

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2025-CHC-

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act
1991 (the "RMA")

AND

IN THE MATTER of an appeal under clause 14 of the
First Schedule of the RMA against the
decision of Te Tai o Poutini Plan
Committee on the Proposed Te Tai o
Poutini Plan

BETWEEN

MANAWA ENERGY LIMITED

Appellant

AND

**TE TAI O POUTINI PLAN
COMMITTEE, A DULY CONSTITUTED
JOINT COMMITTEE OF BULLER,
GREY, AND WESTLAND DISTRICT
COUNCILS**

Respondent

**NOTICE OF APPEAL BY MANAWA ENERGY LIMITED AGAINST DECISION ON THE
PROPOSED TE TAI O POUTINI PLAN**

8 December 2025

Solicitors acting: J R Welsh/I M Fowler
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INTRODUCTION

1. Manawa Energy Limited (“Manawa Energy”) appeals parts of the decision (“Decision”) of the Te Tai o Poutini Plan Committee (“TTPP Committee”) on the Proposed Te Tai o Poutini Combined District Plan for the West Coast (“Proposed TTPP”).
2. Manawa Energy made a submission on the Proposed TTPP (Submission #438).¹
3. Manawa Energy is not a trade competitor for the purposes of section 308D of the RMA.
4. The Decision was publicly notified on 10 October 2025.
5. By its decision dated 6 October 2025, the Environment Court granted waivers and made directions regarding potential appeals on the Proposed TTPP;² and by its decision dated 18 November 2025, the Environment Court directed the date for any submitter to file an appeal on the Proposed TTPP be extended to 8 December 2025.³
6. The Decision was made by the TTPP Committee, and largely adopts the recommendations contained within the reports of the Independent Hearings Panel (“IHP”) appointed by the TTPP Committee to hear and make recommendations on the submissions lodged in relation to the Proposed TTPP.⁴
7. The specific parts of the Decision that Manawa Energy is appealing against relate to Manawa Energy’s original submission and are outlined at paragraph 11 below and in the table at **Appendix A**.
8. Manawa Energy is willing to participate in Alternative Dispute Resolution processes.

¹ Dated 28 October 2022.

² [2025] NZEnvC 325.

³ At [9](a), [2025] NZEnvC 372.

⁴ Reports 1 to 26, various dates.

BACKGROUND TO MANAWA ENERGY

9. Manawa Energy is a wholly owned subsidiary of Contact Energy Limited. Contact Energy Limited acquired Manawa Energy following the satisfaction of conditions of a Scheme Implementation Agreement on 11 July 2025.
10. Manawa Energy owns approximately 510MW of hydroelectricity generation assets throughout New Zealand which consist of 38 hydro-electric power stations across 25 individual schemes. In the West Coast Region, Manawa Energy owns and operates the Arnold power station, and the Dillmans, Kaniere Forks/McKays Creek, and Wahapo hydro-electric power schemes, which are all connected to the local distribution network.

PARTS OF THE DECISION BEING APPEALED

11. The specific parts of the Decision that Manawa Energy is appealing against are:
 - (a) parts that relate to renewable electricity generation (“REG”) generally; and
 - (b) specific provisions contained in the chapters relating to:
 - i. ENG Energy – Te Pūngao;
 - ii. INF Infrastructure – Te Tūahanga;
 - iii. SASM Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori;
 - iv. NC Natural Character and Margins of Waterbodies – Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai;
 - v. NFL Natural Features and Landscapes – Ngā Āhua me ngā Horanuku Aotūroa; and
 - vi. OSZ Open Space Zone – Te Takiwā Pōaha.
12. The specific objectives, policies, and rules to which this notice of appeal relates are set out in **Appendix A**.

GENERAL REASONS FOR THE APPEAL

13. The Decision appropriately responded to/accounted for some of the matters raised in Manawa Energy's submission on the Proposed TTPP. Many of Manawa Energy's appeal points are aimed at ensuring that the daily operational and maintenance requirements of Manawa Energy in respect of its hydro-electric power schemes are not unduly/unreasonably constrained. To the extent the Decision does not provide for the relief sought in this notice of appeal, Manawa Energy considers that the Decision:
- (a) does not promote the sustainable management of resources, and does not achieve the purpose of the RMA;
 - (b) is contrary to Part 2 and other provisions of the RMA;
 - (c) does not appropriately avoid, remedy, or mitigate actual and potential adverse effects on the environment;
 - (d) does not represent the efficient use and development of natural and physical resources;
 - (e) does not manage natural and physical resources in a manner that enables the community to provide for its social and economic wellbeing;
 - (f) will not meet the reasonably foreseeable needs of future generations; and
 - (g) does not give effect to relevant provisions of higher order planning documents, including the National Policy Statement for Renewable Electricity Generation 2011 ("NPS REG").

DETAILED REASONS FOR THE APPEAL AND RELIEF SOUGHT

14. The reasons for each appeal point, and the relief sought, are set out in the table in **Appendix A**. Manawa Energy seeks the relief outlined in **Appendix A**, or such consequential and/or related relief as may be necessary or appropriate to give effect to its concerns. Where detailed relief wording is sought by Manawa Energy in **Appendix A**, this does not derogate from the general reasons or more general relief identified.

ATTACHMENTS

15. The following documents are attached to this notice:
- (a) table of relief sought by Manawa Energy (**Appendix A**);
 - (b) a copy of Manawa Energy's submission on the Proposed TTPP (**Appendix B**);
and
 - (c) a list of names and address of persons to be served with a copy of this notice (**Appendix C**), pursuant to the Court's decision dated 6 October 2025.⁵
16. [Here](#) is a link to the Decision.

MANAWA ENERGY LIMITED by its solicitors:



J R Welsh / I M Fowler
ChanceryGreen

8 December 2025

Address for service: ChanceryGreen
Jason Welsh and Islay Fowler
jason.welsh@chancerygreen.com
islay.fowler@chancerygreen.com

To: The Registrar at the Environment Court at Christchurch
And to: TTPP Committee
And to: Further submitters who made a further submission relating to a submission by Manawa Energy on which a Manawa Energy appeal point is based

⁵ [2025] NZEnvC 325.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

If you wish to become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (see section 274(1) and Part 11A of the Resource Management Act 1991).

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal. The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. That document may be obtained on request from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court at Christchurch.

APPENDIX A: DETAILED RELIEF SOUGHT BY MANAWA ENERGY AND REASONS

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
ENG Energy - Te Pūngao			
1.	ENG – P4	<p>ENG – P4 focuses on managing effects from REG activities.</p> <p>The notified version of ENG – P4 provided:</p> <p>ENG – P4 <i>Minimise adverse effects on communities and the environment from energy activities by:</i></p> <ul style="list-style-type: none"> a. <i>Having regard to the values associated with the areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas</i> b. <i>Implementing industry best management practices around electrical safe distances;</i> c. <i>Maintaining ongoing access to grid and distribution elements and structures for maintenance and upgrading works; and</i> d. <i>Avoiding exposure to health and safety risks</i> <p>The Decision version of ENG – P4 provides:</p> <p>ENG – P4 <i>Avoid, remedy or mitigate adverse effects on the environment from renewable electricity generation, investigation, distribution and transmission activities by:</i></p> <ul style="list-style-type: none"> a. <i>Having regard to effects on urban amenity;</i> 	<p>Amend ENG – P4 by reverting to the notified wording of clause (b) as detailed below:</p> <p>ENG – P4 Avoid, remedy or mitigate adverse effects on the environment from renewable electricity generation, investigation, distribution and transmission activities by:</p> <ul style="list-style-type: none"> a. <i>Having regard to effects on urban amenity;</i> b. Having regard to the effect on areas of significant environmental values identified in Schedules One – Eight and Appendix Ten; <u>Having regard to effects on the values associated with the areas identified as heritage sites and areas, outstanding natural features and landscapes, sites and areas of significance to Māori, significant natural areas, and high and outstanding coastal natural character areas;</u> c. <i>Implementing industry best management practices around electrical safe distances;</i> d. <i>Maintaining ongoing access to grid and distribution infrastructure and structures for operation, maintenance and upgrading works; and</i> e. <i>Avoiding exposure to health and safety risks.</i>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>b. <i>Having regard to the effect on areas of significant environmental values identified in Schedules One - Eight and Appendix Ten;</i></p> <p>c. <i>Implementing industry best management practices around electrical safe distances;</i></p> <p>d. <i>Maintaining ongoing access to grid and distribution infrastructure and structures for operation, maintenance and upgrading works; and</i></p> <p>e. <i>Avoiding exposure to health and safety risks.</i></p> <p>New clause ENG – P4(b) provides “...<i>Having regard to the effect on areas of significant environmental values identified in Schedules One - Eight and Appendix Ten</i>”.</p> <p>Schedules One – Eight and Appendix 10 are:</p> <ul style="list-style-type: none"> • Schedule 1: Historic Heritage Items and Areas Te Rārangī Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho • Schedule 2: Schedule Two: Notable Trees Te Rārangī Tuarua: Ngā Rākau Whamaumahara • Schedule Three: Sites and Areas of Significance to Māori Te Rārangī Tuatoru: Ngā Wāhi Tāpua ki te Māori • Schedule Four: Significant Natural Areas Te Rārangī Tuawhā: Ngā Tāpua o te Aotūroa • Schedule Five: Outstanding Natural Landscapes Te Rārangī Tuarima: Ngā Whenua Aotūroa Puru Rourou • Schedule Six: Outstanding Natural Features Te Rārangī Tuaono: Ngā Ahuatanga Aotūroa Puru Rourou • Schedule Seven: Schedule of High Coastal Natural Character Te Rārangī Tuawhitu: Ngā 	

