern given that the rule applies generally however this overlooks that the submission sought to provide for new works “within the existing building envelope”. The purpose of this was to permit new buildings where an existing building is at the end of its design life. Presumably this could occur in terms of existing use rights however given that a rule is proposed it is appropriate to provide for such instances. The rule could be amended to read, “2. This is the operation ... switchyards or any new building works or upgrades to buildings are undertaken within the existing building envelope.”.

8.51 With regard to S547.100 the s42A Report recommends accepting this submission as it involves a potential duplication of rules. This had been queried in the submission however given the recommendation regarding S547.099 above this amendment should not now be made. This is because the rule under R2(2) places limits on upgrading or works (ie. with the existing switchyard *or building envelope*) whereas the construction of new substations in the Industrial Zone includes no such limits. Given the outcome as a whole my opinion is that R2(3) should remain as originally worded, ie. “This is a new substation (zone) or upgrade to an existing substation (zone)”.

8.52 With regard to S547.101 and S547.102 as I understand it from the revised ENG-R2 in Appendix 1 to the s42A Report the proposal to provide for such activities in the rural zone and specify that earth bunds are a permitted form of landscaping is not agreed. The s42A report does agree with amendments to specify “*existing*” residential buildings where “*located outside the Industrial Zone ...*”. I generally agree with these recommendations with the exception of the recommendation not to include reference to earth bunds as requested. Whilst I accept that earth bunds may be part of “landscaping” I see no reason for consistency of interpretation purposes for this not being made explicit in the provision. As it is agreed that earth bunds can be installed as part of landscaping and there is no definition of “landscaping” in the plan it is, in my opinion, appropriate to include this wording. That wording would be, “ii. Screening is provided ... and/or landscaping (including earth bunds).”.

ENG-R3 (page 86)

S547.103 (Appendix 1, page 5)

8.53 The s42A Report recommends accepting this submission and that this rule be retained as notified. I agree with that recommendation. However having review Appendix 1 attached to the report I note that there is an error in the Rule Heading that incorrectly refers to “*Substations (Zone)*” this should be “*Substations (~~Zone~~ Distribution)*”. This amendment should be made to ensure correct interpretation.

ENG-R4 (pages 86-87)

S547.104 (Appendix 1, page 5)

8.54 The s42A Report recommends accepting this submission in part. This is on the basis that amendments sought to the heading by another submitter (BDC) achieve the same outcome. In my opinion this is a significant error in assessment of the issues raised in this submission. The aim of the submission was to make clear what was permitted by the rule, this was based on the consultation process in developing the plan which had confirmed the intent of the rule. This is particularly relevant in ensuring that the rule permits new lines as intended through development of the plan, and discussed repeatedly through the plan development process. The amendment proposed through the report removes the permitted status for new lines and is not supported. There is no analysis or evaluation of the impact and implications of this significant amendment in the report on which to comment further to understand the reasoning for such a change. In fact the s42A report appears to indicate the outcome sought by Westpower is provided for in the amendment proposed. This is clearly incorrect as there is now no longer, for example, reference to new lines, strengthening, upgrading or replacement. These are all significant amendments that have not been appropriately assessed or evaluated in order to provide any appropriate level of response adequate to the issue. The s42A Report essentially seeks to change the intent of the rule. If the rule, as proposed, was not the intent then it should not have been notified as such as this in turn impacts the scope of submissions made. In my opinion this is not a minor amendment to the rule but a significant change in regulatory approach that requires further analysis and justification, including appropriate s32 assessment, to enable appropriate input. The outcome recommended in the

s42A Report should be rejected and the submission of Westpower accepted as it simply clarifies the intent of the rule as proposed through the plan development process.

S547.106 (Appendix 1, page 24)

8.55 The s42A Report recommends rejecting this submission but provides no specific detail or reasoning. This submission sought to remove duplication of provisions for what is essentially minor upgrading. We note the intent of the rule, as now proposed, is essentially focused on operation, minor upgrade and maintenance. Westpower has submitted regarding a definition of “minor upgrade” and amendments to “upgrading” as these matters were clearly issues with the drafting of the plan and needed to be resolved to ensure that the plan operated effectively. The terms “*upgrading*” and “*minor upgrade*” appear throughout provisions of the plan and require definition as opposed to a list of matters in a rule. This is because the rule in question is then subject to further rules in “*Overlay*” and “*District Wide*” Chapters. Those earlier submissions have been recommended to be rejected. As above I do not agree with those recommendations as the definition proposed appropriately provided for minor upgrading in a more comprehensive and efficient manner than the wording in this rule, likewise I remain of the opinion that the requested amendments to “upgrading” are appropriate. From my interpretation the intent of the rule has been changed to match some of the wording rather than the rule being developed in a comprehensive and coherent manner enabling appropriate input from parties. I do not agree with the recommendation in regard to this submission.

S547.105 (Appendix 1, page 23)

8.56 The s42A Report recommends rejecting this submission on the grounds that this could result in adverse visual and amenity effects. We note the intent of the rule was to ensure the works provided for could be undertaken in a safe and secure manner. This aspect of the reasoning has not been considered or assessed. If the technical aspects of the matters provided for essentially render the provisions unworkable I would consider there are problems with the rule. A permitted rule should not be included to provide for an activity that cannot be achieved for technical reasons. I consider the amendments sought are appropriate given they relate to existing lines and are directly relevant to the

permitted activity status. As discussed elsewhere the existing lines are a significant strategic resource for the region and are already a part of the environment so should be used as efficiently and effectively as possible.

ENG-R5 (pages 87-89)

FS222.0182 (Appendix 1, page 9)

8.57 The s42A Report recommends accepting the original submission and this further submission in part. The amendments proposed in the Report are relatively minor in comparison to the outcomes sought in the original submission. It is important to note there that I do not agree with the proposed new definitions regarding small/community scale which essentially reduce the output capacity proposed in the TTPP for community scale activities. Westpower made a further submission to this matter on the basis that it supports proposals to enable renewable electricity generation but was concerned that the outcome may be changes to proposed provisions regarding scale. The outcome sought by Manawa Energy sought to provide enabling provisions on a managed basis and those are supported. I do not agree with the outcome of changes in scale proposed by the s42A Report as this is a fundamental change from the pTTPP when that was not being sought.

ENG-R6 (pages 89-90)

S547.107 (Appendix 1, page 5)

8.58 The third part of this submission point sought that the rule be included in zone provisions. This is recommended to be rejected in the s42A report on the grounds that the plan is to be read as a whole and notation on the maps will alert users to the issue. Whilst I agree that mapping will assist I consider there is an administrative advantage of having the rule referred to in the chapters to which it relates as this assist plan users in assessing compliance issues for any proposal. My experience is that the more complexity that is added the higher the chance of matters being missed and issues arising later in developments. I consider this is an appropriate outcome and would also assist in giving effect to the provisions of the RPS (Chapter 4, Policy 2 and associated methods) regarding development of plans.

8.59 The first and second matters in this submission have been recommended to be rejected and accepted respectively in the s42A Report. Having reviewed the

proposed amended rule ENG-R6 in the appendix to the s42A Report I would agree with those recommendations and the amended wording to clause 5 regarding “*distribution*” lines.

