

**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** 4 March 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:**

**Outstanding Natural Features & Outstanding Natural Landscapes**

**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:
  - Outstanding Natural Features & Outstanding Natural Landscapes

## **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.
- 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 the outstanding natural features and outstanding natural landscapes overlays (note: the mapping used pre-dates the more recent updates arising from the hearing 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 (Section 7.0) supported
  - 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 1-8) attached to this evidence, as submissions and 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.

### ***6.1 Submissions on the Chapter as a Whole (pages 15-26 – s42A Report)***

*S547.275 (Appendix 1, page 8)*

8.3 The s42A Report recommends “*rejecting*” the submission on the grounds that ONL’s should be identified based on consistent criteria. Whilst I agree that consistent criteria should be used to identify these landscapes it is relevant that all values/activities within these areas are recognised, ie one matter does not occur in isolation of the other. In my opinion it is appropriate to recognise the existence and extent of energy activities and infrastructure within these areas (ie. the structures and activities that are already present there) at the time when assessments are undertaken. These structures and activities are a feature of the landscape and they play a strategic role across the landscape in connecting communities and achieving wider environmental goals. I do agree that later provisions will provide for how such activities are managed, however recognition of such activities when undertaking assessments is an important component in considering the integration of resource management issues as they relate to the West Coast. I note that the *s42A Addendum (31 January 2024)* and the accompanying *Landscape Report (January 2024)* appear to accept that the assessments used to identify ONL’s have been undertaken at a “*high level*” and that other values (including infrastructure) may be identified, “*including landscape modifications that are an accepted part of the landscape.*”. Both reports make recommendations related to matters which are relevant to infrastructure, being;

*c) Clear guidance is included in the TTPP (perhaps by way of a Preamble to TTPP Part 4: Schedule Five: Outstanding Natural Landscapes), that explains:*

- i. *the reasonably high-level nature of the ONL Schedules;*
  - ii. *that the landscape values identified relate to the ONL as a whole, rather than specific sites; and*
  - iii. *that other landscape values may be identified as part of an application-specific landscape assessment, including landscape modifications that are an accepted part of the landscape (e.g. infrastructure, buildings) and more negative landscape attributes (e.g. pests).*
- d) *The updated ONL mapping (January 2024) is carefully reviewed by a landscape/GIS expert to ensure:*
- - 
  - *Areas where the arrangement, scale, and/or prominence of built development exerts a dominant influence on landscape character.*

However it is not clear what is actually proposed to address these matters as there are no proposed amendments provided in either of the documents. In my opinion these matters have a bearing on how electricity infrastructure is recognised and provided for in the plan as it relates to outstanding landscape values. Both the s42A addendum and associated landscape report appear to agree these are relevant matters but it is unclear what is proposed and what ability there is to have further input in to these matters.

## **6.2 Submissions on the Overview (pages 26-29 – s42A Report)**

*S547.277 (Appendix 1, page 1)*

- 8.4 The s42A Report recommends “*accepting in part*” the submission and provides amended wording. Having reviewed the recommended amendment in the s42A Report (page 28, paragraph 81) I accept the outcome proposed as it recognises the core matter sought through the submission point and the context of providing such infrastructure to the communities throughout the West Coast.

*S547.278 & S547.279 (Appendix 1, page 1-2)*

- 8.5 The s42A Report recommends “*accepting in part*” these submission points. The submissions seek to ensure that a consistent approach is adopted to advising how chapters work together. This is generally related to ensuring that each chapter referencing a natural environment value is set out in a consistent manner. I note that the revised chapter appended to the s42A Report (s42A - Appendix 2) makes some amendments to the “*Other relevant Te Tai o Poutini Plan provisions*” which provides for matters raised in these submission points and would agree with those amendments. I would presume that once all amendments arising from the hearing process are made a review would be

undertaken to ensure consistency of format between chapters to assist and guide plan users, which was the intent of the submissions in this regard.

**7.0 Submissions on Natural Features and Landscapes Objective (pages 29-31 – s42A Report)**

S547.280 (Appendix 1, page 9)

8.6 The s42A Report recommends rejecting the submission on the grounds that it repeats objectives contained in the RPS. 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 7B, 1 & 2), ie an objective for protection from inappropriate activities and an objective providing for appropriate activities. What are appropriate/inappropriate activities is determined through relevant policies in the RPS, including allowing activities which have no more than minor effects (Chapter 7B, policy 4). The proposed wording could be interpreted to be that any activity that will result in a change of values is not supported or to be provided for when that is not the intent of the RPS. 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 providing for activities in a “qualified” manner. I consider that the “*qualified*” component, ie maintenance or enhancement, potentially negates consideration of any proposal for an activity which will result in some change. This also 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. Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development; and**

**2. Provide for appropriate subdivision, use and development on, in, or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance social, economic and cultural wellbeing.**



### **8.1 Submissions on the policies as a whole (pages 31-34 – s42A Report)**

*FS222.0203 (Not included in Appendix 1)*

8.7 The s42A Report does not support, and presumably recommends “*rejecting*”, the original submission (S560.030) on which this further submission was based. Neither matter is summarised in Appendix 2 but the reasons for not supporting the submission are canvassed at page 33, paragraph 96, of the s42A Report. Provided that is the intended recommendation I would agree with that outcome.