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>Whuatanga Aotūroa o te Takutai e Toitū Ana</p> <ul style="list-style-type: none"> • Schedule Eight: Schedule of Outstanding Coastal Natural Character Te Rāangi Tuawharu: Ngā Wāhi Toitū Puru Rourou ki Tai • Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association <p>ENG – P4 therefore identifies a very wide range of adverse effects which must be had regard to (clauses (a) and (b)), which represents a significant expansion from the notified version of ENG – P4. Overall, Manawa Energy considers that the very broad range of adverse effects identified in ENG – P4, coupled with the way in which the policy is framed, renders ENG – P4 inappropriately broad, such that it pulls in too many directions and does not provide helpful policy guidance. Ultimately, the drafting of ENG – P4 undermines what should be the enabling focus of the Policy and the ENG chapter generally. Considerations identified in ENG – P4(b) are already subject to their own policies in other Proposed TTPP chapters.</p> <p>Manawa Energy considers that ENG – P4 should be amended so that it is simpler, and more targeted and directive.</p>	
2.	ENG – P5	<p>The intended purpose and wording of the policy is unclear, making it difficult to interpret and apply.</p> <p>The Decision has changed the focus of ENG – P5 to managing effects from REG activities, which Manawa Energy considers was not the original intent behind this policy, nor its appropriate focus.</p>	<p>Amend ENG – P5 as follows:</p> <p>ENG - P5 Avoid, remedy or mitigate adverse effects from the <u>When considering proposals for the</u> development of new or the development, operation, maintenance, <u>repair</u> or upgrading of existing renewable electricity generation,</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>ENG – P5 as originally notified stated:</p> <p>ENG – P5 <i>When considering proposals to develop, operate, maintain and upgrade new and existing energy activities:</i></p> <ul style="list-style-type: none"> a. <i>Recognise their functional constrains and operational requirements; and</i> b. <i>Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects have been minimised in the route, site and method selection.</i> <p>Manawa Energy considers that managing effects of REG activities should be the focus of ENG – P4, while ENG – P5 should be amended to focus on recognising the functional and operational needs of REG activities, and route, site, and method selection considerations.</p>	<p>investigation, distribution and transmission activities:</p> <ul style="list-style-type: none"> a. Recognising their functional need of <u>and</u> operational need; and b. Having regard to the extent to which any adverse effects of new significant electricity distribution lines have been minimised in the route, site and method selection
3.	<p>New rule framework for REG activities, including ENG – R5, ENG – R14, and ENG – R15</p>	<p>Key REG rules in the Proposed TTPP include:</p> <ul style="list-style-type: none"> (a) ENG – R5 (Renewable Electricity Generation Activity – permitted); (b) ENG – R14 (The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation and temporary energy activities not meeting Permitted Activity standards – restricted discretionary); and (c) ENG – R15 (New and existing large scale renewable electricity generation activity not meeting Permitted Activity standards – discretionary). <p>Manawa Energy considers that the Proposed TTPP rule framework for REG activities is unduly restrictive and onerous, unclear, and does not give effect to the higher</p>	<p>Delete ENG – R5, ENG – R14, and ENG – R15 and replace them with new ENG – RX-Z as set out below.</p> <p><u>ENG – RX The operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities</u></p> <p><u>Activity Status Permitted</u></p> <p><u>Activity status where compliance not achieved:</u> <u>N/A</u></p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>order policy direction regarding REG activities, including the NPS REG.</p> <p>Key issues with the relevant rules are outlined below.</p> <p>ENG – R5 Manawa Energy considers that the permitted activity rule for REG activities (ENG – R5) is too restrictive, both in relation to new REG activities and the operation, maintenance, repair, and upgrade of existing REG activities, given the national significance of these activities. The way ENG – R5 cross references back to applicable zone rules places wide-ranging and unnecessary restrictions on REG activities, which Manawa Energy considers are inappropriate for REG activities that the policy framework directs should be enabled.</p> <p>ENG – R14 Manawa Energy considers that the scope of ENG – R14 (which applies to small and community scale REG and temporary activities only) is unduly narrow. In addition, the matters of discretion in ENG – R14 are unclear and unduly broad, essentially rendering the restricted discretionary activity a full discretionary activity. This is inappropriate in the context of REG activities, which are nationally significant.</p> <p>ENG – R15 Manawa Energy considers it is unnecessary and unduly onerous for full discretionary activity status to be applied to all “large scale distributed electricity generation”⁶ activities not meeting the permitted activity standards. Relevant</p>	<p><u>ENG – RY The construction and operation of new renewable electricity generation activities and upgrades (other than minor upgrades) to existing renewable electricity generation activities</u></p> <p><u>Activity Status Permitted</u> <u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>The activity is located within the General Industrial Zone; and</u> <ol style="list-style-type: none"> a. <u>All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and</u> b. <u>Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SETZ-Settlement, OSZ-Open Space or MUZ-Mixed Use zone.</u> 2. <u>The activity is located within all other zones; and</u> <ol style="list-style-type: none"> a. <u>Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically;</u> b. <u>Wind turbines do not exceed</u>

