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	20 February 2024

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:

Natural Character & Margins Of Waterbodies
Activities On the Surface Of Water

Evidence of Martin Kennedy

1.0 INTRODUCTION

1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.

1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.

1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.

1.4 This evidence specifically relates to the topic:

- Natural Character & Margins Of Waterbodies
- Activities On the Surface Of Water

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 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.

3.4 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).

3.5 I am a current full member of the New Zealand Planning Institute.

3.6 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

4.0 SCOPE OF EVIDENCE

4.1 Westpower Ltd made submissions to a number of provisions throughout the pTTPP, and later in the process further submissions. There have been no pre-hearing processes since the lodging of submissions and further submissions.

4.2 For the purpose of this evidence the current pTTPP document is used as the base for assessment and opinions, with reference to the Section 42A Report (*the s42A Report*).

4.3 Westpower Ltd, whilst retaining its submissions and further submissions, is in general agreement with those recommendations of the Section 42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.

4.4 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. There are some issues arising with submission points and these are discussed below.

4.5 This evidence is therefore submitted for two purposes;

- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
- To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments. In terms of this hearing the topics covered are;
  - Natural Character & Margins Of Waterbodies (Pages 5 - 15)
  - Activities On the Surface Of Water (Pages 15-18)

4.6 This evidence covers these topic areas and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd, or where issues have been identified with the report.

4.7 To assist in considering the matters arising in this evidence, as they relate to the activities of Westpower, I have attached maps of the Westpower network, showing;

- the location of the existing network throughout the region,
- the location of mapped waterways (although there may be others that are not mapped),

- the location of other overlays which may be relevant to the activities of Westpower, dependent on the outcome of the plan process.

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 those matters where submission points have been either accepted or rejected by the S42A Report and my opinions in regard to those matters.

5.3 I have also included in Section 7 comments regarding submissions "*accepted in part*" by the s42A Report.

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 below. These appendices will be referred to where required for ease of cross reference rather than repetition of information.

7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

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

7.2 I have reviewed those matters and generally support the recommendations to accept those submission points made by Westpower. I provide no further evidence in regard to those matters at this stage. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (pages 1-6) attached to this evidence, as further submissions accepted.

8.0 AMENDMENTS REQUIRED

8.1 There are matters which require further amendment in regard to the current pTTPP document and arising in the s42A Report. For the purpose of this evidence, and the hearing, the matters discussed relate to issues associated with energy activities.

8.2 For the purpose of cross reference to the s42A Reports the headings used in that report are repeated here when discussing specific submission points.

NATURAL CHARACTER AND MARGINS OF WATERBODIES

6.0 Submissions on the Natural Character of Waterbodies Chapter Overview (pages 15-18 – s42A Report)

S547.311 (Appendix 1, page 1)

8.3 The s42A Report recommends "accepting in part" the submission. As I understand it that part accepted is an amendment to ensure reference to strategic objectives and policies (*see S547.312 - Appendix 1, page 2*). The part of the submission recommended to not be accepted relates to a contextual paragraph, and is on the basis that there are already extensive statements about energy and infrastructure in the specific chapters for those activities. This submission point is common to many of the natural values chapters and the energy section chapter as it is, in my view, a relevant matter when considering communities and the environment as a whole on the West Coast. Currently the chapters are developed solely focused on the issues they contain rather than the role/function the particular topic has as a whole in the region. The submission sought to include some context into this section of the plan regarding the interrelationship between natural character and infrastructure significant to the region in meeting the needs of the community. These matters recognised for RSI through the RPS, Chapter 6 and particularly policies 3 and 6. I consider that there is some value in understanding the wider context of these issues when developing and

implementing plan provisions. In my opinion the paragraph as sought should be added to the overview;

There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the West Coast that services the communities spread throughout the region and in to neighbouring regions. Such activities have been, and will continue to be, developed and undertaken recognising and taking into account the local conditions. Given the topography and extent of waterbodies and landscapes on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy. The National Policy Statement for Renewable Electricity Generation also recognises the constraints and requirements of such activities including, amongst other matters, being located where the resource is.

7.0 Submissions on Relevant Definitions (pages 18-23 – s42A Report)

S547.036 (Appendix 1, page 6)

8.4 The s42A Report recommends rejecting the submission on the basis that the definition of river is as set out in the national planning standards and the definition used in the WCRLWP was developed prior to the standards. I understand that the plan has been developed in accord with the planning standards and acknowledge that the regional plan was developed some time ago however I consider that there is some merit in aligning definitions across plans, particularly when the regional plan has been developed to take into account local conditions. This will ensure consistency of interpretation and implementation across documents particularly when authorities exercise functions and powers in relation to the same matter. In my opinion this matter should be considered further to align definitions as closely as possible to avoid consistency.

8.0 Submissions on Natural Character of Waterbodies Objectives (pages 23-31 – s42A Report)

Submissions on Objective NC – O1 (pages 24-26 – s42A Report)

S547.313 (Appendix 1, page 6)

8.5 The s42A Report recommends rejecting the submission in regard to this objective on the basis of revised wording based on other submission points. The submission sought to replace the proposed objective with two objectives on the basis that the new wording more accurately reflected the objectives of the RPS (Chapter 7A, 1 & 2), ie an objective for protection in appropriate activities and an objective for appropriate activities. The intent was to avoid later issues with interpreting different wording of provisions, ie preservation as opposed to

protection from inappropriate subdivision use and development. In my opinion consistency is a relevant matter in giving effect to the RPS and the proposed provision does not seek to further define/refine matters at a local scale. I do note the s42A Report amendments proposed to the objective however it is clear that some change is anticipated in the objective with reference to allowing activities under certain circumstances. I consider the "allowance" component of the amended objective is more in the nature of a policy but does not account for activities that are permitted by the plan, which is intended based on the proposed rules. I consider that the decision sought in the submission is appropriate and should be inserted as this makes clear what outcomes are intended. The policies would then provide for how these outcomes are to be achieved. Objective NC-O1 should be reworded,

1. *To protect the natural character of the regions wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.*
2. *Provide for appropriate subdivision, use and development to enable people and communities to maintain their economic, social and cultural wellbeing.*

Submissions on Objective NC – O3 (pages 27-31 – s42A Report)

S547.314 (Appendix 1, page 6)

8.6 The s42A Report recommends rejecting the submission in regard to this objective on the basis that a revised wording is more closely aligned with Section 6 of the Act. Whilst I understand this I also note that the RPS has been developed in accordance with the Act and relevant matters and recognises that certain activities require location within these areas. Further the RPS seeks that appropriate activities be provided for within margins. With respect to RSI the RPS has a focus on managing the adverse effects of RSI activities whilst recognising constraints that may limit the ability to avoid, remedy or mitigate adverse effects. In my opinion the RPS seeks a managed approach to these matters, and specifically seeks that activities be permitted where adverse effects are no more than minor. Activities with other effects are then to be managed to in order that effects are avoided, remedied or mitigated taking into account the relevant constraints. In my view the allowance of certain activities and the assessment of others is management of effects and would be consistent with, and give effect to, the RPS. Objective NC-O3 should be reworded,

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~~ *while managing adverse effects on natural character*.