### **8.2 Policy NFL – P1 (pages 34-44 – s42A Report)**

*S547.281 (Appendix 1, page 2), S547.282 (Appendix 1, page 2), S547.283 (Appendix 1, page 2), S547.284 (Appendix 1, page 9)*

8.8 The s42A Report recommends “*accepting in part*” submissions *S547.281-283* and rejecting *S547.284*. Primarily, as I understand the s42A Report, the reasons for the proposed recommendations are on the basis that; the outcomes sought in the submission are overly permissive, and the proposal is now to remove provision for new infrastructure and renewable generation activities where there is a particular need for its location. In reviewing these matters I have considered the submissions of Westpower, the policies and rules now proposed and amendments suggested in this evidence. I accept that the policy could remain as “*Provide for*” but I do not agree that the basis of the policy is for considering only permitted activities, as existing and new activities are “*allowed*” under certain circumstances by proposed *NFL-P3*. This policy (*NFL-P1*) considers activities that may be either permitted or for which consent is needed, but also recognises there is a need to provide for certain activities based on a range of matters. I note that the s42A Report recognises the policies of the RPS in regard to RSI matters (*Chapter 6, RPS, Policies 1,2,3*) and also the natural features and landscapes (*Chapter 7B, RPS, Policy 4*) to allow activities where they have no more than minor effects and consider certain matters in determining whether an activity is appropriate (*Policies 2 and 3*). I note that the s42A Report now proposes removing “*controlled activity*” status for certain RSI activities in preference for a “*restricted discretion*” status. Whilst, as discussed below, I consider that there is merit in “*controlled activity*” status for some RSI activities, particularly given the extensive electricity network on the West Coast and the outcomes sought to require the use of renewable electricity, I consider a policy is required that recognises the need to provide for new RSI under certain circumstances. This then would be considered in conjunction with other

policies when determining any provisions of the plan or assessing any proposals as is required through proposed amendments to *NFL-P5*, ie “When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:”. In my opinion the proposed policy should be reworded to better reflect the need to provide for RSI activities, noting that potential effects still require management. This would also give effect to the outcomes sought through the RPS taking into account the importance to the West Coast of a safe, efficient and secure supply of renewable electricity for the current and future communities. As discussed elsewhere in this evidence the issue of RSI is being considered through the “*Energy, Infrastructure and Transport*” hearing stream and it is important that the activities of Westpower remain RSI given their role and function across the West Coast. *NFL-P1* should be reworded, and the amendments below are a summary of those clauses which should be reworded. (For clarity I support the other amendments proposed for *NFL-P1* as set out in the s42A Report, including *Appendix 1* to that report, and seek that they be retained),

*NFL - P1*

*Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where ~~they do not adversely affect~~ ~~maintain~~ adverse effects on the values that together contribute to a natural feature or landscape being outstanding are avoided, remedied or mitigated, and are for:*

*a. – g.*

***h. New regionally significant infrastructure where there is a functional or operational need to locate in these areas.***

***Items h. and i. to become i. and j.***

### **8.3 Policy *NFL-P2* (pages 44-47 – s42A Report)**

S547.285 (*Appendix 1, page 2*)

8.9 The s42A Report recommends “*accepting in part*” the submission but does not favour consistent wording with the RPS in terms of “... *values that together contribute ...*”. Further the amendment proposed in the s42A Report seeks to add a requirement to “*minimise*” effects where avoidance is not practicable. I accept the proposed amendment to *NFL-P2* to refer to avoidance “*where practicable*” however I am of the view that the additional wording of values that “*together*” contribute assists, as it is the overall outcome from a landscape perspective that is being sought through Chapter 7B, Policy 2 of the RPS. I am not a landscape expert but as I understand it scale or context have a large bearing on the level of effect determined and while at the local level an effect

may be very high at a wider landscape level the impact may be less. In terms of effects management where avoidance is not possible it is my opinion that the policy should refer to remedy and mitigation, including any proposed offset or compensation as proposed in the submission. It is my opinion, as discussed in previous evidence that this is the appropriate effects management regime in considering such matters in the TTPP. Policy *NFL-P2* should be reworded,

*Where practicable, avoid significant adverse effects on the values that together contribute to ... cannot be avoided, ensure that the adverse effects are otherwise remedied or mitigated, including any proposed offsetting or compensation.*

#### **8.4 Policy *NFL-P3* (pages 47-52 – s42A Report)**

*S547.286 (Appendix 1, page 2)*

8.10 The s42A Report recommends “*accepting in part*” the submission but does not favour: the addition of references to “*energy activities*” or “*critical infrastructure*”, the addition of values that “*together*” contribute, and the avoidance, remedy or mitigation of adverse effects. I understand the matter related to activities and have raised the issue of having multiple terms having the same or similar meaning. Having said that I consider that there should be reference to RSI as that is a term proposed to be adopted through the process and supports the outcome sought through the RPS. This is important given the provision proposes “*allowing*” not only “*existing*” but also “*new*” activities. As discussed above I am of the view that the additional wording of values that “*together*” contribute assists as it is the overall outcome from a landscape perspective that is being sought through 7B-P2 of the RPS. In terms of potential effects, and given that the proposal is to allow activities it is my opinion that the wording should be in those instances where adverse effects are no more than minor to give effect to 7B-P4 of the RPS. This would not be inconsistent with the submission point which sought an amendment to the policy that effects be avoided, remedied or mitigated, noting I have suggested that wording applies above, in terms of *NFL-P1*, where certain activities are to be provided for. Policy *NFL-P3* should be reworded,

Recognise that there are settlements, farms, land uses, and infrastructure (including RSI) and other activities located within outstanding natural landscapes features or outstanding natural landscapes features and ~~provide for~~ allow new activities and existing uses in these areas where adverse effects on the values that together contribute to the outstanding natural landscape or feature are ~~not adversely affected maintained or enhanced~~ no more than minor.

### 8.5 Policy NFL – P4 (pages 52-55 – s42A Report)

S547.288 (Appendix 1, pages 2-3)

8.11 The s42A Report recommends “*accepting in part*” the submission but does not favour specifically providing for the operational or functional needs of energy related infrastructure. In general I agree with the proposed amendments to the Policy however I am still of the view that reference to the needs of particularly RSI are relevant. Those needs are recognised by the s42A Report but in a different manner. I do agree that a total exemption is not appropriate however these are relevant matters and should be included in the policy. As I understand it the needs of these activities are proposed to be implicit in the practicable application of mitigation measures and my opinion is that should be an explicit consideration. Policy NFL-P4 should be reworded,

*Require that new buildings; and structures within outstanding natural features or landscapes minimise avoid, remedy or mitigate any adverse visual effects including by:*  
*a. ... d.*  
*where these mitigation measures are practicable, **and taking into account the function and operational needs of RSI.***

### 8.6 Policy NFL – P5 (pages 55-61 – s42A Report)

S547.289 (Appendix 1, page 9), S547.290 (Appendix 1, page 9), S547.291 (Appendix 1, page 9), S547.292 (Appendix 1, page 3)

8.12 The s42A Report recommends “*rejecting*” submissions 547.289-291 and “*accepting*” S547.292. Having reviewed the amended policy as a whole I accept the s42A consideration of the matter with the proviso that the changes sought in NFL-P1 discussed above are made. This is because amendments to NFL-P5 make reference to the other policies and the wording of NFL-P1 proposed by the s42A Report removes “*providing for*” new RSI activities. If it were not proposed to amend NFL-P1 as recommended above in this evidence then further wording of NFL-P5 would be required as sought through the submission points.

