

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 30 October 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:

Coastal Environment

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:
 - Coastal Environment

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.
- 3.4 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 amendment.
- 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 coastal environment, including;
 - outstanding natural character,
 - outstanding natural landscape,
 - outstanding natural features,
 - high natural character
- (note: the coastal environment and values mapping used predates the more recent updates (pTTPP GIS Amendments - August 2024)).

New Zealand Coastal Policy Statement (NZCPS)

- 4.8 The s42A Report at *section 4.2* (paragraphs 33-39, pages 13-14) provides an overview of the *NZCPS* and various provisions relevant to the development and implementation of the *TTPP*. Whilst I accept this is a summary of various relevant provisions I note that there is no reference to provisions relating to use and development, or the need to locate within or through, the coastal environment (eg. *Objective 6, Policies 1 and 6* amongst others). Whilst I accept

the s42A Report does not intend to provide an exhaustive list I do consider it is relevant to recognise the range of matters provided for in the *NZCPS*.

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 Sections 7 and 8 comments regarding submissions “*accepted in part*” by the s42A Report.

6.0 STRUCTURE OF EVIDENCE

6.1 To assist with this evidence the following sections are provided;

- a. Recommendations on Submissions and Further Submissions supported *(Section 7.0)*
- b. Amendments Required *(Section 8.0)*
- c. S32 Analysis *(Section 9.0)*
- d. Part II of the Resource Management Act 1991 *(Section 10.0)*

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 the matters in agreement 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 generally shown in Appendix 1 (pages 1-17) attached to this evidence, as submissions and further submissions “*accepted*”. Where an issue has arisen through reviewing the report and recommendations these are discussed in section 8 below.

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.

6.0 Submissions on Definitions (pages 16-18 – s42A Report)

S547.012 (Appendix 1, page 1), S547.013 (Appendix 1, page 1), S547.014 (Appendix 1, page 1), FS222.0212 (Appendix 1, pages 4-5)

8.3 The s42A Report recommends “*accepting in part*” *S547.012* and *S547.013* and “*accepting*” *S547.014* and *FS222.0212*. All of the submission points relate to the delineation of “*urban areas*” and their exclusion from the coastal environment provisions. It is now proposed to remove the term “general coastal environment Area, and delineate “*urban areas*” and exclude those from provisions. In the basis of the outcomes proposed in the s42A Report I generally accept the recommendations. I have some concern regarding the proposed mapping of urban areas and will discuss that in terms of Section 15 of the s42A Report below.

7.0 Submissions on the Coastal Environment Chapter as a Whole and the Overview (pages 18-21 – s42A Report)

S547.0509 (Appendix 1, pages 1-2), S547.404 (Appendix 1, page 1), S547.405 (Appendix 1, page 1), FS222.0276 (Appendix 1, page 21)

8.4 The s42A Report recommends “*accepting*” submission *S547.404-405*, accepting in part submission *S547.0509* and rejecting further submission *FS222.0276*. I have reviewed the s42A Report and accompanying Appendices 1 and 3. It is important to note that as summarised submissions *S547404-405* are essentially a subset of *S547.0509*. I note that submission *S547.0509* was for the reason,

Westpower is concerned that assessment and mapping of outstanding natural landscapes, features and character (including high natural character) has failed to adequately recognise and provide for existing energy activities and infrastructure within those areas for the benefits of the community. A lack of adequate recognition and provision for these activities impacts the community in accessing and using renewable energy generation and therefore has wider effects on the environment. The fact that such areas can be identified as meeting an outstanding or high designation with such activities in place indicates that such activities can occur in these areas whilst retaining values and this has not been appropriately recognised.

The s42A Report supports the submission but considers that existing infrastructure has been identified and provided for. I have discussed matters related to provisions in the following paragraphs, including my concerns regarding the potential impacts on servicing communities on the West Coast both now and in to the future. However these submissions are also related to identification and mapping of “*outstanding natural features, landscapes and character (including high natural character)*” and ensuring activities and infrastructure are recognised in such assessments. I have discussed these matters at paragraph 8.47 below in relation to overlays and mapping of high and outstanding natural character and my concerns in regard to those matters. Whilst other submissions are discussed, including in the review at Appendix 3 to the s42A Report, none of the submissions of Westpower are included and there is no discussion regarding infrastructure and energy activities. These matters require resolution to ensure a full consideration of the matter.

7.2 Submissions on the Overview (pages 21-25 – s42A Report)

S547.406 (Appendix 1, page 2), S547.407 (Appendix 1, page 2), FS222.0278 (Appendix 1, page 5)

8.5 The s42A Report recommends “*accepting in part*” the submissions and further submission. I have reviewed the analysis in the s42A Report and note there is a difference between the recommendations at paragraph 78 of the s42A Report and the amendments shown in Appendix 1 to the s42A Report. Provided the outcomes are as shown in the revised wording in Appendix 1 to the s42A Report I would agree with those recommendations.

8.0 Submissions on the Objectives (page 26-38, s42A Report)

8.2 Submissions on Objective CE – O1 (pages 26-30 – s42A Report)

S547.408 (Appendix 1, pages 17-18), S547.409 (Appendix 1, page 18)

8.6 The s42A Report recommends “*rejecting*” these submissions on the grounds that it is related to Westpower submissions to include “*indigenous biodiversity*” matters in the “*coastal environment chapter*” rather than the “*ecosystems and*

biodiversity chapter". In my opinion there is value in having relevant matters in the same chapter and have discussed this in my evidence to the "*ecosystems and biodiversity*" hearing stream. However I note that the submissions of Westpower were related to giving effect to higher order documents and accurately reflecting the provisions of both the RPS and NZCPS. These matters were extensively addressed through the development of the RPS (ie *Chapter 9, Objective 1*) and I do not consider that the proposed provisions seek to define/refine any matters at a local scale, ie there are no differences between districts. In my opinion it is appropriate to make the amendments sought through the Westpower submission as they more accurately give effect to the relevant provisions of these documents and provide clear outcomes for "*inappropriate activities*" and "*appropriate activities*". Amend CE-O1,

"To;

a) Protect indigenous biological diversity;

b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and

c) Protect natural features and natural landscapes from inappropriate subdivision, use and development."

and add a new CE-O1A,

"CE-10A Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social and cultural wellbeing."

8.3 Submissions on Objective CE – O3 (pages 31-38 – s42A Report)

S547.410 (Appendix 1, pages 2-3)

8.7 The s42A Report recommends "*accepting in part*" the submission. As I understand it the component of the submission accepted is that "*technical, locational, functional and operational*" needs are provided for through amendment to the objective to refer to both "*functional and operational*" need. This wording is on the basis that those terms are defined in the national planning standards and together include all of these matters. Whilst I consider that wording should be consistent with the RPS I can accept such an amendment provided it is considered that it provides for all of those matters. The s42A Report did not agree with an amendment regarding managing adverse effects on a range of matters on the basis that neither the RPS nor the NZCPS included direction is to "*manage*" adverse effects, rather preferring "*minimisation*". I note, for example, that *Policy 1* of the RPS, which was developed to give effect to the NZCPS requires the "*avoidance*" of certain effects and the "*avoidance, remedy or mitigation*" of other effects. I consider all of those to be management

of effects rather than “*minimisation*”. I further note that proposed policies include reference to both “*avoidance, remedy or mitigation*” and “*minimisation*”. Regardless of the final wording of the policies in my opinion the correct outcome is the “*management of adverse effects*” and the objective should reflect that. Amend CE-O3,

To provide for activities which have a functional need or operational need to locate in the coastal environment ~~in such a way~~ while ensuring that the impacts managing adverse effects on natural character, landscape, natural features, access and biodiversity values are minimised.

9.0 Submissions on the Policies (pages 38-71 – s42A Report)

9.1 Submissions on the Policies as a Whole (pages 38-41, s42A Report)

S547.411 (Appendix 1, page 18), FS222.0279 (Appendix 1, page 5), FS222.0280 (Appendix 1, page 5)

8.8 The appendices to the s42A Report recommends “*rejecting*” the submission and “*accepting*” the further submissions. Having reviewed the analysis in the s42A Report (paragraphs 112-113) it appears that the submission is “*accepted*”, at least in part. I accept that amendments are proposed to various policies to provide for the outcomes sought in the submission. I will comment on the actual detail of these matters in terms of the policies discussed below.

9.2 Submissions on Policy CE – P1 (pages 41-44 – s42A Report)

S547.412 (Appendix 1, page 3)

8.9 The s42A Report recommends “*accepting in part*” the submission although does not consider that an amendment to provide for “*energy activities*” or “*critical infrastructure*” is required. The intent of the submission was to ensure that variations in defined terms was provided for which has now be superseded by the proposed reference to “*regionally significant infrastructure*”. I would accept an amendment to include that term as I understand the terms “*infrastructure*” and “*regionally significant infrastructure*” contain different activities. The s42A Report recommends an information layer showing the extent of the Westpower network in the coastal area. Whilst there is value in providing that information, and I understand that Westpower is agreeable to providing the information, it is important that it informs the values assessments undertaken and resulting provisions. In my opinion, whilst not being a landscape expert, the network were not appropriately recognised and provided for in values assessments. It is unclear how it is proposed that mapping will be incorporated in to the values assessments. I note that the peer review appended

to the s42A Report is silent on infrastructure matters or the submissions of Westpower in regard to how its infrastructure and assets were recognised in the assessments, particularly those outstanding values in the coastal area. It is unclear whether the layer containing the network will be able to be updated by Westpower to ensure any changes are provided for. Amend *CE-P1(h)* to also refer to “regionally significant infrastructure”, *ie.*

h. The built environment and infrastructure, including regionally significant infrastructure, which have modified the coastal environment.

9.3 Submissions on Policy CE – P2 (pages 45-46 – s42A Report)

S547.415 (Appendix 1, page 3), FS222.0281 (Appendix 1, page 5), FS222.0282 (Appendix 1, pages 5-6)

8.10 The s42A Report recommends “*accepting*” further submission *FS222.0282* and “*accepting in part*” submission *S547.415* and *FS222.0281*. I have reviewed the amendment shown in Appendix 1 to the s42A Report and agree that it captures the outcome sought in the Westpower submission. No changes are proposed in regard to *S560.281* (to which *FS222.0281* relates) and I agree with that outcome. I note that the S42A Report invites further information at the hearing and accordingly this outcome may change. It is not possible to comment without knowing what information is provided and whether there is a change in recommendation from the Reporting Officer. In terms of *FS222.0282* the S42A Report whilst recommending this is “*accepted*” then recommends that the outcome is a change to *ECO-R5*, which is in the *Ecosystems and Biodiversity Chapter (the ECO chapter)* and for which evidence has been filed but no hearing held as yet. As per my evidence to both this chapter and the *ECO* chapter (including in relation to *ECO-R5*) I believe this illustrates the issues with separating matters from the relevant topic. I do have a concern that limited parties (6) submitted to this Policy the outcome of which now potentially changes a Rule (*ECO-R5*) in another chapter to which a larger number (approximately 30-32) made submissions but for which the submission of evidence has now closed.

9.4 Submissions on Policy CE – P3 (pages 47-52 – s42A Report)

S547.416 (Appendix 1, page 18)

8.11 The s42A Report recommends “*rejecting*” this submission on the basis that *Chapter 9 - Coastal Environment* of the RPS does not provide consideration of any activities other than the national grid within areas of outstanding or high

coastal values. The s42A Report (paragraph 147) states, “*There is no reference in the WCRPS policy direction providing for any other activity, or for those with a functional and/or operational need within these outstanding areas. Policy 3 does include a reference to functional or operational requirements within the wider coastal environment. Policy 4 provides specifically for renewable energy generation within the wider coastal environment*”. I disagree that the RPS does not provide for other “*regionally significant infrastructure*” in these areas, and further note that the RPS provisions were developed to provide for the requirements of both the NZCPS and the needs of the community in respect to RSI. I note that the NZCPS Policy 1 *Extent and characteristics of the coastal environment provides relevant to this matter,*

- (1) *Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
- (2) *Recognise that the coastal environment includes: ...*
 - (i) *physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

8.12 With specific reference to both RPS Policies 3 and 4, the reference is to the “*coastal environment*”. The explanation to Policy 3 (RPS, page 43) advises that,

Policy 3 gives effect to Policies 6, 7, 8 and 9 of the NZCPS to recognise that the provision of certain activities in the coastal environment is important to the social, economic and cultural wellbeing of West Coast people. The NZCPS does not preclude appropriate use and development in the coastal environment, including in areas with significant, high or outstanding indigenous biological diversity, natural character and natural features and landscapes provided that potential adverse effects are appropriately managed. ...

The explanation to Policy 4 (RPS, page 43) simply refers to the “*coastal environment*”. The RPS (page 55) further defines the term as,

Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character.

8.13 Further, with reference to regionally significant infrastructure, I note that the RPS (Chapter 9, *Background To the Issues*, page 40) advises that,

The provisions of Chapter 6 Regionally Significant Infrastructure (RSI) also need to be considered for electricity and other RSI in the coastal environment.

The RPS (Chapter 6 RSI) seeks at Objective 1 (page 21) to,

1. *Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure.*

To achieve the outcome the RPS sets a range of policies, including the following which are relevant to the issues arising in regard to proposed CE-P3,

3. *When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
6. *Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment.*

To assist further the *RPS* (Chapter 9, page 44) provides guidance in regard to the “*Application Of Provisions Across The RPS*”,

The objectives and policies in this chapter of the RPS must be read together with Chapter 3 and other relevant chapters, including Chapter 6, which set out the direction for the sustainable management of natural and physical resources in more specific contexts.

8.14 In my opinion the *RPS* recognises that such activities are required, and indeed are already, located within these areas and the *pTTPP* and s42A Report does not adequately recognise that situation or achieve the policies and objectives in the *RPS*. I note that in the absence of this policy there is no policy for RSI, other than the national grid, in these areas. I note that further the word “*only*” was sought to be deleted through the submission of Westpower and the s42A Report is silent on that matter. In my opinion the amendments sought by Westpower should be made although as they specifically relate to electricity activities and infrastructure. I would accept that, given the wider discussion arising through the *pTTPP* hearings process, reference could be to *RSI* (although I note the Westpower submission was specifically related to *energy activities* and energy aspects of *infrastructure* and *critical infrastructure*) and associated *functional and operational needs*,

Only a Allow new subdivision ...

(e) *It is National Grid infrastructure **or other regionally significant electricity distribution and renewable electricity generation infrastructure, activities and networks** that has ~~ave~~ a functional or operational need to ~~have~~ **be undertaken** in these areas.*

or

Only a Allow new subdivision ...

(e) *It is National Grid infrastructure **or other regionally significant infrastructure** that has a functional or operational need to ~~have~~ **be undertaken** in these areas.*

9.5 Submissions on Policy CE – P4 (pages 52-56 – s42A Report)

S547.417 (Appendix 1, page 18)

8.15 The s42A Report recommends “*rejecting*” this submission. I have reviewed the Westpower submission and can find no submission point in relation to *CE-P4*, presumably this is because it relates to primary production activities.

9.6 Submissions on Policy CE – P5 (pages 56-61 – s42A Report)

S547.418 (Appendix 1, page 18), S547.419 (Appendix 1, page 3), S547.420 (Appendix 1, page 18), S547.421 (Appendix 1, pages 18-19), FS222.094 (Appendix 1, page 6)

8.16 The s42A Report recommends “*accepting*” submission S547.419, “*rejecting*” submissions S547.418 and S547.420-421, and “*accepting in part*” further submission FS222.094. I have reviewed the analysis of submissions and recommended amendments to this policy and provided the policy is amended as shown in Appendix 1 to the s42A Report I would agree with those outcomes.

9.7 Submissions on Policy CE – P6 (pages 61-68 – s42A Report)

S547.422 (Appendix 1, page 3), S547.423 (Appendix 1, page 3), S547.424 (Appendix 1, page 19), S547.425 (Appendix 1, page 19), S547.426 (Appendix 1, page 3), FS222.0283 (Appendix 1, pages 6-7), FS222.095 (Appendix 1, pages 7-8)

8.17 The s42A Report recommends “*accepting*” submissions S547.423 and S547.426, “*accepting in part*” submission S547.422 and further submission FS222.095, and “*rejecting*” submissions S547.424-425. I have reviewed the analysis and the recommended amendments in Appendix 1 to the s42A Report and generally agree with the outcomes proposed. This is with the exception of the recommendation regarding S547.425 in relation to proposed clause *c(iv)* and a requirement to avoid encroachment. As I understand the clause it is now proposed to relate to areas of “*high natural character*” within which the NZCPS does not require avoidance of all effects rather the avoidance of significant adverse effects and the management of other adverse effects. I note that proposed clause *c(v)* now provides for the management of effects and accordingly, given that the clause is no longer proposed to apply to outstanding natural character, **clause *c(iv)* should either be deleted or reworded to focus on the avoidance of significant adverse effects.** This would be consistent with both the NZCPS and Policy 1 of Chapter 9 of the RPS.

