

BEFORE THE TE TAI POUTINI PLAN JOINT COMMITTEE

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Te Tai Poutini Plan in
regard to Indigenous Biodiversity

Statement of evidence of **CHRIS HORNE** on behalf of Chorus New Zealand Limited, Spark
New Zealand Trading Limited, One New Zealand Group Limited and Fortysouth

(Submitter s663)

26 July 2024

INCITE
Resource and Environmental Management
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Statement of Professional Qualifications and Experience

1. My name is Chris Horne. I am a principal planner and director of the resource and environmental management consulting company Incite (Auckland) Limited.
2. My relevant experience and qualifications, and statement on the *Code of Conduct for Expert Witnesses 2023* contained in the Environment Court Practice Note, are set out in my statement of evidence in relation to Energy, Infrastructure and Transport, dated 27 October 2023.

Evidence Outline

3. This statement of evidence only addresses two rules ECO-R1 and ECO-R2 relating to clearance of indigenous vegetation inside and outside of the Coastal Environment, and only in relation to areas outside scheduled Significant Natural Areas (SNAs).
4. The submission on ECO-R1 sought an amendment to the rule relating to clearance of indigenous vegetation outside of the Coastal Environment. The s42A report recommends amendments to the rule which I generally support in regard to indigenous vegetation clearance.
5. The submission on ECO-R2 relating to clearance of indigenous vegetation inside the Coastal Environment supported the rule as notified. The s42A report recommends amendments which place more restrictions on new network utility infrastructure compared to the notified rule which in my view is inconsistent with other activities provided for such as clearance for house sites. I recommend amendments to ensure a practical framework for necessary infrastructure in Coastal Environment locations.

Rule ECO-R1/R1A

Submission S663.044

6. Rule ECO-R1 is a permitted activity rule for indigenous vegetation clearance and disturbance outside the Coastal Environment. The submission sought the following relief:

Amend ECO-R1(3)(ii) as follows:ii.
The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, ~~critical infrastructure, network utilities,~~ renewable electricity generation activities or natural hazard mitigation activities; xx. The operation, maintenance, repair, upgrading and installation of new network utility infrastructure;

7. The reasoning given in the submission was that in in regard to indigenous vegetation clearance, ECO-R1(3)(ii) provides for the operation, maintenance and repair of critical infrastructure outside of the Coastal Environment, whereas ECO-R2(1)(ii) provides for operation, maintenance, repair, upgrading and installation of new network utility infrastructure in the Coastal Environment. It was requested that the scope of the rule in ECO-R1 be made consistent with ECO-R2.
8. In my opinion it is appropriate to enable some indigenous vegetation clearance outside the Coastal Environment for upgrading and new infrastructure, given that this may be required for functional and operational reasons in existing vegetated areas to serve West Coast communities.
9. The s42A report supports this submission in part¹. The s42A report has been prepared and various permitted activity allowances recommended in the context of giving effect to the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), including Policy 8 which requires the importance of maintaining indigenous biodiversity outside of SNAs to be recognised and provided for.
10. In the s42A report recommendations, ECO-R1 is now split into 2 rules (R1 and R1A) due to the differences in work that was been undertaken on assessment of SNAs in the different territorial authorities). From my reading of the relief recommended. ECO-R1 (Buller and Westland District) would allow for up to 2000m² of clearance outside of SNAs and ONLs) over any continuous 3-year period on a site where no SNA assessment has been undertaken (ECO-R1(3)). Some listed activities but not new infrastructure) are permitted to remove up to 5000m². In my experience

clearance for telecommunications works is quite minor (more in the order of say 20m² to accommodate the equipment footprint, plus possibly some access track work). Therefore, I anticipate that the recommended clearance threshold is workable provided there is no substantive clearing for other activities on the same site.