An alternative could be to have a specific objective for RSI activities with this wording.

9.0 Submissions on Natural Character of Waterbodies Policies (pages 32-46 – s42A Report)

Submissions on Policy NC – P1 (pages 32-34 – s42A Report)

S547.315 (Appendix 1, page 7)

8.7 The s42A Report recommends rejecting the submission in regard to this policy on the basis that "*the s6 direction to "preserve natural character" places a high threshold in terms of how the margins of waterbodies should be managed.*". Whilst I understand that s6 in part refers to "preservation" I also note that the RPS (Chapter 7A) has been developed to give effect to the Act, including s6. The RPS, Chapter 7A – Objectives 1 & 2, seeks to protect natural character from inappropriate development while enabling appropriate development. To achieve these outcomes the RPS has adopted a range of policies to;

- use consistent criteria to identify elements patterns, processes and qualities (P1),
- protect these matters that together contribute to natural character from inappropriate activities (P2),
- provides a range of matters for consideration (P3),
- allow activities with no more than minor adverse effect (P4).

8.8 I have discussed the issues above with respect to "preservation", "protection" and management of effects and the same comments apply in regard to this matter. In my opinion the policy proposed by the s42A Report is inconsistent with the RPS in this regard and the policy proposed in the submission more provides for the management of activities in the manner sought through the RPS. I note that this would also be consistent with following policies proposed in this section of the pTTPP. Policy NC-P1 should be reworded,

Avoid, remedy or mitigate the adverse effects of activities on the elements, patterns and processes that together contribute to the natural character of wetlands, lakes and rivers and their margins.

8.9 With regard to the issue of public access in my opinion such a policy should be a separate matter and included in the Public Access Chapter. The amendment recommended in the s42A Report suggests that maintenance and enhancement of access are required in all instances however public access policies in the pTTPP, see Public Access Chapter amendments, provide that there may be instances where access

is controlled. As I understand the plan the clear intent is that matters relevant to a certain topic/issue are included in the chapter related to that matter. To assist further I note that the RPS (Chapter 4, Policy 4) seeks to promote "*The maintenance and enhancement of public access to and along the costal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities*".

Submissions on Policy NC – P2 (pages 35-40 – s42A Report)

S547.317 (Appendix 1, page 2),

8.10 The s42A recommends accepting in part *S547.317* in regard to NC-P2, with the addition of "energy activities" but not "critical infrastructure" or "RSI" dependent on hearing outcomes. I agree with the recommendation to insert "energy activities" so will not comment on that further here. Whilst I understand the reasoning I consider that there is value in considering an addition, particularly if this is a reference to RSI, for consistency of interpretation between the plan and the RPS.

Submissions on Policy NC – P3 (pages 40-42 – s42A Report)

S547.320 (Appendix 1, page 7)

8.11 The s42A Report recommends rejecting this submission on the basis that "*Section 6 (a) provides strong direction around the need to preserve natural character and that "not adversely affect" is more appropriate in this policy as a result*". I have discussed these matters above and the same issues arising in regard to this matter. Both the Act and the RPS seek to protect natural character from inappropriate development, with the RPS seeking to provide for appropriate development. Part "b" of the policy as worded such that it could be interpreted that there will be no effects even though an activity may have a need to locate in the area. In my opinion the wording should more appropriately reflect the management of effects in this regard. Policy NC-P3(b) should be reworded,

b. They avoid, remedy or mitigate adverse effects on the natural character of the riparian margin.

Submissions on Policy NC – P5 (pages 43-45 – s42A Report)

S547.321 (Appendix 1, page 7)

8.12 The s42A Report recommends rejecting this submission on the basis that health and safety matters, whilst important, are of lesser importance to s6 matters in

the Act and should not be given additional policy weighting. Whilst health and safety is not an s6 matter as such the purpose of the Act includes health and safety. The plan acknowledges and provides for activities that require location within the margins of waterways. Some of those activities are such that unfettered access to them can pose health and safety issues and management of access to provide for health and safety is required. In my opinion this is a relevant matter for inclusion in the policy. Having said that I acknowledge that may be broadly interpreted and I note that a submission from Manawa Energy qualified the matter with reference to Regionally Significant Infrastructure. I would support that addition for clarification. Policy NC-P5 (now proposed to be PA-P1) should be reworded,

> Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat, *or for health and safety reasons due to the operational requirements of regionally significant infrastructure*. When assessing such proposals ~~for natural hazard structures,~~ effects on public access should be considered and ways to minimise them found, including:
>
> a. Provision of alternate certain and enduring access; and
> b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure *and/or health and safety* is maintained.

10.0 Submissions on the Natural Character of Waterbodies Rules (pages 46-77 – s42A Report)

Submissions on the Rules as Whole (pages 46-53 – s42A Report)

FS222.0265 (Appendix 1, page 9)

8.13 The s42A Report recommends rejecting this further submission on the basis that the relief sought in the submission to which it relates (S560.040) is already appropriately provided for in the pTTPP. Provided that there is no change to the plan arising from this submission I accept the recommendation in this regard.

FS222.0269 (Appendix 1, page 10)

8.14 The s42A Report, based on the summary of recommendations, recommends rejecting this further submission but reviewing the report in relation to the base submission recommends rejecting revision of rules and removal of permitted activity provisions sought in the submission to which it relates (S560.041) is already appropriately provided for in the pTTPP. The matter of advice notes having previous been provided for in the report. As I understand it the s42A Report was accepting the further submission in regard to this matter. Provided

that there is no change to the plan arising from this submission point I accept the recommendation in this regard.

S547.401 (Appendix 1, page 8)

8.15 This submission point is raised, by the s42A Report (paragraphs 156-168, pages 49-51) in a discussion regarding duplication of regulation between regional plan and TTPP provisions. The report ultimately determines that the outcome sought should be adopted over similar submissions sought by the Grey District Council. Having reviewed the submission and the summary of recommendations this matter is related to potential duplication in the "Activities On the Surface of Water" (*the ASW*) Section, and is recommended in the summary to be "*rejected*". This submission is also, as I understand it, related to submission points *S547.0504* and *S547.0508* which are summarised as being "*accepted in part*" but appear to be recommended to be "*rejected*" in the s42A Report. I will discuss these three submission points below in the ASW section. In relation to this section as there was merit found by the s42A Report (paragraph 167) in the submissions of the Grey District Council then in my view those outcomes should be adopted to avoid duplication as this submission appears to have been considered out of context and there is some confusion as to the recommendation.