⁶ Which means electricity generation activities utilising renewable energy sources which are not Small and Community Scale Electricity Generation Activities for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>adverse effects are generally well understood and are capable of management through appropriate matters of discretion.</p> <p>Further, it is unclear from the wording of ENG – R15 whether it applies to operation, maintenance, repair and upgrading of existing “large scale” REG activities; and, if so, the rule is overly restrictive given the routine nature of these activities at established facilities. If this rule does not cover such activities, there is a potential rule gap.</p> <p>Summary of relief sought Manawa Energy considers that a new rule framework should be adopted for REG activities, which sets out a clear, simple framework that enables REG activities in line with the higher order policy direction while appropriately managing potential adverse effects. The relief sought by Manawa Energy is based on the relief it sought at the relevant Council hearing on the Proposed TTPP.</p>	<p><u>8m in height;</u></p> <p>c. <u>Structures, buildings or impermeable surface for hydroelectricity generation do not exceed a footprint of 100m² or an increase in area from existing buildings/structures and surfacing of more than 10%;</u> <u>and</u></p> <p>d. <u>Any building or structure is not located within an existing esplanade reserve or strip.</u></p> <p>3. <u>Wind turbines comply with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>Restricted Discretionary where performance standards 1 or 2 are not complied with.</u></p> <p><u>Discretionary where performance standard 3 is not complied with.</u></p> <p><u>ENG – RZ The construction and operation of new renewable electricity generation activities and upgrades (other than minor upgrades) to existing renewable electricity generation activities, where permitted activity standards are not met</u></p> <p><u>Activity Status Restricted Discretionary</u></p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
			<p><u>Discretion is limited to:</u></p> <ol style="list-style-type: none"> a. <u>The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets;</u> b. <u>The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast;</u> c. <u>Any functional needs and operational needs associated with the design or location of the proposal;</u> d. <u>The ability to remedy, mitigate, offset or compensate any adverse effects of the proposal on the environment;</u> e. <u>The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions.</u>
4.	<p>New ENG – RA and ENG – RB (navigational aids/beacons, environmental monitoring equipment and Meteorological facilities)</p>	<p>INF – R5 provides for navigational aids/beacons, environmental monitoring equipment and Meteorological facilities as permitted activities, subject to certain controls. These types of equipment are important components of REG activities, including at the stage of planning for new REG activities.</p> <p>A rule equivalent to INF – R5 was previously included in the ENG (Energy) section of the Proposed TTPP (ENG – R10 in the Proposed TTPP as notified), but was moved to the INF chapter in the Decision. Because of the note at the beginning of the ENG rules which states “<i>In the case of Energy Activities however neither the Infrastructure</i></p>	<p>Insert a new ENG – RA and RB as follows:</p> <p><u>ENG – RA Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities</u></p> <p><u>Activity Status Permitted</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>All performance standards in Rule ENG – R1 are complied with;</u> 2. <u>Monitoring equipment is limited to:</u> <ul style="list-style-type: none"> • <u>Masts and towers with a maximum footprint of 4m² and a</u>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p><i>Chapter or the Part 3: Area Specific Matters Apply</i>", there is no longer any rule providing for such equipment in relation to REG activities. Manawa Energy considers that a permitted rule should be reinstated into the ENG chapter.</p> <p>In addition, the way rule INF – R5 cross references back to applicable zone rules would place unnecessary and inappropriate restrictions on monitoring and other activities associated with REG, which the ENG policies direct be enabled. Manawa Energy considers that more appropriate bespoke standards should apply.</p> <p>In addition, if the INF – R5 permitted standards are not complied with, the activity defaults to non-complying (for non-compliance with the standards in clause 1), and restricted discretionary (for non-compliance with the standards in clauses 2 and 3). Manawa Energy considers that non-complying activity status is unnecessary and overly onerous to appropriately manage effects. Manawa Energy considers that non-compliance with the new ENG rule it is seeking should instead default to restricted discretionary across the board, with appropriate matters of discretion provided. Restricted discretionary activity status will enable the relevant potential effects to be assessed, and applications to be declined in appropriate circumstances.</p>	<p><u>maximum height of 10m; or</u></p> <ul style="list-style-type: none"> <u>Other structures of up to 4m in height and 25m² in area.</u> <p><u>Activity status where compliance not achieved: Restricted Discretionary.</u></p> <p><u>ENG – RB Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities not meeting Permitted Activity Standards</u></p> <p><u>Activity Status Restricted Discretionary</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>Measures to mitigate landscape effects;</u> <u>Locational, technical and operational considerations;</u> <u>Benefits to the community; and</u> <u>Effects on indigenous biodiversity.</u>
SASM Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori			
5.	SASM – R2 and SASM – R9	Manawa Energy acknowledges the historical and ongoing connections of Ngāi Tahu with land and waterways throughout Te Tai o Poutini/the West Coast, including with respect to the Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori (“SASM”) within which some of Manawa’s hydro-electricity schemes are located. Manawa Energy supports the appropriate recognition of, and provision for, SASM in the Proposed TTPP.	<p>Amend SASM – R2 and Table SASM – T2 to provide for certain minor earthworks relating to maintenance and repair of existing REG activities as permitted activities.</p> <p>Amend SASM – R2 as follows:</p> <p>SASM – R2 Minor Earthworks on Sites and</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT													
		<p>The SASM policy framework, and particularly SASM – P12, recognises the importance of regionally significant infrastructure (among other activities), including its maintenance, operation, repair, and upgrading. Where regionally significant infrastructure is within SASM (as identified in Schedule Three), SASM – R12 seeks to enable regionally significant infrastructure (and certain other activities) where the cultural and spiritual values of the site or area are protected. Manawa Energy supports the intent of SASM – P12.</p> <p>SASM – R9 provides, as a permitted activity, for the maintenance, repair and upgrading of regionally significant infrastructure within certain SASM identified in Table SASM – T8. Table SASM – T8 identifies some – but not all – of the existing Manawa Energy hydro-electric power schemes that are within SASM (specifically, the table does not identify the SASM within which the Arnold power station and one part of the Dillmans scheme are located – refer the below table). Manawa Energy considers this is an important omission which will restrict the maintenance, repair, and upgrade of these existing regionally significant facilities.</p> <table border="1" data-bbox="696 995 1382 1361"> <thead> <tr> <th data-bbox="696 995 898 1107">Scheme</th> <th data-bbox="898 995 1133 1107">SASM</th> <th data-bbox="1133 995 1382 1107">Included in Table SASM – T8 for the purposes of SASM – R9?</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 1107 898 1193">Arnold power station</td> <td data-bbox="898 1107 1133 1193">SASM 67 (Kōtukuwhakaoko / Arnold River)</td> <td data-bbox="1133 1107 1382 1193">Not included</td> </tr> <tr> <td data-bbox="696 1193 898 1361" rowspan="3">Dillmans Scheme</td> <td data-bbox="898 1193 1133 1249">SASM 104 (Kawhaka Creek)</td> <td data-bbox="1133 1193 1382 1249">Included</td> </tr> <tr> <td data-bbox="898 1249 1133 1305">SASM107 (Island Hill / Raparapahoi)</td> <td data-bbox="1133 1249 1382 1305">Not included</td> </tr> <tr> <td data-bbox="898 1305 1133 1361">SASM 121 (Waitaiki Historic</td> <td data-bbox="1133 1305 1382 1361">Included</td> </tr> </tbody> </table>	Scheme	SASM	Included in Table SASM – T8 for the purposes of SASM – R9?	Arnold power station	SASM 67 (Kōtukuwhakaoko / Arnold River)	Not included	Dillmans Scheme	SASM 104 (Kawhaka Creek)	Included	SASM107 (Island Hill / Raparapahoi)	Not included	SASM 121 (Waitaiki Historic	Included	<p>Areas of Significance to Māori listed within Table SASM – T2</p> <p>Activity Status Permitted</p> <ol style="list-style-type: none"> 1. These are earthworks associated with: <ol style="list-style-type: none"> i. Burials at urupā; or ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or iii. Installing fence posts and the replacement of poles for overhead network utility lines provided that: <ol style="list-style-type: none"> a. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and b. The activity does not involve installation or digging of new holes for overhead network utility lines; or iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; or v. <u>Maintenance or repair of existing renewable electricity generation activities; and</u> 2. In relation to standards a), b) and c) these earthworks are not undertaken at the Sites and Areas of Significance
Scheme	SASM	Included in Table SASM – T8 for the purposes of SASM – R9?														
Arnold power station	SASM 67 (Kōtukuwhakaoko / Arnold River)	Not included														
Dillmans Scheme	SASM 104 (Kawhaka Creek)	Included														
	SASM107 (Island Hill / Raparapahoi)	Not included														
	SASM 121 (Waitaiki Historic	Included														

