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	30 October – 3 November 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:

Introduction/General Provisions

Strategic Directions

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 two topics:

- Introduction/General Provisions matters
- Strategic Directions matters

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 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 represents the matters raised in those submissions and further submissions, and those points of submission remain.

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;
  - Introduction/General Provisions submissions
  - Strategic Direction submissions.

4.6 This evidence covers the two topic areas and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd.

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.

6.0 STRUCTURE OF EVIDENCE

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

a. Recommendations on Submissions and Further Submissions supported (*Section 7.0*)

b. Amendments Required (*Section 8.0*)

c. Part II of the Resource Management Act 1991 (*Section 9.0*)

6.2 To assist with this evidence, summaries of the s42A Report recommendations are attached as Appendix 1 (Introduction/General Provisions) and Appendix 2 (Strategic Directions). 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.

7.2 I have reviewed those matters and support the recommendations to accept those submission points made by Westpower and provide no further evidence in regard to those matters 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 Appendices 1 (pages 1-4) and 2 (pages 1-3), 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. 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 4 Statutory Requirements* of the s42A Reports. I note at paragraph 22 (Introduction/General Provisions) and paragraph 18 (Strategic Directions) that the reports advise that the TTPP must have regard to, amongst other matters, the West Coast Regional Policy Statement (the RPS). It is my understanding that 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.

Error in Recommendation to Accept

Introduction/General Provisions

12.1 National Planning Standards Definitions (pages 80-87, S42A Report)

S547.025 (Appendix 1, page 1), S547.032 (Appendix 1, page 2), S547.033 (Appendix 1, page 2)

7.5 The summary of recommendation states that the outcomes sought in these submissions are accepted, ie additions to the definitions of "functional need" and "operational need" regarding "locational need" or a new definition in the alternative and the addition of locational and technical need to all rules referring to "functional need" and "operational need". I have sought, and received, confirmation that this is an incorrect summary when reviewing the specific parts of the S42A Report and I therefore do not support this recommendation. I note that S547.033 is also recommended in the summary to be accepted, presumably that is also an error (ie. the actual S42A recommendation is to reject) and accordingly is not supported. This evidence also relates to that matter

7.6 The S42A Report recommends rejecting these submission points on the ground it is simply not possible to change the definition set through the national standard. It provides no specific reason for this so it is not possible to consider that.

7.7 The submission sought the definition for "locational need" be added as there are submissions throughout the document seeking that that term and the term

"technical need" be added to the numerous rules that are proposed in the pTTPP to recognise and provide for the "functional need" and "operational need" of activities. The proposed definition was to assist with interpretation of the addition. It was noted in the submission that the national planning standards do not preclude additional definitions and the submission sought either amendment or new definition in this regard. I see nothing in the wording at paragraph 319, page 85, of the S42A Report that precludes that. In my opinion there is some value in having matters defined that have a clear linkage. I note that both the definition for "functional need" and the definition for "operational need" refer to the need to locate but neither refer to the additional reason raised in the submission that the need is also to locate where the resource is available. It could be argued that it can be inferred that such matters must be considered. My experience of plan implementation from all perspectives that a party may become involved in proceedings is that there is great value in having matters clearly state what is meant to ensure consistent and enduring administration and interpretation.

7.8 To further assist in this regard it is of use to understand why this matter is raised. As discussed above there a numerous submissions to those rules recognising and providing for the "functional and operational needs" of activities. Westpowers consistent submission point in those regards is that "location and technical needs" should be added. A reason for these submissions is to give effect to, and be consistent with, the terms used in the RPS to address such matters. In my opinion there is value in consistently applying terms across policies and plans to assist with interpretation and implementation. I note in providing that opinion that Policy 2(b) of Chapter 4 – Resilient and Sustainable Communities requires that Regional and District Plans must be as consistent as possible. I consider that includes consistency of terms across planning and policy documents in the region. I discuss the intent of a submission point regarding this policy below.

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 topics these matters are split between the two topics. these being;

- Introduction/General Provisions submissions and further submissions (see Appendix 1 summary)
- Strategic Directions submissions and further submissions (see Appendix 2 summary)

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.

Introduction/General Provisions

6.4 Submissions seeking better Plan Integration (pages 24-28 – S42A Report)

FS222.0204 (Appendix 1, page 7)

8.3 The s42A Report recommends rejecting this further submission on the basis that the plan be amended on a chapter by chapter basis to slim down advice notes and insert appropriate cross-references as to relevant related chapters. I agree that this is appropriate and in many instances Westpower has submitted to overview sections of the TTPP to achieve clarity on such matters. The concern of the further submission was that there should not be an unanticipated change to the intent of provisions or result in additional matters applying than had been understood. Given the outcome suggested in the s42A Report is a chapter by chapter amendment, Westpower would need to have the ability to review proposed changes as there is no ability through this hearing to do this.

6.6 Other Amendments sought to provisions across the whole Plan (pages 31-44 – S42A Report)

S547.027 (Appendix 1, page 6)

8.4 The S42A Report recommends that the submission be rejected on the grounds that "functional need" and "operational need" are specific matters where there is direction in higher order documents. I note that the S42A Report does not reference the RPS as a higher order document. My opinion is that the RPS is a higher order document and as discussed above, and below in terms of a submission seeking new strategic policies (see page 18 below regarding section 8.7 of the S42A Report), are terms referenced where "functional need" and "operational need" arise in the RPS. In my opinion consistency of terms is both appropriate and required to ensure consistency of implementation and administration, particularly given that the same plan is to be administered by all three Council's across the West Coast. In my opinion these additions are

appropriate and should be considered in the context in which they arise throughout the plan. Definition matters raised by the S42A Report are covered comprehensively elsewhere in this evidence so will not be canvassed again here.

FS222.072 (Appendix 1, page 9)

8.5 The S42A Report recommends that this further submission be rejected on the basis that the terms "waterway" and "stream" should be amended to the term "river" for consistency with the RMA and TTPP definitions. The purpose of the further submission was to ensure that any amendment did not change the interpretation of provisions in the plan as different terms may trigger different rules. I note that it is not proposed by the S42A Report to change any existing term to "waterbody" as sought by the submitter. If that is the case then I would agree with the proposal as it assists in terms of consistency within the plan.

FS222.0205 (Appendix 1, page 9)

8.6 The S42A Report recommends that this further submission be rejected on the basis that the term "utility" is used solely in the plan to refer to a network utility or network utility operation. The purpose of the further submission was to ensure that any amendment did not change the interpretation of provisions in the plan. If that is the case then I would agree with the proposal as it assists in terms of consistency in the plan.