8.60 More broadly Westpower’s submission to this rule generally supported it subject to the requested amendments. I note that the proposal is to now change the category of consent required where there is non-compliance from a non-complying activity to a discretionary activity. This appears to be on the basis that the s42A Report seeks to remove requirements for protection from the provisions. I do note that there is some reference to the NPSET in regard to these matters. I am unclear why that arises in relation to these matters which are not included in the NPSET but are considered strategically significant in the region. My opinion on appropriate wording of provisions is discussed above in terms of objectives and policies related to these matters. Based on that previous discussion my opinion is that the rule, and subsequent consent categories, should not be changed and the recommendation in the report should not be adopted in this regard.

ENG-R8 (page 92)

S547.109 (Appendix 1, page 5)

8.61 The s42A Report recommends accepting this submission in part. This is on the grounds that another submitter has requested an area standard of 10m² be applicable to electricity cabinets. The s42A Report agrees with the concept but rejects the outcome sought in the submission considering it appropriate to include a standard more restrictive (1.4m²) than any party, including the plan as notified, sought. I disagree with that outcome as it is a more than minor change and has not been appropriately considered. I note that in justifying the change the s42A Report relies on the NPSTF which is not a national policy applicable to the matter at hand, I also note that that standard is not proposed to be applied to the applicable rule (INF-R10) in the “*Infrastructure*” Section. Given there were no submissions seeking the outcome proposed by the s42A Report in my opinion this recommended amendment should not be adopted. If the plan developers now seek a more restrictive regime it should be through the usual plan change process providing for a full consideration and input.

ENG-R9 (pages 92-93)

S547.110 (Appendix 1, page 5)

8.62 The s42A Report recommends accepting this submission in part. This is on the grounds that another submitter has requested a time allowance for removal of temporary structure and site rehabilitation. Whilst there may be some discussion of the appropriate time span I agree that the change will add some additional flexibility in dealing with these temporary activities.

ENG-R10 (pages 93-94)

S547.111 (Appendix 1, page 5)

8.63 The s42A Report recommends accepting this submission in part. This is on the grounds that another submitter has requested some amendments, which in turn have been partially accepted by the s42A Report. Whilst there may be some further discussion of the issues I agree that the proposed changes will assist the rule. Having said that, I do note a minor correction should be made to this rule in that item “1.” refers to compliance with INF-R1 which, as the rules in the INF Chapter do not apply to energy activities, presumably should refer to ENG-R1. I also note, as discussed above, that ENG-R1 as shown in the appendix to the s42A Report is different to that notified in the pTTPP. I presume, based on the s42A Report, that this is a drafting error as part of the rule seems to have been deleted.

ENG-R11 (page 94)

S547.112 (Appendix 1, page 5)

8.64 The s42A Report recommends accepting this submission to add the term “*functional*” to item “b” in the matters or restricted discretion and I support that recommendation. This is consistent with submission points throughout the plan seeking that these terms be used as it provides consistency of terms across provisions and between policy and plan documents. It also supports submission points discussed above and elsewhere in the sections of the plan in this regard as being appropriate.

S547.113 (Appendix 1, page 24)

8.65 The Report recommends rejecting the deletion of matter of restricted discretion “e” on the basis that “e” refers to “*contamination*” of areas identified in the overlay chapters and not “*discharges*”. The report does not advise what

contamination, other than discharges, is being referred to. The reason for raising this issue is that contamination is usually by way of discharge, which in turn is generally managed through regional provisions. My experience of substation consents, throughout a number of districts/cities and regions, is that potential discharges are managed by the relevant Regional Council, unless a unitary authority. It is appropriate to avoid duplication and I have seen no justification of why such duplication is required in this case. If the matter is solely related to hazardous substances, with reference to the definition of “contaminated land” in the pTTPP, then I note there are chapters in the plan relating to “contaminated land” and also to “hazardous substances”. If there are rules relevant to these matters then, given the plan is to be read as a whole, those provisions will need to be complied with. If no consent is required under those sections and regional discharge requirements are attended to I am unclear why another level of unspecified regulation is required. I am happy to comment further if some clarification of “contamination” can be provided in this regard. If the intent of the rule is that “contamination” is related to other potential unspecified adverse effects then I note item “g” provides for assessment regarding Overlay Chapters. In my opinion that is not the intent of this provision.

ENG-R12 (page 94-95)

S547.114 (Appendix 1, page 5), 547.115 (Appendix 1, page 24)

8.66 The s42A Report does not consider these submissions at all in paragraph 289-292. A recommendation for each is included in the summary of recommendations appendix to the report as “accept” and “reject” respectively. I have no ability to provide meaningful input into this matter given that there is no assessment of discussion in the report. I do note that the recommendations to these submissions would seem to be at odds with discussion of ENG-R12 and other recommendations. Given the submission of Westpower was generally supportive, with some tidying of references, at this stage I do not agree with the outcomes recommended overall for ENG-R12. As discussed above I do not agree with the significant changes in rules proposed at such a late stage of the process, and I disagree with the limited justification for such. I request the ability to provide more considered comments when the missing information is available.

ENG-R14 (page 95-96)

FS222.0183 (Appendix 1, page 25)

8.67 The s42A Report recommends rejecting this further submission on the basis of other recommendations regarding “*Community Scale*” generation matters. Westpower had submitted in support of aligning terminology with higher order document provided this did not change the level of regulation in the plan. Whilst amendments to the heading may assist in interpreting the plan the s42A Report elsewhere recommends amendments that fundamentally change the intent regarding “*Community Scale*” generation. As discussed elsewhere I do not support those changes. In my opinion the more substantive issues needs to be resolved and then the appropriate heading of activities finalised after that.

ENG-R15 (page 96-97)

FS222.0184 (Appendix 1, page 9)

8.68 The s42A Report recommends accepting this further submission in part. Westpower had supported the original submission in part to enable a clear consideration of the impact of any proposed wording. Westpower sought that any changes not result in a greater level of complexity or restriction. This outcome has occurred through the s42A Report as discussed above and I do not support that outcome. In this case the intent is to provide a focused pathway for renewable generation and I would support further consideration of that matter. At the least consideration should be given to providing for upgrading of existing generation activities through the proposed mechanism. In my opinion it is sound resource management to ensure the efficiency of existing renewable generation is maximised provided the potential effects are appropriately managed. This recognises that there is already a level of effect of existing schemes and ensures the maximum benefit of such activities can be obtained.

ENG-R16 (page 97)

FS222.0185 (Appendix 1, pages 25-26)

8.69 The s42A Report recommends rejecting this further submission on the basis of a lack of supporting reasons. I note that the report refers to a new rule for small scale windfarms as providing some relief. Westpower had submitted in support of aligning terminology with higher order documents provided this did not change the level of regulation in the plan. As discussed above the s42A Report elsewhere recommends amendments that fundamentally change the intent

regarding “*Community Scale*” generation. As discussed I do not support those changes. In this case the intent is to provide a focused pathway for renewable generation and I would support further consideration of that matter. In my opinion the more substantive issues above regarding “community scale” activities needs to be resolved and then the appropriate categories considered. At the least consideration should be given to providing for community scale generation activities through the proposed mechanism.