### 9.1 Natural Hazard Mitigation Activities (pages 64-70 – s42A Report)

NFL – R3 Natural hazard mitigation activities including earthworks

FS222.086 (Appendix 1, page 11)

8.13 The s42A Report recommends “*rejecting*” the further submission on the basis of “*accepting in part*” the original submission (S602.092). Having reviewed the proposed amendments to NFL-R3 as set out in the s42A Report I do not oppose

the amendments provided the definition of statutory agencies appropriately caters for those undertaking RSI activities, including Westpower as a community owned company. I understand that this is an issue that is subject to further consideration in terms energy, infrastructure and transport matters and it is important that such agencies have the ability to protect RSI servicing the communities throughout the West Coast.

NFL – R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3

*S547.298 (Appendix 1, page 9), S547.299 (Appendix 1, page 9)*

8.14 The s42A Report recommends “*rejecting*” the submissions on the basis that the proposed change in coverage of activities proposed in *clause 1* of the rule covers all activities and considering effects on the values that “*together*” contribute to a feature being outstanding is not necessary. I accept that a more broad application to activities provides for the issue raised in “*S547.298*”. In terms of the matter related the values which make a feature outstanding there is no further explanation as to why this is not necessary. In my opinion there may be effects arising from hazard mitigation works however provided the feature is not destroyed and overall remains of an outstanding value I do not understand why this rule would not apply given it is not longer proposed to be a “controlled” activity. In terms of the change of category of consent I note that the submission of Westpower was generally supportive of the “*controlled activity*” status proposed in the pTTPP. The rule was originally intended to be related to what is now proposed to be RSI but in change to a more broad coverage now excludes a vital consideration not required when the activity was proposed to be “*controlled*”. I note in terms of the change in activity status that the matter raised above in regard to definitions of RSI as they relate to Westpower activities and as provided for under the RPS requires appropriate resolution. The rule as now proposed limits the matter of discretion for decisions makers but does not allow a consideration of the functional and operational needs of activities, particularly RSI. In my opinion if the activity status is to change as proposed then a new matter of discretion regarding these needs should be added. Proposed NFL-R9 should be amended,

*NFL - R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3*

...

2. *These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which **together** make it Outstanding.*

*Discretion is Limited to:*

...

**i. The operational and functional needs of infrastructure, including regionally significant infrastructure.**

**9.3 Other Permitted Activities (pages 76-94 – s42A Report)**

**NFL-R1**

*S547.293 (Appendix 1, page 3)*

8.15 The s42A Report recommends “accepting in part” the submission but does not prefer the use of “*energy activities*” and proposes to include “*upgrading*” in NFL-R5 which is the rule for buildings and structures. Having reviewed the proposed new wording for rule NFL-R2 I accept the recommendation provided Westpowers activities as defined as RSI in the RPS are provided for. I have discussed these matters above and the same issues arise. It is important that the role of Westpower in servicing communities throughout the West Coast with a secure and resilient supply of renewable electricity are enabled and provided for as recognised through the RPS. I will comment on the issue of “upgrading” in the discussion below regarding NFL-R5.

**NFL-R5**

*S547.295 (Appendix 1, page 3), including the upgrading issue from NFL-R1 above*

8.16 The s42A Report recommends accepting submission *S547.295* and I support that recommendation. The remaining matter is a carrying over of the provision for “*upgrading*” of energy activities and infrastructure arising from the submission, *S547.293*, above. Whilst I support the provision for upgrading of these activities in my opinion the rule does not adequately provide for the upgrading of lines for the distribution and supply of electricity. This is because any lines will generally be greater than 5 metres in height and therefore any addition or alternation will be undertaken above a height of 5m and compliance with the rule cannot be achieved. In my opinion the rule should be amended such that clause 3 is separate from clause 1 & 2, ie from the perspective of the conveyance of electricity buildings are separated from lines. This would be in accordance with ENG-R4 which provides for lines for the conveyance of electricity. The issue of height is related to ensuring electrical safety distances are maintained and therefore the standards in the rule should be provided for. In considering this issue it is useful to note that this is a matter related to existing lines and upgrading of these will assist, and provide for, the communities to

access and use renewable electricity. This is particularly relevant as the TTPP proposes to discourage the use of other sources of energy immediately as the plan becomes operative. The ability to upgrade the existing lines in these landscapes, which connect communities, will assist in achieving outcomes sought by the plan. Proposed rule NFL-R5 should be amended,

*NFL-R5*

*Additions or alterations to buildings and structures including upgrades to Energy Activities and Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six*

...

2. *The maximum ... is the greater; **or***
3. *Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*

NFL-R6

*S547.296 (Appendix 1, page 3), S222.0192 (Appendix 1, pages 10-11), S222.087 (Appendix 1, pages 11-12)*

8.17 The s42A Report recommends accepting submission *S547.296* and I support that recommendation. I have reviewed the remaining further submission matters in light of recommended amendment to NFL-R6. Provided NFL-R6 amendments are adopted as proposed in the s42A Report I would accept the recommendations in that regard. I would not support the removal of provision for energy network utilities to undertake a level of activity on a permitted basis given the importance to the community of a secure supply of renewable energy and the existing extensive network infrastructure connecting communities on the West Coast.