FS222.073 (Appendix 1, page 9)

8.7 The S42A Report recommends that this further submission be rejected on the basis that it is appropriate to provide for the consideration of alternatives under restricted discretionary activity (RDA) rules as such activities have the potential to create significant adverse effects. I agree that a consideration of alternatives should be required where significant adverse effects may arise however I do not agree that an assessment of alternatives is required as a matter of course, particularly where there are no significant adverse effects created. This could lead to considerable additional cost or process complexity which may not be warranted in the circumstances. While I consider that these matters are provided for in the Clause 6 of Schedule 4 of the RMA I appreciate the issue being raised in the Report relates to restricted discretionary activities. If such a change is considered necessary as proposed I consider that the wording should be, "*In cases where it is likely that the activity will result in a significant*

adverse effect on the environment consideration of any possible alternative locations or methods for undertaking the activity".

6.7 Submissions seeking a greater weight on economic growth and social outcomes (pages 44-46 – S42A Report)

S547.003 (Appendix 1, page 5)

8.8 The S42A Report recommends that this submission be rejected based on the process to develop the pTTPP. Whilst I accept that the plan has been through various processes during development Policy 2 of Chapter 4 of the RPS is a regional directive, ie "*Regional and district plans must:*" and contains principles to be achieved through the plan development process. The submission summary refers to "when determining plan matters" which is the process and outcome to be achieved through the hearing. It is my opinion that these matters are appropriate requirements to be incorporated into determining the matters arising.

6.8 Submissions in relation to legal aspects of the plan (pages 46-48 – S42A Report)

S547.002 (Appendix 1, page 5)

8.9 The S42A Report recommends that this submission be rejected based on the process to develop the pTTPP. Whilst I accept that the plan has been through a section 32 process reference is also required to that section in considering and determining the matters arising. In making its submissions Westpower is seeking to ensure that the ability to undertake its activities to provide for access to, and use of, renewable electricity is in a manner appropriate to the West Coast and the community it serves. I consider that these are appropriate matters to consider in determining the issues arising and cannot be considered in isolation, ie. The submission point is intended as supporting the range of submissions made by Westpower to the pTTPP.

7 General Submissions on Planning Maps (pages 48-55 – S42A Report)

FS222.0325 (Appendix 1, page 7)

8.10 The S42A Report recommends that this further submission be rejected based on an ability to readily provide a map layer for public conservation land. Whilst I accept that the mapping is relatively straightforward I note that the further submission was based on a defined lack of purpose for adding this additional information to an already complex set of mapping information. I appreciate that

the proposed layer can be turned off or on but given this information is already readily available from a range of sources and has no intended function in interpreting or administering the plan my opinion would be that such additional information is not required. I note for instance that the maps may be migrated to the "Westmaps" portal which as I understand it already includes such information.

8.2 Submissions on the description of Districts Section (pages 56-58 – S42A Report)

S547.004 (Appendix 1, page 5)

8.11 The S42A Report recommends that this submission be rejected based on a lack of need to provide further information. I note that this is the first plan linking the 3 Districts together and provides information regarding mining, farming, fishing, tourism, and cultural matters including reference to the history of these matters. It does however make no reference to the role and importance of infrastructure within and connecting each district as a whole, and its role and value to the region as "*regionally significant infrastructure*". The West Coast has historically been a pioneer in electricity and infrastructure development and the importance to the community is a matter of discussion and consideration by organisations and authorities on a regular basis. My opinion is that the requested additional paragraph assists in completing the picture of the region within which the 3 Districts sit and for which the plan is being developed, recognises the strategic role of infrastructure to the area covered by the plan, and should be included.

9.1 Submissions on Statutory Context (pages 58-63 – S42A Report)

FS222.003 (Appendix 1, page 7)

8.12 The S42A Report recommends that this further submission be rejected based on an amended proposal to satisfy the submission sought. I have reviewed the S42A Reports reason for accepting the submission being on the proviso that wording is such that it does not add additional requirements for "non-complying activities". This broadening of scope was the reason for the further submission and whilst I don't specifically consider it is needed for the purpose of the plan I generally support the proposal in the report as a means of resolving the matter. This support is, however, on the proviso that the paragraph, which is a summary of Section 17, is amended to refer to Section 17 in total as that section clarifies

the role of enforcement as it relates to the general duty. My concern is that in providing further information in regard to statutory requirements the summary may, by omission, indicate to some parties that enforcement scope in regard to the general duty under Section 17 is to be broadened.

9.2 General Approach (pages 63-67 – S42A Report)

FS222.0206 (Appendix 1, page 8)

8.13 The S42A Report recommends that this further submission be rejected based on an amended proposal to satisfy the submission sought. The amendment recognises that there are only two chapters with rules outside the scheduled overlay and proposes that they be the focus of the amendment. I would support that as the intent of the further submission was to ensure the submission did not result in any amendment that resulted in a change, or broadening, of the application of rules. Having said that it is my opinion that there needs to be wording to reflect that the Grey regime differs to the Westland and Buller regime in terms of rules relating to SNA's in the "Ecosystems and Indigenous Biodiversity" chapter. This is to ensure that the interpretation of applicable rules in Grey is not broadened, as a result of this amendment, to indicate a requirement for consents for those areas outside the identified and Scheduled sites. This is an issue with having one rule to cover two different regimes.

9.3 Submissions on relationships between spatial layers (pages 70-76 – S42A Report)

FS222.0207 (Appendix 1, page 8)

8.14 The S42A Report recommends that this further submission be rejected based on an amended proposal to satisfy the submission sought. The amendment recognises that an entry for significant natural areas is required for the table but does not agree with the scope of the requested commentary. I agree with that assessment as it supports the reason for the further submission which was intended to ensure the additional wording did not broaden the scope of how rules were interpreted. Having said that it is my opinion that the proposed amendment does not account for the different regulatory regimes proposed between the Grey District and Westland/Buller Districts. The wording could be interpreted to indicate that consents are required outside the Schedule 4 sites in Grey and should be amended to accurately describe the regime.

S547.008-S547.011, S547.015- S547.016 (Appendix 1, pages 5-6)

8.15 The S42A Report recommends that these submissions be rejected based on a lack of need to provide this information given that such information is found in the overview sections of each chapter related to the overlays. I note Westpower has made submissions to each chapter seeking the inclusion of such information but it is unknown whether such has been accepted. I also note that one of the reasons for these submissions is that in developing and mapping overlays there does not appear to have been any identification or account for existing infrastructure and assets in the plan assessments for such areas. It is understood that submission issues related to identification are also to arise in the hearing for planning maps and I am unsure if that is covered by Topic 21 on an as yet unidentified date. My opinion is that these are relevant matters that should be recognised and provided for in the plan and the development of the layers to ensure consideration of the relevant issues in a holistic manner. An understanding as to how it is proposed to deal with similar submission points such as those identified above could assist with considering the matter further.

