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Keeping the energy flowing

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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 Features & Landscapes

Transpower New Zealand Limited (“Transpower”) writes in relation to Proposed Te Tai o Poutini Plan (“TTPP”), and the hearing topic – Natural Features and Landscapes, commencing on 4 March 2024.

This is the fifth hearing of interest to Transpower on the TTPP, with evidence lodged by Transpower to Hearing 1 (Introduction/ Strategic Direction), Hearing 3 (General District Wide Matters – earthworks), Hearing 4 (Energy, Infrastructure and Transport). A hearing statement was tabled for the Hearing Panel’s consideration in relation to Hearing 10, Natural character of waterbodies and activities on the surface of water.

Specific to this hearing topic, Transpower lodged five submission points and one further submission point. For clarity, Attachment A to this letter outlines all of the relief sought by Transpower, the s42A recommendations, and Transpower’s response and reasoning.

Transpower generally accepts the s42A author’s recommendations in response to its submission and further submission points. There are three exceptions, which are detailed in Attachment A.

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.

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. Transpower is happy to appear at the hearing if the Panel would find this helpful.

Yours faithfully

Rebecca Eng

Technical Lead – Policy

Transpower New Zealand Limited

Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Hearing Topic – Natural Features and Landscapes

Submitter	Plan Section	Decision Requested and Reasons	S42A Recommendation and recommended text changes	Response to recommendation
Natural Features and Landscapes				
S299.079 Transpower NZ Ltd	Natural Features and Landscapes	<p>Relief sought: Clarify the relationship between activities within the Energy Chapter and those within the Natural Features and Landscapes Chapter.</p> <p>Reasons: As currently drafted, the NFL chapter would apply to the National Grid and while Transpower is not necessarily opposed to this approach, it does seek 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. To clarify the relationship, Transpower recommend a note to the recommended policy ENG-P8 that other policies in the plan do not apply. Should this not be accepted, Transpower seeks specific policy recognition within the NFL chapter. The discretionary status within Rule NFL-R14 and R15 is supported.</p>	<p>Reject <i>Para 52. Transpower New Zealand Limited (S299.079) seeks to clarify the relationship between activities within the Energy Chapter and those within the Natural Features and Landscapes Chapter. I consider that the relationship is clear – overlay provisions apply to energy activities, transport activities and infrastructure activities. This is stated in the Overview of those chapters. Transpower seeks that either the provisions do not apply or that specific policy be provided in the chapter in relation to the national grid. The national grid does traverse through areas of ONL, and I note that it has a Designation for this purpose. In addition, the NES – Electricity Transmission provides for operation, maintenance, repair and upgrade of the national grid. However, given the direction in the NPS – Electricity Transmission I am not opposed to a specific policy around the national grid in this chapter. I invite Transpower to provide information on appropriate wording at the hearing.</i></p> <p>Amend text as follows: <i>Other relevant Te Tai o Poutini Plan provisions</i> <i>It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:</i> ... • <i>Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters</i></p>	<p>On the basis of the 'seek to avoid' directive within the Energy Chapter policy ENG-P8, which specifically references ONFL's, Transpower accepts the recommendation.</p> <p>Associated with this submission point, Transpower also supports the recommendation on point S299.082 to move text referring to the Energy chapter to the overview section of the Natural Features and Landscapes chapter.</p>

Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Hearing Topic – Natural Features and Landscapes

<p>S299.080 Transpower NZ Ltd</p>	<p>NFL - P4</p>	<p>Relief sought: Clarify the term 'minimise' and that the policy does not apply to the National Grid. Reasons: In the absence of any certainty as to what is required by the term "minimise" Transpower has concerns as to the application of the policy, noting the requirement to 'minimise' applies to any adverse visual effects. Transpower has sought a definition for 'minimise'. Specific to the National Grid, given the technical and operational constraints associated with National Grid infrastructure, its ability to minimise adverse effects by using 'naturally occurring building platforms, materials and colour that blends into the landscape' is severely constrained.</p>	<p>Reject <i>154. Manawa Energy (S438.090) seeks that the policy require that adverse visual effects be “managed” rather than “minimised”, that items a and b be applied “where practicable”. Manawa Energy also seeks that item c be amended from “limiting” to “reducing” the prominence of buildings and structures. Transpower New Zealand Limited (S299.080) seeks that the term “minimise” be clarified, and that that the policy does not apply to the national grid. Westpower Limited (S547.288) seeks to “avoid, remedy or mitigate” rather than “minimise” adverse effects. They also seek that item c be undertaken “where practicable”. Westpower Limited also seeks an addition item d which specifically relates to energy activities and infrastructure.</i> <i>155. In relation to the use of the term minimise I have proposed a definition in the Introduction and General Provisions s42A report as follows: Minimise: means to reduce to the smallest amount reasonably practicable.</i> <i>156. However, I agree that in this context “minimise” is not the appropriate term. I prefer the Westpower Limited proposal of “avoid, remedy or mitigate” to “manage” as this is more clearly understood.</i> <i>157. I do not consider that some sort of wholesale exemption for infrastructure providers is appropriate. However, I do recognise the functional and operational needs of these providers that may require infrastructure to locate in ONFLs – particularly in South Westland and around the Paparoa Ranges. Rather than the wording proposed by Westpower as item d, I recommend that the policy reference that avoiding, remedying or mitigating the adverse visual effects “including” by these methods and that there be the addition of a sentence at the end of the policy “where these mitigation measures are practicable”.</i></p> <p>Amend P4 as follows: <i>Require that new buildings, and structures within outstanding natural features or landscapes minimise <u>avoid, remedy or mitigate</u> any adverse visual effects <u>including</u> by:</i> <i>a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;</i> <i>b. Using naturally occurring building platforms, materials and colour that blends into the landscape;</i> <i>c. <u>Limiting landform modification through earthworks;</u> and</i> <i>d. <u>Limiting the prominence or visibility of buildings and structures including by integrating it into the</u></i> <i>outstanding natural feature or landscape; <u>and</u></i> <i>e. <u>Landscaping buildings and structures with appropriate vegetation to soften outlines where these mitigation measures are practicable.</u></i></p>	<p>Transpower supports the replacement of the word 'minimise', and on the basis of policy ENG-P8, the recommendation on the balance of the submission point is accepted.</p>
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Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Hearing Topic – Natural Features and Landscapes