9.8 Submissions on Policy CE – P7 (pages 68-69 – s42A Report)

S547.427 (Appendix 1, page 3)

8.18 The s42A Report recommends “*accepting*” this submission. I have revised the analysis and the amended provision in Appendix 1 to the s42A Report. I accept that the amended provision reflects the outcome sought by Westpower and should be retained as now proposed.

10.0 Submissions on the Rules that affect the whole Coastal Environment (pages 72-104 – s42A Report)

10.1 Submissions on the Rules as a Whole (pages 72-80 – s42A Report)

FS222.0169 (Appendix 1, page 21), FS222.0284 (Appendix 1, page 8), FS222.0285 (Appendix 1, page 8), FS222.096 (Appendix 1, page 8), FS222.00286 (Appendix 1, page 15), FS222.0362 (Appendix 1, page 4)

8.19 The s42A Report recommends to “*accept*” further submissions *FS222.096, FS222.0284-0286* and *FS222.0362*, and to “*reject*” *FS222.0169*. I have reviewed the analysis in relation to *S462.021* and note that it does not support the outcome sought in the submission, accordingly *FS222.0169* has been accepted. I agree with that outcome and that no change to provisions is recommended. With reference to *FS222.096* I note that an amendment is now proposed to “*Other relevant Te Tai o Poutini Plan Provisions*” (s42A Report Appendix 1, page 2) to provide information in regard to the linkage of the “*Coastal Environment*” Chapter to the “*Energy, Infrastructure and Transport*” chapter. Based on the analysis and amendments shown in Appendix 1 to the s42A Report I accept the recommendations in relation to these further submissions.

10.2 Submissions on Rule CE – R1 Maintenance and repair of lawfully established structures, network utilities, renewable electricity generation, fence lines and tracks within the Coastal Environment (pages 80-84 – s42A Report)

S547.428 (Appendix 1, page 19), S547.429 (Appendix 1, page 19)

8.20 The s42A Report recommends “*rejecting*” these submissions on the basis that it provides for activities within all areas of the coastal environment and there is no conflict with rules *CE-R5-11*. In terms of issues related to upgrading and minor upgrading the s42A Report advises that these matters are provided for in Rule *CE-R4* and that the term “*regionally significant infrastructure*” is added to the heading of the rule. I agree with adding *RSI* to the rule heading. With respect to rules issues I have provided specific comment on these matters in the following paragraphs. I note with respect to this rule that a new clause “2.” is proposed

under the “*activity status*” section of the rule however from reviewing the s42A Report (*paragraph 243*) this may be intended to be an advice note. I note that the wording for proposed clause “2.” Differ from other such advice notes which refer to the “*earthworks chapter*”. I consider that is a relevant amendment in regard to this note as not all activities are controlled by zone provisions. Amend proposed note 2 at the end of *CE-R1*,

2. *Where earthworks are proposed as part of maintenance and repair refer to the rules in Earthworks Chapter.*

10.5 Submissions on Rule CE – R4 Buildings and Structures in the Coastal Environment (pages 87-100 – s42A Report)

S547.430 (Appendix 1, page 4)

8.21 The s42A Report recommends “*accepting in part*” this submission on the basis that changes are proposed by other submissions. In essence this recommendation is to “*reject*” the retention of the provision as sought through the submission. Having reviewed the amendments to the provision it is unclear what is permitted in terms of the activities of Westpower, particularly in terms of the electricity distribution network. This is because the outcome of the *Energy, Infrastructure and Transport* hearing is as yet unknown, including the definition of certain terms such as “*upgrading*” or “*minor upgrading*”. The rule has significant potential to impact the ability of Westpower to supply renewable energy to the community given the spatial extent of the coastal environment, including the Westpower network within that area. It is also unclear at this stage whether the proposal is a higher level of consent requirement, for “*energy activities*” or “*network utilities*”, where permitted compliance is not achieved than for certain other “*infrastructure*”/“*RSP*” related activities. I note that clause 2(c) remains unchanged however, following a matter arising in the Natural Hazards chapter, it is unclear why *Network Utility Operators (NUO’s)* cannot undertake hazard mitigation works given the rule relates to areas outside areas of “*outstanding*” or “*high*” natural character. I appreciate that Westpower has not submitted to this clause however a definition of the term “*Statutory Agency*” is now proposed which would exclude *NUO’s*. This is particularly given *NUO’s* will still require compliance with any regional plan rules.

10.7 Submissions on Rule CE – R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment and High Coastal Natural Character Overlay (pages 101-104 – s42A Report)

S547.440 (Appendix 1, page 20), S547.441 (Appendix 1, page 20), FS222.0300 (Appendix 1, page 14), FS222.0301 (Appendix 1, page 14), FS222.0302 (Appendix 1, page 14), FS222.0300 (Appendix 1, page 14), FS222.0102 (Appendix 1, pages 23-24)

8.22 The s42A Report recommends accepting further submissions *FS222.0300-0301*, accepting in part further submission *FS222.0302*, and rejecting submissions *S547.440-441* and further submission *FS222.0102*. Having said that I note that the amended provisions appended to the S42A Report include a revised version of the outcome sought under *S547.441* and I would agree with that wording. Firstly, and having reconsidered the “*activity status where compliance is not achieved*” under *CE-R4* it is unclear whether this rule actually applies to Energy Activities and Network Utilities given that “*in the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure and Transport rules apply*” where compliance is not achieved. As above it is not yet known what the form of those rules are now proposed to be, however these are relevant to the amendments sought in the submissions of Westpower as restricted discretion rules in the Energy Chapter include consideration of benefits (*S547.440*) and constraints or requirements (*S547.441*). For consistency, if at the least recourse is to be had to the *EIT* rules, but consent is still required under this rule rather than those rules, the discretion matters sought in the Westpower submission should be included in this rule. Having said above that *S547.441* is recommended to be “*rejected*” I note that the amended provisions appended to the S42A Report include a revised version of the outcome sought, ie *the functional or operational needs of the activity*, and I would agree with that outcome. In my opinion the benefits arising from the proposed activity (*S547.440*) is a relevant matter of discretion particularly given the requirement to link to *EIT* rules. See also discussion below (paragraph 8.40, page 24) regarding *Method 2* (page 23) of *Chapter 6 - RSI* of the RPS in relation to these matters. Amend *CE-R14* by adding an additional matter,

m. the benefits arising from the proposed activity.

If there is a concern in regard to the matter this could be amended to specifically apply to “*energy activities and network utilities*” as per the wording of rule *CE-R4* and references to the *EIT* chapters and rules.

8.23 With respect to amendments arising from matters to which Westpower was a further submitter I generally agree that the amendments proposed in Appendix 1 to the s42A Report to clauses “d.” “i.” and “k.” are appropriate. However I note that reference is proposed to be included in clause “i.” to “*conservation values*”. I note the submission of Westpower related to the undefined nature of such a term particularly given the range of matters of discretion now proposed. I agree with that concern and in my opinion **the proposed reference to “*conservation values*” should be removed from clause “i.”**.

11.0 Submissions on Permitted Activities in the High Natural Character Overlay (pages 105-120 – s42A Report)

Rule CE – R5 – Buildings and Structures in the High Coastal Natural Character Overlay (pages 113-115 – s42A Report)

S547.431 (Appendix 1, page 19), S547.432 (Appendix 1, page 19), FS222.0287 (Appendix 1, page), FS222.0288 (Appendix 1, page)

8.24 The s42A Report recommends “*rejecting*” submissions *S547.431* and *S547.432* and “*accepting*” the further submissions *FS222.0287-0288*. As I understand it submission *S547.431* is recommended to be “*rejected*” on the basis that the rule provides for “*minor upgrading*” of network utilities. As discussed in this and previous landscape evidence I am of the opinion that the presence of the electricity network and activities has not be adequately recognised and provided for in the assessments used to define areas in terms of landscape values. This was generally accepted in terms of the landscape hearing but, as discussed above, there is no comment regarding this matter in the peer review. For the sake of clarity there are elements of the electricity network which supplies renewable energy to the communities spread throughout the West Coast in these areas.

8.25 I have discussed *regional objectives and policies* at paragraph 8.13 above. It is clear that the region seeks to enable *regionally significant infrastructure (RPS, Chapter 6, Objective 1)* for the benefit of the community and, when developing the District Plan, have particular regard to constraints on the requirements of regionally significant electricity infrastructure “*including within areas of natural character (including outstanding natural character) and outstanding natural features and landscapes, ...*” (*RPS Chapter 9, Policy 3*) and further provide for the “*operation, maintenance and upgrading of existing*” electricity activities “*in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural*

features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment.”.

8.26 I have discussed the issue in terms of “*minor upgrading*” in previous evidence and my opinion remains the same. As I understand it the current s42A Report position is that “*minor upgrading*” is not to be defined but “*upgrading*” is to be delineated. My question therefore is why the term “*minor upgrading*” is used if it is not going to be defined as different from “*upgrading*”. I am unclear how this aids in interpreting and administering the plan. It would certainly be consistent with the RPS to use the term “*upgrading*” and I understand that there is no debate that upgrading is to be delineated, although there are differences as to the form of that for which there is currently no resolution. Without fully understanding what “*minor upgrading*” is, and who decides in each and every case it is not possible to understand the impact of the rules and the effect it will have on supplying renewable electricity to the communities through the West Coast. I do not agree that this matter should remain unresolved.

8.27 As I understand it submission *S547.432* is recommended to be “*rejected*” on the basis that the coastal environment provisions of the *RPS (Chapter 9)* do not provide for *RSI* activities. As discussed in paragraph 8.13 above I disagree with that assessment. Much like the discussion arising in this plan regarding separating components of an activity out by topic the RPS was developed along similar lines with the need to cross refer to ensure a full understanding of any matter. I have pointed out what I consider to be the problem with such separation, including above in this evidence, and I believe this issue arising illustrates problems with interpretation and implementation. As I understand the matter “*critical infrastructure*” is now proposed to be “*regionally significant infrastructure*” and **I would be agreeable to that term being used.**

8.28 With respect to the further submissions, I agree with the recommendations of the s42A Report.

Rule CE – R6 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks (pages 115-117– s42A Report)

FS222.0289 (Appendix 1, page 9), FS222.097 (Appendix 1, pages 9-10)

8.29 The s42A Report recommends “*accepting*” *FS222.0289* and “*accepting in part*” *FS222.097*. Having reviewed the analysis of submissions it appears that both

further submissions are “*accepted in part*”. Having reviewed the amendments proposed to the rule I note that a new earthworks volume limit is now proposed. While I understand that this is to achieve a level of consistency between provisions in the plan however presumably this is new earthworks as it could be applied to where earthworks are required to reinstate mitigation structure following hazard events. I presume this situation was the intent of the previous wording. In my opinion the previous wording should be reinstated or the new wording should relate to new earthworks, ie.

2. *Earthworks ... no more than 25m³ of new earthworks per ...*

8.30 Further I note that the category of activity where compliance is not achieved is now proposed to be “*restricted discretionary*” rather than “*controlled*”. This outcome would mean that Westpower faces an increased level of uncertainty as to whether it can protect the infrastructure providing electricity to those communities. This is because Westpower is not proposed to be, as I understand it and have commented elsewhere, provided for as a “*statutory agency*”. This then means that the amendment has a major regulatory impact for Westpower activities in moving the issue from a requirement for consent for any upgrade needed that “*will be issued*” to a consent that “*may be issued*”. This then has potential to impact the ability of the network to provide a secure supply of electricity to the community. In my opinion either.

the controlled category should be retained for regionally significant infrastructure
or

network utility operators should be added to the definition of statutory agencies

Rule CE – R7 Earthworks in the High Coastal Natural Character Overlay (pages 117-118 – s42A Report)

S547.433 (Appendix 1, page 19)

8.31 The s42A Report recommends that this submission be “*rejected*” although the analysis (paragraph 352) supports part of the submission. Whilst I accept that the word “*existing*” has been added to clause “*b.*” of the rule as sought I have concerns regarding the removal of new infrastructure. As I understand it this is now restricted to formed “*legal road*” and I am unclear whether that is intended to refer to “*formed legal road reserve*”. It is unknown whether road controlling authorities will want infrastructure located within formed roads. There is no s32-s32AA assessment of the change and the potential impact given that the

change is quite different to that, which presumably was assessed as being appropriate, originally proposed.

8.32 The s42A Report again discusses terms used for activities, as sought in the Westpower submission. I have discussed these matters above and the linkages between *Chapter 9 – Coastal Environment* and *Chapter 6 – Regionally Significant Infrastructure* of the RPS and the same discussion applies. As I understand the matter “critical infrastructure” is now proposed to be “regionally significant infrastructure” and **I would be agreeable to that term being used.**

12.0 Submissions on Permitted Activities in the Outstanding Coastal Environment Area (pages 121-137 – s42A Report)

Rule CE – R8 Additions and Alterations to Buildings and Structures in the Outstanding Coastal Environment Area (Pages 130-131 – s42A Report)

S547.434 (Appendix 1, page 4), FS222.0290 (Appendix 1, page 10), FS222.0291 (Appendix 1, page 11)

8.33 The s42A Report recommends “accepting” the submission and further submissions. I have reviewed the amended provision in Appendix 1 to the s42A Report and accept they are consistent with the submission of Westpower.

Rule CE – R9 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures in the Outstanding Coastal Environment Area (Pages 131-133– s42A Report)

FS222.098 (Appendix 1, pages 21-22), FS222.0292 (Appendix 1, page 11)

8.34 The s42A Report recommends “rejecting” further submission *FS222.098* and “accepting” further submission *FS222.0292*. I accept the outcome in terms of *FS222.0290*. With regard to *FS222.098* I have reviewed the analysis and proposed amendments I am concerned that there may be impacts on RSI such as those operated by Westpower. If the term “reconstruction” is to be removed it should be clear how “reconstruction” is differentiated from “maintenance”, “alteration” and “repair” given that all could be deemed reconstruction depending on the circumstances. In terms of a change in activity status where compliance is not achieved given that all activity becomes “restricted discretionary” it is unclear how “secure supply” is provided and “safe, efficient and integrated” RSI enabled. This was achieved for RSI through requirements for a “controlled activity” consent where conditions could be imposed but a level of uncertainty is proposed in regard to hazard mitigation through the elevation to “restricted discretionary activity”. In my opinion, given that the

implications of any application being declined this is a major change with respect to *RSI* and there is no analysis of the impact of the lack of ability to undertake hazard mitigation works in relation to *RSI*. In my opinion,

1. the difference between reconstruction and maintenance, alteration and repair should be made clear

2. the controlled category should be retained for regionally significant infrastructure

Rule CE – R10 Erection of a Building or Structure in the Outstanding Coastal Environment Area (Pages 133-134– s42A Report)

S547.435 (Appendix 1, page 19), S547.436 (Appendix 1, page 4), S547.437 (Appendix 1, page 19), FS222.0293 (Appendix 1, page 11), FS222.0294 (Appendix 1, page 11), FS222.099 (Appendix 1, pages 11-12), FS222.0105 (Appendix 1, pages 16-17)

8.35 The s42A Report recommends “accepting” submission *S547.436* and Further submissions *FS222.093-094*, *FS222.099* and *FS222.0105*, and rejecting submissions *S547.435* and *S547.437*. I have reviewed the analysis of these submissions and further submissions and the now proposed *CE-R10* in Appendix 1 to the s42A Report. I generally accept those recommendations and *CE-R10* as how proposed with the exception of submission points related to clause “3”. I have discussed both of these points above in this evidence and previous evidence and my opinion remains the same. Given the term “regionally significant infrastructure” is now proposed I would accept a reference to that as satisfying the outcome sought in the submission. In terms of the issues related to the term “minor upgrade” the s42A Report analysis (paragraph 389) incorrectly identifies the outcome sought being related to the heading of the rule. The submission specifically sought that the term “minor upgrading” be defined so it is clear what constitutes a permitted activity. This is important given the matter relates, in the case of Westpower, to a network supplying electricity to the community located throughout the West Coast, including within/through the coastal environment. Without an ability to understand the intent of the term it is unclear in what case the *pTTPP* proposes to disrupt the safe and secure supply, or the potential supply to new activities, of electricity and it is therefore difficult to assess the impact on the community of that decision. This is particularly important given the vision to use only renewable energy. I also consider, again as previously discussed in this and other evidence, that this matter arises from lack of identification and inappropriate recognition of the network when developing “values” schedules in the plan. I note that previous discussion of the matter raised the potential to

change the term to “*upgrade*” as that is, in whatever final form, proposed to be delineated. I would accept that outcome as it is then possible for a plan user to determine whether an activity is permitted, and is also consistent with wording of higher order documents and indeed the wording of proposed rule *CE-R11*. Accordingly clause 3 should be amended to,

1. Refer additionally to “*regionally significant infrastructure*”.
2. Either replace the term “*minor upgrade*” with “*upgrade*” or define the meaning of the term “*minor upgrade*”.