12.3 TTPP Specific Definitions (pages 87-103 – S42A Report)

FS222.0209 (Appendix 1, page 8)

8.16 The S42A Report recommends that this further submission be rejected based on the opinion that the inclusion of the definition was a drafting error. There is no further detail provided as to the impact of removal of such a definition in terms of administering and implementing the plan. If it is indeed an error which is of no consequence then I would agree that it be removed. However, given the plan was developed through the range of processes described and based on that definition I would seek confirmation that the removal of the definition does not result in additional or a broader range of activities being regulated by the plan which would not be if it is retained. This is to enable an understanding of the impact of the amendment before it is made before making a final determination as it whether it is appropriate to remove the definition.

FS222.0211 (Appendix 1, page 8)

8.17 The S42A Report recommends that this further submission be rejected based on the matters described already being provided for in relevant rules. Given the purpose of the further submission was to ensure that the issue was clarified I accept the S42A Report assessment and recommendation in this regard.

S547.030 (Appendix 1, page 6)

8.18 The S42A Report recommends that part of this submission relating to the term "repair" be rejected based on that activity being implicit in the relatively broad wording already proposed. Whilst I understand the thinking my opinion is that the small addition to explicitly identify "repair" avoids any doubt and potential debate and can only assist in the administration and interpretation of the plan. It does not appear from the report that there is any disagreement that "repair" can be undertaken in which case in my opinion there is no reason why it would not simply be inserted. The related component of this submission relates to the matter of energy activities, which the report advises is to be dealt with through the hearing related to energy, infrastructure and transport matters. The two parts of the submission are by necessity interrelated as presumably the maintenance issue also relates to energy activities? I am unclear on that aspect having not seen any information regarding that proposed hearing topic at the time of writing this evidence.

FS222.0216 (Appendix 1, page 8), FS222.0217 (Appendix 1, page 9)

8.19 The S42A Report recommends that this further submission be rejected based on an amended proposal to satisfy the submission sought. I agree that listing the layers may assist if that is not already clear from the other amendments discussed above however the same issue arises as in those previous further submission points. The intent of the further submission was to ensure an unintended amendment did not occur which changed or broadened the application of rules rather than simply clarifying them as proposed. The amendment again recognises that there are only two chapters with rules outside the scheduled overlay and proposes there being a comment in that regard. Again it is my opinion that there needs to be wording to reflect that the Grey regime differs to the Westland and Buller regime in terms of rules relating to SNA's in the "Ecosystems and Indigenous Biodiversity" chapter. This is to ensure that the interpretation of applicable rules in Grey is not broadened as a result of this amendment to indicate a requirement for consents for those areas outside the identified and Scheduled sites. It is also an issue with having slight variations of the same issue when compared with the discussion above on related further submission points. I would suggest that, at the least, an

amendment advising that, "… *these contain provisions that **may** apply district wide.*".

12.4 New Definitions (pages 103-107 – S42A Report)

FS222.0010 (Appendix 1, page 7)

8.20 The S42A Report recommends that this further submission be rejected based on a proposal to include the RMA definition of environment in the plan. The intent of the further submission was to ensure that a different definition of "environment" was not inserted in to the plan from that in the Act. Whilst I agree that if the matter is to be defined in the plan it should be the standard definition from the Act I do question whether it is needed given it is already defined in the Act and is simply repetition. I consider this addition is not required.

S547.026 (Appendix 1, page 6)

8.21 The S42A Report recommends that this submission relating to "locational need" be rejected based on there being no requirement for such a definition as the matter is provided for in higher order documents. Given that the plan is developed to give effect to higher order documents, including the RPS which contains such wording, I disagree with that assessment. The report does not advise that it is an irrelevant matter and according for the purpose of the plan implementation should be included to provide for consistency across plans and policies. It is my opinion that such a definition should be included as it relates to broader submission points yet to be considered.

Strategic Directions

6.3 Submissions of Specific Text in the Overview (pages 12-17 – S42A Report)

FS222.0218 (Appendix 2, page 7)

8.22 The S42A Report recommends that this further submission be rejected based on there being a relevant need to reference objectives that are in chapters outside the overlay and zone chapters. The concern of the further submission was that any change did not change the function of the strategic objectives and policies when using the plan. The S42A report raises no issues in this regard and provided the intent, set out in following paragraphs of the overview, as to how strategic objectives and policies are to be implemented is retained I accept the proposed outcome in regard to this particular submission point.

S547.046 (Appendix 2, page 3)

8.23 The S42A Report recommends that this submission be rejected based on there being a need to "protect" matters identified in Sections 6(a)-(c), (f) and (g). Whilst I understand the issue raised I do consider that there is merit in an amendment given that in many instances the plan proposes a management rather than prohibition or absolute protection approach in all instances. I note that in at least the cases of s6(a), (b) and (f) such areas are to be protected from *inappropriate* use and development and not all development. The submission was seeking to ensure at the strategic level the intent of the plan was not negated by this wording. Such an approach is also consistent with the objectives of the RPS which does require protection of certain values while providing for activities in such areas.

S547.045 and S547.047 (Appendix 2, page 3)

8.24 The S42A Report recommends that these submissions be rejected based on there being a focus on critical infrastructure in the plan, including this being reflected in the RPS. I can find no reference to "*critical infrastructure*" or a list of "*strategically significant infrastructure*" in the RPS as referred to in the S42A Report. The RPS does contain specific provisions for "*Regionally Significant Infrastructure*" (*RSI*) and defines the activities which are comprised in that term. I note that RSI is a broad range of infrastructure activities. It is my opinion that RSI is strategically significant to the region and includes the matters covered by the amendments proposed in this submission. With reference to the issue raised in the S42A Report regarding this and other parts of the plan being limited to "*critical infrastructure*" I note, in terms of the activities undertaken by Westpower, that the definition of "*critical infrastructure*" includes amongst a broad range of other infrastructure "*electricity generation, transmission and distribution assets*" which are also provided for in the definitions of "*Energy Activities*" and "*Infrastructure*", although with different wording. In my opinion this matter could have been readily resolved by referring to "*Regionally Significant Infrastructure*" as that is defined in the RPS for the strategic purpose highlighted in the S42A Report. This would also be consistent with, and give effect to the RPS. I understand that there are submissions, in regard to the term "*critical infrastructure*", to the pTTPP in this regard and Westpower is a party to those matters. Westpower has

also raised submission points regarding the rationalisation of multiple terms for the same activities undertaken by it.

8.25 The S42A Report recommends also that these submissions be rejected as they seek the addition of construction and upgrading due to operation and maintenance being sufficient. No reasoning is provided for this given that they are different matters. Given the provision is related to RSI, although under a different term, it is relevant to refer to Chapter 6 of the RPS which clearly identifies that there is a need to recognise the benefits from the establishment and continued operation of RSI and seeks as an Objective to enable development, operation, maintenance and upgrading of RSI. In my opinion the terms construction and upgrading should be added for what is essentially an RSI matter of strategic significance to the region to give effect to the RPS.