<p>S299.081 Transpower NZ Ltd</p>	<p>NFL - P5</p>	<p>Relief sought: Retain this policy</p> <p>Reasons: Transpower supports the inclusion of functional, technical, operational or locational need as a matter for consideration in this policy. As within other submission points, if the term Minimise is to be retained, a definition is sought.</p>	<p>Accept <i>163. In this matter I support the submissions of Forest and Bird and Terra Firma Mining Limited in replacing the text and refocusing it. Of the two alternatives proposed, I prefer the Forest and Bird wording, with an amendment to refer to “assessing” rather than “determining” as follows providing the clearest wording: When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:</i></p> <p>Amend P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: <u>When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:</u></p> <ul style="list-style-type: none"> a. <u>The nature, scale and extent</u> of modification to the landscape; b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary, <u>short term</u> or permanent nature of any adverse effects; e. The functional, technical, operational or locational need of any activity to be sited in the particular location; f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu <u>or Māori Landowners who whakapapa to Poutini Ngāi Tahu;</u> g. Any positive effects the development has on the identified characteristics and qualities; h. Any positive effects at a national, regional and local level; i. Any relevant public safety considerations; and j. The measures proposed to mitigate the effects on the values and characteristics, including: <ul style="list-style-type: none"> i. <u>The location, design and scale of any buildings or structures, or earthworks;</u> ii. <u>The intensity of any activity; and</u> iii. <u>The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;</u> k. <u>The extent to which an activity or structure is lawfully established; and</u> l. <u>The management of effects on natural character, amenity, recreation, historical and biodiversity values</u> 	<p>Support in part. While Transpower largely accepts the amendment to the policy (on the basis clauses e. and h. are retained), it would support clarification (for the avoidance of doubt) to the policy chapeau that the policy applies to outstanding natural landscapes and outstanding natural features. The following amendment (refer red text) is sought: <u>When assessing whether a proposal for land use or subdivision is appropriate within outstanding natural features or landscapes, in addition to the above policies, consider the following matters:.....</u></p>
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Attachment A. Transpower New Zealand Limited – Response to Section 42A Report recommendations – Hearing Topic – Natural Features and Landscapes

