

**IN THE MATTER of
the Resource Management Act 1991**

AND

IN THE MATTER of

**Hearing of submissions and further submissions on
the Proposed Te Tai o Poutini Plan**

**JOINT STATEMENT OF PLANNING EXPERTS FOR THE ECOSYSTEMS AND
BIODIVERSITY TOPIC
17 February 2025**

Introduction

1. This joint witness statement relates to expert conferencing on the topic of Ecosystems and Biodiversity.
2. The expert conferencing was held on 9 December 2024, 17 December 2024 and 23 January 2025 via a video-conference with follow up discussions over email.
3. Attendees at the conferences on 9 December and 17 December 2024 were:
 - a. Jo Armstrong, TTPP Project Manager, Facilitator
 - b. Lois Easton, s42A reporting officer for Ecosystems and Biodiversity.
 - c. Martin Kennedy, for Westpower;
 - d. Stephanie Styles, for Manawa Energy;
 - e. Rachael Pull, for Poutini Ngāi Tahu;
 - a. Chris Horne, for Chorus, Spark, One New Zealand and Fortysouth
 - f. Pauline Whitney, for Transpower
 - g. Kate Sannazzaro, for Federated Farmers
 - h. Claire Hunter, for Bathurst Resources
 - i. Murray Brass, for Department of Conservation
4. Attendees at the conference on 23 January 2025 were:
 - a. Jo Armstrong, TTPP Project Manager, Facilitator
 - b. Lois Easton, s42A reporting officer for Ecosystems and Biodiversity.
 - c. Martin Kennedy, for Westpower;
 - d. Stephanie Styles, for Manawa Energy;
 - e. Rachael Pull, for Poutini Ngāi Tahu;
 - f. Chris Horne, for Chorus, Spark, One New Zealand and Fortysouth
 - g. Pauline Whitney, for Transpower
 - h. Claire Hunter, for Bathurst Resources
 - i. Murray Brass, for Department of Conservation

Expert Witness Code of Conduct

4. This joint statement is prepared in accordance with Section 9.5 of the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
5. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and agree to abide by it and in particular those matters under Section 9.4.

Purpose and scope of conferencing

6. The purpose of conferencing was to respond to Minute 54 and:
 - a. identify, discuss, and highlight points of agreement and disagreement on how the provisions (objectives, policies and rules) could be further simplified and made easier to read, understand and interpret;
 - b. identifying whether there is an ability for non-statutory methods to be incorporated into policies in conjunction with SNAs with Councils considering non-regulatory methods as part of the SNA process.
 - c. was not a forum to go through evidence already presented to the panel – where experts have provided evidence on the content of provisions, that evidence stands other than where a. or b. above apply to simplification, clarity and the inclusion of non-regulatory methods.
7. Annexure A records where agreement has been reached, areas of disagreement and the reasons, along with any reservations or comments.
8. It was acknowledged that Ms Easton is yet to lodge her Right of Reply to the hearing and that this may recommend additional changes to the provisions in response to the matters raised at the hearing.
9. It was also acknowledged that the caucusing relating to Māori Land was separate to this conferencing and once completed may recommend additional changes to the contents of this statement by the parties involved.



Lois Easton, s42A Author



Martin Kennedy, for Westpower;



Stephanie Styles, for Manawa Energy;



Rachael Pull, for Poutini Ngāi Tahu;



Chris Horne, for Chorus, Spark, One New Zealand and Fortysouth



Pauline Whitney, for Transpower



Kate Sannazzaro, for Federated Farmers

A handwritten signature in black ink, appearing to read 'CHH', enclosed in a thin black rectangular border.

Claire Hunter, for Bathurst Resources

A handwritten signature in blue ink, appearing to read 'MB', consisting of several fluid, connected strokes.

Murray Brass, for Director-General of Conservation

ANNEXURE A – EXPERT CONFERENCING ON MATTERS ARISING FROM THE ECOSYSTEMS AND BIODIVERSITY HEARING

December - February 2025

Participants: Chris Horne (CH), Rachael Pull (RP), Stephanie Styles (SS), Pauline Whitney (PW), Kate Sannazzaro (KS), Claire Hunter (CHU), Murray Brass (MB), Martin Kennedy (MK), Lois Easton (LE)