FS222.0111 (Appendix 2, page 6)

8.26 The S42A Report recommends that this further submission be rejected based on the matters already being provided for in bullet points 4 and 5. Whilst there are similar elements in these bullet points, and possibly bullet point 2, particularly with the proposed amendment to "enabling" in bullet point 4 and "sustainable" in bullet point 5 the requested wording reflects the established regional objectives for resilient and sustainable communities. In my opinion it is important that the strategic directions give effect to the RPS in a clear and consistent manner and the request in the submission would assist in achieving that.

7.3 Submissions on AG – 02 (pages 22-24 – S42A Report)

S547.048 (Appendix 2, page 3)

8.27 The S42A Report recommends that this submission be rejected based on there being other strategic objectives for the energy and infrastructure matters raised. However the objective refers to "*support industries and services*" which presumably includes energy and infrastructure as these are complementary and important to maintain the viability of agriculture. The purpose of the submission was to highlight the integration of these matters as envisaged by the RPS. In my opinion it is a relevant amendment however, depending on the outcome discussed above regarding the RSI issue, there may be alternative solutions that achieve the same outcome.

8.1 Submissions on the Introduction to the chapter (page 24 – S42A Report)

S547.049 (Appendix 2, page 3)

8.28 The S42A Report recommends that this submission be rejected based on the matter relating only to certain elements of critical infrastructure. There is nothing to indicate a further subset is being considered, including what is/is not included, and there has been no ability to consider and submit on that. I note also, with reference to the CR section that it refers to both infrastructure, including the paragraph subject to this submission point, and critical infrastructure. This matter is discussed above regarding the problem of not giving effect to provisions in the RPS for RSI, including the definition of RSI, which were developed for the region through a rigorous process. I note that the definition of critical infrastructure includes, "*electricity generation, transmission and distribution assets"*. The submission has sought to ensure all appropriate matters are recognised and provided for through the requested amendments, however the S42A Report refers to only certain aspects of both Critical Infrastructure (pTTPP) and RSI (RPS). I disagree with the assessment that electricity generation and sub-transmission activities are not strategically significant to the region. That significance is illustrated through both the provisions of the RPS as regards RSI and the extent, distribution and network of such activities on the West Coast. Again, in my opinion it is a relevant amendment and should be included based on the current wording. Having said that, and depending on the outcome discussed above regarding the RSI issue, there may be alternative solutions that achieve the same outcome.

8.3 Submissions on CR – O1 (pages 25- 26 – S42A Report)

S547.055 (Appendix 2, page 1)

8.29 Whilst the S42A Report recommends that this submission be accepted it reserves determining the issue of "energy activities" as that is to be a later consideration regarding the separation of activities. I note in relation to the matter of CR-01 that "energy activities" are already separately defined with associated provisions separate to infrastructure and the format of the plan requires that. In my opinion it is appropriate to include "energy activities" as well.

8.4 Submissions on CR – O2 (pages 26- 28 – S42A Report)

S547.056 (Appendix 2, page 4)

8.30 The S42A Report recommends that this submission be rejected as not all energy activities and infrastructure are "*strategically significant*". It is also then unclear what the "term" connections is limited to when reading the proposed objective. I have canvassed these matters in depth above and the same opinions apply. For those reasons it is appropriate to include the amendments sought.

8.5 Submissions on CR – O3 (pages 28- 30 – S42A Report)

S547.057 (Appendix 2, page 5)

8.31 The S42A Report recommends that this submission be rejected as not all infrastructure is critical infrastructure, and also raises the issue of "lifelines" critical infrastructure which is the first time that has arisen in the report. I have confirmed with Westpower that they are a member of the "lifelines" group on the West Coast in terms of the activities it undertakes and as described in the submission made and amendment sought. As per the previous submission points I have canvassed the matters in depth, including giving effect to RPS provisions related to RSI. For those reasons it is appropriate to include the amendments sought.

8.6 Submissions on CR – O4 (pages 30- 31 – S42A Report)

S547.058 (Appendix 2, page 3)

8.32 The S42A Report recommends that this submission be rejected as not all infrastructure is strategically significant. I note with reference to the proposed objective that it refers to both "infrastructure" and "critical infrastructure" and the only addition sought is reference to "energy activities". These matters are all canvassed above, including reference to the RPS and RSI matters and the need to give effect to those provisions. It is my opinion that self-sufficiency and back-up are key issues for RSI on the West Coast. For those reasons my opinion is that it is appropriate to include the amendments sought.

8.7 Submissions seeking additional provisions for Connections and Resilience (pages 31-34 – S42A Report)

S547.050, S547.051, S547.052, S547.053 & S547.054 (Appendix 2, page 4)

8.33 The S42A Report recommends that these submissions be rejected as; it is not the place to cherry pick policies from the RPS, most other sections do not have

policies and there are specific chapters for energy and infrastructure. I do not agree as these policies are not directly related to the matters under this section of the plan given the discussion above. They are strategic in nature taking into account the features, requirements (including networks) and significance of RSI and the context and environment of the West Coast as a whole. Review of the proposed policies will also highlight matters raised in submissions above.

8.34 The linkage between energy activities, infrastructure and critical infrastructure and RSI defined in the RPS are discussed above. The RPS is specifically worded in terms of RSI to contain policies that indicate the context that such activities are undertaken in as a network across the region (including in terms of the pTTPP across the multiple overlays). Taking into account that RSI activities can occur across multiple overlay areas they provide a strategic approach, including;

- particular regard being had to the constraints imposed by the locational, technical, functional and operational requirements (also discussed above).
- specific recognition that it will not always be possible to avoid, remedy or mitigate effects and what must be had regard to in such instances.
- provision for operation, maintenance and upgrading of existing activities within areas containing outstanding or significant values and features, including the coastal environment.

8.35 In my opinion these are all strategic policies that assist in achieving the strategic objectives when considered against the context of the West Coast environment, particularly given the importance of RSI to the West Coast. The term RSI is not used in the submission as that is not the format of the pTTPP as notified and these matters are discussed above.

8.36 With regard to other sections not having policies I note that the Ngai Tahu section contains strategic policies and a submission has been received from Development West Coast for a new section containing strategic objectives and policies. It is not then foreign to the format of the plan to have such policies and all parties were able to submit in this regard. Whilst not a solely determining factor, I note that there were no submissions opposing the inclusion of these strategic policies and I presume that is due to the recognition of their

role in achieving the outcomes sought for, and importance of, RSI on the West Coast.

8.37 As regards there being other chapters for infrastructure and energy activities I note that could be said about the other sections of this chapter but I accept there is strategic value in such topics of importance throughout the region. With regard to the two chapters I note that these are specifically separated chapters containing, at the time of notification, quite different objectives and policies. There are no current specific overarching policies for energy activities, infrastructure and critical infrastructure as each category is treated separately. There is therefore no coordinated strategic approach to such matters as envisaged for RSI by the RPS. Westpower has made extensive submissions throughout the plan in an effort to give effect to the provisions of the RPS as they relate to RSI, some of which have previously been discussed in this evidence.