ENG-R17 (pages 97-98)

FS222.186 (Appendix 1, pages 26)

8.70 The s42A Report recommends rejecting this further submission on the basis of a lack of supporting reasons. I note that the report refers to a new rule for small scale windfarms as providing some relief. Again, Westpower had submitted in support of aligning terminology with higher order documents provided this did not change the level of regulation in the plan. As discussed above the s42A Report elsewhere recommends amendments that fundamentally change the intent regarding “*Community Scale*” generation. As discussed I do not support those changes. In this case the intent is to provide a focused pathway for renewable generation and I would support further consideration of that matter. That would need to include further investigation of circumstances where a lack of compliance with the standard could be acceptable. I am not an expert in noise so cannot provide further comment in that regard. In my opinion the more substantive issues above regarding “*Community Scale*” activities needs to be resolved and then the appropriate categories considered. At the least consideration should be given to providing for community scale generation activities through the proposed mechanism.

ENG-R20 (page 99)

S547.120 (Appendix 1, page 24)

8.71 The s42A Report recommends rejecting this submission on the grounds that there has been insufficient evidence for the proposed amendment and ENG-R18 and ENG-R20 providing for different matters. The submission of Westpower was on the basis that “*Whilst the connection to Rules ENG-R12, ENG-R13 and ENG-R14 is understood it already seems to be provided for in proposed ENG-R18 as reference to the restricted discretionary rules shows that the only matter of compliance required for that category is ENG-R1.*” With reference to the

proposed rules that remains the same, ie. all are “*restricted discretionary*” activities provided there is compliance with ENG-R1. Where there is a lack of compliance with ENG-R1 then rule ENG-18 provides for “*any energy activity generating electric or magnetic fields, that does not comply with Rule ENG-R1*”. If there is some other energy activity provided for in ENG-R20 that meets the requirement of ENG-R1 then that activity remains a restricted discretionary activity. In my opinion this rule is redundant and should be removed to avoid duplication.

New Standards (pages 99-103)

Proposed new rule for uncatagorised energy activities (s42A Report, pages 99-100)

8.72 Whilst not a party to this submission point it is noted that the s42A Report recommends accepting submissions to provide for “uncategorised” energy activities as “*discretionary*” activities. I note that the final recommended rule lists such activities as “*non-complying*” activities which I presume is a drafting error and should be rectified as that is not what was sought through the submission.

S547.097 (Appendix 1, pages 3-4)

8.73 The s42A Report recommends, at paragraph 325, accepting this submission in part based on the plan being silent regarding undergrounding of electricity lines. As discussed above I disagree with that assessment as it had been clarified numerous times through the plan development process that ENG-R4 provided for new lines. The reason for the Westpower submission was that the rule was silent in regard to the location of lines and it considered that it was appropriate provide for that issue. The Westpower submission advised, “*Rule ENG-R4 provides for new distribution lines, including connection to consumers, and is silent as to when new lines are required to be placed underground or may be above ground. Westpower considers that it is appropriate to place new lines below ground in residential areas whilst providing for above ground lines in other areas or where above ground lines exist in residential areas. It is also considered that a height limit is appropriate for poles associated with above ground lines.*”. The purpose of this submission was simply to provide for this matter as new lines in general were already provided for with no requirement as to location. I do not agree with the suite of rules proposed as in my opinion they are a fundamental change to the plan and are incomplete. I also note that

the basis for some of the rules is their extraction from the infrastructure section and inclusion in the “*Energy Activities*” Section. Parties have been specifically advised that the provisions of the “*Infrastructure*” Section did not apply to the “*Energy Activities*” Section, otherwise submissions would have been required in regard to that section as well. In my opinion the limited time available at the hearing is not appropriate for redefining all of the rules related to lines when the overall concept had already been set through notification of the proposed rules. If that regime is not what was intended then the rules should not have been notified in that manner. I have discussed that matter above, including the issue of “upgrading” and “minor upgrading” which in my opinion should be definition matters as they are issues arising in rules throughout the plan. Further I note that the plan is not silent as to when services are required to be underground with respect to subdivision, this is included in the subdivision policies SUB-P2(n).

8.74 Westpower’s proposed rule differs from SUB-P2 in that it provides for above ground lines in the Industrial Zone. This is because in these zones; the plan proposes to restrict new substations to these zones and such activities generally have overhead lines related to them, activities undertaken under the “*Infrastructure*” Section are enabled above ground in these zones to a height of 25m, existing plans do not preclude the installation of above ground lines in these zones. This would not prevent SUB-P2 applying to other subdivisions in the industrial area. The proposed rule provides for those areas where above ground lines exist and also for above ground lines within SASM sites in areas where new lines would be required to be underground. It seems at odds to require on the one hand lines to be underground and on the other have rules seeking to limit earthworks. A height limit is proposed for above ground lines as this is consistent with current practice. I consider that this is an appropriate and effective rule for providing for this manner in conjunction with Rule ENG-R4 as amended by the submissions of Westpower. I do not agree that a totally new suite of rules is required and I do not support the incomplete proposals forwarded in the s42A Report. I also note a reference in one of the proposed new rules to rules in the “*Historic Heritage*” Section. Westpower has made submissions to that section which should not be re-empted by matters at this hearing as evidence is yet to be filed on those matters.

S547.098 (Appendix 1, page 4)

8.75 The s42A Report, at paragraph 326, recommends accepting this submission in part. I note that there is some question regarding the “*community scale*” activities and my opinions on that matter are discussed above. The proposed new rule provides for this as requested so is not reliant on the outcome of the “*scale*” issue, although presumably “*small-scale*” activities would be permitted in any event. I am unclear regarding the matter of the “*Light Industrial Zone*” if these areas are proposed to be developed for industrial purposes it would not seem out of place to provide for these activities provided appropriate standards are met. Overall I support the recommendation but would question the limitation within an industrial zone where more intense activities can be anticipated to occur. As I understand it they are not commercial or deferred zone so a higher level and intensity development, and therefore the associated amenity and use, can be anticipated. The plan will be operative for some time so presumably it is anticipated that any as yet undeveloped Light Industrial Area will in fill over time. In my opinion the matter for consideration is what level of amenity a light industrial area provides for and whether renewable generation activities are out of place with activities that may occur or whether there is any reason they should not occur.