Rule CE – R11 Earthworks in the Outstanding Coastal Environment (pages 134-135 – s42A Report)

S547.438 (Appendix 1, page 19), FS222.0295 (Appendix 1, page 12), FS222.0296 (Appendix 1, page 12), FS222.0100 (Appendix 1, pages 12-13)

8.36 The s42A Report recommends “*accepting*” further submission FS222.0295, to “*accept in part*” further submissions FS222.0296 and FS222.0100, and “*reject*” submission S547.438. I have reviewed the analysis of these submissions and further submissions and the revised rule *CE-R11* in Appendix 1 to the s42A Report. I note with respect to submission S547.438 that the S42A Report (paragraph 398) agrees that the word “*activities*” should be added to the end of renewable electricity generation however there is no amendment to clause 1.“*b.*” in that regard. As discussed above I consider that reference to “*regionally significant infrastructure*” is appropriate so will not reiterate those matters here. I would note that the provision is for “*lawfully established*” activities so any amendment would not result in new *RSI* activities occurring. Finally I note that an amendment is now proposed to clause 1 that places a new limit on the ability to undertake activity under clauses “*a.*” and “*b.*”. Whilst I understand the intent to manage potential effects in my opinion this has potential impacts on the ability of Westpower, to comply and undertaken these important activities in supplying electricity to the community. I note for instance the proposed new clause “*2.*” which provides for a level of new earthworks. A solution to this issue would be to make clause 1.“*b.*” a standalone clause, based on the wording as notified. Accordingly proposed Rule CE-R11 should be amended, ie.

1. Where the earthworks ... for: a. ... or
2. Where these are for the Operation, maintenance, repair and upgrade of lawfully established *regionally significant infrastructure*, network utility infrastructure, or renewable electricity generation activities; or
3. Where the earthworks ... 100m³/ha.

13.0 Submissions on Other Rules for the High Natural Character and Outstanding Coastal Environment Area Overlays (pages 137-166 – s42A Report)

13.1 Submissions on Other Rules managing Natural Hazard Mitigation Structures (pages 138-148 – s42A Report)

Rule CE – R12 Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area and the Outstanding Coastal Environment not provided for as a Permitted Activity (pages 144-145– s42A Report)

S547.439 (Appendix 1, page 4), FS222.0297 (Appendix 1, page 13), FS222.0298 (Appendix 1, page 13), FS222.0299 (Appendix 1, pages 13-14), FS222.0101 (Appendix 1, pages 22-23)

8.37 The s42A Report recommends “*accepting*” further submissions FS222.0297-0299, to “*accept in part*” submission S547.439, and “*rejecting*” further submission FS222.0101. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. I have addressed the proposed change in consent category above in regard to security of supply of electricity to the community. In my opinion a “*controlled activity*” status for “*regionally significant infrastructure*” should be provided as originally proposed. While I do not agree with the removal of a “*controlled activity*” status at the least, and given the outcome would potentially be that a hazard mitigation structure was not able to be established and associated services were impacted or lost, **further matters of discretion should be added regarding,**

- *the benefit to the community of undertaking the work or alternatively the effects on RSI of not undertaking the proposed work.*
- *functional or operational requirements of RSI.*

See also discussion below (paragraph 8.40, page 24) regarding *Method 2* (page 23) of *Chapter 6 - RSI* of the *RPS* in relation to these matters.

Rule CE – R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards (pages 145-146 – s42A Report)

S547.447 (Appendix 1, page 20), S547.448 (Appendix 1, page 20), FS222.0305 (Appendix 1, pages 14-15)

8.38 The s42A Report recommends to “*accept*” further submission FS222.0305, and to “*reject*” submissions FS547.447-448. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. I understand that Rule *CE-R17* is to be deleted and incorporated in to *CE-R12* with the proposed loss of a controlled activity status. I have address those matters above and suggested amendments which are in accord with the outcome sought in S547.447-448 as I consider those are very relevant matters for

consideration in regard to servicing the communities distributed throughout the region, including within coastal areas. Based on my evidence above it may be that *CE-R17* is reinstated in which case those matters would remain applicable. However, as discussed above I consider that the issue of controlled activity status for *RSI* activities requires reconsideration to ensure safety and security of supply.

Rule CE – R19 Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R11 (page 146 – s42A Report)

S547.452 (Appendix 1, page 20), FS222.0307 (Appendix 1, page 16), FS222.0308 (Appendix 1, pages 16)

8.39 The s42A Report recommends to “accept” further submissions *FS222.0307-0308*, and to “reject” submission *S547.452*. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. The report in recommending the rejection of *S547.452* also recognises that it is consistent with policy wording. That was the intent of the submission to ensure consistency across provisions. In my opinion that amendment should be made to ensure the outcome rule is achieved in a manner consistent with relevant policies. Amend *CE-R19(1)*,

1. *These will not destroy ... or the values which together make it outstanding, ...*

13.2 Submissions on rules in relation to Buildings, Structures and Earthworks (pages 148-162 – s42A Report)

Rule CE – R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards (pages 156-157 – s42A Report)

S547.442 (Appendix 1, page 20), S547.443 (Appendix 2, page 20), FS222.0103 (Appendix 1, pages 24-25), FS222.0303 (Appendix 1, page 14)

8.40 The s42A Report recommends to “accept” further submission *FS222.0303*, and to “reject” submissions *S547.442-443* and further submission *FS222.0103*. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. I agree with the proposed amendments to the provisions with the exception of the following matters. The s42A Report does not consider benefits are a relevant matter of discretion. I disagree with that view and consider that there is relevance in considering the benefits of activities related to regionally significant infrastructure. I have discussed these matters both in this and previous evidence and my opinion remains. To assist further I note that *Method 2* (page 23) of *Chapter 6 - RSI* of the *RPS* is particularly

relevant to both this issue and issues related to functional and operational needs.

Method 2 advises,

2. *Through regional and district plan rules, or conditions of resource consents:*
 - a) *Recognise the positive benefits of RSI;*
 - b) *Recognise the constraints imposed by the locational, technical and operational requirements of RSI, including electricity transmission, distribution and renewable electricity generation infrastructure; and*
 - c) *Manage adverse environmental effects on the safe and efficient operation of RSI.*

8.41 I note that despite *s547.443* being summarised as “*rejected*” the issue of “*functional and operational needs*” is now proposed to be included in the matters of discretion in Appendix 1 to the *s42A* Report, and I agree with that outcome. Given that matters are restricted and the ultimate outcome may be that consent is declined I consider that the benefits of *RSI* are a relevant matter for consideration as previously discussed, including as sought through the provisions of the *RPS*. Add a further matter of discretion,

- o. the benefit arising from the proposed activity*

Rule CE – R16 Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards (pages 157-158 – s42A Report)

S547.444 (Appendix 1, page 20), *FS222.0104* (Appendix 1, page 14), *FS222.0304* (Appendix 1, page 25)

8.42 The *s42A* Report recommends to “*accept*” further submission *FS222.0104*, and to “*reject*” submission *S547.444* and further submission *FS222.0304*. I have reviewed the *s42A* Report analysis and the recommended provisions in Appendix 1 to that report. Firstly I am unclear in regard to the cross referencing of rules and consent categories and unsure what the consent category status is, for instance Rules *CE-R8* and *CE-R10* which are shown as moving to a “*restricted discretionary*” activity where compliance is not achieved. Is upgrading, for instance, now proposed to be a non-complying activity? I am concerned that the upgrading/minor upgrading issue is, as yet, unresolved and further the potential impact on the community of such an approach. It is my opinion that a “*restricted activity*” consent category is appropriate for, particularly, *regionally significant infrastructure*. I am concerned that elements of *RSI* could be a non-complying activity, under now proposed Rule 22A, particularly given the clear provisions of the *RPS* in relation to such activities. I do not consider that is an appropriate outcome. The *s42A* Report does not agree that further wording should be added to proposed clause 3(i). I have discussed

these matters above and my opinion remains that it is relevant to include reference to *regionally significant infrastructure*. In my opinion **clause 3(i) should be amended to reference to “regionally significant infrastructure**. Where a restricted discretionary consent category is reinstated for at least some activities I consider that the additional matters sought through submission S547.444 are appropriate.

Rule CE – R18 Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity (pages 158-159 – s42A Report)

S547.449 (Appendix 1, page 20), S547.450 (Appendix 1, page 20), S547.451 (Appendix 1, page 20), FS222.0306 (Appendix 1, pages 14-15)

8.43 The s42A Report recommends to “accept” further submission FS222.0306, and to “reject” submission S547.449-451. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. In essence the s42A Report disagrees that the now proposed “*regionally significant infrastructure*” should be added to clause 1.iii, and that assessment matters relating to benefits and functional/operational needs should not be included. I have discussed these matters above and my opinion remain in regard to this proposed rule, ie that those matters should be included,

- **add reference to “regionally significant infrastructure” to clause 1.iii**
- **add an assessment matter relating to the benefits arising from the proposed activity**
- **add an assessment matter regarding functional and operational need.**

Rule CE – R21 Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules (page 159 – s42A Report)

S547.453 (Appendix 1, page 20), FS222.0309 (Appendix 1, page 16)

8.44 The s42A Report recommends to “accept” further submission FS222.0306, and to “reject” submission S547.453. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. The issue arising essentially relates to the same matter, ie “... values which **together** ...”, discussed at paragraph 8.39 above. My opinions are the same as expressed in regard to that provision and in previous hearings. I consider this is a consistent amendment. Amend CE-R21(1),

1. *These will not destroy ... or the values which **together** make it outstanding, ...*

Rule CE-22A (page 162 – s42A Report)

8.45 As I understand it this new rule arises out of submissions S560.305 and S602.161 both of which Westpower was a further submitter to. I have concerns

with a non-complying status applying to regionally significant infrastructure given its strategic function. I have discussed these matters above under *CE-R16* from which I understand this rule originates.

13.4 Submissions on Rule CE – R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding (pages 164-166 – s42A Report)

S547.454 (Appendix 1, page), FS222.0310 (Appendix 1, page), FS222.0311 (Appendix 1, page)

8.46 The s42A Report recommends to “accept” further submissions *FS222.0310-0311*, and to “reject” submission *S547.454*. I have reviewed the s42A Report analysis and the recommended provisions in Appendix 1 to that report. The issue arising in regard to *S547.454* essentially relates to the same matter, ie “... values which **together** ...”, discussed at paragraph 8.39 above. My opinions are the same as expressed in regard to that provision and in previous hearings. I consider this is a consistent amendment. Amend the heading of *CE-R22*,
*Activities in the ... or the values which **together** make it Outstanding*

15.0 Submissions on the Planning Maps and Schedules (pages 170-208 – s42A Report)

- 15.1 Submissions on Natural Character Overlays (pages 170-196 – s42A Report)**
- **High Natural Character Overlay – Planning Maps (pages 184-190 – s42A Report)**
 - **Outstanding Natural Character Overlay – Planning Maps (pages 190-196– s42A Report)**

8.47 I note that there are no submissions attributed to Westpower in regard to these overlays, and accordingly no discussion or assessment in terms of the s42A Report and the Appendix 3 review. However I note that submissions *S547.404* and *S547.0509* both related to identification of *Outstanding Features, Landscape, Character (including high natural character)* appropriately recognising and providing for existing energy activities and infrastructure located in them. As discussed elsewhere I am concerned that this element of the coastal environment has not be considered in assessing values of areas, particularly given the extent of infrastructure present. It was generally acknowledged through the *ONFL* hearing process that there were some issues with the manner in which built development and infrastructure were factored in to values assessments and I consider, based on the reports I have read and acknowledging that I am not a landscape expert, that the same is an issue in regard to coastal issues. There is no discussion of the matters arising in these

submissions or the matters arising in the s42A Report or Appendix 3 review. There is existing Westpower infrastructure located within these areas and the proposed plan provisions have the potential to significantly impact the servicing of communities if not appropriately recognised and provided for.

15.2 Submissions on the Coastal Environment Overlay (pages 196-208– s42A Report)

S547.414 (Appendix 1, page 2), FS222.0327 (Appendix 1, page 4), FS222.0277 (Appendix 1, page 21), FS222.0328 (Appendix 1, page 21), FS222.093 (Appendix 1, page 21)

8.48 The s42A Report recommends “accepting” further submission *FS222.0327*, “accepting in part” submission *S547.414*, and “rejecting” further submissions *FS222.0277*, *FS222.0328* and *FS222.093*. I have reviewed the s42A Report analysis, Appendix 3 review, and the recommended amendments in Appendix 1 to that report. I agree that the coastal environment (*CE*) needs to be appropriately identified for all users of the plan however I am concerned that in undertaking such an exercise existing Westpower activities and infrastructure have not been appropriately identified and provided for. This includes amendments to the mapped *CE* that capture infrastructure previously located outside the *CE* and the regulatory impact of such a change, including on supply of electricity to communities throughout the West Coast. I have discussed matters contained in *Policy 1* to the *NZCPS* at paragraph 8.11 above and I consider the same issues apply in regard to mapping, particularly given that the proposed amendments are to better align with *Policy 1*. I note that these elements of *S547.414* are not discussed or considered in the s42A Report analysis or in the Appendix 3 Peer Review does not discuss infrastructure or this submission.

8.49 With regard to aspect of the submission with respect to removing the urban area from the coastal environment I support the intent of the outcome proposed in terms of mapping. This matter is also relevant to submission *S547.014 (Appendix 1, page 1)*. In assessing the proposed amendments I take it that the *CE* is now proposed to extend inland as far as the “pink shading” shown on the plans in the s42A Report. This is considerably less than the area shown on the plans notified and needs to be confirmed as there would be other urban areas that would need to be excluded were parts of the originally notified maps proposed to remain in use.

8.50 Based on the s42A Report maps, whilst the District Councils will have a view on the matter I consider that, at the least, some areas remaining as *CE* in Greymouth could be reconsidered. For example I note that there are now isolated pockets inland of the now mapped urban area and given their potential role in the expansion of Greymouth should be included in the urban area, or at the least removed from the *CE*. I note also that there is infrastructure (oxidation ponds and cemetery), long established activities of reasonable scale (ie holiday park and concrete batching plant) and alternative access roads/routes left out of the urban area and again consider that these could, at the least, be managed in terms of the related underlying zone. There is also electricity infrastructure, in the areas discussed above, which services activities in those areas and also through to now adjacent urban areas. As above there may be areas in the other towns but it is likely that the Councils will be better placed to advise of any amendments needed.

9.0 S32AA Evaluation

9.1 The s42A Report provides comment on some of the proposed amendments recommended in throughout that report. I have discussed my concerns with some of the recommended changes above and consider that further evaluation is required in order to make informed comment, assessment and determination of the matters. Some proposed amendments are a considerable change to the plan as notified, and the process through which the plan was developed.

10.0 PART II OF THE ACT

10.1 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.

10.2 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.

