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For the Attention of the Hearings Panel - Proposed Te Tai o Poutini Plan - A Combined District Plan for the West Coast

Hearing - Natural Character of Waterbodies and Activities on the Surface of Water Topics

Transpower New Zealand Limited (“Transpower”) writes in relation to Proposed Te Tai o Poutini Plan (“pTTPP”), and the hearing topic - Natural Character of Waterbodies and Activities on the Surface of Water, commencing on 20 February 2024.

This is the fourth hearing of interest to Transpower on the pTTPP, with evidence lodged by Transpower to Hearing 1 (Introduction/ Strategic Direction), Hearing 3 (General District Wide Matters – earthworks), and Hearing 4 (Energy, Infrastructure and Transport).

In relation to Natural Character, there are no existing National Grid assets within areas identified in the pTTPP as being *Outstanding Coastal Natural Character and High Coastal Natural Character*.

Submission points

Specific to the hearing topic, Transpower lodged two submission points, a summary of which is as follows:

1. S299.084: Retain Rule NC-R1 and the reference in Clause b “*Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities*”, and clarify the relationship with the Energy Chapter in the advice note.
2. S299.085: Retain the overview text to the policies “*Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters*”, on the basis of the sought National Grid specific policies within the ENG chapter which adopts a ‘seek to avoid’ approach for the National Grid. Transpower also sought the reference be moved into the ‘overview’ section so that it is more visible to plan users.

Transpower lodged two further submission points (to S608.064¹ and S438.105²) both in support.

¹ Amend Objective 1 to now read:

To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development ~~where adverse effects can be avoided or mitigated.~~

² Amend NC - O3 as follows:

~~To provide for a~~ Activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands are provided for in such a way that the impacts on natural character are minimised.

S42A Recommendations

The officer recommendation is to accept submission point S299.084 and accept in part submission point S299.085.

Submission Point S299.084

While the S42A report amends NC-R1 to only apply to Earthworks within the Riparian Margin of a River, Lake or Wetland (with Indigenous Vegetation Clearance within the Riparian Margin of a River, Lake or Wetland provided for in a new rule ECO-RXXX), Transpower supports the recommendation on point S299.084 on the basis NC-R1 clause b. is retained (albeit amended – it still provides for the “Maintenance, operation, minor upgrade and repair of network utilities, infrastructure or energy activities”). ECO-RXXX provides the same permitted activity. Any new assets that require earthworks or vegetation clearance within the Riparian Margin of a River, Lake or Wetland would trigger a discretionary activity.

However, Transpower does question if the reference to ‘infrastructure’ should be amended to ‘regionally significant infrastructure’, as outlined in paragraph 216 of the Section 42A Report.

In terms of the relationship between chapters, as outlined in its evidence to the Energy, Infrastructure and Transport hearing topic, Transpower accepts the provisions relating to Natural Character and Margins of Waterbodies will apply to the National Grid. This approach is supported given the inclusion of permitted rules in the Natural Character and Margins of Waterbodies chapter, and the default activity status which is no more onerous than discretionary. On this basis the officer recommendation to insert the following wording is supported:

Energy, Infrastructure and Transport -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy, infrastructure or transport activities that trigger resource consent under the Natural Character of Waterbodies Rules.

Submission Point S299.085

In response to submission point S299.085, Transpower supports the insertion of the note outlined above, and for the insertion of the advice note: “Also refer to rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.”

Further submission points (to S608.064³ and S438.105⁴)

Transpower lodged two further submission points (to S608.064 and S438.105) both in support.

In relation to S608.064, In response to other submission points the officer has recommended objective NC-O1 to read:

To preserve the natural character of lakes, rivers and wetlands and their margins while ~~providing for~~ allowing appropriate subdivision, use and development where adverse effects can be ~~avoided or mitigated~~ appropriately managed in accordance with the effects management hierarchy.

Transpower questions the appropriateness of applying the effects management hierarchy to natural character, noting the term is not defined in the pTTPP, has to date been applied in the context of freshwater and indigenous biodiversity as opposed to natural character, and the concept is not carried through or articulated within the chapter policies.

In relation to S438.105 relating to objective NC-O3, the objective is recommended to be amended as follows:

³ As sought in the submission, Amend Objective 1 to read:

To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development ~~where adverse effects can be avoided or mitigated.~~

⁴ As sought in the submission, amend NC - O3 as follows:

~~To provide for a~~ Activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands are provided for in such a way that the impacts on natural character are minimised.

To provide for activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ while ensuring adverse effects on natural character are minimised.

Transpower supports the reference to 'operational need'. In light of discussions at earlier hearings regarding the appropriateness of the word 'minimise', it would instead support the term 'avoided, remedied or mitigated'. However, Transpower does question the need for the objective to address effects when these are managed under Objective NC-O1.

Hearing appearance

Given the confined nature of Transpower's interest in this hearing topic, and the nature of the officer recommendations, Transpower does not intend to appear before the panel and provide evidence. Rather it respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

For clarity, Attachment A to this letter outlines the relief sought by Transpower, the S42A recommendations, and Transpower's response and reasoning.

Should the Panel require clarification on any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: environment.policy@transpower.co.nz.

Yours faithfully



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Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Hearing Topic - Natural character of waterbodies and activities on the surface of water

Submitter	Plan Section	Decision Requested and Reasons	S42A Recommendation and recommended text changes	Response to recommendation
S299.084 Transpower NZ Ltd	Natural Character and Margins of Waterbodies NC-R1	<p>Relief sought: Retain the rule (specifically clause b) Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities; Clarify relationship with Energy Chapter in the advice note.</p> <p>Reasons: Transpower supports the inclusion of ‘critical infrastructure’ and ‘network utilities’ within this rule. The Advice Note should include specific reference to the Energy Chapter so that it is clear if those provisions also apply.</p>	<p>Accept. <i>181. Transpower New Zealand Limited (S299.084) seeks that the relationship with the Energy chapter be clarified in the advice note. I support this submission in part in that I consider such clarification should equally apply to the Infrastructure and Transport chapters.</i></p> <p>Recommended change. Insert the following into the Overview: <i>Energy, Infrastructure and Transport -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy, infrastructure or transport Activities that trigger resource consent under the Natural Character of Waterbodies Rules.</i></p> <p>Retain and amend NC-R1 as follows; <i>Clause b. Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable energy generation activities; <u>or</u></i></p>	The recommendation is supported and reflects that sought in the Transpower submission.
S299.085 Transpower NZ Ltd	Natural Character and Margins of Waterbodies <i>Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.</i>	<p>Relief sought: Amend. Retain this text and move to the ‘overview’ section.</p> <p>Reasons: Transpower supports this note as it provides some clarification as to the relationship to the Energy Chapter, particularly in light of the sought National Grid specific policies within the ENG chapter which adopts a ‘seek to avoid’ approach for the National Grid. Transpower requests that it is moved into the ‘overview’ section so that it is more visible to plan users.</p>	<p>Accept in part <i>66. Transpower New Zealand (S299.085) seeks that the reference to the Energy Infrastructure and Transport policies be retained and moved to the Overview section. I do not support moving the reference, as it is important that it is located where the policies are but consider that it is appropriate to provide an additional reference within the Overview section.</i></p> <p>Recommended change. Insert the following into the Overview: <i>Energy, Infrastructure and Transport -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy, infrastructure or transport Activities that trigger resource consent under the Natural Character of Waterbodies Rules.</i></p> <p>Insert the following advice note: <i>Also refer to rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters</i></p>	The recommendation to insert the text into the overview is supported and reflects that sought in the Transpower submission.