NFL-R8

*S547.297 (Appendix 1, page 3), S222.0193 (Appendix 1, page 5), S222.088 (Appendix 1, page 3)*

8.18 The s42A Report recommends “*accepting in part*” submission *S547.297* and further submission *S222.0193*, and “*accepting*” *S222.088*. I have reviewed the matters in light of recommended amendments to NFL-R8. Provided NFL-R8 amendments are adopted as proposed in the s42A Report I would accept the recommendations in that regard. I would not support the removal of provision for energy network utilities to undertake a level of activity on a permitted basis given the importance to the community of a secure supply of renewable energy and the existing extensive network infrastructure connecting communities on the West Coast. At the time of writing this evidence I understand that the

proposal, based on the hearing stream for the “*Energy, Infrastructure and Transport*” chapters, is now for additional rules to encompass all of the matters provided for in the original *ENG-R4* (as notified). I am unclear whether the reference to *ENG-R4* in the amendment proposed in the s42A Report is that sought through the Westpower submission, ie. based on the notified *ENG-R4*. If that is the case then amendments to *NFL-R8 (clause 4)* will be required once rule numbering in the “*Energy*” chapter is finalised to encompass all of the relevant rules for electricity network utilities, including *ENG-R4*.

## ***9.2 Activities requiring Resource Consent (pages 94-106 – s42A Report)***

### **NFL-R10**

*S547.300 (Appendix 1, page 3), S222.089 (Appendix 1, pages 7-8)*

8.19 The s42A Report recommends “*accepting in part*” submission *S547.300* and further submission *S222.089*. In reviewing these recommendations I have referred to the proposed amendments to NFL-R10, the most significant being a change from “*controlled*” to “*restricted discretionary*” activity status. In my opinion this is a significant change and whilst I can understand some of the considerations it also raised considerable issues as the rule was not originally drafted to provide for such a category status. I consider that there is some benefit in providing for activities relating to RSI given the role they play in supporting the communities and, in the case of energy, providing access to renewable electricity. There is already a considerable electricity network on the West Coast and the ability to maximise the efficiency of the network will result in wider environmental benefits. At the least I consider that the “*controlled*” activity status should be retained for the maintenance, operation and upgrading of existing network infrastructure. Indeed if the proposal had originally been for a “*restricted discretion*” activity status then further submissions would have been made in terms of wording given the major difference between these two activity types. From an overview of the suite of consent requirements it would appear that this proposal now conflicts with proposed NFL-R12 as both apply to earthworks. I note that clause 1(c) of proposed NFL-R10 refers to “*installation of network utility infrastructure*” however NFL-R6(2)(a) is now proposed to refer to, “*An infrastructure activity undertaken by a network utility operator*”. Presumably, in terms of earthworks, it is not intended that *NFL-R10* applies to installation of network infrastructure and *NFL-R12* applies to all other network



infrastructure activities. I consider that there is a need to rationalise these rules to avoid multiple rules, with different matters of discretion, for the same activities. I note for instance that proposed new matters of discretion (i)-(k) of Rule *NFL-R12* should also be applied to Rule *NFL-R10* if retained as a “*restricted discretionary*” activity.

#### NFL-R12

*S547.303 (Appendix 1, page 9), S547.304 (Appendix 1, page 9), S547.305 (Appendix 1, page 3)*

8.20 The s42A Report recommends rejecting submissions *S547.303* and *S547.304*, and accepting *S547.305*. In reviewing these recommendations I have referred to the proposed amendments to NFL-R12. As noted above there appears to now be a conflict between this rule and that proposed as NFL-R10 (if that were to remain a “*restricted discretion*” activity). Having reviewed the now proposed NFL-R12, and in light of the s42A Report, I accept the proposed outcome as in essence providing for the range of matters sought through the submission. Provided there are no further amendments I would support the rule in the proposed form.

#### NFL-R14

*S547.306 (Appendix 1, page 3)*

8.21 The s42A Report recommends accepting this submission although an amendment is proposed to remove the reference to a “controlled activity”. I have discussed these matters above and this change will depend on the final suite of activity categories in the plan. Other than a resolution on that matter I support the recommendation to retain this rule as proposed.

#### NFL-R15

*S547.307 (Appendix 1, page 3)*

8.22 The s42A Report recommends accepting this submission and the only proposed amendment is the inclusion of its application to “*Mineral Extraction*”. Provided there are no other changes I support the recommendation to retain this rule as proposed.

**10.0 Submissions on Subdivision within Outstanding Natural Landscapes  
Submissions on Rule SUB – R11 (pages 106-109 – s42A Report)**

S547.380 (Appendix 1, page 3), S547.381 (Appendix 1, page 4)

8.23 The s42A Report recommends rejecting S547.380 and accepting S547.381. In terms of S547.381 although different wording is proposed than sought through the submission the intent of the outcome sought is achieved and I therefore support the proposed recommendation in that regard. The s42A Report does not agree that the provision of appropriate easements is an appropriate assessment matter as it is provided for in other standards, *Subdivision Standard S10*. Whilst I note that clause 4 of proposed SUB-R11 requires compliance with all subdivision standards I also noted that Westpower has made submissions to standard *S10* and would want to ensure that appropriate matters were provided for in that regard. That hearing of the relevant matters is yet to be held so I can only reserve further comment in that regard. Provided there are no other changes, and the issue of subdivision standards is resolved, I would support the recommendation to retain this rule as proposed through the s42A Report.

