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	16 July 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:

Special Purpose Zones

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:

- Special Purpose Zones

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 33 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.

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

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

3.5 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. 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 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 submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions, and those points of submission remain. There are some issues arising with submission points and these are discussed below.

4.5 This evidence is therefore submitted for two purposes;

- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
- To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments. In terms of this hearing the topics covered are;
  - Special Purpose Zones

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

5.0 CONCLUSION

5.1 Whilst there is some agreement on the outcomes arising from the submissions there are points that in my opinion require further consideration and inclusion in the TTPP.

5.2 Rather than summarise the range of matters here Sections 7 and 8 below discuss those matters where submission points have been either "*accepted in part*" 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 supported (*Section 7.0*)
b. Amendments Required (*Section 8.0*)
c. Part II of the Resource Management Act 1991 (*Section 9.0*)

6.2 To assist with this evidence, a summary of the s42A Report recommendations is attached as Appendix 1 below. The appendix will be referred to where required for ease of cross reference rather than repetition of information.

7.0 RECOMMENDATIONS ON 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 the recommendation to accept in part a submission regarding "critical infrastructure, including energy activities" is generally supported. Westpower have also sought my advice regarding that recommendation. For clarity the recommendation is shown in Appendix 1 (page 1) attached to this evidence, as "*submissions accepted*".

Submissions "Accepted in Part" – Critical Infrastructure

7.2 I note that submission *S547.382* is recommended to be "*accepted in part*" although on reviewing the s42 Report (*paragraph 142, page 51, and the recommended amended provision SUB – R12(j), page 53*) the proposed amendment is the addition of the term "*regionally significant infrastructure*". Whilst this is not the outcome sought in the submission I agree that, provided the term is adopted as now proposed through the pTTPP hearing process and as set out in the RPS, this would achieve the outcome sought. I am aware, however, that there is no decision as yet regarding the insertion of the RSI term. Should it be determined through the hearing process not to insert that term then the amendment sought in the submission, as set out in the attached Appendix 1, should be made, ie.

Amend j. Management of potential ..., including network utilities and critical infrastructure (including energy activities), rural ...

8.0 AMENDMENTS REQUIRED

8.1 There is another matter which requires further amendment in regard to the current pTTPP document and as raised in the s42A Report.

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.

7.4 Submissions on the FUZ Rules including SUB-R12 (pages 35-55 – s42A Report)

S547.383 (Appendix 1, page 1)

8.3 The s42A Report recommends, at paragraph 143, rejecting the submission on the basis that the "*matter is adequately dealt with in standard SUB-S10 which is a compliance requirement in the rule*". While I understand the point being made that *SUB-R12(1)* requires compliance with all subdivision standards in

order to be a restricted discretionary activity I also note that discretion is then restricted to recommended matters (a) to (m) which do not include consideration of easements. As the discretion is restricted I do consider that there is benefit in including provision of easements as a matter of discretion to ensure that there is no debate as to how far the Councils can take consideration of such matters, or imposing conditions. I do not consider that the outcome sought in the submission adds additional regulation or changes the outcome sought in the pTTPP but ensures that the matter is adequately provided for in assessing proposals and imposing conditions in this regard. In my opinion a new (n) should be added, based on the revised *(a)-(m)* in the s42A Report (*pages 52-53*), ie.

Add new ***n. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.***

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)

14 June 2024

Appendix 1: Summary of S42A Recommendations – Special Purpose Zones

Submissions Accepted

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.382	Westpower Limited	SUB-R12	Amend	Amend j. Management of potential ..., including network utilities and critical infrastructure (including energy activities), rural ...	Accept in part

Submissions Rejected

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.383	Westpower Limited	SUB-R12	Amend	Add k. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.	Reject