S547.119 (Appendix 1, page 24)

8.76 The s42A Report, at paragraph 327 recommend rejecting this submission on the grounds that it is provided for under existing Rule ENG-19. I note that that rule does not relate to “*significant electricity distribution lines*” and therefore would not apply, in which case a new rule is required as per the submission. I note Rule ENG-19 is proposed, through the s42A Report, to be amended to a “discretionary” activity although no decision has been made in that regard. Presumably the same discussion will arise in relation to the rule requested by Westpower. The intent of the rules and provisions related to this matter are clear. I am not aware of any wish by Westpower to unduly prevent activities from occurring as that would be counterproductive to its owned activities which aim to support the communities through the provision of renewable electricity. They are concerned to ensure that activities do not prevent the network from operating in an efficient, safe and secure manner. In my experience there would be few parties seeking that access to, and supply of, renewable electricity be

stopped, particularly those who are being supplied through the network. I am aware that Westpower has experienced issues with activities around its lines that had the potential to cause operational issues. In my opinion as the pTTPP heightens regulation and restrictions the existing network become a significantly more valuable resource to the community. The fact that these lines are recognised in the RPS, now also proposed to be defined in the pTTPP, as “*Regionally Significant Infrastructure*” indicates their strategic value throughout the region. I am unclear under what circumstances it would be appropriate to allow an activity that adversely impacts the ability of the network to operate. In my opinion this is an appropriate rule that is not provided for in any existing rule and should be adopted as submitted as a non-complying activity.

9.0 S32AA Evaluation for Energy Chapter Recommended Amendments

9.1 The s42A Report advises under this heading that all amendments are considered to be of such a minor nature that further evaluation under this section is not required. I have discussed my concerns with some of these changes above and consider that further evaluation is required in order to make informed comment. Some proposed amendments are a considerable change to the plan as notified, and the process through which the plan was developed.

10.0 PART II OF THE ACT

10.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken.

10.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

Martin Kennedy
Planning Consultant
(West Coast Planning Ltd)

29 October 2023

Appendix 1: Summary of S42A Recommendations – Energy Activities (including Definitions)

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.021	Westpower Limited	COMMUNITY SCALE	Support	Retain	Accept in part
S547.024	Westpower Limited	ENERGY ACTIVITY	Amend	Amend definition, means ... electricity generation and, in terms of distribution of electricity, connection and supply to consumers of electricity. Energy activities include all related infrastructure and assets.	Accept in part
S547.029	Westpower Limited	LARGE SCALE	Amend	Retain	Accept in part
S547.034	Westpower Limited	RENEWABLE ELECTRICITY GENERATION	Support	Retain	Accept
S547.035	Westpower Limited	RENEWABLE ELECTRICITY GENERATION ACTIVITIES	Amend	Amend second sentence: ... upgrading of structures associated with renewable electricity generation. This, along with large scale activities, includes small and community-scale	Accept
S547.038	Westpower Limited	SIGNIFICANT ELECTRICITY DISTRIBUTION LINE	Support	Retain	Accept
S547.040	Westpower Limited	SUBSTATION (DISTRIBUTION)	Support	Retain	Accept
S547.041	Westpower Limited	SUBSTATION (ZONE)	Support	Retain	Accept in part
S547.076	Westpower Limited	ENG - O2	Amend	Amend: To recognise and provide for the technical , functional, and operational and locational needs associated with the location and design of Energy Activities, including Critical	Accept in part

				Infrastructure. and to minimise adverse effects of these activities on communities and the environment.	
S547.081	Westpower Limited	Energy Policies	Amend	<p>Add a new Policy:</p> <p>Manage activities in and around Significant Electricity Distribution Lines to:</p> <p>a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;</p> <p>b. Avoid incompatible land use;</p> <p>c. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety risks from distribution lines; and</p> <p>d. Avoid potential reverse sensitivity effects on distribution lines.</p>	Accept in part
S547.085	Westpower Limited	ENG - P2	Amend	<p>(1) Amend the opening pre-amble of ENG-P2, "When managing the development and operation of new and existing energy activities ... from the proposal, including;"</p> <p>(2) Amend ENG-P2 "a." by splitting to create 2 new policy parts, "a. Maintaining and/or increasing security of renewable electricity supply." And "aa. Providing for a diversity of the type and location of renewable electricity generation.".</p> <p>(3) Amend e., "e. Effective ... distribution of electricity supply, including to consumer;".</p>	Accept in part
S547.089	Westpower Limited	ENG - P4	Amend	<p>Minimise Manage adverse effects on the environment from energy activities by: ...</p>	Accept
S547.090	Westpower Limited	ENG - P4	Amend	<p>1) Amend the preamble to ENG-P4, "Manage adverse effects on the environment from energy activities by:".</p> <p>(2) Amend item a., "a. Having regard to the values associated</p>	Accept in part

				<p>with areas identified as having significant environmental values, outstanding and high natural character areas outstanding landscapes and features, Poutini Ngai Tahu and heritage sites, and significant natural areas;".</p> <p>(3) Amend item c., "c. Maintaining ongoing access to grid and distribution infrastructure and assets for operation, maintenance and upgrading works; and".</p>	
S547.091	Westpower Limited	ENG - P4	Amend	c. Maintaining ongoing access to grid and distribution elements and structures for infrastructure and assets for operation , maintenance and upgrading works; and ...	Accept in part
S547.092	Westpower Limited	ENG - P5	Amend	Amend: When considering proposals to develop, operate, maintain and upgrade managing the development, operation, maintenance and upgrading of new and existing energy activities; ...	Accept
S547.093	Westpower Limited	ENG - P5	Amend	<p>(1) Amend the opening pre-amble of ENG-P5, "When managing the development, operation, maintenance and upgrading of new and existing energy activities;".</p> <p>(2) Amend item a., "a. Have particular regard to function, location, technical and operation constraints and requirements of the related activities and infrastructure; and"..</p>	Accept
S547.094	Westpower Limited	ENG - P6	Support	Retain	Accept in part
S547.095	Westpower Limited	Energy Rules	Support	Retain "Notes" section.	Accept
S547.097	Westpower Limited	Permitted Activities	Amend	<p>Add a new Rule:</p> <p>Distribution Lines (including connection to consumers) Activity Status Permitted Where:</p> <p>1. New lines are underground where located in RESZ - Residential, or CMUZCommercial and Mixed Use Zones; or</p> <p>2. Existing above ground lines are located within the zones identified in 1. and are extended by no more than 5 poles; or</p> <p>3. are above ground within SASM sites within the zones</p>	Accept in part

				<p>identified in 1. for the purpose of maintaining the values of the SASM site, and</p> <p>3. poles for above ground lines do not exceed a height of 25m.</p> <p>Activity status where compliance is not achieved: Restricted Discretionary.</p>	
S547.098	Westpower Limited	Permitted Activities	Amend	<p>Add new permitted activity Rule:</p> <p>The construction, operation, maintenance and upgrade of community and large scale renewable energy activities excluding wind</p> <p>Activity Status Permitted Where:</p> <p>1. Performance standards in Rule ENG-R1 are complied with;</p> <p>2. The activity is located within the Industrial zone; and</p> <p>3. all buildings and generating structures comply with building coverage, height and setback requirements for the zone; and</p> <p>4. buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SETZ-Settlement, OSZOpen Space or MUZ-Mixed Use zone.</p> <p>Activity status where compliance is not achieved: Discretionary.</p>	Accept in part
S547.100	Westpower Limited	ENG - R2	Amend	<p>Amend 3. This is a new substation (zone) or upgrade to an existing substation (zone):</p> <p>...</p>	Accept
S547.101	Westpower Limited	ENG - R2	Amend	<p>Amend 3. ...</p> <p>i. Located in an Industrial or Rural zone; and</p> <p>ii. Screening is provided between any new substation and a road and any residential building located outside the Industrial zone</p>	Accept