**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)**

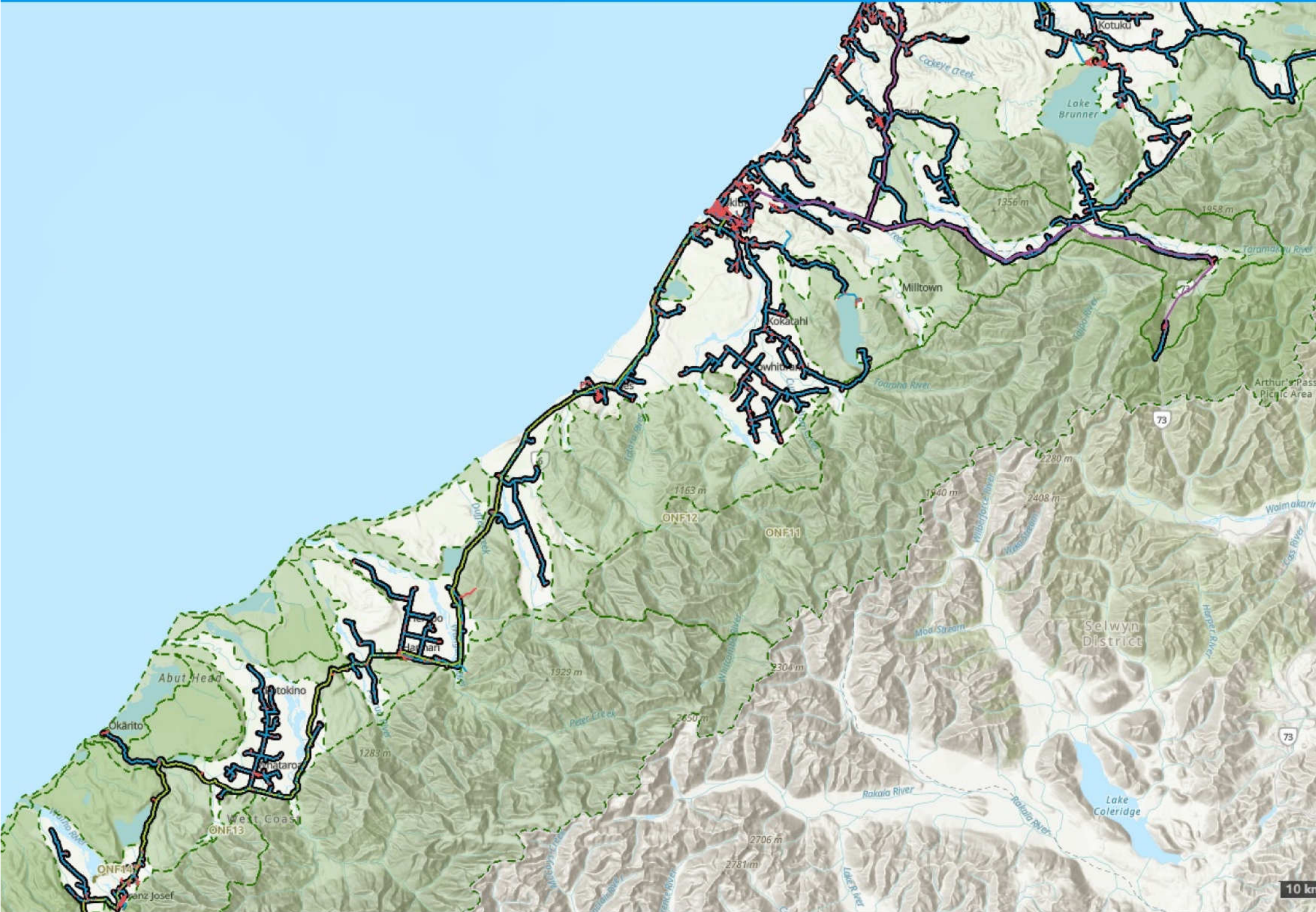
**12 February 2024**

# MAPS

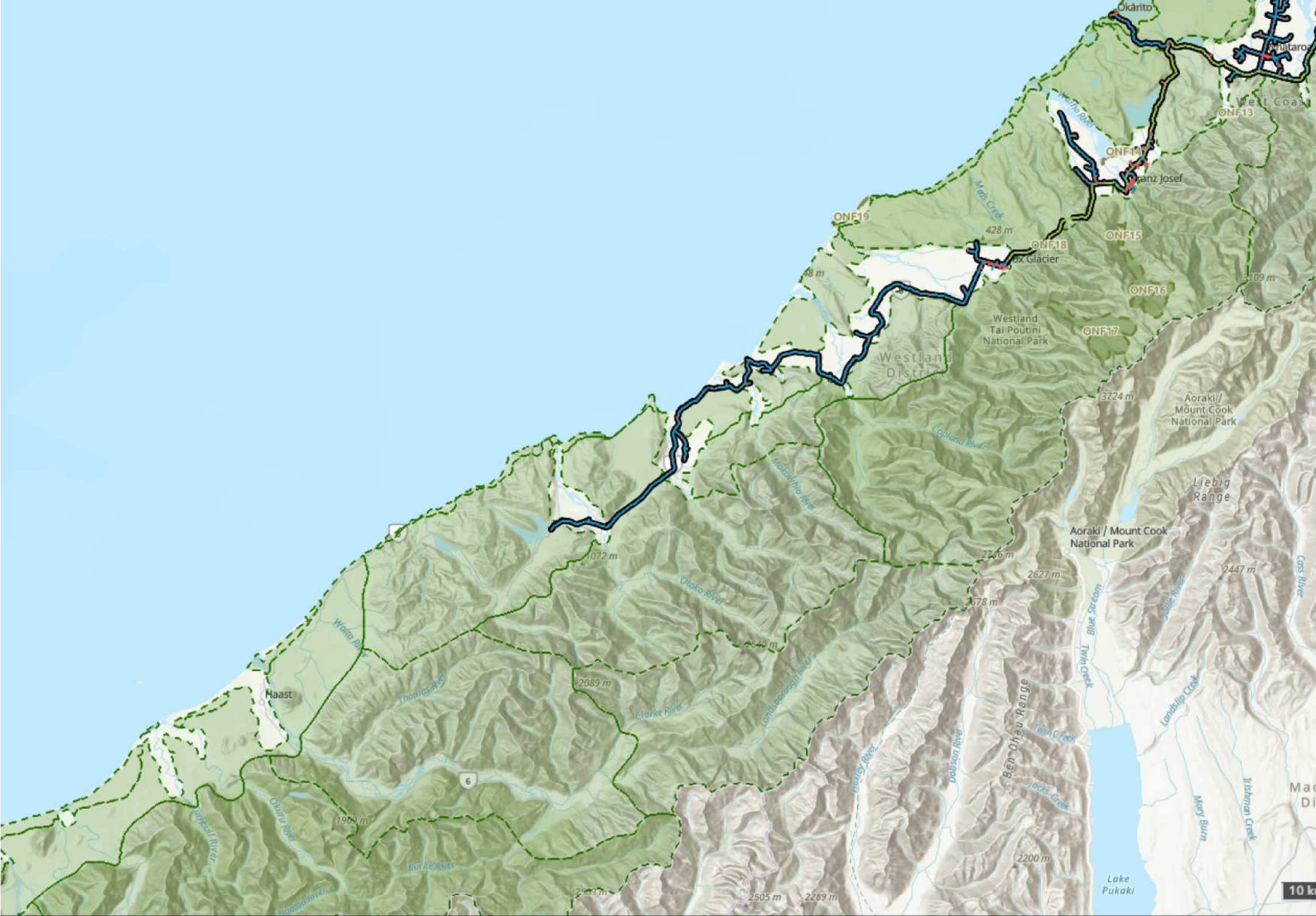
- the location of the existing network throughout the region,
- the location of the outstanding natural features and outstanding natural landscapes overlays (note: the mapping used pre-dates the more recent updates arising from the hearing process).