11. ECO-R1A covers Grey District. Under this rule the permitted clearance allowance outside SNAs appears to be unlimited outside of Outstanding Natural Landscapes (ONLs) and up to 5000m² in an ONL for various activities including:

viii. For construction, operation, repair or upgrade of an above ground or below ground network utility or the national grid where:

- a. The construction corridor does not exceed 3m in width; and
- b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and
- c. Rehabilitation of disturbed areas is undertaken following the completion of construction; or

12. Whilst pragmatically it may be relatively onerous to demonstrate compliance on a large site with multiple activities, the overall allowance appears to be workable for typical telecommunications works which would not typically require a large extent of vegetation clearance.
13. On the assumption I have correctly interpreted these recommended provisions – as they are quite lengthy, I support the intent of the permitted allowances for networks utilities insofar as they may apply to telecommunications networks.
14. From a pragmatic/efficiency perspective, the Commissioners could consider a permitted allowance for minor works (for say 20m²), where there is no need to undertake an assessment of the cumulative total clearance on a site over a 3-year period.

Requested Relief

15. Adopt the permitted vegetation clearance allowance in ECO-R1 and ECO-R1A for network utilities recommended in the s42A report. Retain equivalent outcomes for telecommunications should the provisions be redrafted.

¹ Para 430 s42A report.

16. Consider providing for minor clearance of up to 20m² for network utilities as a permitted activity without reference to overall site cumulative clearance provisions.

Rule ECO-R2

Submission S663.045

17. Rule ECO-R2 is a permitted activity rule for indigenous vegetation clearance in the Coastal Environment. The submission sought retention of Rule ECO-R2 as notified.
18. Whilst the Coastal Environment as mapped in the Proposed Plan is a relatively narrow area along the coastal edge, much of the settlement pattern of the West Coast is in and around these areas where communities need to be served by infrastructure (see Figure 1). I understand from the Telecommunications Companies that there is likely to be a need to construct additional network to support communities and people in the Coastal Environment inside an outside urban environments in the future.