8.38 It is my opinion that these are relevant matters for inclusion as strategic policies for the reasons discussed above, ie. they relate to multiple infrastructure chapters and activities and to all (or at least the majority) of the overlays. My opinion is that the requested submission points and amendments should be included in the plan.

10.2 Submissions on NENV – O1 (pages 53-56 – Section 42A Report)

S547.059 (Appendix 2, page 5)

8.39 The S42A Report recommends that this submission be rejected as it is appropriate at the strategic level to protect the highest value natural environment features. I note that the reason for the submission was that at the strategic level there is no requirement in the RMA for total protection from development in all areas, ie. in some areas the requirement is to protect from inappropriate development whilst others are more stringent. A blanket approach to protection that must be applied across all activities in the region is therefore difficult as it may result in more stringent outcomes than required by the Act, national policies or the RPS. The intent of the submission was to provide a strategic objective that recognises and provides for management where the value specific overlays contain the relevant management mechanisms.

10.3 Submissions on NENV – O2 (pages 56-57 – Section 42A Report)

FS222.0223 (Appendix 2, page 7)

8.40 The S42A Report recommends that this further submission be rejected based on the amendment better differentiating this matter, ie rights, interests and values of Ngai Tahu with regard the natural environment, when compared to the management approach sought in NENV-O1. The further submission sought to ensure that the scope and intent was not changed as there was no proposed wording. Based on the recommendation of the S42A Report I agree with the amendment proposed.

10.4 Submissions on NENV – O3 (pages 57-62 – Section 42A Report)

S547.060 (Appendix 2, page 5)

8.41 The S42A Report recommends that this submission be rejected based on the activities already being provided for. The issue of terms for activities and the need to ensure RSI is appropriately provided for is already discussed above and the issues are the same in this case. Having said that the report reserves the right to amend the provision where terms are changed as a result of later hearing processes. My opinion is that the changes sought in the submission are needed in the current form but I also accept there is merit in reserving a decision on the matter if there is potential to resolve any issues to ensure a consistent approach. Dependent on those later hearing processes the outcome may differ from the alternative proposed in the S42A Report and there should be the right for parties to revisit the matter when that outcome is known.

8.42 The S42A Report advises that the further changes requested do not improve readability and are a subset of the descriptions already used. I disagree that outstanding areas and areas of high natural values are the same as significant areas in the context of the plan yet all occur in the area that is the subject of this strategic objective. In my opinion this amendment should be included to ensure the appropriate matters are recognised and provided for.

8.43 I note that the submission supported the wording “need” which is now proposed to be changed to “functional need and operational need”. Whilst they are relevant terms this raises the issues discussed in submissions above for consistency of wording with the RPS. If such wording is to change to more

specific terms then it should be consistent with the RPS, ie. include technical and locational need.

11.6 Submissions on Poutini Ngāi Tahu Policies – POU-P3 (pages 69-75 – Section 42A Report)

S547.062 (Appendix 2, page 5)

8.44 The S42A Report recommends that this submission be rejected based on the issue being a s6(e) matter. The submission does not seek to degrade the importance of the issue raised by the policy. It proposes consistency between what is ultimately sought through the related objective POU-O3 (identify and manage) and later provisions in the plan regarding SASM's for a management approach through direct consultation requirements. In my opinion the change sought is appropriate, consistent with, and will directly assist the outcome sought in POU-03 as there may be instances, depending on the circumstances, where it is accepted that total protection is not required to achieve Poutini Ngai Tahu outcomes.

12.0 Tourism – TRM 1 (pages 75-77 – Section 42A Report)

S547.063 (Appendix 2, page 5)

8.45 The S42A Report recommends that this submission be rejected based on the activities already being provided for. The issue of terms for activities and the need to ensure RSI is appropriately provided for is already discussed above and the issues are the same in this case. Having said that the report reserves the right to amend the provision where terms are changed as a result of later hearing processes. My opinion is that the changes sought in the submission are needed in the current form but I also accept there is merit in reserving a decision on the matter if there is potential to resolve any issues to ensure a consistent approach. Dependent on those later hearing processes the outcome may differ from the alternative proposed in the S42A Report and there should be the right for parties to revisit the matter when that outcome is known.

13.0 Urban Form and Development – UFD-O1 (pages 77-82 – Section 42A Report)

S547.064 (Appendix 2, page 5)

8.46 The S42A Report recommends that this submission be rejected based on the activities already being provided for. The issue of terms for activities and the need to ensure RSI is appropriately provided for is already discussed above and

the issues are the same in this case. Having said that the report reserves the right to amend the provision where terms are changed as a result of later hearing processes. My opinion is that the changes sought in the submission are needed in the current form but I also accept there is merit in reserving a decision on the matter if there is potential to resolve any issues to ensure a consistent approach. Dependent on those later hearing processes the outcome may differ from the alternative proposed in the S42A Report and there should be the right for parties to revisit the matter when that outcome is known.

S547.065 (Appendix 2, page 5)

8.47 The S42A Report recommends that this submission be rejected based on the proposed provision not relating to just plan changes. The submission sought clarification as to what the policy related to, ie. plan changes alone, and was worded with the intent of assisting the achievement of related objectives and policies in Chapter 8 – Land and Water of the RPS in relation to integrated management of these matters. In my opinion there is benefit in using consistent wording to achieve local and regional consistency.

14.0 Submissions Seeking Changes to the Strategic Objectives as a Whole – Strategic direction (pages 82-87 – Section 42A Report)

FS222.0110 (Appendix 2, page 7)

8.48 The S42A Report recommends that this further submission be rejected based on the proposal echoing provisions of the RPS and being more general in nature than other directions. In my opinion the requested amendment is appropriate and sits alongside the natural and cultural strategic directions and complements the more specific activity directions. The proposed provisions essentially provide overarching social and economic direction, while ensuring sustainable environmental outcomes, when administering and implementing the plan over the region and assist to give effect to the RPS.

9.0 PART II OF THE ACT

9.1 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.