## Appendix 1: Summary of S42A Recommendations – Natural Features & Landscapes (including Definitions)

### Submissions & Further Submissions Accepted

#### Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.276	Westpower Limited	Natural Features and Landscapes	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
S547.277	Westpower Limited	Overview	Amend	Add: <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 natural features 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.</u>	Accept In Part
S547.278	Westpower Limited	Overview	Amend	Format Natural Environment Values chapters consistently to advise how chapters work together to assist with implementation.	Accept In Part
S547.279	Westpower Limited	Overview	Amend	Consistent with the ECO section, reference the Strategic	Accept In Part

				Objectives and Policies, including amendments arising in this submission above.	
<b>S547.281</b>	Westpower Limited	NFL – P1	Amend	Amend: Allow <del>Provide for</del> activities within ... where <del>they do not</del> <u>adversely affect the</u> <u>adverse effects on the values that together</u> contribute to a natural feature or landscape being outstanding are <u>avoided, remedied or mitigated</u> , and are for;	Accept In Part
<b>S547.282</b>	Westpower Limited	NFL – P1	Amend	Amend item a. Existing ..., energy activities, <u>critical infrastructure</u> , agricultural, ...:	Accept In Part
<b>S547.283</b>	Westpower Limited	NFL – P1	Amend	Amend f. Operation, ...network infrastructure, <u>energy activities and critical infrastructure</u> ;	Accept In Part
<b>S547.285</b>	Westpower Limited	NFL – P2	Amend	Amend NFL P2: "Where <u>practicable</u> , avoid significant adverse effects on the values that <u>together</u> contribute to ... cannot be avoided, ensure that the adverse effects are remedied, mitigated including any <u>proposed offsetting or compensation</u> .	Accept In Part
<b>S547.286</b>	Westpower Limited	NFL – P3	Amend	Amend: Recognise that there are settlements, farms, <u>energy activities</u> and infrastructure, <u>including critical infrastructure</u> , located within outstanding natural landscapes or outstanding natural features and <u>allow</u> new activities and existing uses in these areas where <u>adverse effects</u> on the values that <u>together</u> contribute to the outstanding natural landscape or feature are <u>avoided, remedied or mitigated</u> .	Accept In Part
<b>S547.288</b>	Westpower Limited	NFL – P4	Amend	(1) Amend the first paragraph of P4, "Require that new buildings, structures within outstanding natural features or landscapes <u>avoid, remedy or mitigate</u> any adverse visual effects by;" (2) Amend c. Limiting the prominence or visibility of buildings and structures including by, <u>as far as is practicable</u> ,	Accept In Part



				<p>integrating it into the outstanding natural feature or landscape.</p> <p>(3) Add new  <u>d. Providing for the technical, locational, functional or operational needs of energy activities and infrastructure, including critical infrastructure when implementing items a.-c.</u></p>	
<b>S547.292</b>	Westpower Limited	NFL – P5	Amend	Consider amending j. to remove items i.-iii.	Accept
<b>S547.293</b>	Westpower Limited	NFL – R1	Amend	Amend heading: Maintenance, operation, repair <u>and minor upgrading</u> of ... network utilities, <u>energy activities</u> , renewable electricity ... .	Accept In Part
<b>S547.294</b>	Westpower Limited	NFL – R4	Support	Retain	Accept
<b>S547.295</b>	Westpower Limited	NFL – R5	Amend	Amend 1. the maximum height of any <u>addition or alteration</u> to buildings and ...	Accept
<b>S547.296</b>	Westpower Limited	NFL – R6	Amend	Amend 3. Where activities are located in ... the provisions of the Coastal Environment Chapter apply, <u>and this rule does not apply.</u>	Accept
<b>S547.297</b>	Westpower Limited	NFL – R8	Amend	4. For a network ... (including <u>energy activities</u> and customer connections) in accordance with ... Infrastructure in rule INF-R7 <u>and Energy Activities in Rule ENG-R4</u> ; or	Accept In Part
<b>S547.300</b>	Westpower Limited	NFL – R10	Amend	(1) Amend item c., "c. Installation of ... infrastructure, <u>including energy activities.</u> " (2) Amend item d., "Installation of a ... generation <u>activity</u> ; or". (3) Remove "Discretion is restricted to:" and replace with " <u>Matters of control are:</u> ". (4) Amend advice note 1., "1. For earthworks ... Environment Rules, and <u>this rule does not apply.</u> "	Accept In Part
<b>S547.305</b>	Westpower Limited	NFL – R12	Amend	<u>g. The benefits arising from the proposed activity.</u>	Accept
<b>S547.306</b>	Westpower Limited	NFL – R14	Amend	Retain	Accept In Part
<b>S547.307</b>	Westpower Limited	NFL – R15	Amend	Retain	Accept In Part