| Issue | Sub-Item | Agreed Position | Areas of Disagreement and Reasons |
|--|--|--|--|
| General Approach/ layout (simplified) | Approach for Renewable Electricity Generation and Electricity Transmission | <ul style="list-style-type: none"> That the approach for electricity transmission and renewable electricity generation should be dealt with in a separate policy to improve clarity for these activities. <p>Refer attached policy wording for Policy ECO – P1C which meets the requirements of Transpower and Manawa Energy – it is noted that other expert evidence in relation to this policy matter still stands.</p> | MK – I am in general agreement with the wording of ECO-P1C, with a focus on renewable generation activities, ie “clause b”. I have raised a question regarding “b.iii” as regards functional or operational needs and whether this should be linked to the proposed activity. I consider there is some value in adding this to “b.iii”, ie “... not practical to avoid because of functional or operational needs <u>of the proposed activity</u> , to remedy ...”. This retains the emphasis on renewable electricity generation but focuses on the proposal at hand. |
| | Inclusion of non-statutory methods as part of the SNA process | <ul style="list-style-type: none"> Non statutory measures are appropriate and should be provided for within plan provisions where possible. Engagement with landowners should occur through both the identification process and the ongoing management of SNAs Provisions including methods should support this. | |
| Objectives Can they be simplified/ easier to read | | No agreed position on the objectives. Refer to the evidence for the various recommendations from each party. | KS – each of the four objectives are distinct, however would benefit from being rephrased as outcomes. |
| Simplification of Policies | ECO – P1 | Agreed that the Policy should be redrafted to: <ul style="list-style-type: none"> Remove clause 5 and 6 from the version proposed in the s42A report | MK – See draft v4 Amended Provisions for comments regarding dates. |

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| | | <ul style="list-style-type: none"> • simplify 1-4 and refer to a schedule • Incorporate a schedule that outlines the process for SNA identification and reconfirmation. Refer attached policy wording for those text changes agreed. | |
| | ECO – P2 | No agreement on all changes to the Policy with evidence still standing. Agreed that the Policy should be redrafted to become two policies – one relating only to mapped SNAs and the other to the wider Areas of Significant Indigenous Biodiversity to improve clarity. Refer attached policy wording for ECO – P2 and ECO –P2A for those text changes which have been agreed | MK – agree that submissions and evidence stand in regard to this policy (and related P2A). Potential impact on distribution of electricity to the community. |
| | ECO – P3 | Minor amendments agreed to use consistent terminology. Refer attached policy wording for those text changes agreed. | |
| | ECO – P6 | No agreed position on all changes to the Policy with evidence still standing. Refer to evidence presented. | |
| | ECO – P7 | No agreed position on all changes to the Policy with evidence still standing. Minor amendments agreed including: <ul style="list-style-type: none"> • Remove reference to net gain., recognising that it is not a requirement for compensation. • Delete clause c and reference to coal mining. • Delete reference to renewable electricity generation – refer separate policy It was recognised that with SNAs not identified, it may not be possible to simplify this policy. Refer attached policy wording for those text changes agreed. | Earlier concerns expressed by PW about how this policy would be applied to the National Grid. Position is dependent on ECO-P1C and rule framework. As currently drafted, ECI-P1C does not cross reference to ECO-P7 and this approach is supported. MK - As per previous versions evidence has been submitted in relation to this policy and those points remain. Proposed "a" and "b" are noted. Given the potential implications of the provisions as a whole I have concerns regarding the impact on distribution of electricity to the communities, particularly given there is no |

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| | | | differentiation between existing and new activities. |
| | ECO – P8 (re-numbered ECO-P1A) | <p>Agreed that Policy ECO – P8 (called P1A in amended provisions) should be moved up front and clarified that it is a general policy not one that needs to be applied at an individual consent level [see re ECO – P9 below]</p> <p>Refer attached policy wording for ECO P1A for those text changes agreed.</p> | <p>MK – agree that submissions and evidence in regard to this policy remain. The value in providing for “use” is not addressed. There is no differentiation between; application within or outside significant areas, or existing/new activities. concern regarding how new “f” may be applied. Potential impact on distribution of electricity to the community.</p> |
| | ECO – P9 | <p>Agreed that Policy ECO – 9 to be combined with ECO – P8 and moved upfront.</p> <p>Refer attached policy wording for ECO - P1A for those text changes agreed.</p> | |
| | ECO – P10 (re-numbered ECO-P1B) | <p>Agreed on some changes based on the amended definitions of Significant Natural Area, and Area of Significant Indigenous Biodiversity</p> <p>Agreed to move this policy up front.</p> <p>Refer attached wording ECO – P1B for those text changes agreed.</p> | <p>MK - agree submissions and evidence in this regard remain. Potential impact on distribution of electricity to the community.</p> |
| Definitions | Significant Natural Area/Area of Significant Indigenous Biodiversity | <p>Agreed to make some changes</p> <p>Refer attached wording for definitions of Significant Natural Area and Area of Significant Indigenous Biodiversity</p> | |
| | Indigenous Vegetation Clearance | <p>Agreed that a consistent use of “indigenous vegetation clearance” without the words “and disturbance” is most appropriate.</p> <p>Refer attached wording for those text changes agreed.</p> | |
| Rules | Permitted Activities | <p>Agreed to redraft Permitted Activity rule set approach around activities.</p> <p>Agreed to separate out clearance limits into standards that apply to Permitted Activity Rules to improve clarity of application.</p> | <p>LE – considers a different approach on properties in Grey where SNA identification has already been undertaken is still warranted – will address this further in her right of reply.</p> |