9.2 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)

1 October 2023

Appendix 1: Summary of S42A Recommendations – Introduction & General Provisions

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.005	Westpower Limited	Step 2 – Locate the relevant zone rules	Amend	(1) Amend second paragraph of Step 2 commentary by adding a sentence, **... will refer you to other chapters, as required. The Area Specific Provisions(Zone Chapters) do not apply to the Energy Activities and Infrastructure Chapters, and the provisions of the Infrastructure Chapter do not apply to Energy Activities.**	Accept
S547.006	Westpower Limited	Relationship between spatial layers	Amend	1) Amend: **... planning maps. These will assist you In ... apply to a specific property or activity.**	Accept
S547.007	Westpower Limited	Electricity Transmission and Distribution Yard	Support	Retain	Accept
S547.017	Westpower Limited	ADDITIONS AND ALTERATIONS	Support	Retain	Accept
S547.020	Westpower Limited	BUILDING	Support	Retain	Accept
S547.025	Westpower Limited	FUNCTIONAL NEED	Amend	(1) Amend the definition to include additional aspects of locational need, "because the activity can only occur in that environment, **including the need for the activity to locate where the resource Is available.**" or in the alternative add a new definition of "**Locational Need**', "**means the need to locate a proposal or activity within or through that environment, including a need to locate where the resource is available.**" (2) add "**Locational Need**" to all rules referring to "**Functional**	Accept

				Need" and/or "**Operational Need**'. (3) add "**Technical Need**" to all rules referring to "Functional Need" and/or "Operational Need".	
S547.032	Westpower Limited	OPERATIONAL NEED	Amend	Amend the definition: ... because of technical, logistical or operational characteristics or constraints, **including the need for the activity to locate where the resource is available.** or in the alternative add a new definition of "**Locational Need**", "**means the need to locate a proposal or activity within or through the environment, including the need to locate where the resource is available."**(2) and add "**Locational Need**" to all rules referring to "Functional Need" and/or "Operational Need". (3) add "**Technical Need**" to all rules referring to "Functional Need' and/or Operational Need'.	Accept
S547.033	Westpower Limited	FUNCTIONAL NEED	Amend	Amend the definition: ... because the activity can only occur in that environment, **including the need for the activity to locate where the resource is available.**	Accept
S547.037	Westpower Limited	SENSITIVE ACTIVITY	Support	Retain	Accept
S547.039	Westpower Limited	STRUCTURE	Support	Retain	Accept

Further Submissions

Submission Point	**Submitter/Further Submitter**	**Provision**	**Position**	**Summary of Decision Requested**	**Officer Recommendation**
S462.004	Inger Perkins	Definitions	Amend	Include the definition of sustainable development "Sustainable development" is development that meets the needs of the present without compromising the ability of future generations to meet their own needs, or the practice of maintaining productivity by replacing used resources with resources of equal or greater value without degrading or endangering natural biotic systems"	Reject
FS222.0166	Westpower Limited		Oppose	Disallow	Accept
S476.006	Radio New Zealand	LAWFULLY ESTABLISHED	Amend	RNZ support the definition of lawfully established but consider that specific recognition of activities established and permitted by way	Accept

				of designation is appropriate. Amend the definition as follows: means activities permitted through a rule in a plan, a resource consent, a national environmental standard, **a designation**, or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (197g).	
FS222.0200	Westpower Limited		Support	Allow	Accept
S552.005	Buller Conservation Group	Whole Plan	Oppose	Activities proposed as controlled and restricted discretionary should be classed as discretionary	Reject
FS222.001	Westpower Limited		Oppose	Disallow	Accept
S552.009	Buller Conservation Group	How the Plan Works	Amend	1. No person may use any land In a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent.	Reject
FS222.002	Westpower Limited		Oppose	Disallow	Accept
S552.030	Buller Conservation Group	Definitions	Amend	Sensitive activity **Includes but Is not limited to ...**	Reject
FS222.007	Westpower Limited		Oppose	Disallow	Accept
S552.220	Buller Conservation Group	Definitions	Amend	Add a definition of character	Reject
FS222.008	Westpower Limited		Oppose	Disallow	Accept
S553.005	Frida Inta	Whole Plan	Oppose	Amend activities proposed as controlled and restricted discretionary to discretionary	Reject
FS222.0114	Westpower Limited		Oppose	Disallow	Accept
S553.009	Frida Inta	How The Plan Works	Amend	1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.	Reject

				2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent.	
FS222.0115	Westpower Limited		Oppose	Disallow	Accept
S553.030	Frida Inta	Definitions	Amend	Sensitive activity **includes but is not limited to...**	Reject
FS222.0120	Westpower Limited		Oppose	Disallow	Accept
S553.188	Frida Inta	Statutory Context	Amend	Amend: **General Duty to Comply No person may use any land in a manner which contravenes a rule In this Plan unless the activity is expressly allowed by a resource consent, or Is an existing use allowed by Section 10 of the Act. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent.**	Reject
FS222.0116	Westpower Limited		Oppose	Disallow	Accept
S560.064	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	EXISTING BUILDINGS AND STRUCTURES	Amend	b. ~~Existing~~ **Lawfully established** buildings and structures	Reject
FS222.0213	Westpower Limited		Oppose	Disallow	Accept
S560.423	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	EXISTING BUILDINGS AND STRUCTURES	Oppose	Delete this definition	Reject
FS222.0214	Westpower Limited		Oppose	Disallow	Accept
S581.006	David Ellerm	Definitions	Oppose	Add new definition **Community**	Reject
FS222.068	Westpower Limited		Oppose	Not stated	Accept

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.002	Westpower Limited	Whole Plan	Amend	Amend provisions to meet the requirements of Section 32 of the Act.	Reject
S547.003	Westpower Limited	Whole Plan	Amend	In determining the plan matters arising ensure that Policy 2, Chapter 4 - Resilient and Sustainable Communities, is given effect.	Reject
S547.004	Westpower Limited	Description of the Districts	Amend	(1) Add a paragraph at the end of the first general section (ie. new 6th paragraph) **Energy and Infrastructure have historically been, and will continue to be, Important for the social, economic and cultural wellbeing of the communities of the West Coast. The construction and operation of energy activities and infrastructure provide for, and ensure, connections between communities and enables resilient and sustainable communities on an ongoing basis. Access to, and use of, renewable energy assists the community to achieve Improved / environmental outcomes.**	Reject
S547.008	Westpower Limited	Outstanding Natural Features Overlay	Amend	Amend the overlay description by adding an additional sentence: **Given the topography of the West Coast such areas may Include energy activities and Infrastructure required for servicing the communities throughout the West Coast.**	Reject
S547.009	Westpower Limited	Outstanding Natural Landscapes Overlay	Amend	Amend the overlay description by adding an additional sentence: **Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.**	Reject
S547.010	Westpower Limited	Outstanding Coastal environment Area	Amend	Amend description by adding an additional sentence. **Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.**	Reject
S547.011	Westpower Limited	High Coastal Natural	Amend	Amend description by adding an additional sentence. **Given the topography of the West Coast such areas may include energy**	Reject

		Character Area		**activities and Infrastructure required for servicing the communities throughout the West Coast.**	
S547.015	Westpower Limited	General Coastal Environment Area	Amend	Add an additional sentence. **Given the topography of the West Coast the Coastal Environment Including the Urban Area or Zone, may include Energy Activities and Infrastructure required for servicing the communities throughout the West Coast**	Reject
S547.016	Westpower Limited	Natural Hazards Overlay	Amend	Amend description by adding an additional sentence. **Given the topography of the West Coast the Coastal Environment, including the Urban Area or Zone, may include Energy Activities and Infrastructure required for servicing the communities throughout the West Coast**	Reject
S547.026	Westpower Limited	Definitions	Amend	Add a new definition of **Locational Need, means the need to locate a proposal or activity within or through that environment, including a need to locate where the resource is available.**	Reject
S547.027	Westpower Limited	Whole Plan	Amend	Add **Locational Need** to all rules referring to Functional Need and/or Operational Need, and add **Technical Need** to all rules referring to Functional Need and/or Operational Need.	Reject
S547.030	Westpower Limited	MAINTENANCE	Amend	Amend a. .. necessary to continue the operation and/or functioning of **energy activities and** infrastructure. It does not include upgrading **but does include repair**.	Reject