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		<table border="1" data-bbox="696 256 1375 300"> <tr> <td data-bbox="696 256 898 300"></td> <td data-bbox="898 256 1128 300">Reserve)</td> <td data-bbox="1128 256 1375 300"></td> </tr> </table> <p data-bbox="696 331 1375 421">SASM – R2 provides, as a permitted activity, for minor earthworks for some listed activities within certain SASM identified in Table SASM – T2. However:</p> <p data-bbox="696 453 1375 635">(a) SASM – R2 does not provide for earthworks associated with the <i>maintenance</i> or <i>repair</i> of existing regionally significant infrastructure. Such works will often be necessary to carry out the works/activities provided for as permitted activities in SASM – R9.</p> <p data-bbox="696 667 1375 916">(b) Table SASM – T2 does not include the existing Manawa Energy hydro-electric power schemes within SASM (the Arnold power station and Dillmans scheme – refer to the below table) and thus SASM – R2 will restrict the undertaking of minor earthworks associated with the day-to-day maintenance and repair of these existing regionally significant facilities.</p> <table border="1" data-bbox="696 948 1361 1315"> <thead> <tr> <th data-bbox="696 948 853 1059">Scheme</th> <th data-bbox="853 948 1111 1059">SASM</th> <th data-bbox="1111 948 1361 1059">Included in Table SASM – T2 for the purposes of SASM – R2?</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 1059 853 1145">Arnold power station</td> <td data-bbox="853 1059 1111 1145">SASM 67 (Kōtukuwhakaoko / Arnold River)</td> <td data-bbox="1111 1059 1361 1145">Not included</td> </tr> <tr> <td data-bbox="696 1145 853 1203">Dillmans scheme</td> <td data-bbox="853 1145 1111 1203">SASM 104 (Kawhaka Creek)</td> <td data-bbox="1111 1145 1361 1203">Not included</td> </tr> <tr> <td data-bbox="696 1203 853 1257"></td> <td data-bbox="853 1203 1111 1257">SASM107 (Island Hill / Raparapahoi)</td> <td data-bbox="1111 1203 1361 1257">Not included</td> </tr> <tr> <td data-bbox="696 1257 853 1315"></td> <td data-bbox="853 1257 1111 1315">SASM 121 (Waitaiki Historic Reserve)</td> <td data-bbox="1111 1257 1361 1315">Not included</td> </tr> </tbody> </table>		Reserve)		Scheme	SASM	Included in Table SASM – T2 for the purposes of SASM – R2?	Arnold power station	SASM 67 (Kōtukuwhakaoko / Arnold River)	Not included	Dillmans scheme	SASM 104 (Kawhaka Creek)	Not included		SASM107 (Island Hill / Raparapahoi)	Not included		SASM 121 (Waitaiki Historic Reserve)	Not included	<p data-bbox="1599 256 2058 564">to Māori listed in Table SASM - T2 except where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing; and</p> <p data-bbox="1554 564 2058 724">3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any earthworks.</p> <p data-bbox="1509 756 1666 778">Advice Note:</p> <p data-bbox="1509 788 2058 932">Rule SASM – R2 relates to minor earthworks on Sites and Areas of Significance to Māori within Table SASM – T2. There are additional rules for earthworks in other SASMs outlined in rule SASM - R6.</p> <p data-bbox="1413 963 1845 995">Amend Table SASM – T2 to include:</p> <table border="1" data-bbox="1413 1027 2047 1331"> <thead> <tr> <th colspan="2" data-bbox="1413 1027 2047 1091">SASM - T2 Table for Rule SASM - R2 Minor Earthworks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1413 1091 1727 1145">...</td> <td data-bbox="1727 1091 2047 1145"></td> </tr> <tr> <td data-bbox="1413 1145 1727 1203">SASM 67</td> <td data-bbox="1727 1145 2047 1203">Kotukuwhakaoko Arnold River</td> </tr> <tr> <td data-bbox="1413 1203 1727 1257">...</td> <td data-bbox="1727 1203 2047 1257"></td> </tr> <tr> <td data-bbox="1413 1257 1727 1295">SASM 104</td> <td data-bbox="1727 1257 2047 1295">Kawhaka Creek</td> </tr> <tr> <td data-bbox="1413 1295 1727 1331">SASM 107</td> <td data-bbox="1727 1295 2047 1331">Island Hill / Haparapahoi</td> </tr> </tbody> </table>	SASM - T2 Table for Rule SASM - R2 Minor Earthworks		...		SASM 67	Kotukuwhakaoko Arnold River	...		SASM 104	Kawhaka Creek	SASM 107	Island Hill / Haparapahoi
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		Manawa considers that the way SASM – R2 and SASM – R9 are currently drafted does not give effect to the higher order policy direction regarding REG, and will restrict the ability of Manawa Energy to maintain, repair, and upgrade aspects of their existing schemes and to carry out normal generation activity.	<p>...</p> <table border="1"> <tr> <td>SASM 121</td> <td>Waitaiki Historic Reserve</td> </tr> </table> <p>Amend Table SASM – T8 as follows to provide for the maintenance, repair, and upgrading of all the existing Manawa Energy hydro-electric power schemes within SASM, by adding reference to the additional SASM within which Manawa Energy’s Arnold power station and Dillmans scheme are located:</p> <table border="1"> <tr> <td colspan="2">SASM - T8 Table for Rule 9 Maintenance, Repair and Upgrading of Network Utility Infrastructure and Regionally Significant Infrastructure</td> </tr> <tr> <td colspan="2">...</td> </tr> <tr> <td>SASM 67</td> <td>Kotukuwhakaoko Arnold River</td> </tr> <tr> <td colspan="2">...</td> </tr> <tr> <td>SASM 107</td> <td>Island Hill / Haparapahoi</td> </tr> </table>	SASM 121	Waitaiki Historic Reserve	SASM - T8 Table for Rule 9 Maintenance, Repair and Upgrading of Network Utility Infrastructure and Regionally Significant Infrastructure		...		SASM 67	Kotukuwhakaoko Arnold River	...		SASM 107	Island Hill / Haparapahoi
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ECO Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora															
6.	ECO – RX (new rule(s) for indigenous vegetation clearance for REG)	<p>Currently, the rules in the Proposed TTPP relating to indigenous vegetation clearance for REG activities (e.g. ECO – R1, ECO – R2 and ECO – R11) are confusing. The intended application of the rules is unclear; and the rules overlap (with multiple rules potentially applying in some situations). This will lead to difficulty in interpreting which rules apply to REG activities in different situations, and is likely to result in inefficient and onerous application of the rules for vegetation clearance for REG activities.</p> <p>Manawa Energy considers that separate rules should apply</p>	Amend the ECO rules to separately provide for indigenous vegetation clearance for developing, operating, maintaining, repairing and upgrading REG (including appropriate permitted clearance thresholds, and with the rules differentiating between significant natural areas and general indigenous vegetation).												

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>to indigenous vegetation clearance for developing, operating, maintaining, repairing and upgrading REG activities as a matter of national and regional importance. The rules should permit indigenous vegetation clearance for developing, operating, maintaining, repairing and upgrading REG, subject to appropriate permitted thresholds. The rules should also clearly differentiate between significant natural areas and other areas of vegetation. A bespoke rule framework of this nature would give effect to the higher order policy documents, including the NPS REG, which reinforce the importance of appropriately providing for REG activities.</p>	
NC Natural Character and Margins of Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai			
7.	NC – O3	<p>This objective recognises the <i>functional need</i> for some activities (such as REG) to locate in the margins of waterbodies, which is appropriate. However, NC – O3 does not recognise that some activities, including REG activities, have an <i>operational need</i> to locate within waterbody margins.</p> <p>The definitions of “operational need” and “functional need” in the National Planning Standards and the Proposed TTPP are:</p> <p>Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</p> <p>Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.</p> <p>Explicitly providing for the operational need of certain activities to locate in waterbody margins is important for regionally significant infrastructure such as REG. REG,</p>	<p>Amend NC – O3 to include recognition of operational need. Amend NC – O3 as follows:</p> <p>To provide for activities which have a functional need <u>or operational need</u> to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>including hydro-electricity power schemes, often needs to be located in the margins of waterbodies due to technical, logistical, or operational characteristics/constraints. Explicitly recognising operational need would also be consistent with higher order Regional Policy Statement (“RPS”) and national direction objectives and policies that reinforce the importance of REG and their functional and operational requirements. For example, the NPS REG, in particular Policy C1, highlights the practical constraints associated with REG, noting that the Proposed National Direction reform includes proposed amendments to Policy C1 strengthening the requirement to recognise and provide for the <i>functional</i> and <i>operational need</i> of REG activities, including the need to be located where a renewable resource is located and available at a viable scale and quality to sustain the REG activity; b) be accessible to electricity networks and nearby to electricity demand; and c) have sufficient and accessible land available to support all associated current and future REG activities at that particular location.)</p>	
8.	NC – P3	<p>This policy recognises the <i>functional need</i> for some buildings and structures (such as REG buildings and structures) to locate within the riparian margins of waterbodies, which is appropriate. However, NC – P3 does not recognise that some buildings/structures, including REG buildings/structures, have an <i>operational need</i> to locate within waterbody margins.</p> <p>The definitions of “operational need” and “functional need” in the National Planning Standards and the Proposed TTPP are set out above under appeal point 7.</p> <p>Explicitly providing for the operational need of certain buildings/structures to locate in waterbody margins is important for regionally significant infrastructure such as</p>	<p>Amend the policy to include recognition of operational need.</p> <p>Amend NC – P3 as follows:</p> <p>Provide for new buildings and structures and the upgrading of existing buildings and structures within riparian margins of lakes, rivers and wetlands where these:</p> <ol style="list-style-type: none"> a. Have a functional need <u>or operational need</u> for their location; and b. They are of a form and scale that will not adversely affect the natural character of the riparian margin.