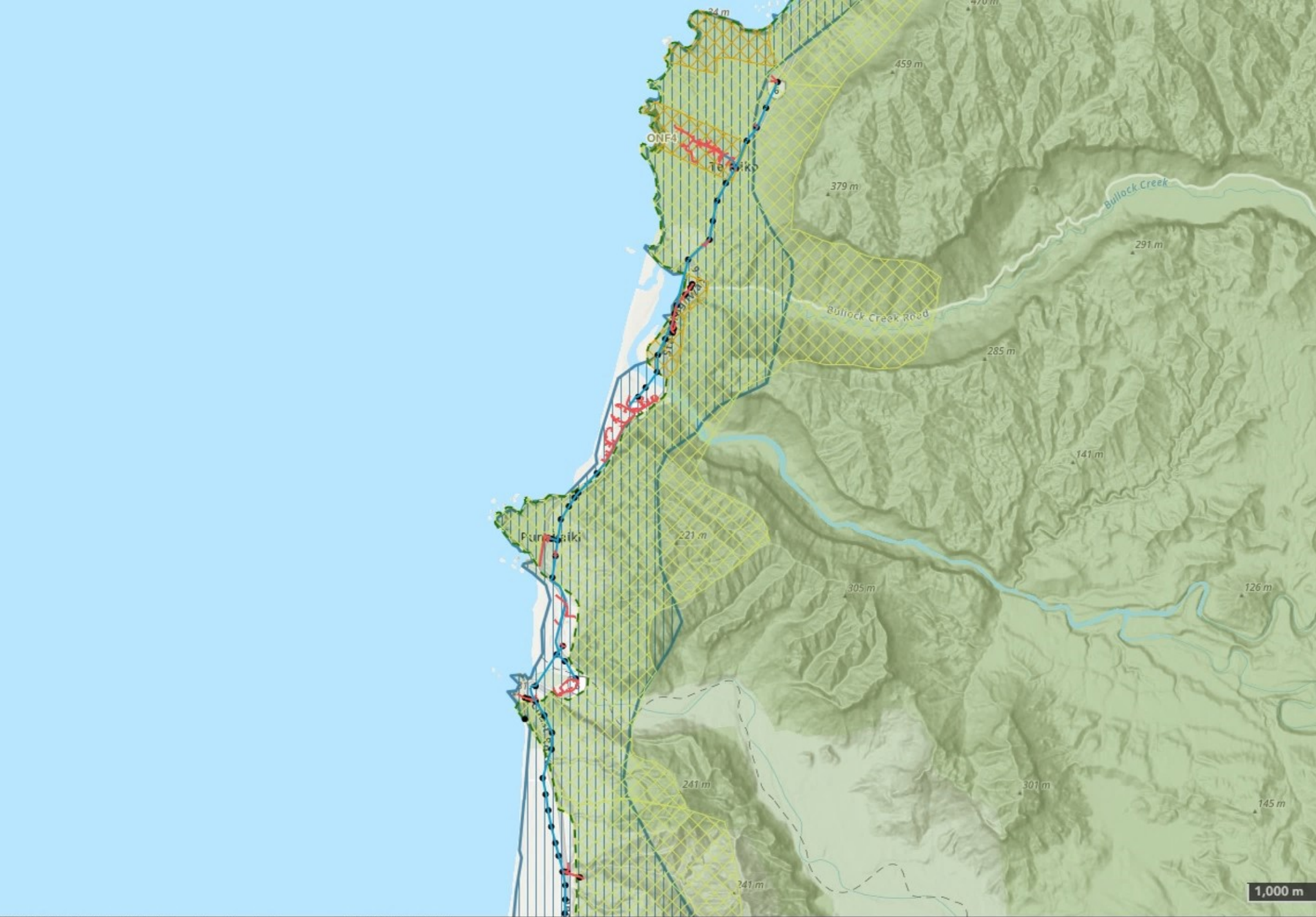
Martin Kennedy
Planning Consultant
(West Coast Planning Ltd)

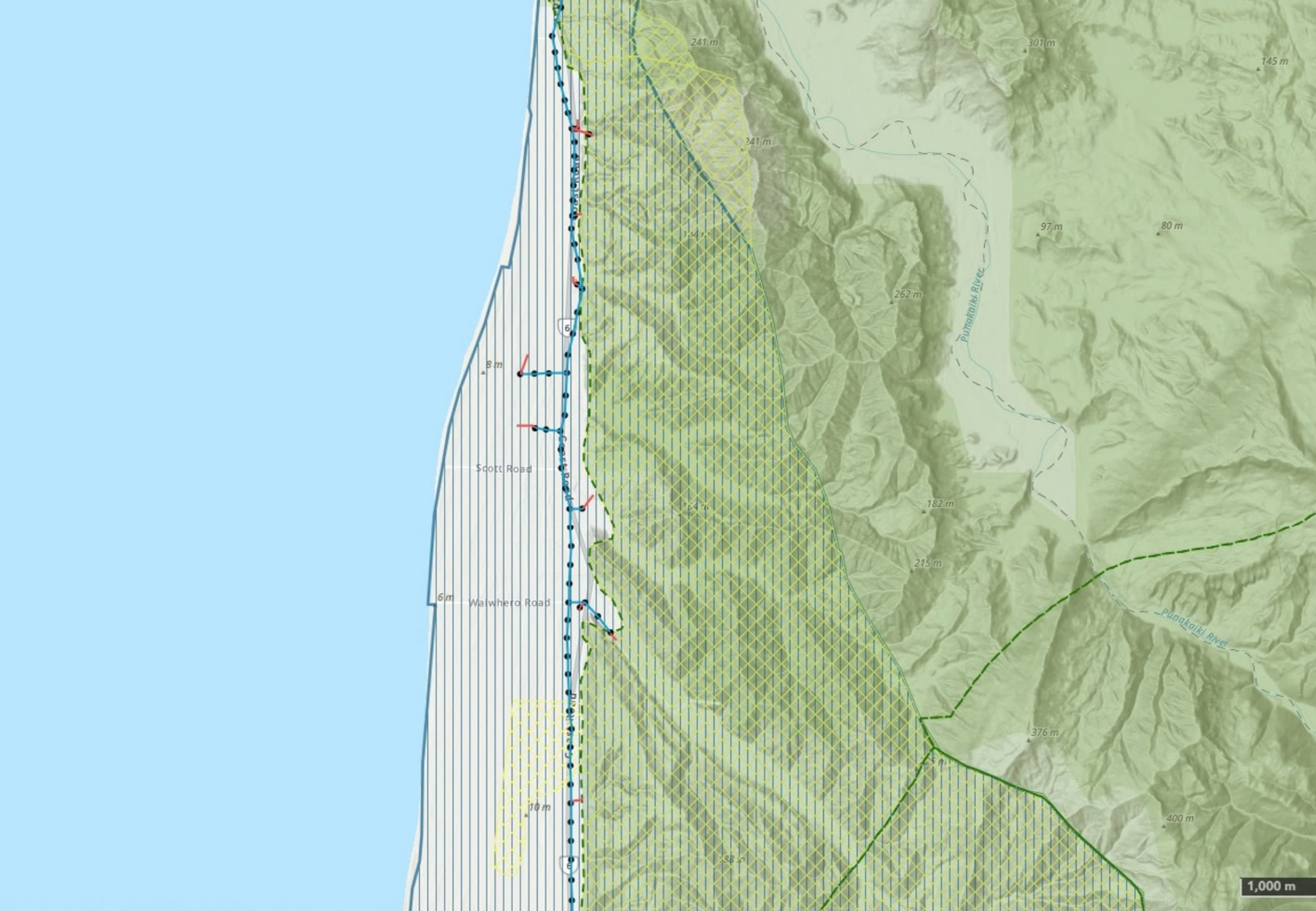
23 September 2024

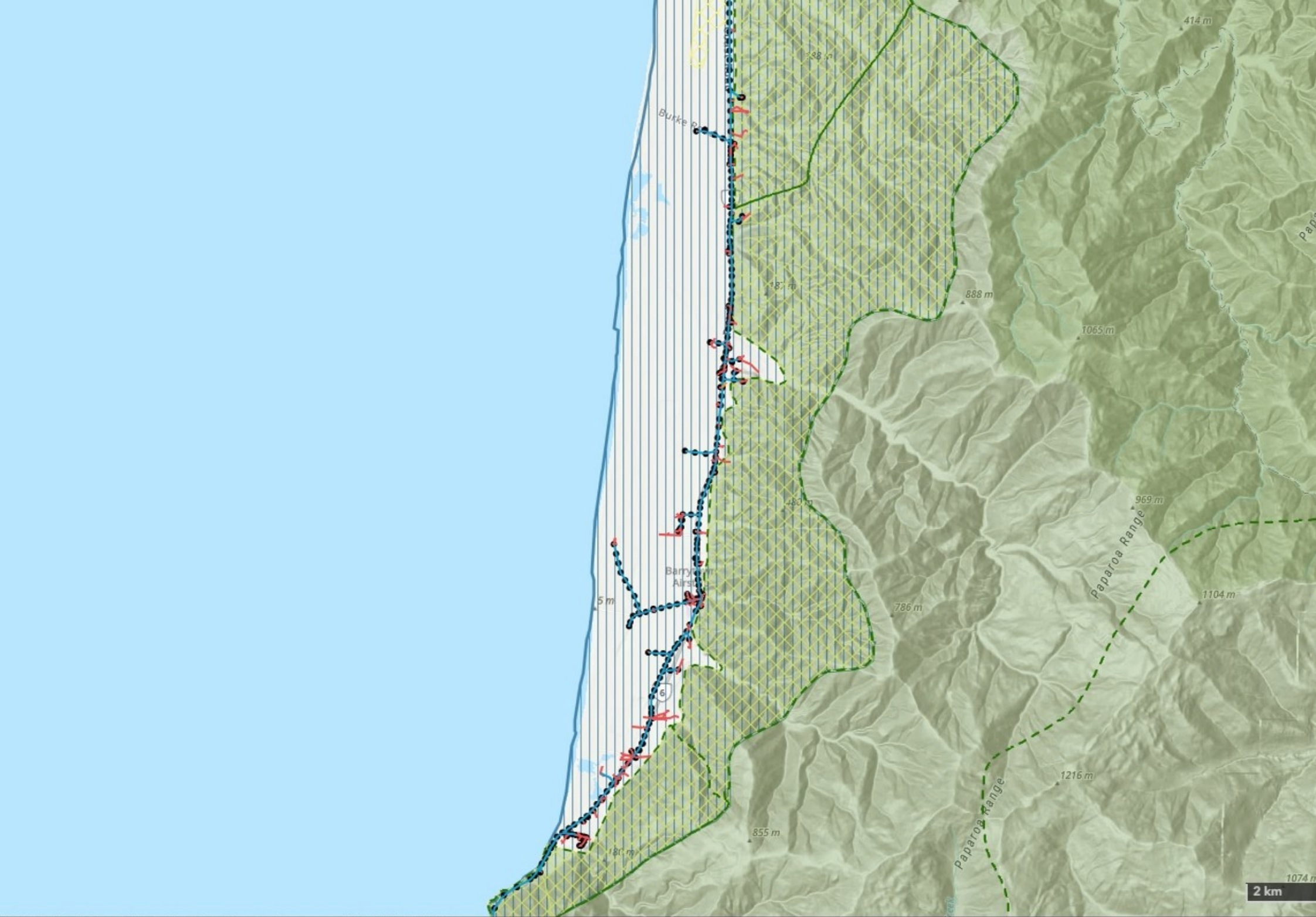
MAPS

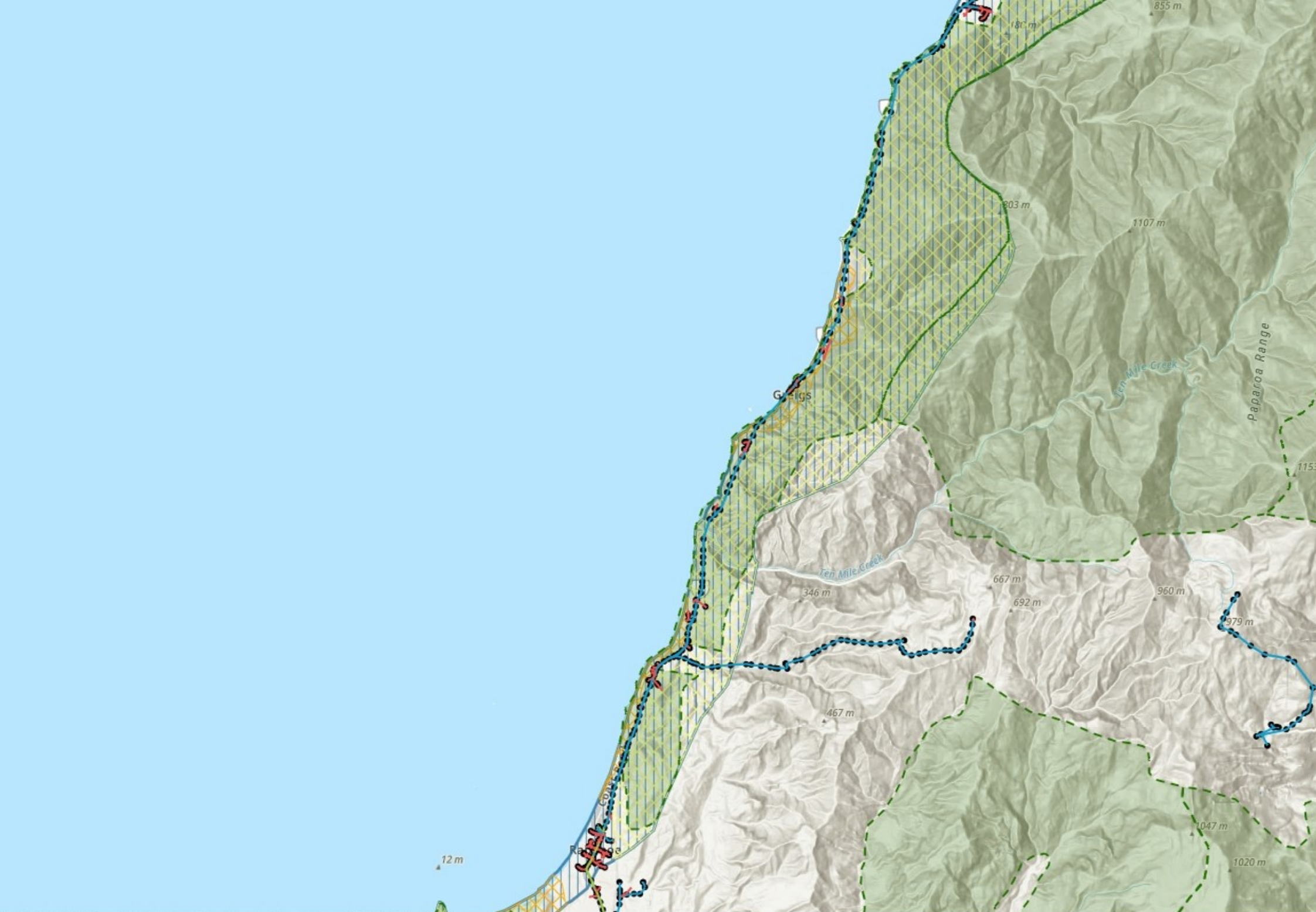
- the location of the existing network throughout the region,
- the location of the coastal environment, including;
 - outstanding natural character,
 - outstanding natural landscape,
 - outstanding natural features,
 - high natural character

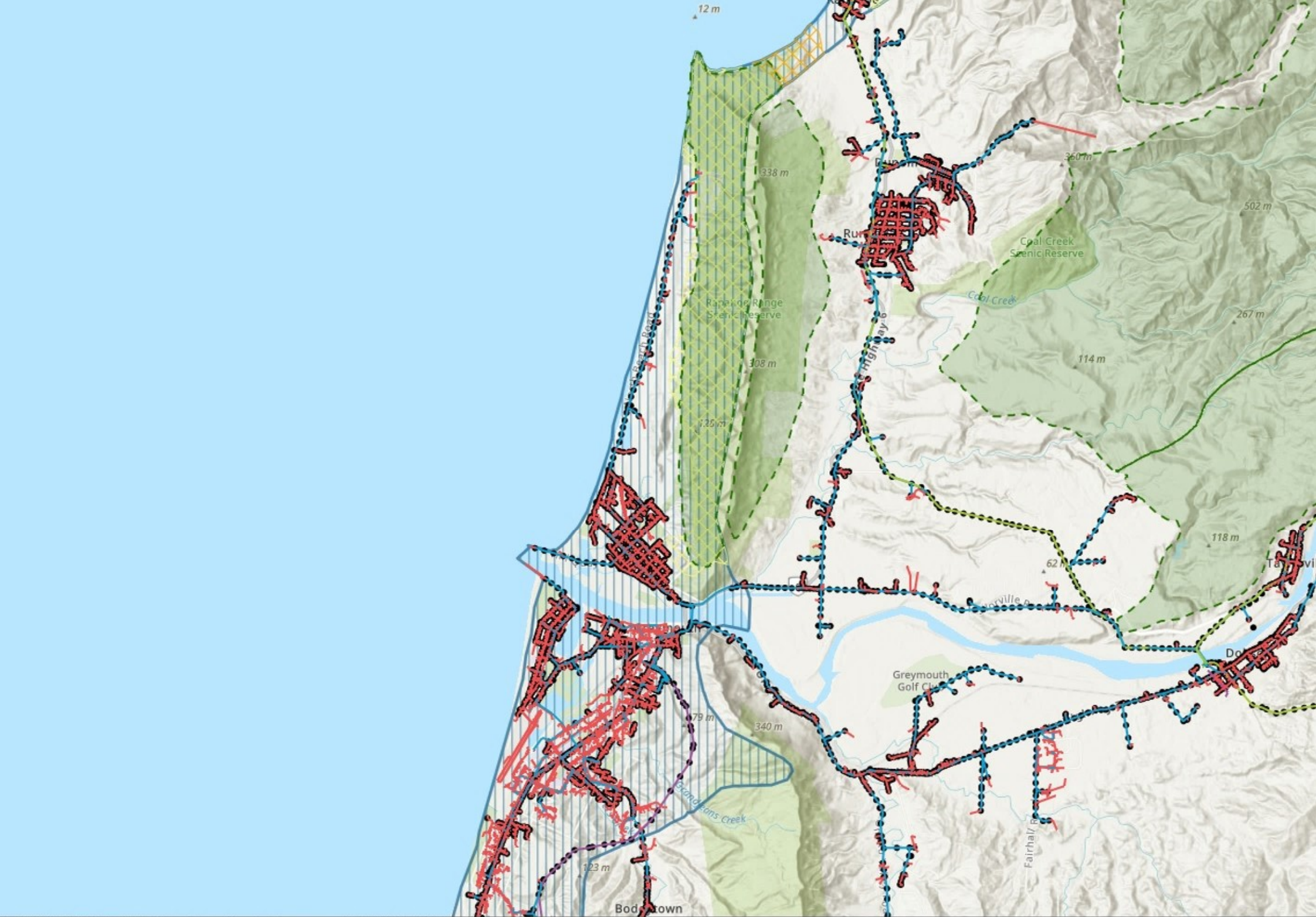
(**note:** the coastal environment and values mapping used predates the more recent updates (pTTPP GIS Amendments - August 2024)).