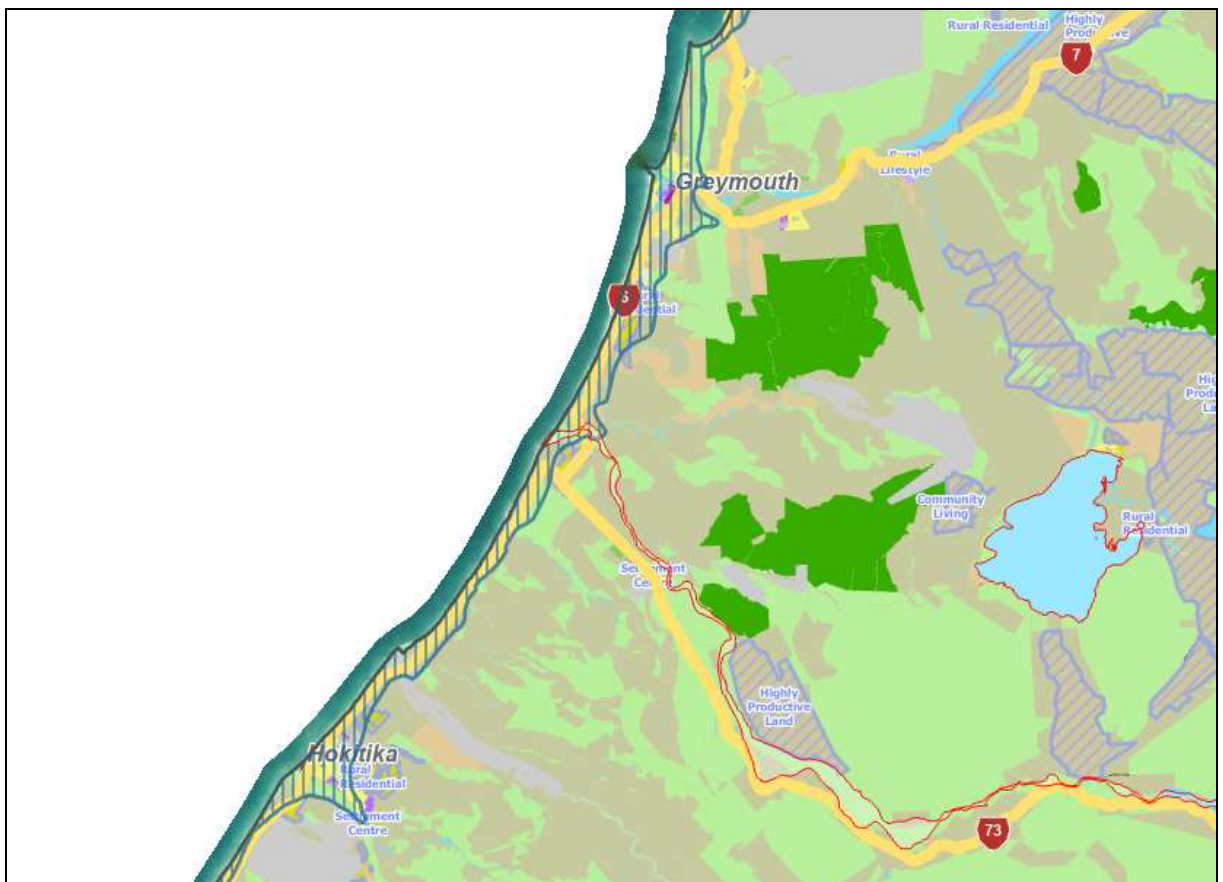


Figure 1: Coastal Environment (Blue Hatch) Hokitika to Greymouth

19. In my opinion Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) provides scope to allow for some clearance of indigenous vegetation in the Coastal Environment where it does fall under Policy 11(a) criteria where in which case adverse effects must be avoided. Rule ECO R2 already has an exception for scheduled SNAs which enables Policy 11 of the NZCPS to be applied to more high value indigenous biodiversity including vegetation. Outside of SNAs, Policy 8 of the NPS-IB also does not take an avoid approach with the focus on the importance of maintaining indigenous biodiversity values outside of SNAs.

20. As notified, the rule provided for operation, maintenance, repair, upgrading and installation of network utility infrastructure (up to 500m² per site in any 3-year period) as a permitted activity under ECO-R2(1)(ii).

21. There is no specific analysis of the submission point on the s42A report I could identify in regard to this particular submission. However, the recommendation is to amend the rule with the effect that installing new infrastructure is removed from the permitted allowance, with only operation, maintenance, repair or upgrade now provided for as follows:

ECO - R2

Indigenous Vegetation Clearance in the Coastal Environment

Activity Status Permitted

Where:

1. ~~This is for:~~
 - i. ~~Walking/cycling tracks, roads, farm tracks or fences;~~
 - ii. ~~Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or~~
 - iii. ~~Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site~~
4. ~~The indigenous vegetation clearance does not occur in any area identified as a Significant Natural Area in Schedule Four; and~~
2. The extent of indigenous vegetation disturbed and/or cleared per site does not exceed an area of 500m² in area per site in any three year period; and
3. ~~The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and~~
4. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and
5. The indigenous vegetation clearance is for the following purposes:

.....

v. For the operation, maintenance, repair or upgrade of network utility infrastructure, renewable energy generation or the national grid; or

.....

ix. It is for the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; or

x. The clearance is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport

22. I am unclear if this is an intentional change, but in my view network utility infrastructure supporting communities that may have a functional or operational need to be in a particular location should have a permitted allowance when activities such as building sites for houses do (noting these have been recommended in the s42A report for outside SNAs under the framework of the NPS-IB). I acknowledge that urban zones in specified settlements/towns are excluded in clause (x). In my view formed roads (in all locations) should also be exempt in acknowledgment that these are infrastructure corridors, and that the vegetation removal for telecommunications facilities is likely to be significantly less than the quantum required for a new house.

23. As with ECO-R1/R1A from a pragmatic/efficiency perspective, the Commissioners could consider a permitted allowance for minor works (for say 20m²), where there is no need to undertake an assessment of the cumulative total removal on a site over a 3-year period.

Requested Relief

24. Amend the s42A report recommended version of ECO-R2 - Clause 5, as follows:

5. *The indigenous vegetation clearance is for the following purposes:*

(v) *for the operation, maintenance, repair ~~or~~, upgrade, or construction of network utility infrastructure, renewable energy generation or the national grid; or*

.....

(xi) the clearance is undertaken in a formed road reserve.

25. Consider providing for minor clearance of up to 20m² for network utilities as a permitted activity without reference to overall site cumulative clearance provisions.