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>REG. REG buildings/structures, including hydro-electricity schemes, often need to be located in the margins of waterbodies due to technical, logistical, or operational characteristics/constraints. Explicitly recognising operational need would also be consistent with higher order RPS and national direction objectives and policies that reinforce the importance of REG and their functional and operational requirements. For example, the NPS REG, in particular, Policy C1, highlights the practical constraints associated with REG, noting that the Proposed National Direction reform includes proposed amendments to Policy C1 strengthening the requirement to recognise and provide for the <i>functional and operational need</i> of REG activities, including the need to be located where a renewable resource is located and available at a viable scale and quality to sustain the REG activity; b) be accessible to electricity networks and nearby to electricity demand; and c) have sufficient and accessible land available to support all associated current and future REG activities at that particular location.)</p>	
9.	NC – R1	<p>This rule provides for earthworks in riparian margins for the maintenance, operation, minor upgrade and repair of network utilities, regionally significant infrastructure and REG activities (among other activities) as a permitted activity. However, NC – R1 is very restrictive in terms of the permitted scale of earthworks, with the upper limit on earthworks being 25m³ per 200m length of riparian margin. This would not provide for typical maintenance, repair, and minor upgrade activities associated with existing REG activities in riparian margins. Given that hydroelectric power schemes are inherently located adjacent to waterbodies and can include large areas of riparian margins that are used as part of a scheme or for access, this is a material concern for Manawa Energy.</p>	<p>In summary, Manawa Energy seeks that:</p> <ul style="list-style-type: none"> • NC – R1 is amended to provide a more permissive permitted earthworks quantity for the operation, maintenance, repair and minor upgrade of REG activities; and • for renewable energy generation activities, non-compliance with NC – R1 defaults to restricted discretionary activity status as opposed to full discretionary. <p>Amend NC – R1 as follows:</p> <p>NC – R1 Earthworks within the Riparian Margin of a River, Lake or Wetland</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>For example, Manawa Energy's Dillmans scheme is located adjacent to the Kawhaka Creek, the Kawhaka Canal, the Kumara Reservoir, the Kapitia Reservoir, the Dillmans Canal, and the Taramakau River. Access (roading and bridges) to the Dillmans scheme, various infrastructure including dams and intakes, and other scheme activities are located within riparian margins. Normal operation and maintenance activities undertaken include various earthworks and vegetation clearance to ensure continued renewable electricity generation. The proposed earthworks quantity limit within NC – R1 would mean that the permitted activity rule for maintenance, operation, minor upgrade, and repair of such REG activities would not apply to such works. The effect of this would be that routine day-to-day activities with minor adverse effects will need resource consents on a regular basis. This would be onerous and inefficient, and would not give effect to higher order policy documents, including the NPS REG (in particular, Policy A, Policy B, Policy C, and Policy E2).</p> <p>Manawa Energy considers an appropriate permitted threshold for earthworks in riparian margins associated with the maintenance, operation, minor upgrade, and repair of network utilities, regionally significant infrastructure, and REG activities is 50m³ per 200m length of riparian margin.</p> <p>In addition, if the permitted scale of earthworks is exceeded then the activity defaults to full discretionary, which Manawa Energy considers is unnecessary to appropriately protect riparian values. Manawa Energy considers that the activity should instead default to restricted discretionary, with appropriate matters of discretion. Restricted discretionary activity status will enable the relevant potential effects to be assessed, and applications to be declined in appropriate circumstances.</p>	<p>Activity Status Permitted</p> <ol style="list-style-type: none"> 1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for: <ol style="list-style-type: none"> i. Fence lines; or ii. Maintenance, operation, minor upgrade and repair of network utilities, regionally significant infrastructure or renewable electricity generation activities; or iii. New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or iv. Connections to wastewater, stormwater and reticulated network utility systems and underground energy and infrastructure connections; or v. Installation of an environmental monitoring and extreme weather event monitoring facility; or vi. Maintenance and repair of lawfully established structures; or vii. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or viii. The establishment of a river crossing point up to 3m wide; or ix. Poutini Ngāi Tahu activities; x. Activities on Māori Purpose Zoned land or Site or Area of

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			<p>Significance to Māori in Schedule Three and is undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;</p> <ul style="list-style-type: none"> xi. Maintenance and repair of lawfully established natural hazard mitigation structures; or xii. New natural hazard mitigation structures and upgrading of existing natural hazard mitigation structures undertaken by a statutory agency or their authorised contractor acting on its behalf; or xiii. Arable, horticultural or pastoral farming use where this is lawfully established at 14 July 2022; and <p>2. <u>For:</u></p> <ul style="list-style-type: none"> i. <u>the activities provided for in clause 1 above, with the exception of renewable electricity generation activities within (ii),</u> the amount of earthworks is not greater than 25m³ per 200m length of Riparian Margin; and ii. <u>the renewable electricity generation activities provided for in clause 1 (ii), the amount of earthworks is not greater than 50m³ per 200m length of riparian margin; and</u> <p>3. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody.</p> <p>...</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
			<p>Activity status where compliance not achieved: Discretionary</p> <p><u>Restricted Discretionary where the activity is the maintenance, operation, minor upgrade or repair of renewable electricity generation activities and performance standard 2(ii) and/or 3 is not complied with.</u></p> <p><u>Discretionary for all other non-compliances.</u></p> <p>Insert new NC – R4 under the Restricted Discretionary Activities heading:</p> <p><u>NC – R4 Earthworks for maintenance, operation, minor upgrade and repair of renewable electricity generation activities within the Riparian Margin of a River, Lake or Wetland not meeting NC – R1</u></p> <p><u>Activity Status Restricted Discretionary</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> a. <u>The location of any earthworks and indigenous vegetation clearance;</u> b. <u>Volume and area of earthworks and indigenous vegetation clearance;</u> c. <u>The effects on potential or existing public access to the riparian margin;</u> d. <u>Effects on habitats of any threatened or protected flora or fauna species;</u> e. <u>Effects on recreational values of public land;</u> f. <u>Effects on Poutini Ngai Tahu values</u>