Further Submissions Rejected

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S552.188	Buller Conservation Group	Statutory Context	Amend	General Duty to Comply 1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act. 2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity	Accept

				and will require a resource consent.	
FS222.003	Westpower Limited		Oppose	Disallow	Reject
S552.222	Buller Conservation Group	Definitions	Amend	**Environment Environment includes: (a) Ecosystems and their constituent parts, including people and communities; and(b) all natural and physical resources; and(c) amenity values; and(d) the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs a-c of this definition or which are affected by those mailers.**	Accept in Part
FS222.0010	Westpower Limited		Oppose	Disallow	Reject
S560.014	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Planning Maps and Overlays	Amend	Clearly identify public conservation land on the planning maps.	Accept
FS222.0325	Westpower Limited		Oppose	Disallow	Reject
S560.034	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Whole Plan	Amend	Apply a consistent approach across the whole Plan to cross-referencing or referring to other chapters. This must include reference to entire chapters, rather than giving the impression that only certain provisions apply, as is currently the case (e.g., 'overlay' provisions only). For chapter overviews at least, base this on the approach taken in the Open Space Zone 'Other relevant Te Tai Poutini Plan provisions', which lists all relevant chapters, with an explanation of their effect. Ensure that all relevant chapters include a section headed: "Other relevant Te Tel o Poutini Plan provisions." Under that heading, list all relevant chapters that may apply. Ensure that the wording makes it abundantly clear that those chapters may apply regardless of whether a scheduled area is present:	Accept in Part
FS222.0204	Westpower Limited		Oppose in Part	Disallow	Reject
S560.046	Royal Forest and Bird Protection Society of New	General Approach	Amend	Amend: There may be several sets of district- wide rules that you need to check for your activity e.g., Subdivision rules and Earthworks rules. If there is an overlay or feature on your property	Accept

	Zealand Inc. (Forest & Bird)			you also need to check those rule sets. **Additionally, the 'overlay chapters' contain rules that apply district-wide, outside the scheduled overlays. For example, the Ecosystems and Indigenous Biodiversity chapter.**	
FS222.0206	Westpower Limited		Oppose	Disallow	Reject
S560.055	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ACTIVITY	Oppose	Delete	Accept
FS222.0209	Westpower Limited		Oppose	Disallow	Reject
S560.058	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	BUILDING PLATFORM	Amend	Delete ~~having regard to ground conditions, gradient, access, naturals hazards, indigenous vegetation and habitat, amenity and health and safety~~ from the definition and make sure these matters are included in rules which make provision for building platforms.	Accept
FS222.0211	Westpower Limited		Oppose	Disallow	Reject
S560.073	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CHAPTER OVERLAY	Amend	Retain with amendments List each overlay chapter and explain the difference or relationship with overlay provisions, in particular that these chapters contain provisions that apply both within and outside of the scheduled overlays.	Accept in Part
FS222.0216	Westpower Limited		Oppose	Disallow	Reject
S560.409	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Step 3 – Locate the relevant district-wide rules	Support	Include Significant Natural Areas, but with acknowledgement that the rules apply to a wider area than Schedule 4 SNAs: **"Significant Natural Areas: areas of significant Indigenous vegetation and significant habitats of indigenous fauna. Only some of these areas have been identified on Schedule Four. The consenting process will; be used to identify further SNAs. The rules in the Ecosystems and Indigenous Biodiversity chapter apply both to the Schedule Four areas and everywhere district wide.**	Accept
FS222.0207	Westpower Limited		Oppose	Disallow	Reject
S560.428	Royal Forest and	OVERLAY	Amend	Amend to explain the difference between overlay chapter and	Accept in Part

	Bird Protection Society of New Zealand Inc. (Forest & Bird)	CHAPTER		overlay provisions, as the 'overlay chapters' contain provisions that apply more broadly than only to scheduled overlays.	
FS222.0217	Westpower Limited		Oppose	Disallow	Reject
S560.465	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Whole Plan	Amend	Make consequential amendments to change utility to **network** utility throughout the Plan	Accept
FS222.0205	Westpower Limited		Oppose	Disallow	Reject
S602.008	Department of Conservation	Whole Plan	Oppose	Replace the terms 'waterway' and 'stream' with 'river' and/or 'waterbody' throughout the Plan.	Accept
FS222.072	Westpower Limited		Oppose	Disallow	Reject
S602.012	Department of Conservation	Whole Plan	Amend	Amend matters of control and matters of discretion to include the consideration of alternatives, where the rules relate to managing activities within schedules areas and SNA's.	Accept in Part
FS222.073	Westpower Limited		Oppose	Disallow	Reject

Appendix 2: Summary of S42A Recommendations – Strategic Directions

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.055	Westpower Limited	CR-O1	Amend	Amend CR-O1: To build greater resilience in West Coast communities and **Energy Activities and Infrastructure, including Critical Infrastructure**, recognising the effects of climate ...	Accept in Part
S547.061	Westpower Limited	NENV-O4	Amend	Amend NENV-O4: a. **Significant and/or outstanding** natural environment areas ... which must be protected from **inappropriate subdivision, use or development**; and	Accept

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S462.003	Inger Perkins	Strategic Directions Overview	Amend	Refer to Sustainable Development and define this within the overview.	Reject
FS222.0165	Westpower Limited		Oppose	Disallow	Accept
S552.037	Buller Conservation Group	Connections and Resilience Strategic Objectives	Amend	New Objective: **To recognise that intact ecosystems provide resilience via ecosystem services and climate stability**	Reject
FS222.009	Westpower Limited		Oppose	Disallow	Accept
S553.037	Frida Inta	Connections and Resilience Strategic Objectives	Amend	New Objective; CR **05 To recognise that intact ecosystems provide resilience via ecosystem services and climate stability**	Reject
FS222.0121	Westpower Limited		Oppose	Disallow	Accept

S560.088	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Connections and Resilience	Oppose	Delete: ~~For thy purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~	Reject
FS222.0222	Westpower Limited		Oppose	Disallow	Accept
S560.090	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Strategic Directions Overview	Oppose	Delete: ~~For thy purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~	Reject
FS222.0219	Westpower Limited		Oppose	Disallow	Accept
S560.105	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Urban form and development	Oppose	Delete: ~~For thy purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~	Reject
FS222.0224	Westpower Limited		Oppose	Disallow	Accept
S560.434	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Strategic Directions Overview	Amend	Include the following statement in the Strategic Directions Overview: **For the purpose of District Plan development, including Plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.**	Reject
FS222.0220	Westpower Limited		Oppose	Disallow	Accept
S560.435	Royal Forest and	Strategic	Amend	Delete the following statement wherever it occurs in the Plan: ~~For~~	Reject