S547.381	Westpower Limited	SUB – R11	Amend	Add h. <u>Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities.</u>	Accept
S547.0507	Westpower Limited	Overview	Support In Part	<p>(1) Add a new paragraph to the Overview, <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 natural features 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."</u></p> <p>(2) Format "natural environment values" chapters consistently to advise how chapters work together to assist with implementation.</p> <p>(3) Consistent with the ECO section, reference the Strategic Objectives and Policies, including amendments arising in this submission above.</p>	Accept In Part

**Further Submissions**

<b>Submission Point</b>	<b>Submitter/Further Submitter</b>	<b>Provision</b>	<b>Position</b>	<b>Summary of Decision Requested</b>	<b>Officer Recommendation</b>
<b>S438.097</b>	Manawa Energy Limited (Manawa Energy)	NFL – R8	Support in part	Amend NFL - R8 as follows: Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7; or 5. For a small-scale renewable electricity generation activity <del>with a maximum height above ground level of 5m where:</del> <u>a. The maximum height is 5m above ground level; and</u> <u>b. The gross floor area of any building does not exceed 100m<sup>2</sup>; or</u> 6. For agricultural, pastoral and horticultural activities or any accessory building where: a. The maximum height is 3m above ground level; and b. The gross floor area of any building does not exceed 100m <sup>2</sup>	Accept In Part
<b>FS222.0193</b>	Westpower Limited		Support in part	Allow	Accept In Part
<b>S552.080</b>	Buller Conservation Group	Natural Features and Landscapes	Oppose	Amend NFL chapter: <u>'natural character'</u> in the objectives and policies, and all rules need to refer to protection of it;	Reject
<b>FS222.024</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S552.088</b>	Buller Conservation Group	NFL – R3	Oppose	<u>Require that new buildings, structures within outstanding natural features or landscapes minimise any adverse visual effects by:</u>	Reject

				<ol style="list-style-type: none"> <li>1. <u>Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;</u></li> <li>2. <u>Using naturally occurring building platforms, materials and colour that blends into the landscape; and</u></li> <li>3. <u>Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape</u></li> </ol> <p><u>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></p> <ol style="list-style-type: none"> <li>1. <u>The scale of modification to the landscape;</u></li> <li>2. <u>Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;</u></li> <li>3. <u>Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;</u></li> <li>4. <u>The temporary or permanent nature of any adverse effects;</u></li> <li>5. <u>The functional, technical, operational or locational need of any activity to be sited in the particular location;</u></li> <li>6. <u>Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;</u></li> <li>7. <u>Any positive effects the development has on the identified characteristics and qualities;</u></li> <li>8. <u>Any positive effects at a national, regional and local level;</u></li> <li>9. <u>Any relevant public safety considerations; and</u></li> <li>10. <u>The measures proposed to mitigate the effects on the values and characteristics, including:</u></li> <li>11. <u>The location, design and scale of any buildings or structures, or earthworks;</u></li> <li>12. <u>The intensity of any activity; and</u></li> <li>13. <u>The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.</u></li> </ol>	
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<b>FS222.026</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S552.227</b>	Buller Conservation Group	Natural Features and Landscapes	Oppose	Amend to mention ecosystem services. It is at the landscape level that ecosystem services are maintained or, hopefully, enhanced.	Reject
<b>FS222.025</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S553.080</b>	Frida Inta	Overview	Oppose	Amend NFL chapter: 'natural character' in the objectives and policies, and all rules need to refer to protection of it;	Reject
<b>FS222.0136</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S553.088</b>	Frida Inta	NFL-R3	Oppose	<u>Amend to incorporate Policies 4 &amp; 5</u>	Reject
<b>FS222.0138</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S553.216</b>	Buller Conservation Group	Overview	Amend	Mention ecosystem services. It is at the landscape level that ecosystem services are maintained or, hopefully, enhanced.	Reject
<b>FS222.0137</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S560.233</b>	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	NFL-R3	Oppose	Delete permitted and controlled activities and require restricted discretionary consent.	Reject
<b>FS222.0264</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.095</b>	Department of Conservation	NFL – R8	Oppose	Amend: Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. <del>For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or...</del>	Reject
<b>FS222.088</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.097</b>	Department of Conservation	NFL – R10	Oppose	Amend: Activity Status <del>Controlled</del> <u>Restricted Discretionary</u> Where:	Accept In Part

				<p>1. These are for:</p> <ul style="list-style-type: none"> <li>a. Walking/cycling tracks;</li> <li>b. Roads, farm tracks or fences;</li> <li>c. Installation of network utility infrastructure; or</li> <li>d. Installation of a renewable electricity generation facility; or</li> <li>e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; <u>and</u></li> <li>f. Protection of critical infrastructure from natural hazards; <u>and</u>.</li> </ul> <p>2. <del>Earthworks are the minimum required to undertake the activity...</del>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li><u>1. Any requirements for landscape evaluation;</u></li> <li><u>2. Managing effects on public access and natural character;</u></li> <li><u>3. Effects on the values that make the feature Outstanding;</u></li> <li><u>4. Extent and design of earthworks;</u></li> <li><u>5. Effects on historical, cultural, and biodiversity values;</u></li> <li><u>6. Amenity and visual effects; and</u></li> <li><u>7. Landscape measures.</u></li> </ul> <p>Activity status where compliance not achieved: Discretionary</p>	
FS222.089	Westpower Limited		Oppose	Disallow	Accept In Part

## Submissions & Further Submissions Rejected

### Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.275	Westpower Limited	Natural Features and Landscapes	Amend	Ensure identification of outstanding natural features and landscapes appropriately recognise and provide for the existing energy activities and infrastructure located within them.	Reject