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			<p><u>and any Sites and Areas of Significance to Māori identified in Schedule Three; and</u> g. <u>Landscape and visual effects.</u></p> <p>Relabel the rule titled NC – R4 in the Decision version of the Proposed TPP (which sits under the Discretionary Activities heading) to NC – R5, and make the following amendments to the title:</p> <p>NC – R54 All other eEarthworks within the Riparian Margin of a River, Lake or Wetland not meeting the Permitted Activity Rules NC – R1</p> <p>Consequentially amend the title of NC – R3 as follows:</p> <p>NC – R3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules NC - R2</p> <p>Consequentially amend the numbering of all rules subsequent to new R5 within the NC chapter.</p>
10.	NC – R2	<p>This rule provides for certain buildings and structures, including renewable electricity generation activities, as permitted activities within riparian margins of rivers, lakes, or wetlands where they have a <i>functional need</i> to locate in the riparian margin. However, NC – R2 does not apply to buildings/structures that have an <i>operational need</i> to locate within waterbody margins.</p> <p>The definitions of “operational need” and “functional need” in the National Planning Standards and the Proposed TTPP</p>	<p>Amend the rule to include “operational need” as well as “functional need” within its scope.</p> <p>Amend NC – R2 as follows:</p> <p>NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland</p> <p>Activity Status Permitted</p> <p>1. Where the buildings and structures</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>are set out above under appeal point 7.</p> <p>Explicitly including buildings that have an operational need to locate in riparian margins within the scope of NC – R2 is important for REG. REG buildings/structures, including hydro-electricity power schemes, often need to be located in the margins of waterbodies due to technical, logistical, or operational characteristics/constraints. Explicitly recognising operational need would also be consistent with higher order RPS and national direction objectives and policies that reinforce the importance of REG and their functional and operational requirements. For example, the NPS REG, in particular, Policy C1, highlights the practical constraints associated with REG, noting that the Proposed National Direction reform includes proposed amendments to Policy C1 strengthening the requirement to recognise and provide for the <i>functional and operational need</i> of REG activities, including the need to be located where a renewable resource is located and available at a viable scale and quality to sustain the REG activity; b) be accessible to electricity networks and nearby to electricity demand; and c) have sufficient and accessible land available to support all associated current and future REG activities at that particular location.</p>	<p>have a functional need or operational need to locate in the riparian margin and are:</p> <ul style="list-style-type: none"> i. Network utilities and regionally significant infrastructure; or ii. Temporary whitebait stands and temporary mai mai for game bird hunting provided these are removed within two weeks at the end of the season; or iii. Environmental monitoring facilities; or iv. Parks facilities and parks furniture within an Open Space and Recreation Zone; or v. Natural hazard mitigation structures constructed by a statutory agency or authorised contractor acting on its behalf; or vi. Renewable electricity generation activities; or vii. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or viii. Temporary bridges constructed as part of a temporary military training

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			<p style="text-align: right;">activity; or ix. Pump sheds, less than 5m.</p> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations. 2. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater Management and the West Coast Regional Land and Water Plan. <p>Activity status where compliance not achieved: Discretionary</p>
NFL Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa			
11.	Recognition of existing REG activities within NFL Schedule Five	<p>Manawa Energy considers that the Proposed TTPP does not appropriately identify, recognise, and provide for existing modifications that are already located within areas now identified as ONLs, including in the form of existing REG infrastructure and activities.</p> <p>A number of the REG activities and associated assets owned and operated by Manawa Energy are located within areas identified as ONLs, and some of these existing structures are of significant scale i.e. dams, canals, and power stations. Undertaking regular work on these structures is essential to their ongoing safe and efficient operation, maintenance, repair, and upgrade, including the ability to access these facilities. It is therefore important that these existing REG activities are appropriately provided for in the NFL Chapter.</p>	<p>To give effect to Manawa’s concerns outlined in the column to the left:</p> <ul style="list-style-type: none"> • update Schedule Five (ONLs) to recognise modification, including by existing REG assets and activities, within ONLs; and/or • explicitly provide recognition of such activities within relevant rules and matters of discretion.

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		<p>Clear identification of the characteristics and values of ONLs, including with respect to existing modifications located within ONLs (for example by existing REG assets and activities); and appropriate provision for existing REG and other activities within Schedule 5 to the NFL Chapter and NFL Chapter objectives, policies, and rules is critical to achieve an appropriate balance between the NFL objectives and policies and other objectives and policies in the Proposed TTPP, including the ENG chapter which recognises the national and regional importance of providing for renewable electricity generation activities. It is also necessary to ensure alignment with the directives in policies NFL – P2 and NFL – P4 (detailed below – our emphasis added) to provide for and recognise existing REG activities within ONL.</p> <p>NFL - P2 <i>Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they maintain the values that contribute to a natural feature or landscape being outstanding and are for:</i></p> <p>a. <i>Existing land uses and lawfully established activities including residential activities, regionally significant infrastructure, network utilities, renewable electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;</i></p> <p>...</p> <p>g. <i>Operation, maintenance and upgrade of existing lawfully established renewable electricity generation facilities;</i></p> <p>NFL – P4 <i>Recognise that there are settlements, farms, land uses,</i></p>	

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p><i>and infrastructure and activities located within outstanding natural landscapes or outstanding natural features by providing for new activities and allowing existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are maintained.</i></p> <p>Lack of specific recognition and provision for existing modifications (including REG) located within ONLs is likely to impose an unduly onerous planning framework for typical maintenance, repair, and upgrading works to established REG activities operated by Manawa Energy.</p> <p>Particular issues regarding Schedule Five are outlined below.</p> <p><u>Schedule Five: Outstanding Natural Landscapes Te Rārangī Tuarima: Ngā Whenua Aotūroa Puru Rourou</u></p> <p>The preamble of Schedule Five to the Proposed TTPP now notes that the ONL Schedules are “high level” summaries of the more natural landscape values of the area, and the landscape values identified in an ONL Schedule may not apply to a particular site within the ONL. The preamble also notes that the ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, but that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL.</p> <p>While these amendments are helpful context, Manawa Energy considers that there needs to be:</p> <ul style="list-style-type: none"> • specific recognition, within the preamble to Schedule Five, of REG activities as a form of existing activity within ONLs; and • Specific identification of specific relevant REG 	