<u>Submissions on the Extent of Riparian Margins (pages 52-53 – s42A Report)</u>

FS222.027 (Appendix 1, page 4), FS222.0338 (Appendix 1, page 4)

8.16 These are further submissions in relation to *S552.027 (Appendix 1, page 3)* and *S620.041 (Appendix 1, page 4)* respectively. Both submissions sought a 5m riparian margin for waterways with a bed width of 3m or less. The Summary of Recommendations appended to the s42A Report advises that the submissions be "*rejected*" and that the further submissions be "*accepted*", however the s42A Report (paragraph 179, page 53) provides no assessment or recommended outcome and invites further information from the submitters. Additional margins are likely to have a significant regulatory impact and there has been no assessment as to the implications of amendments sought through these submissions. It is unclear based on the disparity between the s42A Report and the summary of recommendations as to the current s42A position in this regard. The decisions requested in the further submissions to disallow these submission points remain valid.

Submissions on Rule NC – R1 (pages 53-62 – s42A Report)

S547.324 (Appendix 1, page 2)

8.17 The s42A Report recommends "*accepting*" this submission point regarding item "c" of NC-R1. However the amendment proposed is wider than the clarification sought in the submission, ie that reticulated network utility systems includes energy activities and infrastructure. I note that the s42A Report refers to the submission seeking to widen item "c" however that is not the case as the rule included reticulated network utilities. It is unclear whether the rule is now intended to provide for both above and below ground connections, as the rule as notified did not differentiate between the two and there is a considerable extent of above ground network infrastructure on the West Coast. If that is not the case, and a further restriction is now intended than was originally proposed in the plan, then that is not an outcome sought through the submission and would have a regulatory impact that is not assessed. In my opinion the provision should be amended as originally submitted, or alternatively could be reworded (this would need to be consistently applied to the proposed new vegetation clearance rule ECO-Rxxx as set out in the s42A Report),

> d. Connections to wastewater, stormwater and reticulated network utility systems, *including above ground and underground energy and infrastructure connections*; or

S547.326 (Appendix 1, page 7)

8.18 The s42A Report recommends "rejecting" this submission point as an increase in volume and area could increase the potential effects beyond permitted levels. The reason for the submission was based on the width of riparian margins for rivers, ie at margin width of 10m the crossing could only be 2m in width whereas the standard proposed in the pTTPP for a crossing is 3m, therefore the volumes should be $30m^2$ and $30m^3$ respectively.

S547.327 (Appendix 1, page 7)

8.19 The s42A Report recommends "rejecting" this submission point as, again, an increase in volume and area could increase the potential effects beyond permitted levels. The purpose of the submission was to ensure that works provided for in "a." to "j" could occur in a manner that did not breach clauses "2." and "3.". This is particularly relevant to vegetation clearance where regrowth can be relatively quick on the West Coast. Presumably the intent is not to require consent for maintenance of already cleared areas or areas of

earthworks and at the least clauses "2." and "3. should refer to the amount of "new" vegetation clearance (clause 2.) and earthworks (clause 3.). Amend clauses 2. and 3.,

2. The amount of ***new*** indigenous vegetation clearance is not … [this standard may now be in ECO-Rxxx as set out in the s42A Report]
3. The amount of ***new*** earthworks is not …

Submissions on Rule NC – R3 (Natural Hazard Mitigation Structures) (pages 53-62 – s42A Report)

S547.330 (Appendix 1, page 2)

8.20 This submission appears to be ascribed to the discretionary activity rule NC-R3 as set out in the pTTPP in the s42A Report however this submission was in relation to the "*New Natural Hazard Mitigation Structures*" rule (also NC-R3). The submission sought that the rule be retained and the summary of recommendations to the s42A Report advises that it be accepted however proposed rule NC-R3 regarding mitigation structures has been deleted. As I understand it this is proposed because it is included in NC-R2. Provided that is confirmed to be the case I would accept this amendment.

Submissions Seeking new Rules (pages 75-77 – s42A Report)

S547.402 (Appendix 1, page 8)

8.21 The s42A Report recommends that this submission be "*rejected*" as the activities sought to be permitted are already provided for in NC-R1 and NC-R2. This submission point has been referenced to the wrong section in the report and was related to the surface of waterways and will be provided for further in my evidence in regard to that chapter below.

S547.322 (Appendix 1, page 7)

8.22 The s42A Report recommends that this submission be "*rejected*" as some of the activities sought to be provided for through a controlled activity rule would not have a demonstrable need to locate in a riparian margin and would be inappropriate. I accept that the focus of the outcome sought through the submission should be in relation to activity defined as RSI in the RPS. As discussed elsewhere the RPS seeks to enable RSI (*Chapter 6, Objective 1*) and in achieving that objective set policies to;

- Provide for a secure supply of energy including future needs (*Policy 1*),
- Provide for activities relating to new and existing RSI (*Policy 2*),

- When developing plans for RSI have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character) amongst other outstanding and significant values (*Policy 3*),
- Provide for the operation maintenance and upgrading of existing renewable generation and distribution/transmission networks in areas of natural character in margins (including outstanding natural character), again amongst other outstanding and significant values (*Policy 6*).

8.23 The proposed rules provide for some permitted activities under proposed NC-R1, although in terms of "*upgrading*" this is limited to "*minor upgrading*". The details of which, at the time of writing, are yet to be determined as opposed to "*upgrading*". This therefore has the potential to place considerable constraints on the electricity distribution network as a whole to achieve the outcomes sought in the RPS, particularly given the extent of the existing network across the West Coast. I also note the proposed permitted rules for buildings and structures under NC-R2. The intent of the submission was to differentiate RSI matters, elements of which are included in the NFL-10 rule referred to. I note Manawa Energy has sought a "*restricted discretionary*" rule for earthworks which the s42A Report recommends being rejected on the basis that the requirements of s6a of the Act would not support such a category of activity.

8.24 In my opinion the RPS has been developed to achieve the purpose of the Act and the outcomes sought in terms of natural character are discussed above, including providing for appropriate development. The RPS further identifies the outcome sought and matters to be provided for, and had regard to, in terms of RSI including the need for activity within areas of natural character within margins (including outstanding natural character). I consider that there is scope to provide for an intermediate category of consent to provide for RSI activities, with at least a "*restricted discretionary*" category. I note that such a rule is proposed through the s42A report for natural hazard structures given their role and importance to the community. In terms of matters of discretion I note that NFL-R10, although a controlled activity, contains a list of matters over which discretion is restricted. As I understand it vegetation clearance may now be controlled under other chapters of the plan although in my opinion there will

need to be some consistency of approach. I also note that the submission of Manawa Energy contained a list of potential matters of discretion. As an example the relevant list of matters from NFL-R10 are (although I have removed item "c." from the list as outstanding features will be considered through any overlay provisions, as will other values provided for in relevant chapters, and consideration of the need for the activity within a margin would also be a relevant consideration),

a. Any requirements for landscape evaluation;
b. Managing effects on public access and natural character;
c. Extent and design of earthworks; and
d. Landscape measures.