				...	
S547.103	Westpower Limited	ENG - R3	Support	Retain	Accept
S547.104	Westpower Limited	ENG - R4	Amend	Amend rule heading to clearly define permitted activities: <ul style="list-style-type: none"> • Operating existing transmission and distribution lines, including connections to consumers. • New distribution and transmission lines, including connections to consumers. • Maintaining, repairing, minor upgrading, strengthening, upgrading and replacing of transmission and distribution lines, including connection to consumers and support structures and foundations not managed by the National Environmental Standard for Electricity Transmission Activities. 	Accept in part
S547.107	Westpower Limited	ENG - R6	Amend	(1) Amend 3.iv., "iv. Structures used for ... buildings for sensitive activities; and " (2) Amend 5. to refer to distribution lines rather than transmission lines, "5. Structures and activities located near distribution lines must comply with the safe distance ...". (2) Incorporate rule ENG-R6 into the rules in all zones, including the proposed rule for non-complying activities where compliance is not achieved as submitted below.	Accept in part
S547.109	Westpower Limited	ENG - R8	Support	Retain	Accept in part
S547.110	Westpower Limited	ENG - R9	Support	Retain	Accept in part
S547.111	Westpower Limited	ENG - R10	Support	Retain	Accept in part
S547.112	Westpower Limited	ENG - R11	Amend	Amend b. Locational, technical, functional and operational constraints;	Accept
S547.114	Westpower Limited	ENG - R12	Amend	Delete existing heading and amend rule heading: ENG-R12 Activities not meeting permitted activity standards of ENG-R4 and ENG-R4A (Proposed new Rule)	Accept
S547.116	Westpower Limited	ENG - R13	Amend	Amend item a. Locational, technical, functional and operational constraints.	Accept

S547.117	Westpower Limited	ENG - R14	Amend	Amend item a. Locational, technical , functional and operational constraints.	Accept
S547.118	Westpower Limited	ENG - R15	Amend	Amend rule heading: ENG-R15 Large scale ... excluding wind not meeting Permitted Activity standards.	Accept

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S438.002	Manawa Energy Limited (Manawa Energy)	Definitions	Oppose	Replace the use of the terms 'small-scale', 'community-scale' and 'large-scale' with the terminology utilised in the NPS - REG. This is specifically addressed through submissions on definitions (as outlined below), however should be considered in the context of the Plan provisions as a whole.	Accept
FS222.0172	Westpower Limited		Support in part	Not stated	Accept in part
S438.006	Manawa Energy Limited (Manawa Energy)	COMMUNITY SCALE	Oppose	Delete the definition of 'community scale' and replace it with the following definition of 'small and community- scale distributed electricity generation': small and community- scale distributed electricity generation: means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.	Accept in part
FS222.0175	Westpower Limited		Support in part	Not stated	Accept in part
S438.007	Manawa Energy Limited (Manawa Energy)	CRITICAL INFRASTRUCTURE	Oppose	Delete the term 'critical infrastructure' and replace with 'regionally significant infrastructure' based on the West Coast Regional Policy Statement, as requested in the later submission point. All necessary and consequential amendments to other parts of the Plan are also sought to support this change.	Accept
FS222.0176	Westpower Limited		Support in part	Not stated	Accept
S438.012	Manawa Energy	LARGE SCALE	Oppose	Delete the definition of 'Large Scale'.	Accept in part

	Limited (Manawa Energy)				
FS222.0179	Westpower Limited		Support in part	Not stated	Accept in part
S438.018	Manawa Energy Limited (Manawa Energy)	SMALL SCALE	Oppose	Delete the definition of 'small scale' and replace with the following definition of 'small and community- scale distributed electricity generation': small and community- scale distributed electricity generation: means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.	Accept in part
FS222.0180	Westpower Limited		Support in part	Not stated	Accept in part
S438.024	Manawa Energy Limited (Manawa Energy)	Definitions	Not Stated	Add a new definition of the term 'regionally significant infrastructure' based on the West Coast Regional Policy Statement as follows: Regionally significant infrastructure means: a) The National Grid (as defined by the Electricity Industry Act 2010); b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity; c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks; d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas; e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic, and all special purpose road zones; f) The regional rail networks	Accept

				<p>g) The Westport, Greymouth, and Hokitika airports;</p> <p>h) The Regional Council seawalls, stopbanks and erosion protection works;</p> <p>i) Telecommunications and radio communications facilities and networks;</p> <p>j) Public or community sewage treatment plants and associated reticulation and disposal systems;</p> <p>k) Public water supply intakes, treatment plants and distribution systems;</p> <p>l) Public or community drainage systems, including stormwater systems;</p> <p>m) The ports of Westport, Greymouth and Jackson Bay; and</p> <p>n) Public or community solid waste storage and disposal facilities, and</p> <p>o) Defence facilities.</p> <p>All necessary and consequential amendments to other parts of the Plan are also sought.</p>	
FS222.0174	Westpower Limited		Support in part	Not stated	Accept
S438.049	Manawa Energy Limited (Manawa Energy)	ENG - R5	Support in part	<p>Replace ENG - R5 with the following:</p> <p>ENG - R5 The construction, operation, maintenance, repair and upgrade of renewable electricity structures for small and community scale electricity generation, and</p> <p>The operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities.</p> <p>Activity Status Permitted Where:</p> <p>1. Performance standards in Rule ENG - R1 are complied with; Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically; Wind turbines do not exceed 8m in height; Wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise; Structures, buildings or impermeable surface for hydroelectricity generation must not exceed a footprint of 100m² or an increase in area from</p>	Accept in part

				<p>existing buildings/structures and surfacing of more than 10%; and Any building or structure must not be located within an existing esplanade reserve or strip. The maximum generation capacity for new small and community scale generation activities is 500kW.</p> <p>Activity status where compliance not achieved: Restricted Discretionary where performance standards 2, 3, 5, 6 and 7 are not complied with. Discretionary where performance standard 4 is not complied with. Non-complying where performance standard 1 is not complied with.</p>	
FS222.0182	Westpower Limited		Support in part	Not stated	Accept in part
S438.053	Manawa Energy Limited (Manawa Energy)	ENG - R15	Oppose	<p>Amend ENG - R15 as follows: Large scale renewable electricity generation activity excluding wind Upgrades, other than minor upgrades, and construction of renewable electricity generation activities (excluding wind) and renewable electricity generation activities not meeting rules R5, R9 and R10. Restricted Discretionary Activities. Discretion is limited to: a The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets; b The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast; c Any functional needs and operational needs associated with the design or location of the proposal; d The ability to mitigate any adverse effects of the proposal on the environment; e The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions. Activity status where compliance not achieved: N/A</p>	Reject
FS222.0184	Westpower Limited		Support in part	Not stated	Accept in part