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		activities within the descriptions provided for each ONL site (where applicable) in Schedule Five.	
12.	NFL – P2	<p>Clause (h) of NFL – P2 provides for new REG activities within ONLs described in Schedule Five of the Proposed TTPP and ONFs described in Schedule Six of the Proposed TTPP where they maintain the values that contribute to a natural feature or landscape being outstanding, and where there is a <i>functional need</i> to be located in these areas. Recognising the functional need of REG to locate in ONLs and ONFs is appropriate. However, clause (h) does not provide for new REG that have an <i>operational need</i> to locate within ONLs or ONFs.</p> <p>The definitions of “operational need” and “functional need” in the National Planning Standards and the Proposed TTPP are set out above under appeal point 7.</p> <p>Explicitly providing for the operational need of REG to locate in ONLs and ONFs is important. REG activities, including hydro-electricity schemes, may need to be located in ONLs and ONFs due to technical, logistical, or operational characteristics/constraints. Explicitly recognising operational need would also be consistent with higher order RPS and national direction objectives and policies that reinforce the importance of REG and their functional and operational requirements. For example, the NPS REG, in particular, Policy C1, highlights the practical constraints associated with REG, noting that the Proposed National Direction reform includes proposed amendments to Policy C1 strengthening the requirement to recognise and provide for the <i>functional</i> and <i>operational need</i> of REG activities, including the need to be located where a renewable resource is located and available at a viable scale and quality to sustain the REG activity; b) be accessible to electricity networks and nearby to electricity</p>	<p>Amend NFL – P2 as follows:</p> <p>NFL – P2 Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they maintain the values that contribute to a natural feature or landscape being outstanding and are for: ...</p> <p>h. New renewable electricity generation activities where there is a <u>functional need or operational need</u> for it to be located in these areas;</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		demand; and c) have sufficient and accessible land available to support all associated current and future REG activities at that particular location.	
13.	NFL – P3	<p>NFL – P2 recognises and provides for a range of important activities within ONLs and ONFs, including the operation, maintenance, and upgrading of existing lawfully established REG facilities (clause f), and new REG activities (clause h).</p> <p>However, NFL – P3 requires that adverse effects on the values that contribute to ONLs and ONFs must be avoided; or, where they cannot be avoided, they are remedied and mitigated to be no more than minor. For all activities, NFL – P3 therefore sets a bar of “no more than minor” for adverse effects on the relevant values of ONLs and ONFs. Manawa Energy considers this is a more onerous restriction than is reasonable and appropriate for some activities, such as nationally and regionally significant activities such as REG, and network utilities; and does not recognise issues such as the functional and/or operational need of REG and other activities to locate in particular places.</p> <p>Manawa Energy also considers that compensation can be a valid effects management measure for impacts on ONL or ONF values and that compensation should be provided for in NFL – P3. This is reinforced by the NPS REG (see for example Policy C2 regarding compensation).</p>	<p>Amend policy NFL – P3 to better provide for REG and other key activities that have a functional or operational need to locate in a particular place; and to provide for compensation where appropriate.</p> <p>Amend NFL – P3 as follows:</p> <p>Avoid adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where adverse effects cannot <u>practically</u> be avoided:</p> <ul style="list-style-type: none"> a. <u>for activities having a functional or operational need to locate in a particular area (such as regionally significant infrastructure, network utilities, or renewable electricity generation activities), ensure that the adverse effects are remedied, mitigated, or compensated for where practicable.</u> b. <u>for all other activities,</u> ensure that the adverse effects are remedied and mitigated to be no more than minor.
14.	NFL – R5	<p>This rule provides for additions or alterations, including minor upgrades, of REG (and other) activities within ONLs or ONFs as a permitted activity subject to certain controls. However, NFL – R5 does not explicitly include ancillary earthworks and vegetation clearance necessary to undertake the permitted works. Ancillary earthworks and vegetation clearance are often critical and inherent</p>	<p>Amend NFL – R5 to explicitly extend to ancillary earthworks and vegetation clearance necessary to undertake the permitted works.</p> <p>Amend NFL – R5 as follows:</p> <p>NFL - R5 Additions or alterations to</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p>components required to undertake additions, alterations, and minor upgrades to REG buildings and structures.</p> <p>Acknowledging that NFL – R6 provides for some ancillary earthworks as a permitted activity, Manawa Energy considers that NFL – R5 should also explicitly include ancillary earthworks and vegetation clearance, otherwise resource consents may be required for routine minor works that are otherwise provided for as a permitted activity under NFL – R5. This would be inefficient and unduly onerous.</p>	<p>buildings and structures, including minor upgrades to Renewable Electricity Generation Activities and Network Utility Infrastructure, <u>and ancillary earthworks and vegetation clearance</u>, within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six</p> <p>Activity Status Permitted</p> <ol style="list-style-type: none"> 1. <u>Where the works are for a this is minor upgrade of infrastructure undertaken by a Network Utility Operator, or are works for a Renewable Electricity Generation Activity (including ancillary earthworks and vegetation clearance);</u> or 2. For all other activities: <ol style="list-style-type: none"> i. The maximum height of any addition or alteration is 5m above ground level; and ii. The maximum area of any addition is no greater than 50m, or 10% of the total floor area, whichever is the greater. <p>Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply and this rule does not apply.</p> <p>Activity status where compliance not achieved: Restricted Discretionary</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
OSZ Open Space Zone - Te Takiwā Pōaha			
15.	Overview	<p>While a range of activities are recognised and provided for in the Open Space Zone, there is no recognition of REG activities which are, and may in future be, located in the Open Space Zone and which are a significant benefit to the region.</p> <p>While the Decision has added a new subheading (“Relationship with Energy, Infrastructure and Transport Provisions”) with associated text to the Open Space Zone Overview regarding the relationship with Energy and Infrastructure chapters, there is no explicit recognition of the fact that REG forms an intrinsic part of the Open Space Zone. REG should explicitly be provided for in the Open Space Zone Overview as an established part of the Open Space Zone.</p> <p>REG activities are recognised in the Overview description of the Rural Zones (refer below, emphasis added):</p> <p>Overview</p> <p><i>Rural areas represent the majority of private land within the Te Tai o Poutini/the West Coast. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain indigenous bush, rivers, wetlands, habitats of indigenous flora and fauna, renewable electricity generation sites and national grid infrastructure.</i></p> <p>...</p> <p>Key points to note are:</p> <p>... Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around Climate Change and</p>	<p>Amend the Open Space Zone Overview to add recognition of REG activities.</p> <p>Add the following to the second paragraph of the Overview:</p> <p>Overview The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. Te Tai o Poutini/the West Coast open spaces vary in size from small neighbourhood parks to large sized parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in urban neighbourhoods and others form an important part of the district's shared pathway network.</p> <p>The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel</p>

APPEAL POINT #	PROVISION	REASONS	RELIEF SOUGHT
		<p><i>Resilience, and are necessary activities within Rural zones;</i></p> <p>Manawa considers it is appropriate to add equivalent recognition into the Overview of the Open Space Zone.</p>	<p>reserves, quarries, campgrounds and cemeteries. In some cases they are also the locations for quarrying and mineral extraction before the land is remediated for other open space uses. <u>Additionally, a number of renewable electricity generation activities are located within this zone, which provide a crucial role in ensuring provision of electricity supply to the West Coast, and are recognised as regionally significant assets.</u></p>

APPENDIX B: MANAWA ENERGY'S SUBMISSION ON THE PROPOSED TTPP



Submission on the proposed Te Tai o Poutini Combined District Plan for the West Coast

Submission to the Buller, Grey and Westland District Councils

28th October 2022

Written Submission on Proposed Te Tai o Poutini Combined District Plan for the West Coast 2022

To: Buller District Council, Grey District Council and Westland District Council

1. **Name of submitter:** Manawa Energy Limited (Manawa Energy)
2. This is a submission on the **Proposed Te Tai o Poutini Combined District Plan for the West Coast 2022**.
3. **Manawa Energy could not** gain an advantage in trade competition through this submission.
4. **Manawa Energy is not** directly affected by an effect of the subject matter of the submission that:
 - a. adversely affects the environment; and
 - b. does not relate to trade competition or the effects of trade competition.
5. **Manawa Energy does wish** to be heard in support of this submission.
6. If others make a similar submission, **Manawa Energy will** consider presenting a joint case with them at a hearing.
7. Submitter Details:

Address for service: Manawa Energy Limited
Private Bag 12055
TAURANGA 3143
Attention: Nicola Foran

Phone: 021 908 951

Email: nicola.foran@manawaenergy.co.nz

Signature:



Nicola Foran
Environmental Policy Manager
For, and on behalf of, Manawa Energy Limited

Dated: 28th October 2022

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1.0 Introduction

- 1.1 Manawa Energy is a leading hydro-electricity generator in New Zealand. The company owns and operates 25 hydro-electricity schemes across New Zealand and generates approximately 8% of New Zealand's total hydro-electricity supply on an annual basis.
- 1.2 Manawa Energy's existing hydro-electric power schemes are lifeline utilities under the Resource Management Act 1991 ('RMA') and Civil Defence Emergency Management Act 2002. Electricity generated by Manawa Energy's hydro-electric power schemes is conveyed to consumers via the National Grid and local distribution networks.
- 1.3 In the West Coast region Manawa Energy operates the Arnold, Kumara, Kaniere/McKays, and Wahapo hydro-electric power schemes. The electricity generated at these schemes produces enough electricity for approximately 40,000 homes, which plays a vital role in ensuring a reliable supply of electricity to the West Coast community. Electricity generated at these schemes is fed into Westpower's distribution network which then supplies industrial, commercial and residential consumers along the West Coast.
- 1.4 The supply of electricity via both networks is critically important to security of electricity supply, and the social and economic wellbeing of a range of different communities throughout New Zealand. Noting the vulnerability of the West Coast Region to natural events, the necessity to protect and maintain the electricity supply is a matter of some importance.
- 1.5 The provision of existing and new renewable electricity generation infrastructure is identified as a matter of national significance under the RMA (as identified in the National Policy Statement for Renewable Electricity Generation ('NPS-REG')). Despite this recognition, the development of plan provisions at regional and local scales does not always recognise or provide for existing or future renewable electricity generation. There is a need to ensure a coordinated policy response to these issues and that includes all regions making provision for this to occur in a way that contributes to the national outcomes.
- 1.6 Manawa Energy recognises the need for a clear and directive combined District Plan that gives effect to the West Coast Regional Policy Statement, addresses matters of Regional Significance and clearly sets out anticipated outcomes. Manawa Energy supports the intent to give effect to the NPS-REG and to recognise that recognition of and provision for renewable electricity generation is a matter of national importance. Despite this recognition, the development of provisions at regional and local scales does not always recognise or provide for existing or future renewable electricity generation. This means that the operation, upgrade and development of renewable electricity generation infrastructure is increasingly at risk of further constraints.
- 1.7 In essence Manawa Energy's submission:
 - supports the intent of the pTTPP to provide clarity in decision making, and the general approach to priorities, hierarchy and integrated management.
 - supports the intent of the pTTPP to recognise and provide for renewable electricity generation, but provides recommended changes to better give effect to and provide consistency with the NPS-REG.

