

**PLANNING EVIDENCE**

**IN THE MATTER OF** Proposed Te Tai o Poutini Plan (pTTPP)

**AND**

**IN THE MATTER OF** A hearing into the above pursuant to the Resource Management Act 1991

**DATE OF HEARING** 4 December 2024

**REVIEW OF RESOURCE MANAGEMENT AND PLANNING MATTERS  
RELATED TO SUBMISSIONS AND FURTHER SUBMISSIONS OF  
WESTPOWER LTD TO THE PROPOSED TE TAI O POUTINI PLAN**

**TOPICS:**

**Outstanding Matters**

**Evidence of Martin Kennedy**

## **1.0 INTRODUCTION**

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.
- 1.4 This evidence specifically relates to the topic:
  - Outstanding Matters

## **2.0 SUBMITTER**

- 2.1 The submitter is: Westpower Limited (*Westpower*)
- 2.2 Westpower is a community owned company undertaking activities related to the generation and distribution of electricity to the community. Westpower undertakes activities in all districts in the region. Westpower's ability to undertake its activities for the community is impacted by the provisions of the plan. When assessing the proposed plan activities have been considered under three broad categories (although all are interrelated);
  - the existing electricity network;
  - potential additions and extension to the network;
  - electricity generation activities.

## **3.0 WITNESS**

- 3.1 As above I have been requested by the submitter to present evidence on the resource management issues relating to certain matters which were the subject of submissions and further submissions to the pTTPP.
- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 33 years Resource Management and Planning experience. I

have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.

- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters.
- 3.3 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.4 I am a current full member of the New Zealand Planning Institute.
- 3.5 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

#### **4.0 SCOPE OF EVIDENCE**

- 4.1 Westpower Ltd made submissions to a number of provisions throughout the pTTPP, 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 s42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.

- 4.4 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. There are some issues arising with submission points and these are discussed below.
- 4.5 This evidence is therefore submitted for two purposes;
- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
  - To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments. In terms of this hearing the topics covered are;
    - Outstanding Matters
- 4.6 This evidence covers the topic area 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.

## **5.0 CONCLUSION**

- 5.1 There is agreement with the recommendations arising from a range of submissions and further submissions to the TTPP being determined through this hearing.

## **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. Part II of the Resource Management Act 1991 (Section 9.0)
- 6.2 To assist with this evidence, summaries of the s42A Report recommendations are attached as Appendix 1 below. These appendices will be referred to where required for ease of cross reference rather than repetition of information.

## **7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS**

7.1 Having reviewed the s42A 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.

7.2 I have reviewed these matters, in the s42A Report and appendices, and support the recommendations to accept submissions and further submissions of Westpower, being;

- *S547.018 (Appendix 1, page 1), and*
- *FS222.066 (Appendix 1, page 1), FS222.084 (Appendix 1, pages 1-3), FS222.0260 (Appendix 1, page 3)*

7.3 I provide no further evidence in regard to those matters at this stage. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (*pages 1-3*) attached to this evidence, as submissions and further submissions “*accepted*”.

## **8.0 AMENDMENTS REQUIRED**

8.1 There are no amendments required to the recommendations of the s42A Report in relation to submissions and further submissions of Westpower. This opinion may change if matters remain in contention at the hearing and there are changes proposed by the s42A Reporting Officer to the existing recommendations. This is provided for under paragraph 7.3 above.

## **9.0 PART II OF THE ACT**

9.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken.

9.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

**Martin Kennedy**  
**Planning Consultant**  
**(West Coast Planning Ltd)**

4 November 2024

## Appendix 1: Summary of S42A Recommendations – Noise

### Submissions & Further Submissions Accepted

#### Submissions Accepted

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.018	Westpower Limited	APPROVED BUILDING PLATFORM	Amend	Amend description by adding, means a building platform approved by building consent (or otherwise allowed under the Building Act or Regulations), resource consent ...	Accept

#### Further Submissions Accepted

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S566.164	Chris J Coll Surveying Ltd	Definitions	Amend	Add definition for Development	Reject
FS222.066	Westpower Limited		Oppose in Part	Not Stated	Accept
S602.063	Department of Conservation	Overview	Oppose	<p>Amend:</p> <p>...The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. <u>Approximately</u> 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.</p> <p>While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and</p>	Reject

			<p>vegetation types, <u>they occur primarily in the uplands, and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces.</u> Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.</p> <p><u>The benefits of ecological connectivity from the mountains to the sea on the West Coast/Te Tai o Poutini are shared by all.....</u>In the Grey District, an evaluation process has been underway for a number of years, and this has enabled 37 Significant Natural Areas to be identified within the Grey District. The list of these Significant Natural Areas can be found in Schedule Four and they are also shown on the maps.</p> <p><u>In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, the mapping of Significant Natural Areas will be undertaken and completed by June 2027.;</u></p> <p>Te Tai o Poutini Plan has general vegetation clearance rules, with <del>an expectation</del> <u>requirement</u> that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent <u>or to confirm whether or not the area proposed to be cleared is not significant before permitted clearance occurs. These rules apply in addition to the rules that apply to the Schedule 4 Significant Natural Areas...</u></p> <p><del>...Indigenous vegetation clearance in the Coastal Environment</del> <u>or adjacent to waterbodies</u></p>	
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				Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and wetlands refer to the Natural Character and Margins of Waterbodies chapter of the Plan for <del>the</del> <u>additional</u> Rules around this clearance....	
<b>FS222.084</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S560.419</b>	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Overview	Oppose	Delete this statement	Reject
<b>FS222.0260</b>	Westpower Limited		Oppose	Disallow	Accept