	Bird Protection Society of New Zealand Inc. (Forest & Bird)	Directions Overview		~~thy purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~	
FS222.0221	Westpower Limited		Oppose	Disallow	Accept
S560.436	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Definitions	Amend	Consider including a definition for important natural environment areas and features	Reject
FS222.0208	Westpower Limited		Oppose	Disallow	Accept

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.045	Westpower Limited	STRATEGIC DIRECTION	Amend	Amend bullet points to add an additional bullet point • Energy Activities and Infrastructure, including Critical Infrastructure.	Reject
S547.046	Westpower Limited	Strategic Directions Overview	Amend	Amend item 4: ... physical resources whilst ~~protectlng~~ **managing adverse effect on** the natural values, **particularly those** that have been elevated ...	Reject
S547.047	Westpower Limited	Strategic Directions Overview	Amend	Amend 6: **Construction**, operation, maintenance **and upgrade** of **Energy Activities and Infrastructure, including** Critical Infrastructure;	Reject
S547.048	Westpower Limited	AG-O2	Amend	Amend AG-O2, ... And services, **including Energy Activities and Infrastructure**, needed to maintain ...	Reject
S547.049	Westpower Limited	Connections and Resilience	Amend	Amend first sentence under the heading sentence to read: ... overarching direction for matters relating to **Energy Activities and** Infrastructure ~~connections~~, **including Critical Infrastructure**, and	Reject

				resilience across ...	
S547.050	Westpower Limited	Connections and Resilience	Amend	Add a new Section titled **Connections and Resilience Strategic Policies.**	Reject
S547.051	Westpower Limited	Connections and Resilience	Amend	Add new strategic policy CR-P1, **Have particular regard to the constraints imposed by locational, technical, functional and operational requirements of Energy Activities, including energy aspects of Infrastructure and Critical Infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant Indigenous vegetation and significant habitats of indigenous fauna.**	Reject
S547.052	Westpower Limited	Connections and Resilience	Amend	Add new strategic policy CR-P2: **When considering any adverse environmental effects of Energy Activities and Infrastructure, including Critical Infrastructure, that cannot be avoided, remedied or mitigated, other than effects en indigenous biological diversity, decision-makers must have regard to any offsets and compensation proposed which benefit the natural environment or the community affected.**	Reject
S547.053	Westpower Limited	Connections and Resilience	Amend	Add new strategic policy CR-P3: **Provide for the operation, maintenance and upgrading of existing Energy Activities, including energy aspects of Infrastructure and Critical Infrastructure, in areas of natural character of wetlands, lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including the coastal environment.**	Reject
S547.054	Westpower Limited	Connections and Resilience	Amend	Amend final paragraph: For the purposes of preparing, ... in a manner consistent with these strategic objectives **and the following strategic policies.**	Reject
S547.056	Westpower Limited	CR-O2	Amend	Amend CR-O2: To enable and protect the continued function and resilience of **Energy Activities and Infrastructure, including Critical infrastructure**, and connections	Reject
S547.057	Westpower Limited	CR-O3	Amend	Amend CR-O3: To ensure that new locations for **Energy Activities**	Reject

				and Infrastructure, including Critical Infrastructure, and connections ...".	
S547.058	Westpower Limited	CR-O4	Amend	Amend CR-O4: To enable the development of greater **self-sufficiency and backup of Energy Activities** and Infrastructure, **including Critical Infrastructure**, on the West Coast/Te Tai o Poutini.	Reject
S547.059	Westpower Limited	NENV-O1	Amend	Amend NENV-O1: To recognise **and manage adverse effects** on the natural character ...	Reject
S547.060	Westpower Limited	NENV-O3	Amend	Amend NENV-O3: **b. The need for existing and potentially new Energy Activities and Infrastructure, including Critical Infrastructure, to be located In significant and/or outstanding areas, including areas of high natural values.**	Reject
S547.062	Westpower Limited	POU-P3	Amend	Amend POU-P3: ... provide for their **management** through the use ...	Reject
S547.063	Westpower Limited	TRM-O1	Amend	Amend to read: 3. maintenance and upgrading of supporting **Energy Activities and Infrastructure, including Critical Infrastructure**; 4. ... are connected to existing services, **including Energy Activities** and Infrastructure;	Reject
S547.064	Westpower Limited	UFD-O1	Amend	Amend: 8. ... effective provision and use of **Energy Activities and** Infrastructure, **including Critical Infrastructure**, including the optimisation of the use of existing **Energy Activities** and Infrastructure and protection of Critical Infrastructure;	Reject
S547.065	Westpower Limited	UFD-O1	Amend	9. **When considering proposed plan changes encourage integrated management of land and water resources to ensure water quality outcomes are achieved**; and...	Reject

Further Submissions

Submission Point	**Submitter/Further Submitter**	**Provision**	**Position**	**Summary of Decision Requested**	**Officer Recommendation**
S484.003	Development West Coast	Strategic Directions	Support in Part	DWC submits that an additional item (Number 8) be added to the third paragraph so that the Strategic Directions, "are intended to	Reject

		Overview		demonstrate: 8. enabling thriving communities through a resilient, sustainable and diverse economy and the use and development of resources.”	
FS222.0111	Westpower Limited		Support	Allow	Reject
S484.004	Development West Coast	STRATEGIC DIRECTION	Support in Part	DWC seeks that a new set of strategic objectives and policies be placed in this section of the plan and suggests the following title objectives and policies: **Sustainable Communities and the Use and Development of Resources Strategic Objectives** **1. To enable sustainable and resilient communities en the West Coast.** **2. To recognise and provide for the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.** **3. This region’s planning framework enables existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved.** **Strategic Policies** **1. To sustainably manage the West Coast’s natural and physical resources In a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the region’s communities.** **2. Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region’s people and communities.** **For the purposes of preparing, changing, Interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutinl Plan are to be read and achieved in a manner consistent with these strategic objectives and policies.**	Reject

FS222.0110	Westpower Limited		Support	Allow	Reject
S560.085	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Strategic Directions Overview	Amend	Amend: Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the **other** relevant ~~zone or overlay~~ objectives and policies when assessing resource consents,	Accept
FS222.0218	Westpower Limited		Oppose	Disallow	Reject
S560.099	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	NENV-O2	Amend	It may be clearer to amend the objective to refer to the natural environment generally, rather than areas and features. This should remove any tension with NEW -O1 and achieve the act with respect to s6 matters.	Accept
FS222.0223	Westpower Limited		Oppose	Disallow	Reject