<p>S299.082 Transpower NZ Ltd</p>	<p>Natural Features and Landscapes Policies</p>	<p>Relief sought: 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 <i>95. Transpower New Zealand Limited (S299.082) supports the statement after the policies "Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters." They seek that this statement be moved to the overview section where they consider it would have more prominence. I support this, moving the reference to the "other relevant Te Tai o Poutini Plan provisions is consistent with how other relevant matters are referred to.</i></p> <p>The text is moved to the introduction.</p>	<p>Transpower supports the recommendation to move the text to the 'overview' section of the chapter.</p>
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<p>S299.083 Transpower NZ Ltd</p>	<p>NFL - R6</p>	<p>Relief sought: Retain this rule</p> <p>Reasons: Transpower supports this rule as it specifically links to the relevant rules in the Energy Chapter. While most of Transpower's earthworks activities are covered by the NESETA, the clear direction in this rule is useful for any new construction or other activities that fall outside the scope of the NESETA.</p>	<p>Accept</p> <p>246. <i>Te Mana Ora (S190.351), KiwiRail Holdings Limited (S442.059) and Transpower New Zealand Limited (S299.083) support this rule. This support is noted.</i></p> <p>254. <i>The Department of Conservation (S602.094) seeks four changes to this rule. Firstly they seek that the specific provisions for infrastructure and energy activities be deleted. Other submitters have also submitted on this part of the Rule – Manawa Energy (S428.096) seeks to amend the reference to energy activities undertaken by a network utility operator to renewable electricity generation activity. This is quite a different activity – and could effectively allow the construction of a major energy generation activity in an ONFL without resource consent. I do not support this as I consider that the rule was specifically targeting transmission and distribution activities, and that replacing this with renewable energy generation could lead to adverse effects on ONFL without appropriate assessment and management.</i></p> <p>256. <i>With regard to the Department of Conservation submission point on this issue, I do not support this, in that there are existing transmission and infrastructure networks through some ONFL (particularly in South Westland and around the Paparoa Range) that need to operate. However, I acknowledge that this rule gives scope for these activities to do significant earthworks. These are linear networks and, for example, upgrading a transmission line, could incur earthworks at each tower site. I have consulted with the 3 district councils on their experience around current practice and their experience in relation to upgrades. They advise that for recent Transpower upgrades replacing towers with pi-pole structures, at each site the earthworks were in the range of 20-32m3.</i></p> <p>263. <i>Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.048) seek the reference to the earthworks ancillary to an infrastructure activity being undertaken in accordance with INF – R7 be deleted. They consider that the clause is unnecessary. I have looked at this matter in relation to Rule EW – R1 which is also referenced in the rule, and I consider this provides sufficient management to ensure environmental effects of such earthworks are minor. I therefore support the submission. As a consequential amendment I consider the reference to energy activities and Rule ENG – R4 is also unnecessary as the definition of “infrastructure” includes energy activities.</i></p> <p>Amend R6 as follows: NFL - R6 <i>Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six</i> Activity Status Permitted Where: 1. All performance standards for Earthworks Rule EW - R1 are complied with; and 2. This is ancillary to: a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or b. An energy activity undertaken by a network work utility operator in accordance with</p>	<p>Transpower supports in part the rule but queries the deletion of the energy activity clause b. While the National Grid is considered both an Infrastructure and Energy Activity (as defined), the intent of the district plan is that Energy activities are managed under the Energy Chapter and not the Infrastructure Chapter. However, on the basis NFL-R6 clause 2.a. refers to ‘Infrastructure activity’ and has deleted reference to the Infrastructure rule INF-R7, Transpower accepts the recommendation. However, the deletion of energy activities is potentially confusing and would have implications for those energy infrastructure activities that are not undertaken by a network utility operator. Transpower would support its retention, as follows (refer red text):</p> <p>... 2. This is ancillary to: a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or b. An energy activity undertaken by a network work utility operator in accordance with the Permitted</p>
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		<p>the Permitted Activity standards in Energy Rule ENG – R4; 3. For other earthworks, the following standards are complied with: a. The cut height or fill depth does not exceed one metre vertically; and b. No more than 500m³ of earthworks are undertaken/12 month period/site.; and c. The earthworks are undertaken outside of the Coastal Environment44. Advice Note: 1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL – R3. 2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - CF. 3. Where activities are located in the Coastal Environment, the provisions <u>are located in the Coastal Environment Chapter and this rule does not apply.</u> Activity status where compliance not achieved: Controlled Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment</p>	<p>Activity standards in Energy Rule ENG – R4; The retention of the default controlled activity status is supported, noting consent would be required under R10 and R12 as a discretionary activity for any new National Grid assets (including earthworks) within an ONFL. status.</p>
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<p>Manawa Energy Limited (S438) S438.088</p> <p>Although not referenced in the S42A Report, Transpower further submitted in support of the submission.</p>	<p>NFL - P2</p>	<p>Support relief by Manawa to amend P2</p> <p><i>Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot <u>practicably</u> be avoided, ensure that such the adverse effects are remedied <u>or</u>, mitigated, or offset <u>compensated if appropriate.</u></i></p> <p>Insert descriptions of the values of all outstanding natural features and landscapes within Schedules Five and Six to enable impacts on the values to be assessed. Include accurate descriptions of the existing modifications within all outstanding natural features and landscapes within schedules five and six to provide a baseline for assessment. Review the use of the effects management hierarchy throughout the pTTPP and ensure that it is accurately applied.</p> <p>Reasons</p> <p>For the reasons provided in the submission, Transpower supports the amendments sought on the basis they would assist with plan interpretation and application.</p> <p>Transpower also supports a review of the use of the effects management hierarchy throughout the pTTPP to ensure that it is accurately applied.</p>	<p>Accept in part</p> <p>Policy amended as follows:</p> <p><i>NFL - P2 Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are <u>otherwise minimised, remedied, mitigated or offset or compensated in accordance with the effects management hierarchy.</u></i></p>	<p>Transpower was a further submitter in support of the submission point. While Transpower supports the replacement of the word ‘possible’ with ‘practicable’, it opposes the recommendation to insert reference to the ‘effects management hierarchy’ on the basis:</p> <ul style="list-style-type: none"> - While the application of an effects management hierarchy regime has been adopted for freshwater and indigenous biodiversity, no equivalent regime has been formulated or applied to landscapes. - The ‘effects management hierarchy’ within the context of ONFL’s is not defined (or even articulated) in the proposed plan. As such, there is no guidance as to the circumstances in which offsetting or compensation would be appropriate.
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