Non-Complying Activities (pages 53-62 – s42A Report)

8.25 The s42A Report in relation to *SS560.518* and *S560.519* (*paragraph 259, page 77*) advises that whilst there is no information to support such an activity status the Reporting Officer is not opposed to such a proposal and is open to considering further information in that regard at the hearing. Presumably any such proposal would require amendments to the proposed "*restricted discretionary*" and "*discretionary*" rules. Given the implications of such a proposal, based on there being little known information, it is unclear how other parties who have submitted in regard to the rules will have an ability to provide further input. Such a process would normally occur through a further submission process.

ACTIVITIES ON THE SURFACE OF WATER

11.0 Submissions on the Submissions on the Activities on the Surface of Waterbodies Chapter as a Whole (pages 79-81 – s42A Report)

S547.396 (Appendix 1, page 3)

8.26 The s42A Report recommends accepting this submission in part on the basis that there is already a reference to "*Strategic Objectives and Policies*". I accept that there is a reference in this regard located between the proposed ASW objective and policies however I consider this should be relocated under the heading "*Other relevant Te Tai o Poutini Plan provisions*" as has been the case with previous sections. This is intended to provide consistency across the document. I note with reference to the proposed insertion of a linkage to the Energy Section that the proposed second line should be amended to refer to "… *Chapter contains* objectives and *policies that are also relevant …*".

12.0 Submissions on the Activities on the Surface of Waterbodies Objective (pages 81- 83 – s42A Report)

S547.398 (Appendix 1, page 3), S547.397 (Appendix 1, page 8)

8.27 The summary of recommendations to the s42A Report lists submission *S547.398* as being "*accepted in part*". With reference to the s42A Report itself the amendments sought through this submission points are recommended to be "*rejected*". Submission *S547.397* sought a new objective to recognise and provide for the benefits of activities on the surface of water which is also recommended to be "*rejected*". The focus of these submission points was in relation to RSI activities that have a need to locate on the surface of water. Such activities are acknowledged in the overview to this section of the Plan and the s42A Report recommends additional comments regarding the potential benefits to the community of hydro-electricity generation. There is no objective in this regard and the plan, under ASW-O1, seeks total protection of a range of values. The submissions sought recognition and provision as objectives in the plan for those activities that may need to locate on the surface of water provided potential adverse effects were appropriately managed. In my opinion this is a relevant objective given the need and benefit are proposed to be acknowledged in the plan. This could be an amendment to ASW-R1 such that

ASW-O1 – The ecological …. and lagoons are;

a. Protected from the adverse effects of activities and structures on the surface of water, or

b. <u>In the case of RSI activities and structures with an operational or functional need to locate on the surface of water adverse effects are managed.</u>

8.28 With respect to *S547.397* if it is considered that this would be more appropriately expressed as a policy this could be reworded as such as there are no policy provisions for such activities. Such a policy could be reworded to refer to activities which have a need to locate on the surface of water, ie,

<u>ASW-P? – The benefits of RSI activities and structures which have an operational or functional need to locate on the surface of water are recognised and provided for.</u>

8.29 I note an equivalent term will be required should it be determined through the hearing process that RSI is not to be included in the TTPP. As I understand the s42A Report it is only intended to regulate structures through the proposed rules. If that understanding is correct then the suggested provisions above could be amended to remove reference to activities.

13. Submissions on the Activities on the Surface of Waterbodies Policies (pages 83- 86 – s42A Report)

S547.399 (Appendix 1, page 8)

8.30 The s42A Report recommends "*rejecting*" this submission on the basis that it is provided for under NC-P3 and the proposed policy is too broad and enabling and does not consider adverse effects. The submission seeks to provide for matters that it is understood are proposed to be regulated through the rules but for which there are no relevant objectives or policies. If it is not proposed to regulated such activities through the rules then that should be made clear, which was the intent of submissions *S547.401, S547.0504 and S547.0508* referred to above. I note with respect to NC-P3 that the policy relates to activities and structures within the margin so would not be applicable to an activity or structure on the surface. Therefore if there is intent to regulate activities which have a need to locate on the surface of water they should be provided with a relevant policy. I note that such is the case for commercial activities under ASW-P3. As discussed above the RPS seeks to provide for a secure supply of energy and the development and other activities related to new and existing RSI. Taking these matters into account the policy sought in the submission could be amended such that,

ASW-P? – Provide for energy and infrastructure activities, including RSI, and structures which have a functional need or operational need to occur on the surface of water where adverse effects are avoided, remedied or mitigated.

8.31 As above I note an equivalent term will be required should it be determined through the hearing process that RSI is not to be included in the TTPP. As I understand the s42A Report it is only intended to regulate structures through the proposed rules. If that understanding is correct then the suggested provisions above could be amended to remove reference to activities.

14. Submissions on the Activities on the Surface of Waterbodies Rules (pages 86-96 – s42A Report)

FS222.091 (Appendix 1, page 6)

8.32 The summary of recommendations to the s42A Report recommends "*accepting*" this further submission on the basis that the original submission (*S602.135*) be "*rejected*". Based on paragraph 290 of the s42A Report this is on the basis that "*… The plan currently regulates watercraft, structures and commercial activities.*". I consider there would be some value in adding that to the "*Note*"

regarding "*Activities on the surface of Water Rules*" as it would simply interpretation and application of rules for all plan users. The amended wording in paragraphs in paragraphs 8.29 and 8.31 above could then be adopted and the reference to "*activities*" removed. Having said that the s42A Report further advises that, "*If there are activities that should be identified as non-complying, I prefer that a specific rule is included and invite the Department of Conservation to provide information on this at the hearing."*. Given the implications of such a proposal, based on there being little known information, it is unclear how other parties who have submitted in regard to the rules will have an ability to provide further input. Such a process would normally occur through a further submission process.

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.