S538.024	Buller District Council	Energy Rules	Not Stated	<p>Insert a new rule as follows:</p> <p>Installation of Above Ground Energy Activities</p> <p>Activity Status Permitted Where:</p> <p>1. The performance standards in Rule INF-R1 are met;</p> <p>2. These are located in a GRUZ-General Rural Zone or LINZ - Industrial Zone; and Poles do not exceed a height of 25m; Towers do not exceed a height of 15m.</p> <p>3. These are the extension of existing overhead lines that involve no more than five poles in areas where services are already above ground provided that written approval from landowners within a 22m radius of new poles has been obtained and provided to Council 10 working days prior to activities commencing. Consequential amendment to the Restricted Discretionary Activity Rules to include installation of above ground activities that do not comply with the performance standard.</p>	Reject
FS222.049	Westpower Limited		Oppose	Disallow	Accept
S552.044	Buller Conservation Group	Energy Infrastructure and Transport	Amend	R10; a Visual impacts on landscapes above the treeline over 1000m above sea level;	Reject
FS222.011	Westpower Limited		Oppose	Disallow	Accept
S553.044	Frida Inta	Energy Infrastructure and Transport	Amend	R10; a Visual impacts on landscapes above the treeline over 1000m above sea level;	Reject
FS222.0122	Westpower Limited		Oppose	Disallow	Accept
S560.108	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Amend	Amend where this chapters refers to biodiversity effects: rather than including a different standard of effects management (e.g., 'minimising'), a specific requirement should be included to give effect to the ECO chapter provisions.	Reject
FS222.0226	Westpower Limited		Oppose	Disallow	Accept

S560.112	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - P1	Amend	Add to the policy: while addressing adverse effects of these activities in accordance with the Natural Environment and District Wide chapters of this Plan.	Reject
FS222.0234	Westpower Limited		Oppose	Disallow	Accept
S560.119	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R3	Oppose in part	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.	Reject
FS222.0238	Westpower Limited		Oppose	Disallow	Accept
S560.121	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R5	Support in part	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.	Reject
FS222.0239	Westpower Limited		Oppose	Disallow	Accept
S560.124	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R10	Amend	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.	Reject
FS222.0240	Westpower Limited		Oppose	Disallow	Accept
S560.125	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R11	Amend	Amend the matter of discretion: The degree to which the proposed activity will cause significant adverse effects on overlay Chapter Matters <ul style="list-style-type: none"> • Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions. • Whether the activity will cause any adverse effects on 	Reject

				<p>areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</p> <ul style="list-style-type: none"> • The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS. 	
FS222.0241	Westpower Limited		Oppose	Disallow	Accept
S560.126	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R12	Amend	<p>Amend the matter of discretion in each rule: The degree to which the proposed activity will cause significant adverse effects on overlay Chapter Matters</p> <ul style="list-style-type: none"> • Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions. • Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions. • The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS. 	Reject
FS222.0242	Westpower Limited		Oppose	Disallow	Accept
S560.127	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R13	Amend	<p>Amend the matter of discretion in each rule: The degree to which the proposed activity will cause significant adverse effects on overlay Chapter Matters</p> <ul style="list-style-type: none"> • Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions. • Whether the activity will cause any adverse effects on 	Reject

				<p>areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</p> <ul style="list-style-type: none"> The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS. 	
FS222.0243	Westpower Limited		Oppose	Disallow	Accept
S560.128	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R14	Amend	<p>Amend the matter of discretion in each rule: The degree to which the proposed activity will cause significant adverse effects on overlay Chapter Matters</p> <ul style="list-style-type: none"> Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions. Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions. The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the accordance with policy 11, 13 and 15 NZCPS. 	Reject
FS222.0244	Westpower Limited		Oppose	Disallow	Accept
S560.129	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R15	Amend	<p>Define or otherwise clarify 'large scale'. Include requirement that in order to be discretionary, the activity must comply with at least the ECO, NFL, CE, and NC chapters.</p>	Accept in part
FS222.0245	Westpower Limited		Oppose	Disallow	Accept in part
S560.130	Royal Forest and Bird Protection Society of New	ENG - R16	Amend	<p>Include requirement that in order to be discretionary, the activity must comply with at least the ECO, NFL, CE, and NC chapters.</p>	Reject

	Zealand Inc. (Forest & Bird)				
FS222.0246	Westpower Limited		Oppose	Disallow	Accept in part
S560.131	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - R20	Amend	Consequential change for activities that do not meet R15 and R16	Reject
FS222.0247	Westpower Limited		Oppose	Disallow	Accept
S560.437	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Other relevant Te Tai o Poutini Plan provisions	Amend	Under the "Other relevant Te Tai o Poutini Plan provisions" heading, amend in line with the Key Issue addressed above, making it clear that not only the provisions that apply specifically to identified overlays apply.	Reject
FS222.0231	Westpower Limited		Oppose	Disallow	Accept
S560.438	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Other relevant Te Tai o Poutini Plan provisions	Amend	Ensure the Coastal Environment chapter is referenced in the other relevant provisions section.	Reject
FS222.0232	Westpower Limited		Oppose	Disallow	Accept
S560.439	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Amend	As sought elsewhere, amend the definition of overlay chapter to deal with the Key Issue as set out above, so that it is clear that not only the 'overlay provisions' apply.	Reject
FS222.0227	Westpower Limited		Oppose	Disallow	Accept
S560.440	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy Policies	Amend	Make consequential amendments to all referencing of overlay chapters and other relevant provisions to ensure that all ECO chapter provisions apply.	Reject
FS222.0233	Westpower Limited		Oppose	Disallow	Accept

S560.441	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Support	Delete reference to Strategic Objectives, as submitted elsewhere.	Reject
FS222.0228	Westpower Limited		Oppose	Disallow	Accept
S560.442	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Amend	Make amendments to ensure that the natural open space zone provisions also apply to activities covered in this chapter.	Reject
FS222.0229	Westpower Limited		Oppose	Disallow	Accept
S560.444	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Amend	a specific requirement should be included to give effect to the ECO chapter provisions.	Reject
FS222.0230	Westpower Limited		Oppose	Disallow	Accept
S560.453	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - P5	Amend	When considering proposals to develop, operate, maintain, and upgrade new and existing energy activities: a. Recognise their functional constraints and operational requirements recognise that natural character, outstanding and significant natural values are to be protected and that adverse effects on the environment are to be avoided, remedies or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan. ; and ...	Reject
FS222.0235	Westpower Limited		Oppose	Disallow	Accept
S560.454	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - P5	Amend	Amend policies to remove conflicts and improve integration with overlay provisions and provide for s6 matters.	Reject
FS222.0236	Westpower Limited		Oppose	Disallow	Accept