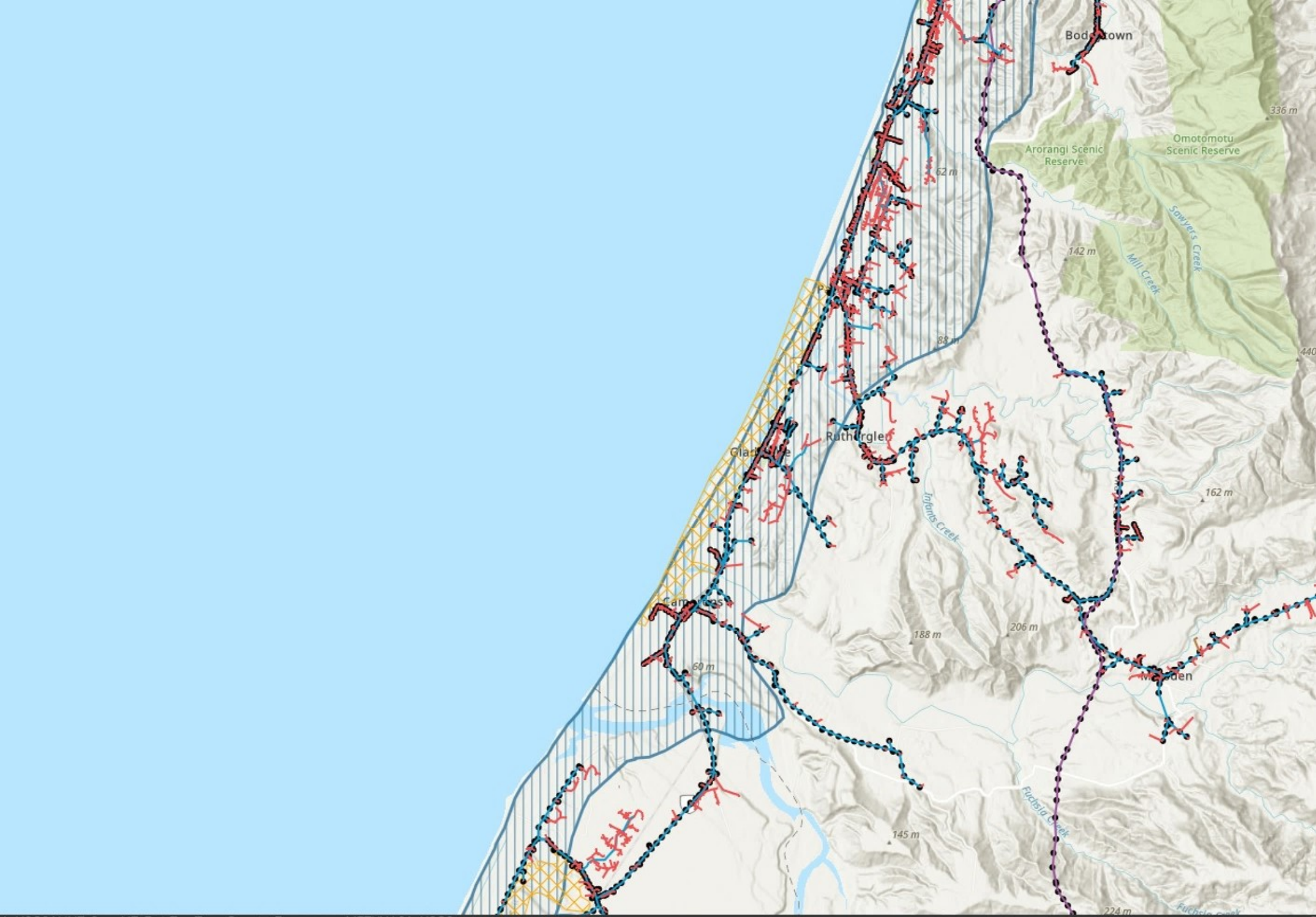


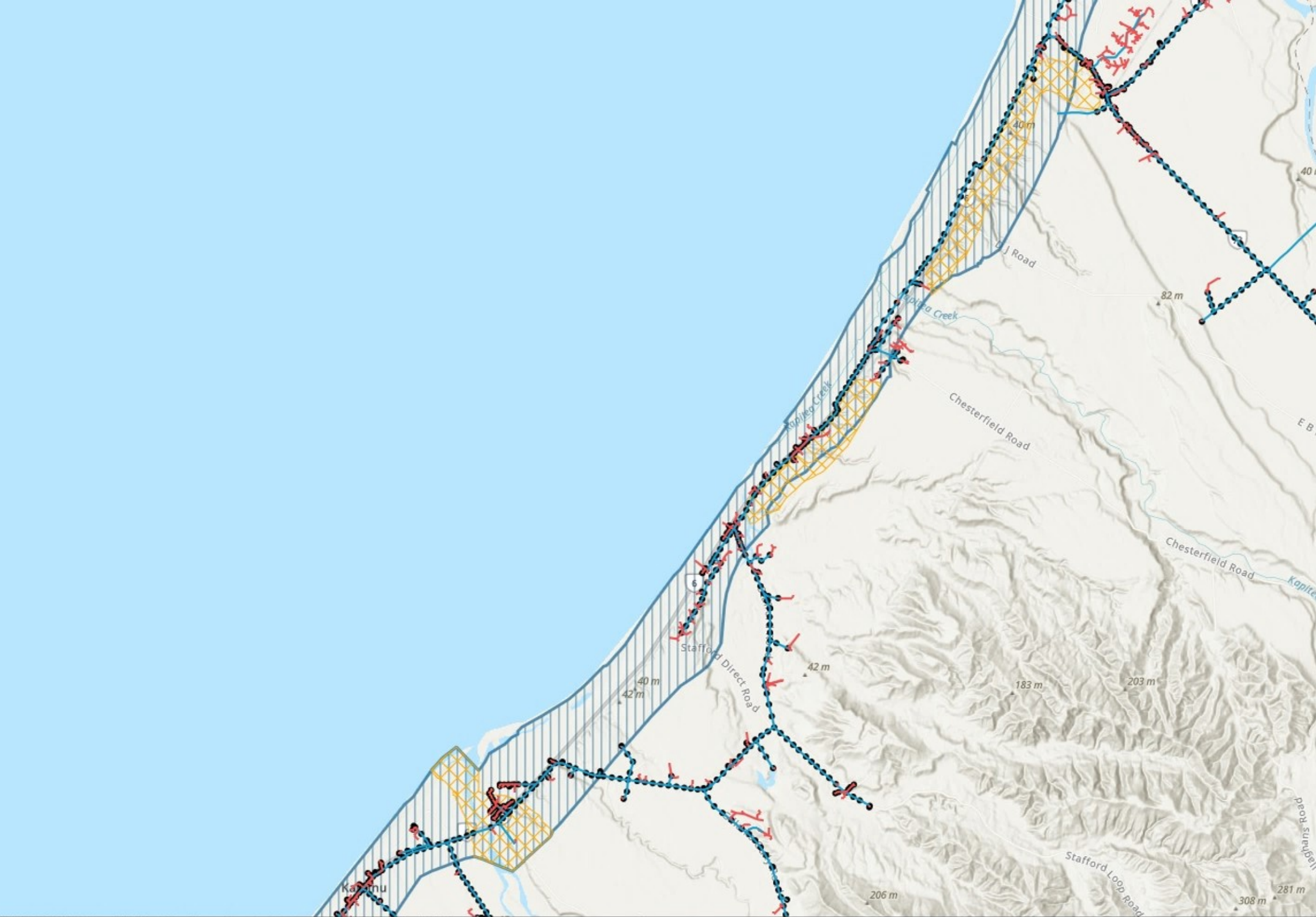


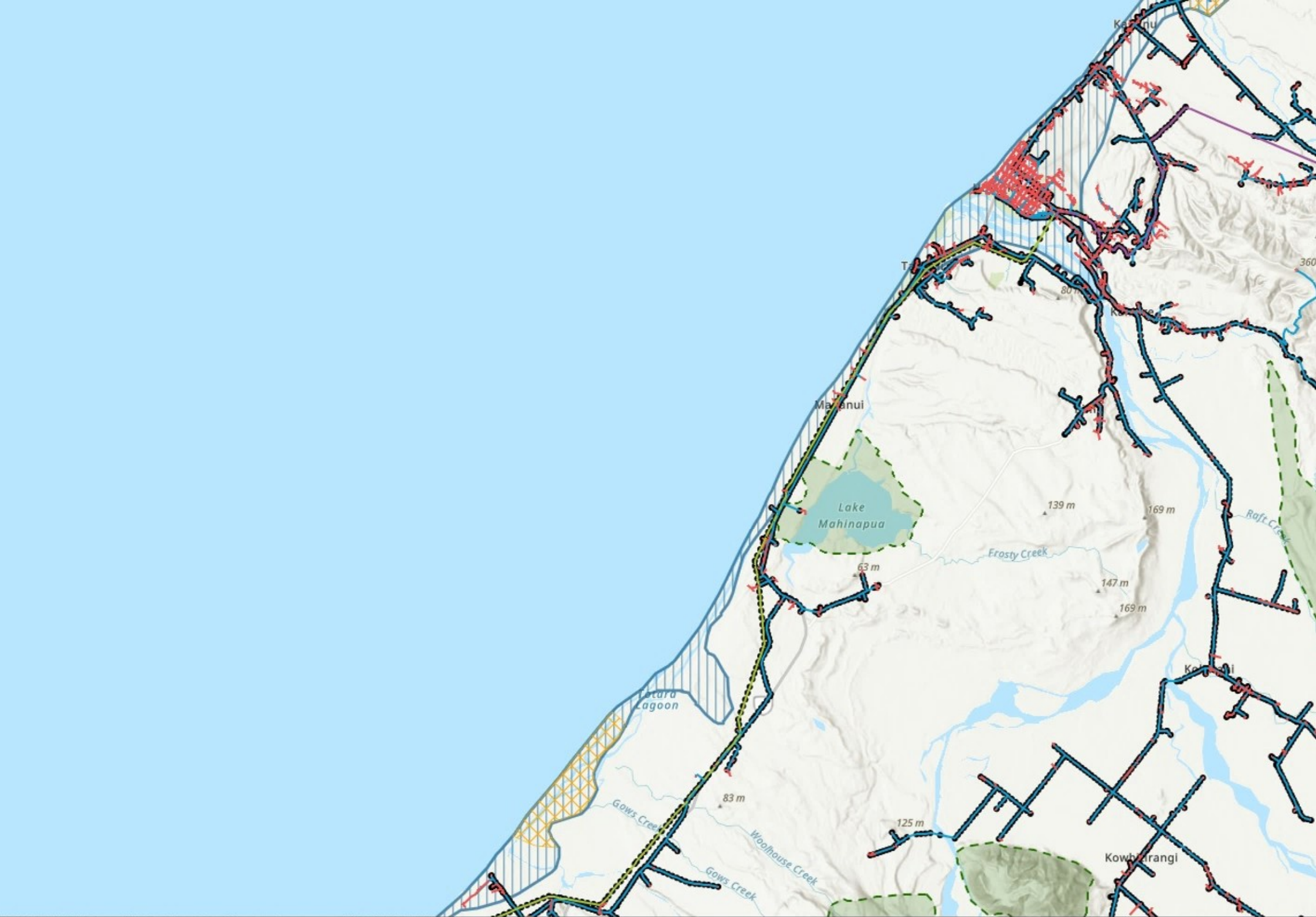


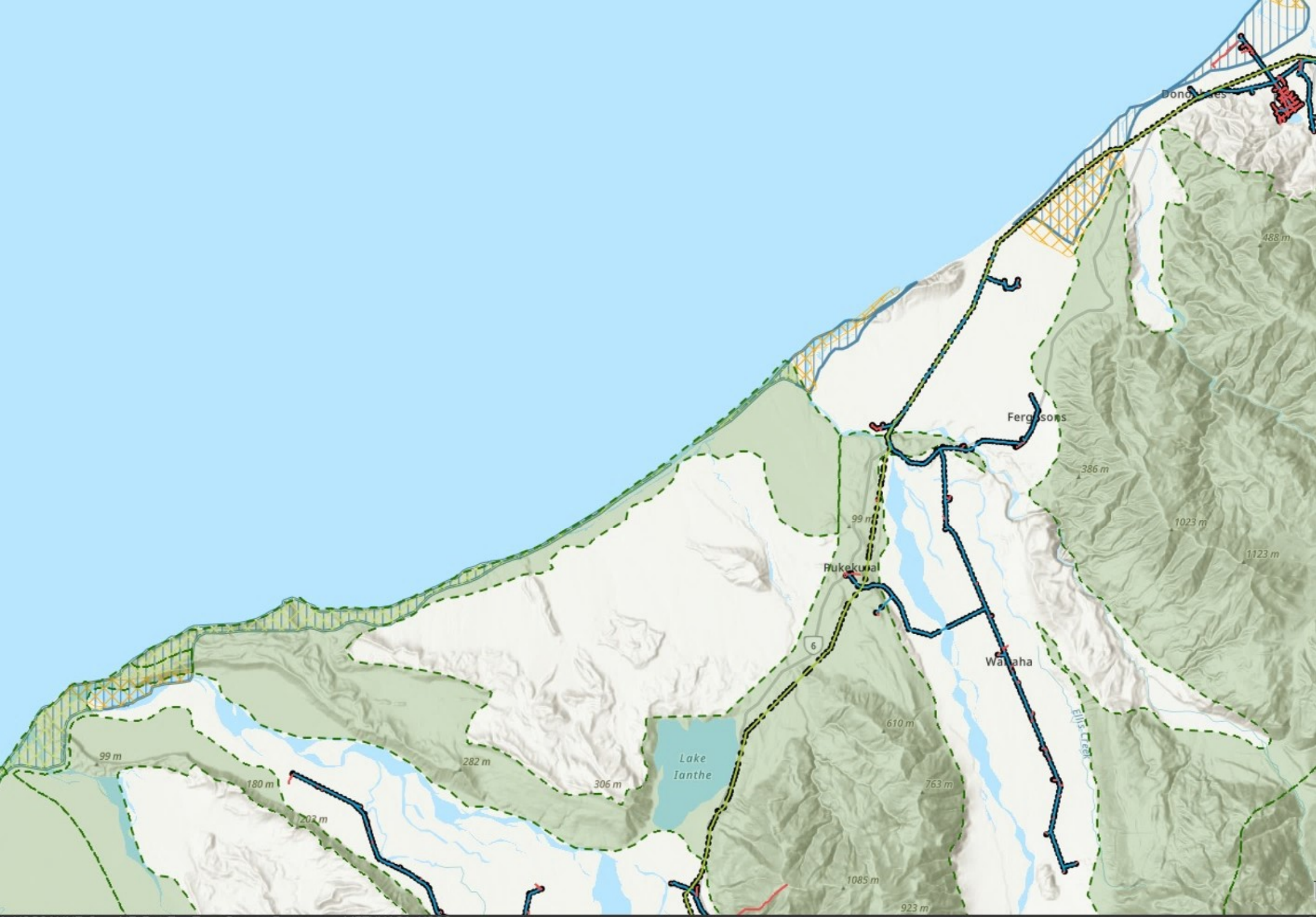


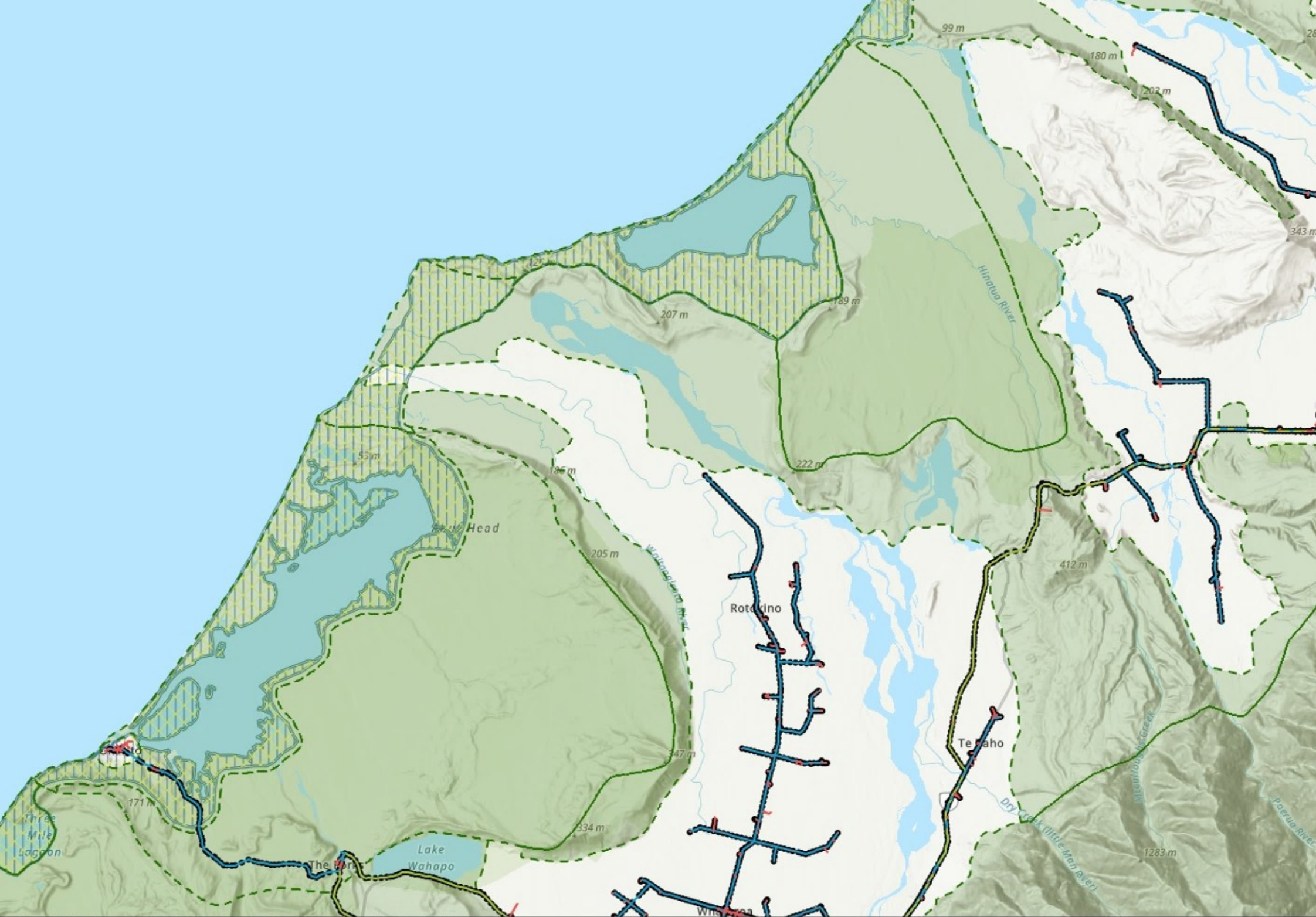


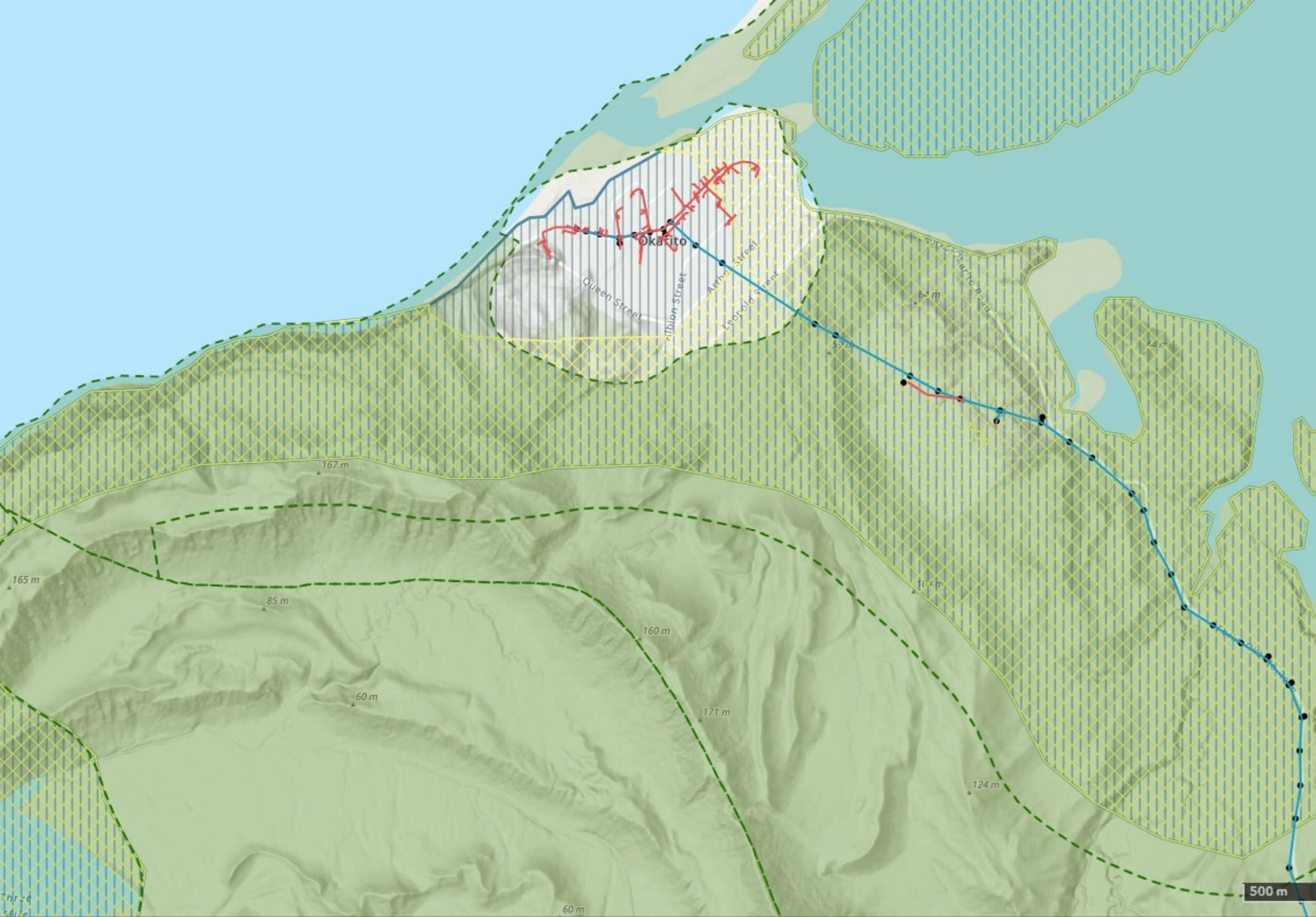