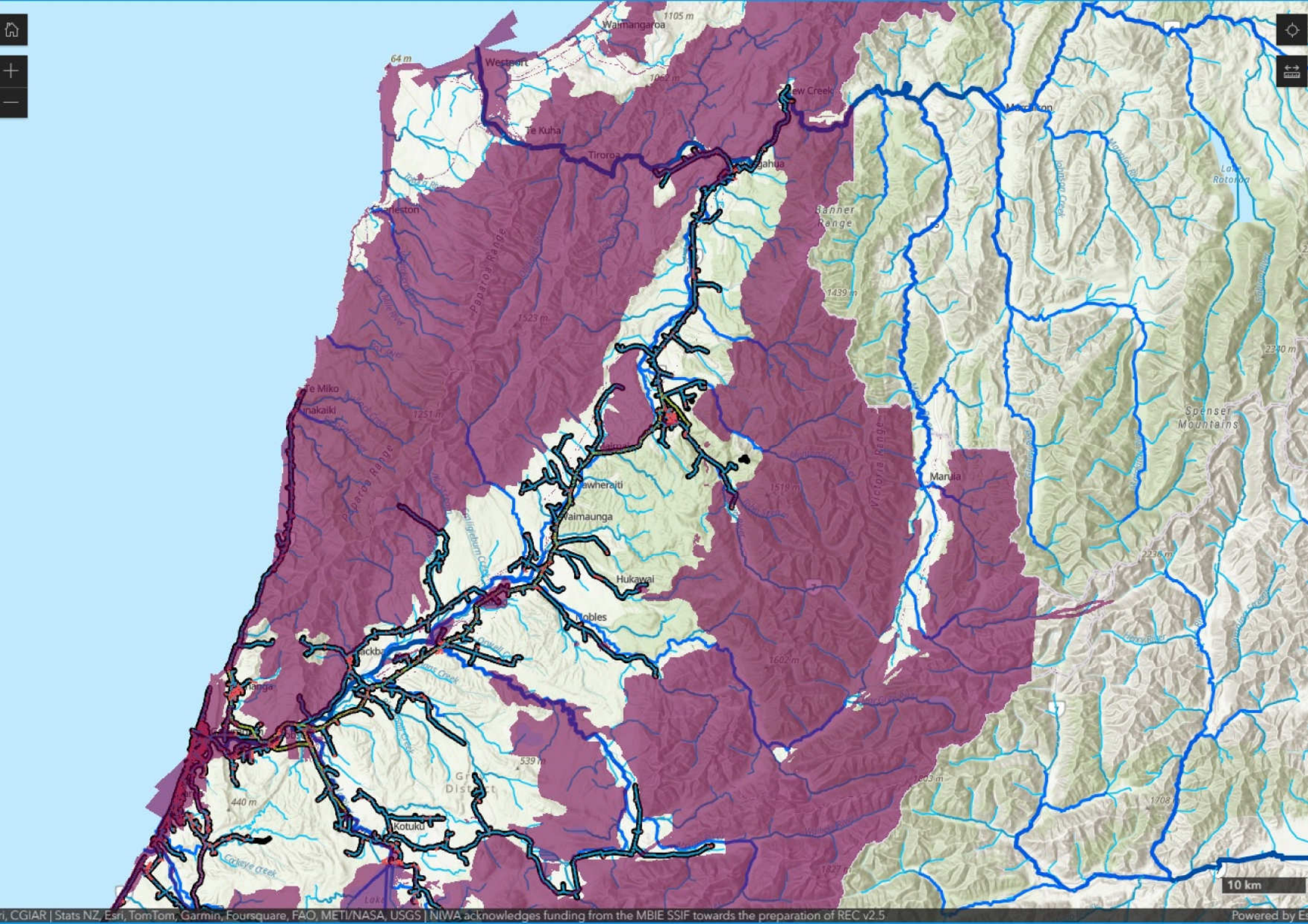
9.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

Martin Kennedy
Planning Consultant
(West Coast Planning Ltd)

22 January 2024

MAPS

- the location of the existing Westpower network throughout the region,
- the location of mapped waterways (although there may be others that are not mapped),
- the location of other overlays which may be relevant to the activities of Westpower, dependent on the outcome of the plan process.