<b>S547.280</b>	Westpower Limited	NFL - O1	Amend	Delete and replace: 1. <u>Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development; and</u> 2. <u>Provide for appropriate subdivision, use and development on, in, or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance social, economic and cultural wellbeing.</u>	Reject
<b>S547.284</b>	Westpower Limited	NFL - P1	Amend	g. Upgrading ... new <u>energy activities</u> and infrastructure, <u>including critical infrastructure and renewable generation activities</u> , where there is a <u>technical, locational, functional or operational</u> constraint or requirement for it to be located in these areas;	Reject
<b>S547.289</b>	Westpower Limited	NFL – P5	Amend	Amend: <u>Avoid, remedy or mitigate</u> <del>Minimise</del> adverse effects on outstanding natural ... for land use or subdivision: ...	Reject
<b>S547.290</b>	Westpower Limited	NFL – P5	Amend	Consider amending items "a.-d." to reflect Policy 3, Chapter 7B, RPS wording.	Reject
<b>S547.291</b>	Westpower Limited	NFL – P5	Amend	Amend: e. The functional, technical, operational or locational <u>constraints or requirements</u> <del>need</del> of any activity needing to be sited in the particular location	Reject
<b>S547.298</b>	Westpower Limited	NFL – R9	Amend	Amend 1. These are to protect Critical Infrastructure, <u>including Energy Activities.</u>	Reject
<b>S547.299</b>	Westpower Limited	NFL – R9	Amend	Amend 2. These will not ... the values which <u>together</u> make it Outstanding.	Reject
<b>S547.303</b>	Westpower Limited	NFL – R12	Amend	Amend 3.a. <u>Energy activities and infrastructure, including critical infrastructure.</u>	Reject
<b>S547.304</b>	Westpower Limited	NFL – R12	Amend	Add f. <u>The technical, locational, functional or operational constraints or requirements of energy activities and</u>	Reject

				<u>infrastructure, including critical infrastructure and renewable energy generation activities.</u>	
<b>S547.380</b>	Westpower Limited	SUB – R11	Amend	Add <u>g. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.</u>	Reject

***Further Submissions***

<b>Submission Point</b>	<b>Submitter/Further Submitter</b>	<b>Provision</b>	<b>Position</b>	<b>Summary of Decision Requested</b>	<b>Officer Recommendation</b>
<b>S438.086</b>	Manawa Energy Limited (Manawa Energy)	Natural Features and Landscapes Policies	Amend	<p>Add a new policy NFL - P1 as follows: Identify the District's landscapes by:</p> <ul style="list-style-type: none"> <li>a. assessing the values and characteristics of the landscapes according to the following criteria: <ul style="list-style-type: none"> <li>i. biophysical (abiotic, biotic); and</li> <li>ii. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and</li> <li>iii. associative (shared and recognised values, mana whenua values, historic heritage associations); and</li> </ul> </li> <li>b. identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, or Outstanding Natural Landscapes; and</li> <li>c. describing the values and characteristics of each Outstanding Natural Feature, or Outstanding Natural Landscape within Schedules Five and Six.</li> </ul> <p>Amend the Plan by consequentially renumbering Plan provisions and making any other necessary to related changes to give effect to the relief sought.</p>	Reject
<b>FS222.0191</b>	Westpower Limited		Support in part	Not stated	Reject
<b>S438.096</b>	Manawa Energy Limited (Manawa Energy)	NFL-R6	Support in part	<p>Amend NFL - R6 as follows: Activity Status Permitted Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards for Earthworks Rule EW - R1 are</li> </ol>	Reject



				<p>complied with; and</p> <p>2. This is ancillary to:</p> <p>a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or</p> <p>b. <del>Any renewable electricity generation activity or energy activity undertaken by a network work utility operator</del> in accordance with the Permitted Activity standards in Energy Rule ENG - R14; <del>or</del></p> <p>3. For other earthworks (<u>beyond those provided for in clause 1 and 2 above</u>), the following standards are complied with:</p> <p>a) The cut height or fill depth does not exceed one metre vertically;</p> <p>b) No more than 500m<sup>3</sup> of earthworks are undertaken/12 month period/site; and</p> <p>c) The earthworks are undertaken outside of the Coastal Environment</p>	
<b>FS222.0192</b>	Westpower Limited		Support in part	Not stated	Reject
<b>S602.092</b>	Department of Conservation	NFL – R3	Oppose	<p>Amend:</p> <p>Activity Status <del>Permitted</del> <u>Restricted Discretionary</u></p> <p>Where: <del>1. The natural hazard mitigation activities are to protect critical infrastructure; 2. The natural hazard mitigation activities are undertaken by a statutory agency or their nominated contractor; and</del></p> <p>3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six. <u>Discretion is restricted to:</u></p> <p><u>1. Any requirements for landscape evaluation;</u></p> <p><u>2. Managing effects on public access and natural character;</u></p> <p><u>3. Effects on the values that make the feature Outstanding;</u></p> <p><u>4. Extent and design of earthworks;</u></p> <p><u>5. Effects on historical, cultural, and biodiversity values;</u></p>	Accept In Part

				<p>6. <u>Amenity and visual effects;</u>  7. <u>Alternative methods to avoid or mitigate the identified hazard risks and</u>  8. <u>Landscape measures.</u></p> <p>Advice Notes: ...</p>	
<b>FS222.086</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S602.094</b>	Department of Conservation	NFL – R6	Oppose	<p>Amend: Activity Status Permitted  Where:</p> <ol style="list-style-type: none"> <li><del>1. All performance standards for Earthworks Rule EW – R1 are complied with; and</del></li> <li><del>2. This is ancillary to: <ol style="list-style-type: none"> <li><del>a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or</del></li> <li><del>b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;</del></li> </ol> </del></li> <li><del>3. For other earthworks, the following standards are complied with: <ol style="list-style-type: none"> <li>a. The cut height or fill depth does not exceed one metre vertically;</li> <li>b. No more than 5200m<sup>3</sup> of earthworks are undertaken/12 month period/site;</li> </ol> </del></li> </ol>	Accept In Part
<b>FS222.087</b>	Westpower Limited		Oppose	Disallow	Reject