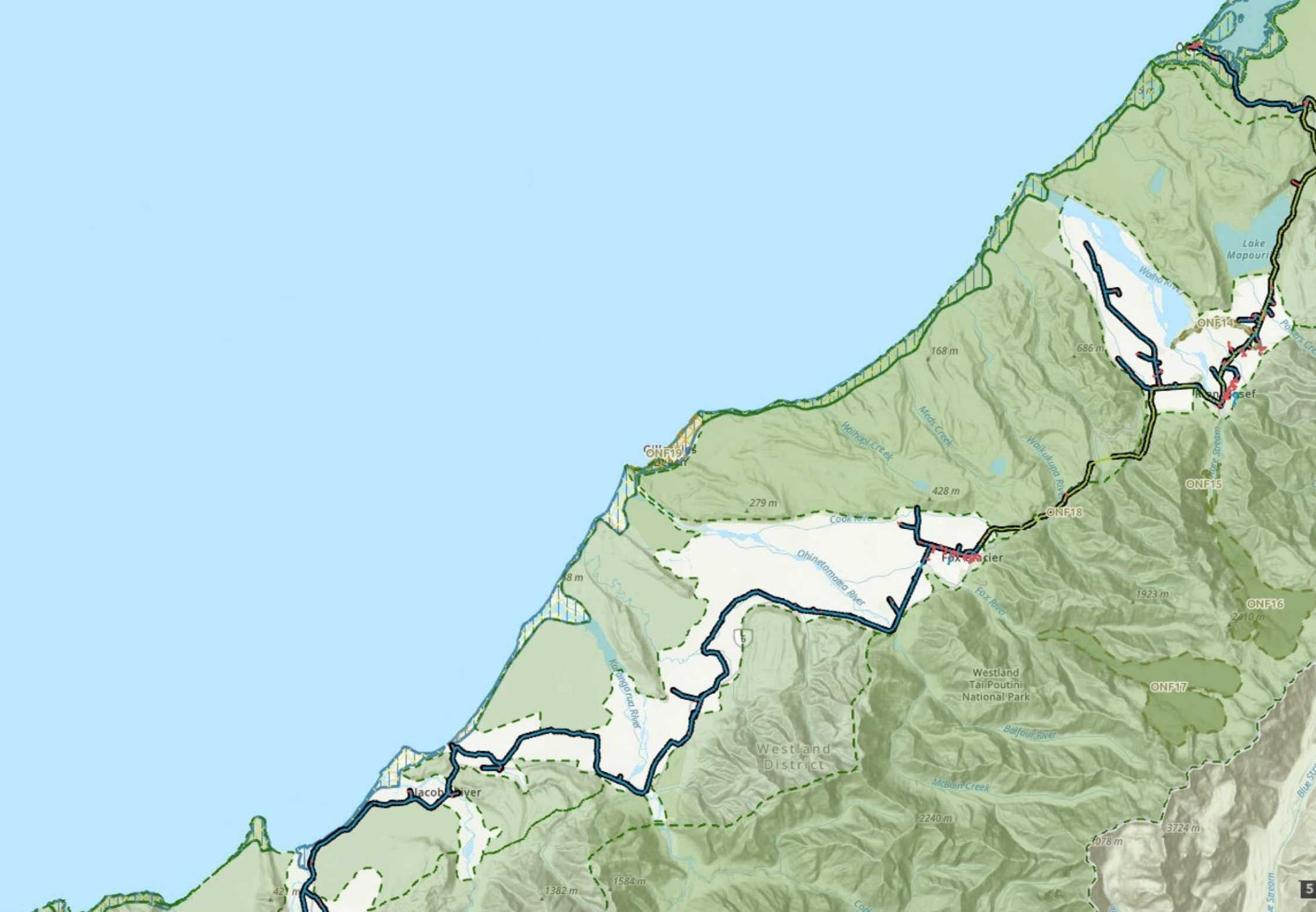


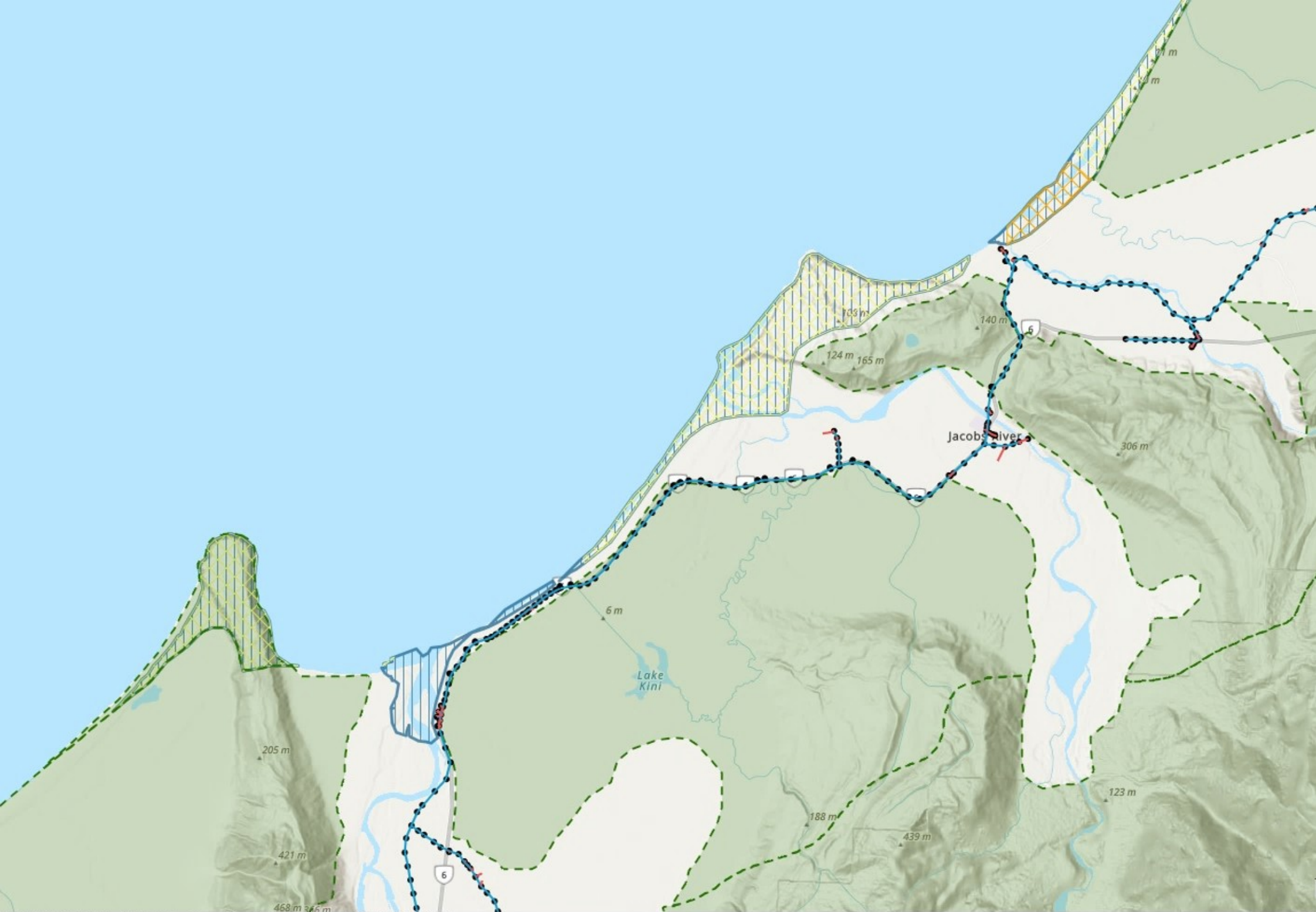


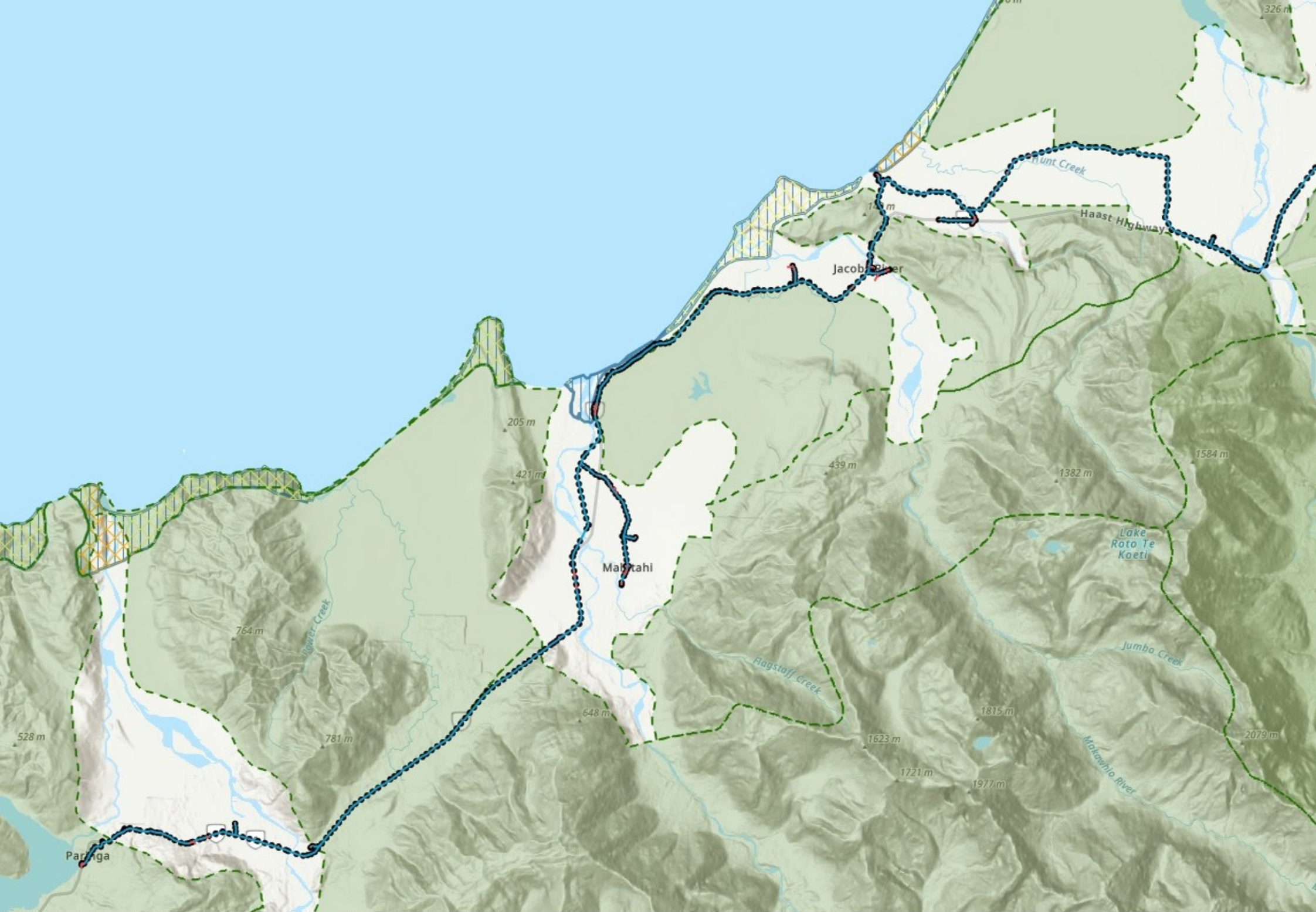












Appendix 1: Summary of S42A Recommendations – Coastal Environment (including Definitions)