Waimangaroa
Westport
Te Kuha
Tiroroa
Charleston
Te Miko
Inakaiki
Paparoa Range
Victoria Range
Banner Range
Spenser Mountains
Lake Rotoroa
Maruia
Hawheraiti
Waimaunga
Hukawai
Nobles
Kotuku
Cockeye Creek
1105 m
64 m
1439 m
1523 m
1251 m
1519 m
2340 m
2236 m
1602 m
539 m
440 m
1827 m
1708 m
10 km
CGIAR | Stats NZ, Esri, TomTom, Garmin, Foursquare, FAO, METI/NASA, USGS | NIWA acknowledges funding from the MBIE SSIF towards the preparation of REC v2.5
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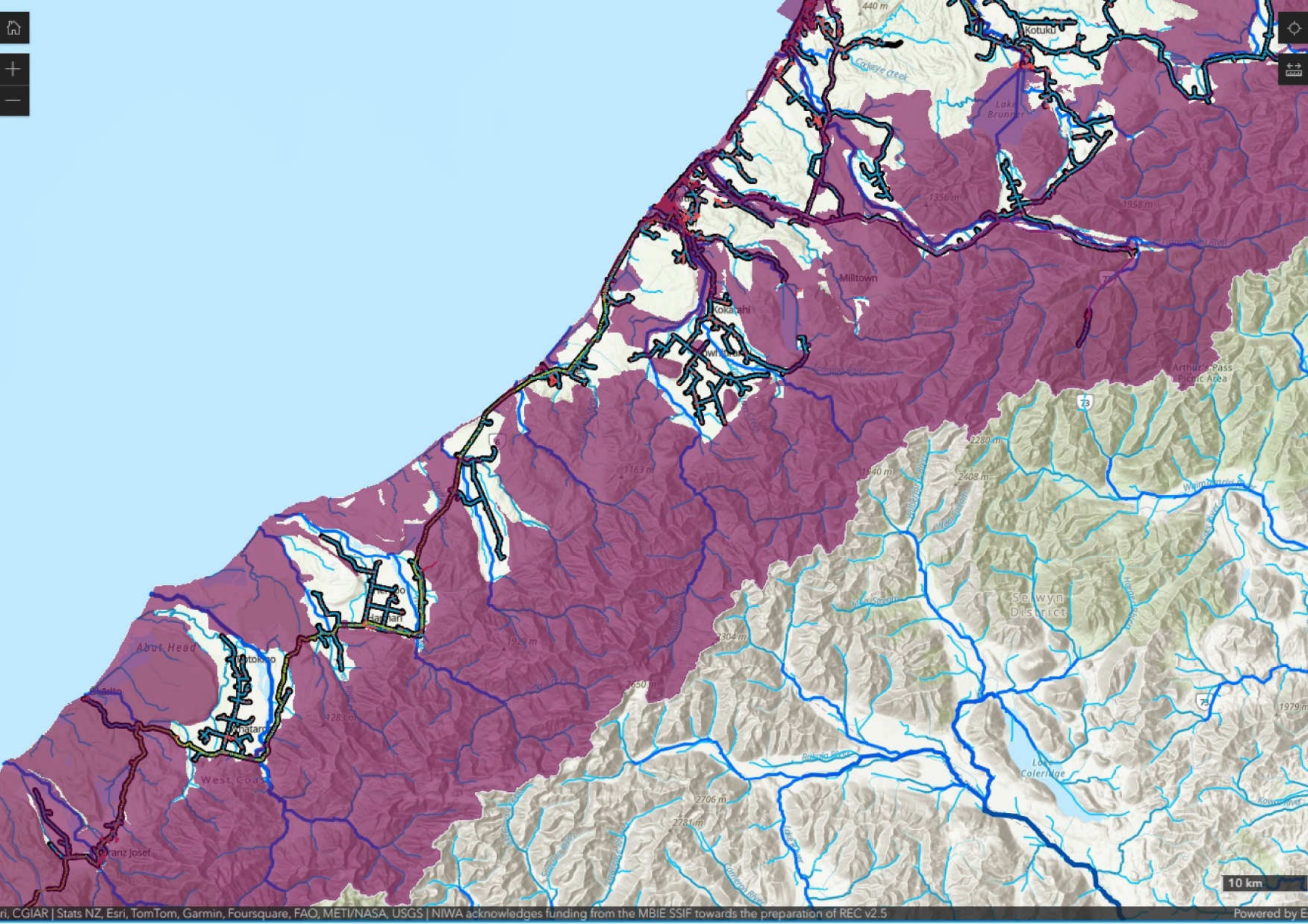
Kotuku
Cockeye Creek
Milltown
Kokatahi
Arthur's Pass Picnic Area
Selwyn District
West Coast
Franz Josef
Abut Head
10 km
ri, CGIAR | Stats NZ, Esri, TomTom, Garmin, Foursquare, FAO, METI/NASA, USGS | NIWA acknowledges funding from the MBIE SSIF towards the preparation of REC v2.5
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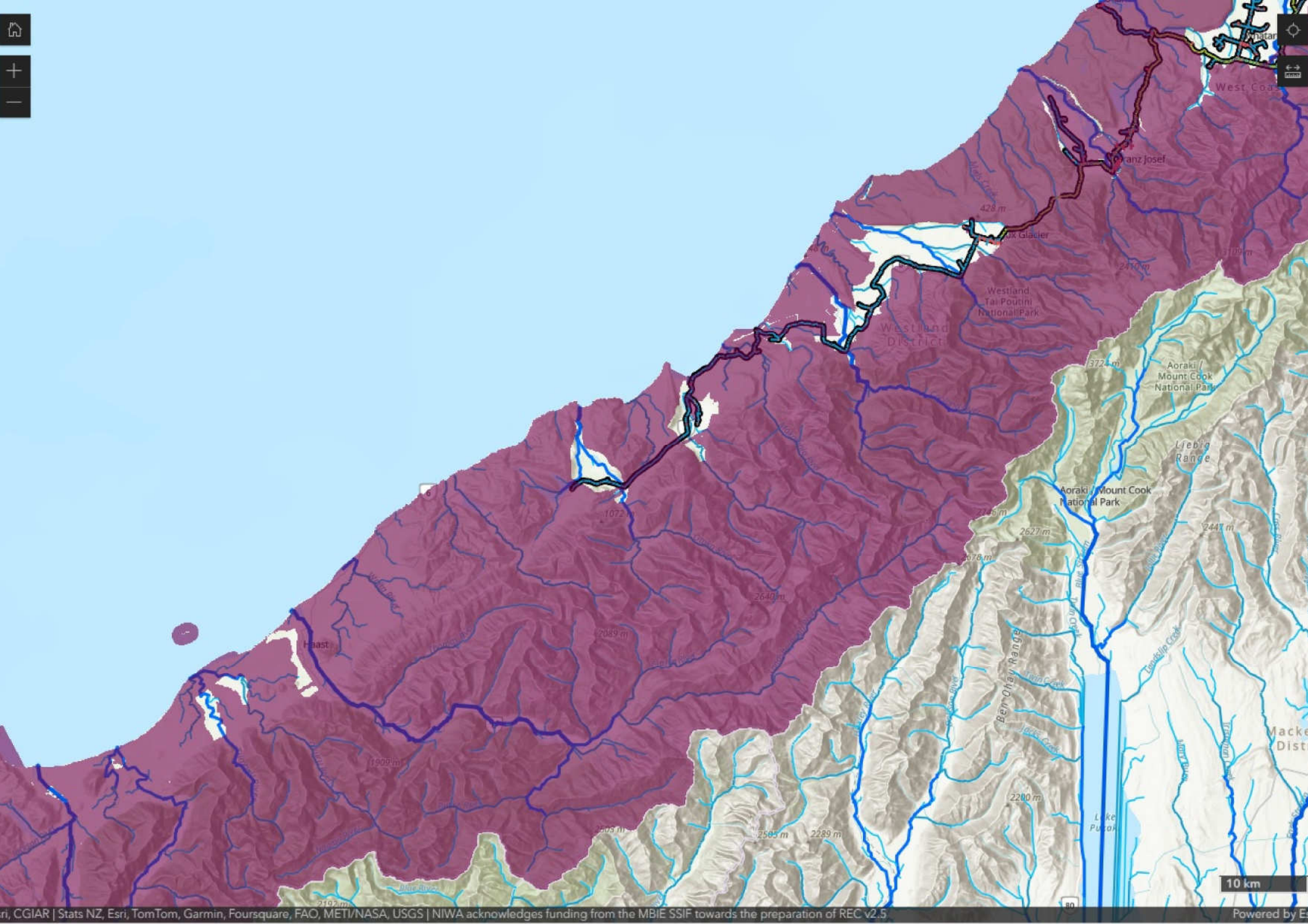
Franz Josef
Westland Tai Poutini National Park
Westland District
Aoraki / Mount Cook National Park
Liebig Range
Aoraki / Mount Cook National Park
Ben Ohau Range
Lake Pukaki
10 km
ri, CGIAR | Stats NZ, Esri, TomTom, Garmin, Foursquare, FAO, METI/NASA, USGS | NIWA acknowledges funding from the MBIE SSIF towards the preparation of REC v2.5
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Appendix 1: Summary of S42A Recommendations – Natural Character & Activities On The Surface Of Water (including Definitions)