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| | | Refer attached wording for those text changes agreed. | <p>While agreement has been reached on a simplification and structure, it should be noted that all the planners' clients have live submission points on the rules and that this agreement on structure does not in any way indicate that there is agreement on the substance of the rules (and drafted standards), or their activity status.</p> <p>MK – agree that submissions and evidence remains with respect to rules. Concern that not all comments on substance of rules are carried through to current provisions version. Following are additional comments on rules provided through the process, and not included in Annexure 1;</p> <p><i>General</i></p> <p>Rules do not appropriately provide for the distribution network and the supply of electricity across the West Coast. The magnitude of the issue is unclear given the lack of identification and mapping.</p> <p>Rules, both inside and outside significant areas, do not provide for regulatory requirements on lines companies regarding vegetation around lines and electrical infrastructure.</p> <p>This includes the Electricity (Hazards From Trees) Regulations 2003.</p> <p>Proposed rules do not appropriately provide for distribution activities, or differences between operation, maintenance repair, upgrade and new. This is clearly envisaged</p> |

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| | | | <p>through both the NPSIB and RPS.</p> <p><u>ECORXX1A(3)</u> Amendments have been made to limits in this clause and are not agreed.</p> <p><u>ECO-RXX1A(4)</u> Previously provided evidence to other hearings that NUO's should be included as a "statutory agency".</p> <p><u>ECO-RXX1A – Exception 1</u> Acknowledge inclusion of distribution of electricity but should apply to "all clauses" to ensure ability to comply with regulatory requirements, such as those above, and not limited to areas in clause 3.</p> <p><u>ECO-RXX1A – Exception 2</u> Matters raised at the Coastal Hearing regarding urban areas and the coastal environment remain, including across overlays</p> <p><u>ECO-RXX1</u> Comments in Annexure 1 refer to matters related to the Ecosystems/Biodiversity and Coastal Environment Hearing. Elements of this rule also relate to matters raised at the Natural Character Hearing and those issues remain, particularly clause 4(a) and (d).</p> <p><u>ECO-RXX2</u> My understanding is that this does not apply to those activities in RXX1 although some terms used may indicate it does. Whilst not the focus of my evidence I am concerned the rule will have impacts, perhaps unintended, on activities (including existing activities)</p> |

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| | | | <p><u>ECO-RXX3</u> Comments in Annexure 1 omit reference to matters raised at the Coastal Hearing regarding urban areas and the coastal environment. those matters remain. I am concerned that the provisions have potential to disrupt the distribution and supply of electricity within urban areas particularly where the network crosses overlay and zone boundaries in servicing those areas.</p> <p><u>ECO-RXX5</u> As I understand it this rule is not intended to be used for activities in RXX1. I also understand that this is based on the original R1 & 1A to which submissions and evidence remain. However, clause 5 here (previously clause 4) and clause 2 in RXX! Above were, as I understand it, proposed rules from the NC hearing both of which were matters raised at that hearing. Those matters remain relevant including with respect to RXX1 Clause 2 above. Clause 6 (previously 5) are as discussed should also relate to NUO's as raised through previous hearings. Issues regarding standards are relevant as they impact the safe and efficient operation of the distribution network.</p> <p><u>ECO-R1B</u> It is understood that this rule is largely unchanged and submissions and evidence remain. Concern remains that the rule has the potential to disrupt the distribution and supply of electricity to communities. the rule does not</p> |

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| | | | <p>contemplate new or upgraded activities. Based on discussions above the standards do not provide, at the least, for the safe and efficient operation of the network or the ability for Westpower to meet its regulatory requirements.</p> <p><i><u>ECO-R1B – Status where compliance not achieved</u></i> Given the strategic importance of RSI to the region in my view there are sound reasons for default to restricted discretion status. See also comment below with respect to ECO-R5.</p> <p><i><u>ECO-R5</u></i> It is agreed that submissions and evidence to this rule still stand. As discussed above there are sound reasons for RSI to remain restricted discretion where located within an SNA. Reasons include the unknown extent of SNA's, given lack of identification and mapping, and the potential impact on the ability to service the communities throughout the West Coast. this would include access to and supply of renewable energy. Based on current indications there is the potential that the majority of vegetation will be deemed significant. A restricted discretion status would concentrate consideration to relevant issues rather than the activity in general.</p> |
| | Rule Cascade | Agreed amendment to cascade whereby RSI, National Grid and Renewable Electricity Generation end at a Discretionary Activity. | Concerns expressed by PW about how this policy would be applied to the National Grid. Position is dependent on ECO-P1C and rule framework. Would support |

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| | | | <p>a default RDA activity status under rule ECO-IB. MK agrees that consent should be no more than discretionary, the restricted discretionary status is still a live issue for which he has evidence.</p> |