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.012	Westpower Limited	General Coastal Environment Area	Amend	Clarify the definition of urban area	Accept In Part
S547.013	Westpower Limited	General Coastal Environment Area	Amend	Amend the description and add an advice note to Coastal Environment Chapter and relevant zone provisions to advise, <u>Advice Note: The coastal environment overlay does not apply in the Urban Area or Zone as defined in this plan.</u> (note: if the "urban area" is intended to be different to the "urban zone" then clarification is required for the advice note.)	Accept In Part
S547.014	Westpower Limited	General Coastal Environment Area	Amend	Amend maps to remove urban areas from the coastal environment overlay	Accept
S547.404	Westpower Limited	Coastal Environment	Amend	Ensure identification of outstanding natural features, landscapes character (including high natural character) appropriately recognise and provide for the existing energy activities and infrastructure located within them.	Accept
S547.405	Westpower Limited	Coastal Environment	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
S547.0509	Westpower Limited	Coastal Environment	Support	(1) Ensure identification of outstanding natural features, landscapes character (including high natural character) appropriately recognise and provide for the existing energy activities and infrastructure located within them. (2) Ensure provisions adequately recognise the importance of	Accept In Part

				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.	
S547.414	Westpower Limited	Coastal Environment	Amend	Ensure the built environment and infrastructure, including energy activities and critical infrastructure are identified and shown on relevant maps for the coastal environment, including the extent of Urban Areas not forming part of the coastal environment overlay.	Accept In Part
S547.406	Westpower Limited	Overview	Amend	<u>Add a new paragraph 2: Development, Energy Activities and Infrastructure Given the topography of the West Coast a significant level of development, including energy activities and infrastructure, occurs in and through the coastal environment. These activities are important and integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing, of communities throughout the West Coast. As well as the spatial location of communities there is a requirement to recognise the network of communities and the linkages between them in managing activities within the coastal environment as a whole. Both national policies, ie NZCPS and NPSREG, and regional policies, ie RPS, recognise the need for activities, including energy activities and infrastructure, to be undertaken within or through the coastal environment. The plan must appropriately provide for activities taking in to account the topography, conditions, existing and required activities and development and values present in the coastal environment.</u>	Accept In Part
S547.407	Westpower Limited	Overview	Amend	Add references to Strategic Objectives and Policies as per previous chapters	Accept In Part
S547.410	Westpower Limited	CE-O3	Amend	Amend To provide for activities which <u>due to technical, locational, functional or operational constraints or requirements need to be undertaken in the coastal</u>	Accept In Part

				<u>environment while managing adverse effects on natural character, landscape, natural features, access and biodiversity values.</u>	
S547.412	Westpower Limited	CE-P1	Amend	(1) Amend item f., "f. The built environment and infrastructure, including energy activities and critical infrastructure, which have modified the coastal environment." (2) Clearly identify existing energy activities and infrastructure within values assessments. (3) Ensure these matters are identified and shown on relevant maps for the coastal environment, including the extent of Urban Areas not forming part of the coastal environment overlay.	Accept In Part
S547.415	Westpower Limited	CE-P2	Amend	Amend the first paragraph: Preserve natural character and protect natural character and natural features and landscapes <u>from inappropriate subdivision use and development within the coastal environment that have; ...</u>	Accept In Part
S547.419	Westpower Limited	CE-P5	Amend	Amend item a. Any existing lawfully established <u>buildings or structures; or ...</u>	Accept
S547.422	Westpower Limited	CE-P6	Support	Amend the first paragraph: Recognise that there are existing settlements and urban areas ... Hokitika and enable new subdivision, use and development (including buildings and structures) within and expansion of towns and settlements where: ...	Accept In Part
S547.423	Westpower Limited	CE-P6	Amend	Amend c. In areas of <u>outstanding natural landscape and/or</u> in areas of outstanding or high natural character: ...	Accept
S547.426	Westpower Limited	CE-P6	Amend	Amend c.v. Ensure that subdivision and development is of ... that contribute to natural character are <u>avoided, remedied or mitigated.</u>	Accept
S547.427	Westpower Limited	CE-P7	Amend	Amend: Reduction in public access to the coastal environment can be considered when ... significant natural hazard threat <u>or for health and safety reasons.</u> When assessing proposals natural hazard structures for <u>a reduction in public access methods</u> to minimise potential effects on public access should	Accept

				will be considered and ways to minimise them found , including: a ... b. Provision of public amenity or opportunity for environmental benefit along the , <u>including along any natural hazard mitigation structure</u> , provided that the physical integrity and function of the structure, and health and safety is maintained.	
S547.430	Westpower Limited	CE-R4	Amend	Retain	Accept In Part
S547.434	Westpower Limited	CE-R8	Amend	Amend 2. The maximum height of <u>any addition or alteration to a building or structure is 5m above ground level.</u>	Accept
S547.436	Westpower Limited	CE-R10	Amend	Amend the heading of Rule: Buildings <u>and/or</u> Structures in the Outstanding Coastal Area	Accept
S547.439	Westpower Limited	CE-R12	Amend	Retain	Accept In Part

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S299.060	Transpower New Zealand Limited	Coastal Environment	Support In Part	Clarify the relationship between activities within the Energy Chapter and those within the Coastal Environment Chapter	Accept In Part
FS222.0362	Westpower Limited		Support In Part		Accept
S560.032	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment	Amend	Until it is mapped accurately, include a default coastal environment of 2km landward of the CMA.	Reject
FS222.0327	Westpower Limited		Oppose	Disallow	Accept
S560.059	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	COASTAL ENVIRONMENT	Amend	Amend the definition to mean those areas described in Policy 1 of the NZCPS landward of the CMA and as shown on the Planning maps.	Reject

FS222.0212	Westpower Limited		Oppose	Disallow	Accept
S560.529	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Overview	Amend	Amend the overview to clearly set out how Policy 11 is given effect to in the Plan and explain the relationship between vegetation clearance and the policy 13 and 15 matters addressed in the CE chapter.	Reject In Part
FS222.0278	Westpower Limited		Oppose	Disallow	Accept In Part
S560.283	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal environment Policies	Amend	Add new policy: <u>Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS.</u>	Reject
FS222.0279	Westpower Limited		Oppose	Disallow	Accept
S560.418	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment Policies	Support	Amend to include policy direction that areas mapped as CE outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays, that can be determined as beyond the coastal environment through a consent process will not be subject to CE chapter provisions.	Reject
FS222.0280	Westpower Limited		Oppose	Disallow	Accept
S560.281	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-P2	Amend	Amend CE - P2 to accurately capture Policies 13 and 15 of the NZCPS.	Accept In Part
FS222.0281	Westpower Limited		Oppose	Disallow	Accept In Part
S560.532	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-P2	Amend	Make additional amendments as necessary to ensure that vegetation clearance which may adversely affect natural character, natural landscapes and features beyond outstanding and high overlays avoids significant adverse effects and avoids, remedies, or mitigates other adverse effects. This will include: <ul style="list-style-type: none"> the amendments sought to ECO-R1 and ECO - R2 above are 	Reject

				<p>as it restricts indigenous vegetation clearance in the CE to certain purposes within limits.</p> <ul style="list-style-type: none"> • A matter of discretion in ECO - R5 for consideration of adverse effects on natural character, natural landscapes, and features in the CE. 	
FS222.0282	Westpower Limited		Oppose	Disallow	Accept
S602.147	Department of Conservation	CE-P5	Oppose	<p>Amend: Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:</p> <p>a. Are existing lawfully established structures; or</p> <p>b. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or</p> <p>c. Have a functional or operational need to locate within the coastal environment; <u>and d. adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed; and e. are of a size, scale and nature that is appropriate to the area; and</u></p> <p><u>f. is consistent with the NZCPS</u></p>	Accept In Part
FS222.094	Westpower Limited		Oppose	Disallow	Accept In Part
S560.286	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-P6	Amend	<p>Amend: Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and <u>where it may be appropriate to:</u> 1. enable new subdivision, buildings, and structures within and expansion of towns and settlements where <u>when:</u> These <u>activities</u> are located in areas already modified by built development; <u>and</u> or <u>primary production activities,</u> or <u>the area is not subject to a natural hazard overlay</u> Where located in unmodified areas, any adverse impact on natural character can be mitigated; <u>and</u> In areas of outstanding or high natural character:</p> <p>i. <u>Avoid encroachment into unmodified areas of the coastal</u></p>	Reject

				<p><u>environment; and ii. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are avoided, remedied, or mitigated consistent with CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS]; and d. significant natural areas are protected; 2. make Pprovisione for lawfully established land uses and activities that manage adverse effects in accordance with provisions of this Plan to continue; 3ii. Allow for consider other uses with a functional need to locate in the coastal environment; 4iii. Allow for Poutini Ngāi Tahu cultural uses; and 5. where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives. Avoid encroachment into unmodified areas of the coastal environment; and Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns</u></p>	
FS222.0283	Westpower Limited		Oppose	Disallow	Accept
S602.148	Department of Conservation	CE-P6	Oppose	<p>Amend: Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures within and expansion of towns and settlements where:</p> <p>These are located in areas already modified by built development or primary production activities <u>and the adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed, or</u></p> <p>Where located in unmodified areas, any adverse impact on natural character <u>are managed in accordance with the effects management hierarchy can be mitigated;</u></p> <p>In areas of outstanding or high natural character: Provide for lawfully established land uses and activities to continue; Allow for other uses with a functional need to locate in the coastal</p>	Accept In Part

				<p>environment <u>where adverse effects are managed in accordance with the effects management hierarchy;</u> Allow for Poutini Ngāi Tahu cultural uses; Avoid encroachment into unmodified areas of the coastal environment; and Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised. <u>Significant adverse effects on natural character are avoided;</u> <u>Adverse effects on natural character are avoided in areas of outstanding natural character.</u></p>	
FS222.095	Westpower Limited		Oppose	Disallow	Accept In Part
S560.289	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment Rules	Amend	Amend and restructure the CE rules so that: <ul style="list-style-type: none"> • Conditions for earthworks are included within the same rule as the activities to which they, unless the EW rules can be relied upon in which case a condition or information note to that effect should be included. • There in one permitted activity rule for maintenance and repair of lawfully established activities which includes the more restrictive requirement within overlays 	Reject
FS222.0284	Westpower Limited		Oppose	Disallow	Accept
S560.312	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment Rules	Not Stated	Add a discretionary rule for activities in the Coastal Environment that are not specifically provided for under the other CE rules.	Reject
FS222.0285	Westpower Limited		Oppose	Disallow	Accept
S602.165	Department of Conservation	Coastal Environment Rules	Oppose	Add an additional Rule: <u>XXX Activities, structures, buildings and earthworks not provided for in another Rule Activity status: Non-complying</u>	Accept In Part
FS222.096	Westpower Limited		Oppose	Disallow	Accept
S560.0580	Royal Forest and Bird Protection	CE-R5	Support	Limit minor upgrades to the National Grid and retain with maintenance and repair activities.	Reject

	Society of New Zealand Inc. (Forest & Bird)				
FS222.0287	Westpower Limited		Oppose	Disallow	Accept
S560.0581	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R5	Amend	Include upgrades for network utilities or renewable electricity generation activities within rules for new structures (e.g., CE - R8) to ensure that condition for the scale and effects are appropriate or as consented activities.	Reject
FS222.0288	Westpower Limited		Oppose	Disallow	Accept
S560.295	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R6	Amend	Consider combining CE - R9 into R6 and as a consequence delete CE - R9. Amend CE - R6 as follows: Amend the heading of CE - R6: <ul style="list-style-type: none"> • Delete "Reconstruction" from the title of the rule and ensure that activity is captured under other rules as for new activities. • Amend condition 2. To include limits as follows: "Earthworks and land disturbance is the minimum required to undertake the activity <u>and are within 2m of the structure and involves no more than 100m3 of material excavated, deposited or remove;</u> Retain other aspects of the rule.	Reject
FS222.0289	Westpower Limited		Oppose	Disallow	Accept
S602.152	Department of Conservation	CE-R6	Oppose	Amend: CE-R7 Maintenance, Alteration, <u>and</u> Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay identified in Schedule Seven Activity Status Permitted Where: <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required 	Accept In Part

				<p>to undertake the activity contained wholly within the footprint of the mitigation structure;</p> <ol style="list-style-type: none"> 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the consented structure, and an assessment is provided by a suitably qualified professional confirming the adverse effects are no greater than the consented structure; and 6. The activity is undertaken by a Statutory Agency or their designated contractor. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6. 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. <p>Activity status where compliance not achieved: Controlled <u>Restricted Discretionary</u></p>	
FS222.097	Westpower Limited		Oppose	Disallow	Accept In Part
S560.297	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R8	Amend	Amend CE- R8 so that it applies to the CE generally as well as for Outstanding overlays.	Reject
FS222.0290	Westpower Limited		Oppose	Disallow	Accept

S560.0566	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R8	Amend	Add a condition including upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in Conditions 1 and 2 are met.	Reject
FS222.0291	Westpower Limited		Oppose	Disallow	Accept
S560.298	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R9	Amend	Combine with R6 and as a result Delete R9 Extend the combined rule to the full coastal environment.	Reject
FS222.0292	Westpower Limited		Oppose	Disallow	Accept
S560.299	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R10	Amend	Amend Rule CE - R10 to be a restricted discretionary Activity	Reject
FS222.0293	Westpower Limited		Oppose	Disallow	Accept
S560.0584	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R10	Amend	Amend R10 or combine the activities listed into other CE rules that already provide for these activities and for earthworks, within limits that protected the Outstanding Coastal Area. The expectation is that these limits will be more stringent than those set out for other areas of the coastal environment sought in this submission.	Reject
FS222.0294	Westpower Limited		Oppose	Disallow	Accept
S602.156	Department of Conservation	CE-R10	Amend	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. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or	Accept In Part

				<p>4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or</p> <p>5. For agricultural pastoral and horticultural activities or an accessory building; and</p> <p>i. The height of any building or structure does not exceed <u>53</u>m above ground level; and</p> <p>ii. The gross floor area of any building does not exceed <u>50100</u>m²</p> <p>Advice Note:</p> <p>1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.</p> <p>2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.</p> <p>Activity status where compliance not achieved: Restricted Discretionary</p>	
FS222.099	Westpower Limited		Oppose	Disallow	Accept In Part
S560.300	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R11	Amend	Delete	Reject
FS222.0295	Westpower Limited		Oppose	Disallow	Accept
S560.0564	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R11	Amend	Amend R11 to include appropriate limits and to refer to the CE permitted activities it relates to. Ensure that limits for earthworks are not more than required to meet the limits to the scale of permitted activities sought in Forest & Birds submissions.	Accept In Part
FS222.0296	Westpower Limited		Oppose	Disallow	Accept In Part
S602.157	Department of	CE-R11	Amend	Amend: Where these are for:	Accept In Part