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.309	Westpower Limited	Natural Character and Margins of Waterbodies	Amend	Ensure appropriate recognition and provision for the existing energy activities and infrastructure located within them.	Accept in part
S547.310	Westpower Limited	Natural Character and Margins of Waterbodies	Amend	Ensure provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities.	Accept in part
S547.311	Westpower Limited	Overview	Amend	(1) Amend the "Overview" by adding a paragraph, "<u>There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the West Coast that services the communities spread throughout the region and in to neighbouring regions. Such activities have been, and will continue to be, developed and undertaken recognising and taking into account the local conditions. Given the topography and extent of waterbodies and landscapes on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy. The National Policy Statement for Renewable Electricity Generation also recognises the constraints and</u>	Accept in part

				requirements of such activities including, amongst other matters, being located where the resource is.". (2) Add references to Strategic Objectives and Policies as per previous chapters.	
S547.312	Westpower Limited	Overview	Amend	Add references to Strategic Objectives and Policies as per previous chapters.	Accept in part
S547.316	Westpower Limited	NC – P2	Amend	Amend: Provide for indigenous vegetation removal and ... where significant adverse effects on natural character are avoided, remedied or mitigated and;	Accept
S547.317	Westpower Limited	NC - P2	Amend	Amend b. It is for the ... of network utilities, infrastructure, energy activities and critical infrastructure, including the national grid; or ...	Accept in part
S547.319	Westpower Limited	NC – P3	Amend	Amend a. Need to be undertaken in such areas due to technical, locational, ~~Have a~~ functional ~~need for their location~~ or operational constraints or requirements; and	Accept in part
S547.323	Westpower Limited	NC – R1	Amend	Amend b. Maintenance, operation ... of network utilities, infrastructure, energy activities, critical infrastructure or ...;".	Accept in part
S547.324	Westpower Limited	NC – R1	Amend	Amend c. Connections to ... utility systems, including energy activities and infrastructure; or	Accept
S547.328	Westpower Limited	NC – R2	Amend	Amend a. Network utilities, including energy activities and Infrastructure;	Accept
S547.329	Westpower Limited	NC – R2	Amend	Amend f. Renewable electricity generation activities where these have a need to locate within the riparian margin dues to technical, locational, functional or operational constraints or requirements; or	Accept in part
S547.330	Westpower Limited	NC – R3	Support	Retain	Accept
Activities On The Surface Of Water					
S547.394	Westpower Limited	Overview	Amend	Amend first paragraph: On the West Coast/Te Tai o Poutini ..., lagoons and lakes. These include activities which due to technical, locational, functional or operational constraints or requirements need to occur on water surfaces such as energy activities and infrastructure, ...	Accept in part
S547.395	Westpower Limited	Overview	Amend	Add a third paragraph: Activities on the surface of water can,	Accept in part

				and in many cases currently do, provide benefits to the community and the environment and should be recognised and provided for.	
S547.396	Westpower Limited	Overview	Amend	Add references to Strategic Objectives and Policies as per previous chapters.	Accept in part
S547.398	Westpower Limited	ASW – O1	Amend	Amend ASW-01, Potential adverse effects on the ecological, ..., lakes and lagoons from activities and structures on the surface of water are appropriately managed.	Accept in part
S547.403	Westpower Limited	ASW – R3	Amend	Amend the heading: Installation of Structures on the Surface of Artificial Lakes, Ponds and Waterways**.**	Accept in part
S547.0504	Westpower Limited	ASW – R4	Amend	(1) See the outcome sought under permitted activities above.	Accept in part
S547.0508	Westpower Limited	ASW – R4	Amend	(1) See the outcome sought under permitted activities above.	Accept in part

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S438.011	Manawa Energy Limited (Manawa Energy)	LAKE	Support	Retain the definition of 'Lake' as notified.	Accept
FS222.0178	Westpower Limited		Support	Allow	Accept
S552.022	Buller Conservation Group	Interpretation	Amend	add new definition: Bank A streambank or riverbank is defined as the edge of the defined channel or riverbed or where this is not obvious, the point at which terrestrial vegetation (eg: grassland, shrubland or forest) commences. The boundary of a natural wetland margin is where indigenous wetland plants (ie: those indigenous plants such as sedges and rushes adapted to living in wet conditions) give way to other species. The boundary of a tidal wetland is defined as the point of mean high water springs (MHWS).	Reject
FS222.004	Westpower Limited		Oppose	Disallow	Accept
S552.027	Buller Conservation Group	Natural Character and	Amend	Increase setback in rules: Streams between 1 and 3 metres wide have a 5 metre riparian setback, and all major (specified) rivers	Reject

		the Margins of Waterbodies Rules		in the region have a 15 metre riparian setback	
FS222.027	Westpower Limited		Oppose	Disallow	Accept
S553.022	Frida Inta	Interpretation	Amend	add new definition: Bank A streambank or riverbank is defined as the edge of the defined channel or riverbed or where this is not obvious, the point at which terrestrial vegetation (eg: grassland, shrubland or forest) commences. The boundary of a natural wetland margin is where indigenous wetland plants (ie: those indigenous plants such as sedges and rushes adapted to living in wet conditions) give way to other species. The boundary of a tidal wetland is defined as the point of mean high water springs (MHWS).	Reject
FS222.0117	Westpower Limited		Oppose	Disallow	Accept
S560.042	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Natural Character and the Margins of Waterbodies Rules	Amend	All vegetation clearance associated with earthworks must be governed by rules at least as, if not more, stringent, than the ECO chapter as amended by our submission.	Reject
FS222.0267	Westpower Limited		Oppose	Disallow	Accept
S560.516	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Natural Character and the Margins of Waterbodies Rules	Amend	Include specific methods in the Plan to achieve this policy 4	Accept In Part
FS222.0268	Westpower Limited		Oppose	Disallow	Accept In Part
S620.041	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	RIPARIAN MARGIN	Amend	Include the following wording to the notified definition: d. 5 m of any stream or river with an average bed width of 3 metres or less.	Reject
FS222.0338	Westpower Limited		Oppose	Disallow	Accept

Activities On The Surface Of Water					
S552.125	Buller Conservation Group	ASW-R6	Amend	extend list of waterbodies to include those where commercial activities are not acceptable	Reject
FS222.028	Westpower Limited		Oppose	Disallow	Accept
S553.125	Frida Inta	ASW-R6	Amend	extend list of waterbodies to include those where commercial activities are not acceptable	Reject
FS222.0139	Westpower Limited		Oppose	Disallow	Accept
S560.276	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	ASW	Amend	Consider including more lakes, rivers, and lagoons to the list in ASW - R2 clause 1 to ensure that natural values are adequately protected.	Reject
FS222.0271	Westpower Limited		Oppose	Disallow	Accept
S560.525	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Activities on the surface of water	Amend	Amend ASW P2 to delete 'significantly'.	Reject
FS222.0272	Westpower Limited		Oppose	Disallow	Accept
S560.526	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Activities on the surface of water	Amend	Amend ASW P3.b. to delete 'significant'.	Reject
FS222.0273	Westpower Limited		Oppose	Disallow	Accept
S560.527	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Activities on the surface of water	Amend	Amend rules to make consequential changes to give effect to policy amendments, and to ensure that the NZCPS is given effect to in the rules.	Reject
FS222.0274	Westpower Limited		Oppose	Disallow	Accept
S560.528	Royal Forest and Bird Protection	Activities on the surface of	Amend	Amend ASW - R7 so that it applies to "Use of Motorised Watercraft for Non-Commercial Use, Commercial Activities, and	Reject