S560.455	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ENG - P5	Amend	Amend the chapter overview to ensure that overlay chapters (including the provisions that apply more generally) and district wide chapters are also to be considered for energy activities.	Reject
FS222.0237	Westpower Limited		Oppose	Disallow	Accept
S581.007	David Ellerm	Definitions	Amend	Add new definition Infrastructure means community based provision of services including drinking water, wastewater, stormwater, fire fighting, telecommunications, energy.	Reject
FS222.069	Westpower Limited		Oppose	Disallow	Accept
S608.006	Grey District Council	CRITICAL INFRASTRUCTURE	Amend	Amend to read: Regionally significant infrastructure means: a) The National Grid (as defined by the Electricity Industry Act 2010); b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity; c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks; d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas; e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic; f) The regional rail networks g) The Westport, Greymouth, and Hokitika airports; h) The Regional Council seawalls, stopbanks and erosion protection works; i) Telecommunications and radio communications facilities; j) Public or community sewage treatment plants and associated reticulation and disposal systems;	Accept

				<p>k) Public water supply intakes, treatment plants and distribution systems;</p> <p>l) Public or community drainage systems, including stormwater systems;</p> <p>m) The ports of Westport, Greymouth and Jackson Bay; and</p> <p>n) Public or community solid waste storage and disposal facilities.</p>	
FS222.0151	Westpower Limited		Support in part	Not stated	Accept in part

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.001	Westpower Limited	Whole plan	Amend	Rationalise and ensure consistency of terms related to activities undertaken by Westpower as far as is possible throughout the plan.	Reject
S547.022	Westpower Limited	CRITICAL INFRASTRUCTURE	Support	Retain	Reject
S547.028	Westpower Limited	INFRASTRUCTURE	Amend	Add an advisory note , Note: Whilst electricity activities in item (d) are defined as infrastructure they are not provided for or controlled in the "Infrastructure Chapter" but in the "Energy Activities Chapter". Reference should also be made to the definition of "Energy Activities" in that regard.	Reject
S547.031	Westpower Limited	NETWORK UTILITY OPERATOR	Amend	Add an advisory note, Note: Whilst electricity activities in item (c) are defined as infrastructure they are not provided for in the Infrastructure Chapter but in the Energy Activities Chapter and reference should also be made to the definition of Energy Activities in that regard.	Reject

S547.043	Westpower Limited	UPGRADING	Amend	Delete the existing definition of upgrading and replace with: Upgrading means i. in the case of the distribution of electricity an increase in voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage, or ii. in the case of buildings and renewable energy generation activities means an increase in the character, scale and intensity of the activity, and iii. excludes maintenance and repair".	Reject
S547.044	Westpower Limited	Definitions	Amend	Add a new definition of "minor upgrading" for Distribution lines (including customer connections); Minor Upgrading means in relation to Distribution lines (including customer connections): a. Realignment, reconfiguration or relocation of an existing: electricity line, cable, pole, conductors, cross arms or cabinets that is within 5m of the existing alignment or location. b. All alterations and additions to overhead lines, including the placement of new lines on existing poles, that: - do not increase the number of conductors or wires by more than 100 per cent, or comprise new conductors or wires that do not have a diameter greater than 20 per cent of the combined diameter of the existing wires or conductors being replaced, or - include cross arms with a length exceeding the existing length by more than 100 per cent. c. The addition of earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunications lines, and earthpeaks, d. Any pole which replaces an existing pole provided that: - it must not have a diameter that is more than the existing pole's diameter at its largest point plus 50 per cent, and	Reject

				<ul style="list-style-type: none"> - it must not have a height greater than 25m, and - it must be located not more than 5m from the existing pole. <p>e. Modification of an existing pole:</p> <ul style="list-style-type: none"> - only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as staywires, anchor blocks, on existing overhead electricity and telecommunication lines, or - when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same as existed prior to the improvements. <p>f. The installation of new mid-span electricity poles in existing networks to address clearances in NZECP 34:2001.</p> <p>g. An increase in the power carrying or operating capacity, efficiency or security of electricity lines, where this uses the existing network utility and meets the requirements of clauses (c)-(f) above.</p> <p>Minor Upgrading means in relation to energy activity buildings and renewable energy generation where the activities are the same or similar in character, scale or intensity.</p>	
S547.066	Westpower Limited	Overview	Amend	<p>Add new 2nd paragraph:</p> <p>It is also recognised that Energy Activities, including Critical Infrastructure, do already exist, and given the topography of the West Coast may in the future require location, within the full range of natural and built environments of the region. The establishment and provision of Energy Activities, including renewable generation, provides for the maintenance and enhancement of the communities cultural, economic and social wellbeing, including health and safety, and assists with developing resilient communities on the West Coast.</p>	Reject

S547.067	Westpower Limited	Overview	Amend	Amend existing 2nd paragraph: The National Policy ... protection of the National Grid. The National Policy Statement for Renewable Energy Generation recognises the national significance of renewable electricity generation activities, including the need for, and benefits from, renewable electricity generation.	Reject
S547.068	Westpower Limited	Overview	Amend	(1) Add new 2nd paragraph: It is also recognised that Energy Activities, including Critical Infrastructure, do already exist, and given the topography of the West Coast may in the future require location, within the full range of natural and built environments of the region. The establishment and provision of Energy Activities, including renewable generation, provides for the maintenance and enhancement of the communities cultural, economic and social wellbeing, including health and safety, and assists with developing resilient communities on the West Coast. (2) Amend existing 2nd paragraph (proposed 3rd paragraph in this submission), "The National Policy ... protection of the National Grid. The National Policy Statement for Renewable Energy Generation recognises the national significance of renewable electricity generation activities, including the need for, and benefits from, renewable electricity generation. (3) Retain the provision "the Infrastructure Chapter and the Area Specific Provisions (Zone Chapters) do not apply to Energy Activities" but move under the heading "Other Relevant Te Tai o Poutini Provisions".	Reject
S547.069	Westpower Limited	Other relevant Te Tai o Poutini Plan provisions	Amend	Provide an explanatory note to clarify applicability of provisions that do not specifically reference Energy Activities.	Reject
S547.070	Westpower Limited	Other relevant Te Tai o Poutini Plan provisions	Amend	Amend Financial Contributions bullet point, ... activities which impact on Energy Activities.	Reject

S547.071	Westpower Limited	Other relevant Te Tai o Poutini Plan provisions	Amend	Delete reference to Activities on the Surface of Water under the General District Wide Matters bullet point.	Reject
S547.073	Westpower Limited	Energy Objectives	Amend	Add new objective: To ensure the efficient provision and use of Energy Activities, including Critical Infrastructure, for communities by co-ordinating the provision of Energy Activities with subdivision, use and development.	Reject
S547.074	Westpower Limited	ENG - O1	Amend	(1) Amend existing ENG-01, " To recognise and provide for local, regional and national benefits of renewable electricity generation, transmission, distribution and supply activities. ". (2) Add the new objective set out under "Energy Objectives" above, " ENG-?? To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including related Infrastructure and Critical Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini. "	(1) Accept in part (2) Reject
S547.075	Westpower Limited	Energy Objectives	Amend	(1) Add new Objective, "ENG-?? To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including related Infrastructure and Critical Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini." (2) Add new objective, " ENG-?? To ensure the efficient provision and use of Energy Activities, including Critical Infrastructure, for communities by co-ordinating the provision of Energy Activities with subdivision, use and development. ".	Reject
S547.077	Westpower Limited	Energy Objectives	Amend	New Objective: To manage adverse effects of Energy Activities on the environment while recognising and providing for the matters in Objectives ENG-01 and ENG-02. "	Reject
S547.078	Westpower Limited	ENG - O3	Amend	(1) Add the new objective set out under "Energy Objectives" above, "ENG-?? To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including related Infrastructure and Critical	Reject

				Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini." (2) With the new objective added amend existing ENG-03 to read, " To protect Energy Activities, including Critical Infrastructure, from the adverse effects of incompatible subdivision, use and development. "	
S547.080	Westpower Limited	Energy Policies	Amend	Amend to ensure consistency of terms and provisions for energy activities throughout the plan.	Reject
S547.082	Westpower Limited	Energy Policies	Amend	Add a new Policy: Ensure that subdivision and development is adequately serviced including; a. supply of electricity using a method that is appropriate to the type of subdivision and/or development, including consideration of alternative methods on a case by case basis, and b. where new energy infrastructure is developed and/or installed, that there is adequate provision for ongoing access, operation and maintenance, including through granting and reserving easements.	Reject
S547.083	Westpower Limited	Energy Policies	Amend	New Policy: Provide flexibility for energy activities, including energy aspects of infrastructure and critical infrastructure, to adopt new technologies that; a. improve access to, and efficient use of, networks and services; b. allow for the re-use of redundant services and structures where they are safe and operating to required standards; c. increase resilience, safety or reliability of networks and services; d. result in environmental benefits and/or enhancements; ore.	Reject

				promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.	
S547.084	Westpower Limited	ENG - P1	Amend	(1) Amend ENG-P1, "Provide for the development ... and upgrading of existing and new Energy Activities, including energy related aspects of Infrastructure and Critical Infrastructure. "	Reject
S547.088	Westpower Limited	ENG - P3	Amend	Amend to read: Protect energy activities, including energy aspects of infrastructure and critical infrastructure, from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading or development of energy activities and associated infrastructure.	Reject
S547.096	Westpower Limited	Energy Rules	Amend	Consider reformatting the chapter to include all relevant rules from throughout the plan to enable a more efficient assessment of compliance, and ease of use and implementation of the plan.	Reject
S547.099	Westpower Limited	ENG - R2	Amend	Amend 2. This is the operation, maintenance repair and upgrade of an existing substation (zone) where any new works and/or upgrades are undertaken within existing switchyards or the existing building envelope , in any zone;	Reject
S547.102	Westpower Limited	ENG - R2	Amend	3. This is a new substation (zone) : i. Located in an Industrial or Rural zone; and ii. Screening is provided between any new substation and a road and any existing residential building by fencing and/or landscaping (including earth bunds).	Reject
S547.105	Westpower Limited	ENG - R4	Amend	Amend: 4. The diameter or width of ... at its widest point and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole 5 metres at its widest point and	Reject

				5. Additional conductors or lines ... of the original. Where additional conductors or lines are installed any intermediate poles required to achieve electrical safety standards can also be installed.	
S547.106	Westpower Limited	ENG - R4	Amend	Review items 2.-9. of the rule and delete duplication with matters provided for in the definition of minor upgrading submitted above.	Reject
S547.113	Westpower Limited	ENG - R11	Amend	Delete item e.	Reject
S547.115	Westpower Limited	ENG - R12	Amend	Amend item a. Degree of non-compliance with Rule ENG-R4 and ENG-R4A.	Reject
S547.119	Westpower Limited	Non-complying Activities	Amend	Insert new Rule for activities not in compliance with Rule ENG-R6: Activities in and around the Significant Electricity Distribution Lines that do not comply with Permitted Activity standards Activity Status Non-Complying Activity Status where compliance not achieved: N/A.	Reject
S547.120	Westpower Limited	ENG - R20	Amend	Consider whether this rule is required or could be incorporated into ENGR18.	Reject
S547.127	Westpower Limited	Definitions	Amend	Add a new definition for "Major Dam", "means any dam of the same, or greater, scale as large dams associated with Large Scale hydro-electric generation schemes in Clause 3.31 of the Nation Policy Statement for Freshwater 2020".	Reject

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S299.037	Transpower New Zealand Limited	ENG - P5	Amend	Amend the policy as follows: ENG-P5 When considering proposals to develop, operate, maintain and upgrade new and existing energy activities: Recognise their functional constrains and operational	Accept

				requirements; and Where new transmission infrastructure significant electricity distribution lines and major upgrades to transmission infrastructure significant electricity distribution lines are proposed have regard to the extent to which any adverse effects have been minimised in the route, site and method selection.	
FS222.0361	Westpower Limited		Oppose in part	Not stated	Reject
S438.033	Manawa Energy Limited (Manawa Energy)	Overview	Support in part	Amend all objectives and policies by removing the reference to 'energy activities' and replacing this with a reference to 'renewable electricity generation activities'. Add a new policy as follows: ENG - P10 Avoid the development of non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.	Reject
FS222.0181	Westpower Limited		Support in part	Not stated	Reject
S438.052	Manawa Energy Limited (Manawa Energy)	ENG - R14	Oppose	Delete ENG - R14	Reject
FS222.0183	Westpower Limited		Support in part	Not stated	Reject
S438.054	Manawa Energy Limited (Manawa Energy)	ENG - R16	Support in part	Amend ENG - R16 as follows Activity Status Restricted Discretionary Where: 1. This does not comply with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise. Discretion is limited to: a Degree of non-compliance with ENG - R5; b Locational, technical and operational constraints; c Benefits to the community. Activity status where compliance not achieved: Non complying Discretionary	Reject

FS222.0185	Westpower Limited		Support in part	Not stated	Reject
S438.055	Manawa Energy Limited (Manawa Energy)	ENG - R17	Oppose	Amend ENG - R17 as follows: ENG - R17 Any energy renewable electricity generation activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise. Activity Status Non-Complying Discretionary	Reject
FS222.0186	Westpower Limited		Support	Allow	Reject
S438.056	Manawa Energy Limited (Manawa Energy)	ENG - R20	Oppose	Amend ENG - R20 as follows: Energy a Activities that do not meet Rules ENG - R12, or ENG - R13 or ENG - R14 Activity Status: Non-Complying	Reject
FS222.0187	Westpower Limited		Support in part	Not stated	Reject
S438.127	Manawa Energy Limited (Manawa Energy)	ZONES	Support	Retain clarification provided within each of the zone provisions that these do not apply to renewable electricity generation / regionally significant infrastructure activities covered by the ENG and specific overlay chapters - subject to detailed comments provided below.	Reject
FS222.0198	Westpower Limited		Oppose	Disallow	Reject
S538.004	Buller District Council	Definitions	Not Stated	Add a definition for ' Network Utility ' as follows: Means a project, work, system or structure that is a network utility operation undertaken by a network utility operator	Accept
FS222.046	Westpower Limited		Oppose	Disallow	Reject
S560.107	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Energy	Amend	Either the definition of "Energy Activity" as sought above or amend all provisions in this chapter to be specific to National Grid or electricity transmission, distribution and renewable electricity generation activities.	Accept in part
FS222.0225	Westpower Limited		Oppose	Disallow	Reject