	Conservation			a. Maintenance repair or upgrade of <u>existing</u> walking/cycling tracks, roads, farm tracks or fences; b. Operation, maintenance, repair and upgrade of <u>existing</u> network utility infrastructure or renewable electricity generation; and c. <u>The earthworks are wholly contained within the footprint of the walking/cycling track, road, farm track, fence, network utility infrastructure, or renewable electricity generation infrastructure;...</u>	
FS222.0100	Westpower Limited		Oppose	Disallow	Accept In Part
S560.301	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R12	Amend	Amend the rule heading to apply to the Coastal Environment	Reject
FS222.0297	Westpower Limited		Oppose	Disallow	Accept
S560.0585	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R12	Amend	Amend CE - R12 to ensure it provides for noncompliance with R6 and R9 as set out in those rules. For example, by including the following condition: " <u>Where: A. the maintenance, alteration, repair, or reconstruction is for natural hazard mitigation structure that has been lawfully established; and</u> Amend the conditions as follows: <u>X. provided that only clean fill is used where fill materials are part of the structure;</u> " These are to protect the <u>existing</u> coastal State Highway, Special Purpose Roads or other <u>lawfully established</u> Critical Infrastructure; These are Westport flood and coastal protection works constructed by a statutory agency or its authorized contractor. Add the following matters of control: " <u>k. effects on public access; and l. materials used; and m. the extent and quantity of earthworks to be undertaken is association with the natural hazards structure works.</u> "	Reject
FS222.0298	Westpower Limited		Oppose	Disallow	Accept
S560.0587	Royal Forest and	CE-R12	Amend	Amend the Activity status where compliance not achieved as	Reject

	Bird Protection Society of New Zealand Inc. (Forest & Bird)			follows: <u>for maintenance, alteration, repair, or reconstruction with standard 2: Restricted Discretionary.</u> except In all other cases: Discretionary where these are within the Outstanding Coastal Environment Area	
FS222.0299	Westpower Limited		Oppose	Disallow	Accept
S560.303	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R14	Amend	Consider combining CE - R14 and CE - R15	Reject
FS222.0300	Westpower Limited		Oppose	Disallow	Accept
S560.531	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R14	Amend	Add matters of discretion for " <u>effects on natural character, including High natural character, natural landscapes and features of the coastal environment.</u> "	Reject
FS222.0301	Westpower Limited		Oppose	Disallow	Accept
S560.0560	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R14	Amend	Add matters of discretion for " <u>effects on natural character, natural landscapes and features of the coastal environment.</u> "	Accept In Part
FS222.0302	Westpower Limited		Oppose	Disallow	Accept In Part
S560.304	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R15	Amend	Consider combining CE - R14 and CE - R15	Reject
FS222.0303	Westpower Limited		Oppose	Disallow	Accept
S602.161	Department of Conservation	CE-R16	Oppose	Delete Rule CE-R16 in its entirety	Reject
FS222.0104	Westpower Limited		Oppose	Disallow	Accept
S560.306	Royal Forest and	CE-R17	Amend	Amend: <u>Maintenance, repair, alteration and reconstruction of</u>	Reject

	Bird Protection Society of New Zealand Inc. (Forest & Bird)			Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards of <u>CE - R12</u> Activity Status Restricted Discretionary Where: 1. These are not within the Outstanding Coastal Environment Area. Discretion is restricted to: <u>a. whether the natural hazard mitigation structure is lawfully established;</u> ab. Any requirements for landscape evaluation; bc. Effects on habitats of any threatened or protected <u>flora or fauna species;</u> cd. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; <u>e. Effects on ecological functioning and the life supporting capacity of air, water, soil, and ecosystems;</u> f. Effects on the intrinsic values of ecosystems; <u>Effects on public access;</u> g. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; <u>h. Landscape and visual effects;</u> di. The extent to which the site is visible from a road or public place; ej. Any effects on the natural character of the coast; <u>k. Location, dimensions, and appearance of the structure.</u> Activity status where compliance not achieved: Discretionary <u>Non-complying</u>	
FS222.0305	Westpower Limited		Oppose	Disallow	Accept
S560.534	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R17	Amend	Amend: That provision for minor upgrades on the National Grid may be appropriate at the permitted level given the distinction from other upgrades under the NPS for ET, but that other upgrades for infrastructure more restricted requirements as for new activities should apply.	Reject
FS222.0286	Westpower Limited		Oppose	Disallow	Accept
S560.307	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R18	Not Stated	Amend: <u>Activities and Earthworks</u> within the Outstanding Coastal Environment Area not provided for as a Permitted Activity	Reject

FS222.0306	Westpower Limited		Oppose	Disallow	Accept
S560.308	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R19	Amend	Amend CE - R19 as follows: "Where CE - R17 is not complied with or for New Natural Hazard Mitigation Structures and Natural Hazard Mitigation Activities in the Outstanding Coastal Environment not meeting Rule CE - R11 Activity Status Discretionary Where: These will not adversely affect destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property. Activity status where compliance not achieved: Non-complying prohibited	Reject
FS222.0307	Westpower Limited		Oppose	Disallow	Accept
S560.0561	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R19	Amend	Make similar amendments as sought for CE - R12 above to capture all activities where compliance is not achieved with preceding rules.	Reject
FS222.0308	Westpower Limited		Oppose	Disallow	Accept
S560.310	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R21	Amend	Amend to a non-complying rule	Reject
FS222.0309	Westpower Limited		Oppose	Disallow	Accept
S602.164	Department of Conservation	Discretionary Activities	Amend	Insert new Rule: <u>CE-RXX Buildings and Structures within the High Coastal Natural Character Overlay or Outstanding Coastal Environment Overlay not meeting Restricted Discretionary Activity Standards Activity Status Discretionary Where:</u> <u>These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it</u>	Reject

				<p><u>Outstanding.</u></p> <p><u>Advice Note: When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.</u></p> <p><u>This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.</u></p> <p><u>Activity status where compliance not achieved: Non-complying</u></p>	
FS222.0105	Westpower Limited		Oppose	Disallow	Accept
S560.311	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R22	Amend	<p>Amend CE- E22:</p> <p>"Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding or activities not meeting CE - R19 in the Outstanding Coastal Environment Area"</p> <p>Amend to a prohibited activity status.</p>	Reject
FS222.0310	Westpower Limited		Oppose	Disallow	Accept
S560.0573	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R22	Amend	Amend CE - R22 to Prohibited activity status and to capture non-compliance with CE - R19	Reject
FS222.0311	Westpower Limited		Oppose	Disallow	Accept

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.408	Westpower Limited	CE-O1	Amend	Amend: <u>To; a) Protect indigenous biological diversity; b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and c) Protect natural features and natural landscapes from inappropriate subdivision,</u>	Reject

				<u>use and development.</u>	
S547.409	Westpower Limited	CE-O1	Amend	Add a new CE-10A: <u>Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.</u>	Reject
S547.411	Westpower Limited	Coastal Environment Policies	Amend	(1) Add a new Policy: <u>Provide for new and existing renewable electricity generation activities in the coastal environment, including having particular regard to: a) The need to locate where the renewable energy resource is available; b) The technical, functional or operational needs of renewable electricity generation activities</u> (2) Ensure matters in Policy 3, Chapter 9 of the RPS are given effect in policies providing for subdivision, use and development in this section of the plan.	Reject
S547.416	Westpower Limited	CE-P3	Amend	(1) Amend the first paragraph, "Allow new subdivision, use ...". (2) Amend item e., "e. It is National Grid infrastructure <u>or other energy activity, including energy aspects of infrastructure and critical infrastructure, that due to technical, locational, functional or operational constraints and requirements needs to be undertaken within or through these areas.</u> ".	Reject
S547.417	Westpower Limited	CE-P4	Amend	Amend e. It is National Grid infrastructure <u>or other energy activity, including energy aspects of infrastructure and critical infrastructure, that due to technical, locational, functional or operational constraints and requirements needs to be undertaken within or through these areas.</u>	Reject
S547.418	Westpower Limited	CE-P5	Amend	Amend: Provide <u>Allow</u> buildings and structures ... features where these:...	Reject
S547.420	Westpower Limited	CE-P5	Amend	Amend item c. Are in parts of the coastal environment that have been historically modified by built development, <u>energy activities and infrastructure (including critical infrastructure), and primary production activities; or ...</u>	Reject
S547.421	Westpower Limited	CE-P5	Amend	Amend d. Have a <u>technical, locational, functional or operational constraint or requirements to be undertaken within or through</u>	Reject

				to locate within the coastal environment.	
S547.424	Westpower Limited	CE-P6	Amend	Amend c.ii. Allow for other uses with a <u>activities which, due to technical, locational, functional or operational constraints or requirements need to be undertaken within or through the coastal environment.</u>	Reject
S547.425	Westpower Limited	CE-P6	Amend	Amend item c.iv. <u>Manage</u> encroachment into unmodified areas of the coastal environment <u>to enable appropriate subdivision, use or development to occur.</u>	Reject
S547.428	Westpower Limited	CE-R1	Amend	Avoid conflict between this rule and rules in the areas of High Coastal Natural Character and Outstanding Coast Environment by deleting item "1." In its entirety.	Reject
S547.429	Westpower Limited	CE-R1	Amend	Amend heading to read: <u>Operation, maintenance, repair, minor upgrade and upgrade</u> of lawfully established structures, network utilities, renewable energy generation, <u>energy activities and critical infrastructure,</u> fence lines and tracks within the Coastal Environment.	Reject
S547.431	Westpower Limited	CE-R5	Amend	Minor upgrading definition to be inserted as per submission above.	Reject
S547.432	Westpower Limited	CE-R5	Amend	Amend 1. These buildings and ... And repair of network utilities, <i>including energy activities and critical infrastructure,</i> or renewable electricity generation activities; or	Reject
S547.433	Westpower Limited	CE-R7	Amend	Amend b. Operation, maintenance, repair, <u>upgrade of existing and/or</u> installation of new network utility infrastructure, <u>including energy activities and critical infrastructure,</u> or renewable electricity generation; or	Reject
S547.435	Westpower Limited	CE-R10	Amend	Minor upgrading definition to be inserted as per submission above.	Reject
S547.437	Westpower Limited	CE-R10	Amend	Amend 3. Required for the maintenance ... repair of network utilities, <u>including energy activities and critical infrastructure,</u> or renewable electricity generation activities; or	Reject
S547.438	Westpower Limited	CE-R11	Amend	Amend b. Operation ... of network utility infrastructure, <u>including energy activities and critical infrastructure,</u> or renewable electricity generation <u>activities.</u>	Reject

S547.440	Westpower Limited	CE-R14	Amend	Add <u>k. The benefits arising from the proposed activity.</u>	Reject
S547.441	Westpower Limited	CE-R14	Amend	Add <u>l. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>	Reject
S547.442	Westpower Limited	CE-R15	Amend	Add <u>n. The benefits arising from the proposed activity.</u>	Reject
S547.443	Westpower Limited	CE-R15	Amend	Add <u>o. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>	Reject
S547.444	Westpower Limited	CE-R16	Amend	(1) Amend item 3.i., "i. A network utility, <u>energy activity, critical infrastructure, or electricity generation activity.</u> ". (2) Add a new item m., "m. <u>The benefits arising from the proposed activity.</u> ". (3) Add a new n., "n. <u>The technical, locational, functional or operational constraints and/or requirements of the activity.</u> ".	Reject
S547.447	Westpower Limited	CE-R17	Amend	(1) Add a new item l., " <u>l. The benefits arising from the proposed activity.</u> ". (2) Add a new m., "m. <u>The technical, locational, functional or operational constraints and/or requirements of the activity.</u> ".	Reject
S547.448	Westpower Limited	CE-R17	Amend	Add <u>m. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>	Reject
S547.449	Westpower Limited	CE-R18	Amend	Amend 1.iii. Installation of network utility infrastructure, <u>energy activity infrastructure, critical infrastructure, or renewable electricity generation activities.</u>	Reject
S547.450	Westpower Limited	CE-R18	Amend	Add <u>l. The benefits arising from the proposed activity.</u>	Reject
S547.451	Westpower Limited	CE-R18	Amend	Add <u>m. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>	Reject
S547.452	Westpower Limited	CE-R19	Amend	1. These will not destroy ... or the values which <u>together</u> make it Outstanding; except ...	Reject
S547.453	Westpower Limited	CE-R21	Amend	Amend 1. These will not destroy ... or the values which <u>together</u> make it Outstanding.	Reject
S547.454	Westpower Limited	CE-R22	Amend	Amend heading: Activities in the Coastal Environment that would ... or the values which <u>together</u> make it Outstanding	Reject

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S560.002	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment	Amend	Ensure provisions align with NZCPS.	Accept
FS222.0276	Westpower Limited		Oppose	Disallow	Reject
S560.417	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment	Amend	Amend coastal environment mapping meets the requirements of NZCPS Policy 1.	Accept
FS222.0277	Westpower Limited		Oppose	Disallow	Reject
S560.420	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Coastal Environment	Amend	Redo and update the mapping of the Coastal Environment using appropriate experts to identify the extent by applying Policy 1 of the NZCPS landward of the CMA and identifying any further areas of High natural character or Outstanding coastal environment.	Accept
FS222.0328	Westpower Limited		Oppose	Disallow	Reject
S602.138	Department of Conservation	Coastal Environment	Amend	Map the entire coastal environment down to the CMA in accordance with the NZCPS and Policy CE-P1.	Accept
FS222.093	Westpower Limited		Oppose	Disallow	Reject
S462.021	Inger Perkins	Coastal Environment Rules	Amend	Amend the Permitted Activity rules that allow clearance of vegetation in the coastal environment to prevent clearance of any vegetation that provides habitat for indigenous coastal species.	Reject
FS222.0169	Westpower Limited		Oppose		Reject
S602.155	Department of Conservation	CE-R9	Oppose	Amend: CE-R9 Maintenance, Alteration, and Repair and Reconstruction of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area	Accept

				<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity <u>contained wholly within the footprint of the mitigation structure;</u> 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the consented structure, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the consented structure; and 6. The activity is undertaken by a Statutory Agency or their designated contractor. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R9. 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. <p>Activity status where compliance not achieved: Controlled <u>Discretionary</u></p>	
FS222.098	Westpower Limited		Oppose	Disallow	Reject
S602.158	Department of Conservation	CE-R12	Oppose	Amend: Activity Status Controlled <u>Restricted Discretionary</u> Where: These are to protect the coastal State Highway, Special	Accept In Part

				<p>Purpose Roads or other Critical Infrastructure; These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor. Matters of control are: Discretion is restricted to: Effects on habitats of any threatened or protected flora or fauna species; indigenous vegetation and habitats of indigenous fauna;</p> <p>Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</p> <p>Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;</p> <p>Effects on the intrinsic values of ecosystems;</p> <p>Effects on recreational values of public land;</p> <p>Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;</p> <p>Landscape and visual effects;</p> <p>Effects on natural character and natural features;</p> <p>Location, dimensions and appearance of the structure;</p> <p>Effects on public access to the coast; <u>Adverse effects on amenity, natural character, and historic heritage; and Consideration of the extent to which hard protection structures are avoided.</u></p> <p>Advice Note: The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE – R11. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.</p> <p>Activity status where compliance not achieved: NA Restricted Discretionary except Discretionary where these are within the Outstanding Coastal Environment Area</p>	
FS222.0101	Westpower Limited		Oppose	Disallow	Reject
S602.159	Department of Conservation	CE-R14	Amend	Amend: Activity Status Restricted Discretionary Discretion is restricted to: Any requirements for landscape evaluation; The extent to which the site is visible from a road or public	Accept In Part

				<p>place;</p> <p>The effects on the natural character of the coast;</p> <p>The effects on Poutini Ngāi Tahu values or any Site and Areas of Significance to Māori identified in Schedule Three;</p> <p>The effects on potential or current public access to the coast;</p> <p>Design and location of any buildings, structures or earthworks;</p> <p>Volume and area of earthworks;</p> <p>Area and location of any vegetation clearance; <u>Adverse effects on amenity</u>;</p> <p>Adverse effects on historic heritage;</p> <p><u>Adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;</u>Impacts <u>Adverse effects on biodiversity and conservation values</u>; and</p> <p>Landscape measures.</p> <p>Activity status where compliance not achieved: N/A</p>	
FS222.0102	Westpower Limited		Oppose	Disallow	Reject
S602.160	Department of Conservation	CE-R15	Oppose	<p>Amend:</p> <p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <p>Any requirements for landscape evaluation;</p> <p>The extent to which the site is visible from a road or public place;</p> <p>The effects on the natural character of the coast;</p> <p>The effects on landscape and natural features of the coast;</p> <p>The effects on potential or existing public access to the coast;</p> <p>Design and location of any buildings, structure or earthworks;</p> <p>Volume and area of earthworks;</p> <p>Effects on habitats of any threatened or protected flora or fauna species; <u>indigenous vegetation and habitats of indigenous fauna</u>;</p> <p><u>Adverse effects on biodiversity and conservation values</u>;</p> <p>Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</p>	Accept In Part

				<p>Effects on recreational values of public land; Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; <u>Adverse effects on amenity;</u> <u>Adverse effects on historic heritage;</u> <u>Adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;</u> Landscape and visual effects; and Location, dimensions and appearance of any structure Advice Note: This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF. Activity status where compliance not achieved: N/A</p>	
FS222.0103	Westpower Limited		Oppose	Disallow	Reject
S560.305	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	CE-R16	Amend	Combine CE - R16 with CE - 21 so that the activity is Discretionary on the same condition for natural features.	Accept In Part
FS222.0304	Westpower Limited		Oppose	Disallow	Reject