	Society of New Zealand Inc. (Forest & Bird)	water		Structures on the Surface of Water, other than where the activity is provided for as a not meeting Permitted, Controlled or restricted Discretionary Activity in the ASW rules.	
FS222.0275	Westpower Limited		Oppose	Disallow	Accept
S602.135	Department of Conservation	Activities on the Surface of Water Rules	Amend	Add an additional Rule: ASW-R9 Activities, watercraft, structures, or buildings not provided for in another Rule Activity status: Non-complying	Reject
FS222.091	Westpower Limited		Oppose	Disallow	Accept

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.036	Westpower Limited	RIVER	Amend	Amend the definition of river to be consistent with the Regional Land and Water Plan River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include an artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal) or ephemeral water bodies. A storm flowpath that carries flow only for a short period after heavy rain is not considered to be a river.	Reject
S547.313	Westpower Limited	NC- O1	Amend	Delete and amend to read: 1. To protect the natural character of the regions wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development. 2. Provide for appropriate subdivision, use and development to enable people and communities to maintain their economic, social and cultural wellbeing.	Reject
S547.314	Westpower Limited	NC – O3	Amend	Amend: To provide for activities which due to technical, locational, functional or operational constraints or	Reject

				requirements need to locate in the margins of lakes, rivers and wetlands while managing adverse effects on natural character.	
S547.315	Westpower Limited	NC – P1	Amend	Amend: Avoid, remedy or mitigate the adverse effects of activities on the elements, patterns and processes that together contribute to the natural character of wetlands, lakes and rivers and their margins.	Reject
S547.318	Westpower Limited	NC – P2	Amend	Amend c. It is for ... or infrastructure and energy activities where this has a technical, locational, functional or operational need ...: or ...	Reject
S547.320	Westpower Limited	NC – P3	Amend	Amend b. They avoid, remedy or mitigate adverse effects on the natural character of the riparian area.	Reject
S547.321	Westpower Limited	NC – P5	Amend	Amend: Reduction in public access ... natural hazard threat or for health and safety reasons. When assessing such proposals effects on ..., including: ... b. Provisions of ... integrity of the structure and/or health and safety is maintained.	Reject
S547.322	Westpower Limited	Natural Character and Margins of Waterbodies	Amend	Insert new controlled activity Rule: - Provide for earthworks, vegetation clearance, buildings and structures. - Items e. and f. of NFL-R10 rule would be removed for the new rule. - Item 2 would be amended to include "Earthworks and vegetation ...". - Item c. under "Matters of control are:" would be removed. - The advice notes would need amendment as appropriate.	Reject
S547.325	Westpower Limited	NC – R1	Amend	Amend g. The establishment of a river crossing point up to 3m wide, or in the case of energy activities 10m to allow for safe operation; or ...	Reject
S547.326	Westpower Limited	NC – R1	Amend	Amend items 2. and 3. to be calculated consistent with item f. and the width of riparian margins.	Reject
S547.327	Westpower Limited	NC – R1	Amend	Add 6. Notwithstanding the areas or volumes in items 2. and 3. Vegetation clearance and earthworks activities undertaken for energy activities, including energy aspects of infrastructure,	Reject

				shall be the minimum necessary to achieve the activity provided for in items b., c., e., g., and j. above.	
S547.331	Westpower Limited	NC – R3	Amend	Amend heading: Indigenous ... Permitted or Controlled Activity Rules.	Reject
S547.332	Westpower Limited	NC – R4	Amend	Amend heading: Indigenous ... Permitted or Controlled Activity Rules.	Reject
S547.333	Westpower Limited	NC – R5	Amend	Amend heading: Indigenous ... Permitted or Controlled Activity Rules.	Reject
Activities On The Surface Of Water					
S547.397	Westpower Limited	Activities on the Surface of Water Objective	Amend	Add new Objective: The benefits of activities and structures on the surface of the District's rivers, lakes and lagoons are recognised and provided for.	Reject
S547.399	Westpower Limited	Activities on the Surface of Water Policies	Amend	Add a new Policy: Provide for energy and infrastructure, including critical infrastructure, activities and structures that due to technical, locational, functional or operational constraints or requirements need to occur on the surface of water.	Reject
S547.400	Westpower Limited	ASW – P3	Amend	Amend the first paragraph: Provide for ... provided that the activity avoids, remedies or mitigate**s**;	Reject
S547.401	Westpower Limited	Permitted Activities	Amend	Add an advice note to Rules regarding the intent of the rule not to apply to activities or structures already managed under regional plan provisions for activities in the bed of waterways. Ensure that activities permitted in the regional plan for the beds of waterways are permitted activities in this plan.	Reject
S547.402	Westpower Limited	Permitted Activities	Amend	Add a new permitted activity rule for the operation, maintenance, repair and upgrade of existing Energy Activities and Infrastructure, including Critical Infrastructure, where they are the same or similar in character, scale or intensity.	Reject

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S438.112	Manawa Energy Limited (Manawa Energy)	Natural Character and the Margins of Waterbodies Rules	Not Stated	Add a new rule NC - RX as follows: Earthworks not meeting Permitted Activity Rule NC - R1 Activity Status Restricted Discretionary Discretion is restricted to: a) The location of any earthworks and indigenous vegetation clearance; b) Volume and area of earthworks and indigenous vegetation clearance; c) The effects on potential or existing public access to the riparian margin; d) Effects on habitats of any threatened or protected flora or fauna species; e) Effects on recreational values of public land; f) Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; and g) Landscape and visual effects.	Reject
FS222.0195	Westpower Limited		Support in part	Not stated	Reject
S560.040	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Natural Character and the Margins of Waterbodies Rules	Amend	Include rules protecting all other wetlands that meet the RMA definition. The Councils have obligations to protect these wetlands over and above the regulations in the NESFM.	Accept in part
FS222.0265	Westpower Limited		Oppose	Disallow	Reject
S560.041	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest	Natural Character and the Margins of Waterbodies	Amend	Revise the objectives, policies, and rules to give effect to s6(a) requirements. Remove permitted activities from all riparian margins. Include a method to encourage restoration**.**	Accept in part

	& Bird)	Rules			
FS222.0266	Westpower Limited		Oppose	Disallow	Reject
Activities On The Surface Of Water					
S602.133	Department of Conservation	ASW - R6	Amend	Activity Status Restricted Discretionary Where: 1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. Discretion is restricted to: a. Effects on public access and recreational use of the waterbody; b. Effects on landscape, natural features or natural character of the waterbody and its margins; c. Effects on the amenity values or any adjacent residential activities; d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas; e. Effects on ecological, biodiversity and conservation value**s;** f. Effects of noise on the natural character, ecological and amenity values; and g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas. Advice Note: 1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to rules in the Sites and Areas of Significance to Māori Chapter. Activity status where compliance not achieved: Discretionary	Accept

FS222.092	Westpower Limited		Oppose	Disallow	Reject