2.0 Context to Manawa Energy's Submission

- 2.1 The Government has committed to New Zealand transitioning to 100% renewable electricity generation by 2030 and is developing policy packages which aim to accelerate the deployment of renewable electricity generation and reduce carbon emissions.
- 2.2 Alongside that sits New Zealand's commitment to both the UNFCCC¹ and the Paris Climate Change Agreement – has committed to reducing greenhouse gas emissions to 50% below the 2005 levels by 2030, and a domestic 'net zero' commitment of all greenhouse gas emissions (except methane) by 2050.
- 2.3 For these commitments to be achieved, rapid electrification of the economy will be required, and this will require a significant increase in the installed capacity of emissions free renewable electricity generation.
- 2.4 Approximately 1,250 GWh of new renewable generation will be required on average each year until 2050. By comparison, an average of 380 GWh of new renewable generation was commissioned annually in the 30 years to 2020. Furthermore, the future development rate will need to be even higher if existing renewable electricity stations' operating capabilities are reduced when current resource consents expire.
- 2.5 Given that climate change is one of the most significant issues facing New Zealand, there is a need to ensure a coordinated policy response to these issues and that includes all regions making provision for this to occur in a way that contributes to the national outcomes.
- 2.6 It is against that background, that Manawa Energy is seeking a stronger, more supportive, and enabling regulatory framework for renewable electricity generation, including the protection of existing renewable electricity generation activities.

3.0 Manawa Energy's Unique Portfolio

- 3.1 While some of Manawa Energy's larger schemes are connected to the national grid, a number of Manawa Energy's electricity generation schemes are embedded into the local electricity supply network and form a vital element in sustainable electricity supply within New Zealand. The location and scale of Manawa Energy schemes, along with a commitment to local supply (so as to ensure that electricity is consumed as close as possible to where it is generated) is a key and somewhat unique feature of Manawa Energy's generation philosophy and portfolio.
- 3.2 Manawa Energy differs from other electricity generators in the following ways:
 - its assets are typically moderate in scale and output;
 - the schemes are relatively numerous and complex;
 - the capital investment in individual schemes is modest in comparison to other large generators; and
 - the schemes are spread throughout a number of districts and regions in New Zealand often serving provincial areas where other large generators are not represented.
- 3.3 The value of Manawa Energy's generation assets resides within its resource consents and, in particular, within its water permits, which are required for every dam, diversion, abstraction, use and discharge of water associated with each facility.

¹ United Nations Framework Convention on Climate Change

- 3.4 In the West Coast Region Manawa Energy has the Arnold, Kumara, Kaniere and McKays, and Wahapo hydro-electric power schemes which are connected to the local distribution network and are therefore considered regionally significant infrastructure.

Arnold Hydro-Electric Power Scheme

- 3.5 The Arnold HEPS is sited on the Arnold River and is fed by Lake Brunner. The station was originally commissioned in 1932 and has 3MW installed capacity with an average annual generation output of 22 GWh.
- 3.6 The water for the scheme originates in Lake Brunner before entering the Arnold River, where it is dammed approximately 9.5km downstream of the lake. The dam utilises a tipper gate system whereby the gates fall forward to release water when lake levels are too high. Water flows through a tunnel on the upstream side of the dam gates where it is then fed into the power station where it passes through two generators.
- 3.7 Once through the generators, the water is released back into the Arnold River where it continues to flow on to the Māwheranui River.
- 3.8 Manawa recently obtained resource consents to undertake maintenance and upgrading of the Arnold Dam. This upgrade includes strengthening the concrete dam and the adjacent earth embankment dam, upgrading the spillway and intake area, and associated activities such as earthworks and vegetation clearance for site establishment, and installing temporary coffer dams to enable physical works on the dam structure. This maintenance and upgrade required resource consent from the Grey District Council and is an excellent example of the types of activities Manawa must undertake to keep the infrastructure functional in a safe and efficient manner.
- 3.9 For the purpose of the pTTPP, the Arnold HEPS is subject to provisions relating to the Open Space and General Rural zones, and the Flood Plain and Pounamu Management Area overlays.

Kumara Hydro-Electric Power Scheme

- 3.10 The Kumara Scheme as it is today has been operating since 1978, with individual components of the scheme dating back to the late 1800's. The scheme consists of three power stations of varying generation capacities, with Duffers being 500kW, Dillmans 3.5MW, and Kumara 6.5MW. Combined, the schemes create a total average annual output of 38 GWh.
- 3.11 The first station on the Kumara Scheme is the Duffers Power Station which captures water from the Kawhaka River and its tributaries, including water brought across from the Big Wainihinihi Stream, via intakes which are situated in Conservation land, and utilises historic gold mining infrastructure. Once it has passed through the station, the water is discharged through canals and streams, into the southern end of the Kumara Reservoir.
- 3.12 The Kumara Reservoir is held back by the Loopline Dam, which also acts as the connector to the Kapitea Reservoir. Both the Kumara and Kapitea Reservoirs are artificial, having originally been built for gold mining purposes but were later repurposed when Westpower purchased these assets and converted them to be suitable for hydro-electricity generation.
- 3.13 The Loopline Dam controls the flow of water into the Kapitea Reservoir, which is formed by a long and short dam. The short dam at the northernmost end of the reservoir utilises a spillway that takes water into a penstock which then feeds the Dillmans Power Station. A series of races, tunnels, and penstocks then feeds the water from the Dillmans station through to the Kumara Power Station just over 2km north. Once the water has passed through this station, it is then released into the Taramakau River, near the Kumara Township.
- 3.14 For the purpose of the pTTPP, the Kumara HEPS is subject to provisions relating to the Open Space and General Rural zones, and the Flood Plain and Pounamu Management Area overlays. It is also partially within an ONL.

McKays Kaniere Hydro-Electric Power Scheme

- 3.15 The Kaniere HEPS is located approximately 16km southeast of Hokitika. Fed from Lake Kaniere via some 9km of races, and discharging into the Kaniere River, the existing twin generator Kaniere Forks Power Station was commissioned in 1909 with 60 Hz output generated from 76m of head. At the expense of some output capacity, it was converted to 50Hz in 1931 to allow synchronisation with the nearby McKays Creek Power Station. With a rated capacity of 430 kW, the Kaniere HEPS has an average output of 1GWh.
- 3.16 The McKays HEPS is supplied via a weir and race from the Kaniere River, and weir from Blue Bottle Creek. Commissioned in 1931 to supply local gold mining operations, it has a rated capacity of 1MW and an average output of 7GWh.
- 3.17 For the purpose of the pTTPP, McKays Kaniere HEPS is subject to provisions relating to the Open Space and General Rural zones, and the Flood Plain and Pounamu Management Area overlays. It is also partially within an ONL and the intake to the Kaniere HEPS is in a Lake tsunami area.

Wahapo Hydro-Electric Power Scheme

- 3.18 The Wahapo HEPS was commissioned in 1960 by the Westland County Council and was formerly known as the Okarito Forks Power Station. The HEPS was used primarily to supply power to Whataroa. At its conception, the scheme had an output of 200kW from Lake Wahapo.
- 3.19 Flow into Lake Wahapo is dominated by the Waitangitaona River catchment, located southeast of the lake. Prior to 1967, the Waitangitaona River flowed directly north and then west into Tasman Sea. During a flood event in 1967, the river changed course to flow into Lake Wahapo which changed the dynamics and condition of Lake Wahapo considerably; reportedly raising the lake by 3m initially and 1m permanently. The Waitangitaona River continues to flow into the Lake.
- 3.20 The Wahapo HEPS was redeveloped on the existing site in 1990, with maximum capacity boosted to the present day 3.1 MW and an annual output of 15 GWh. Wahapo's generation capacity plays a vital role in ensuring reliable supply of electricity to South Westland, an area of extreme weather patterns. In particular, this station is able to start from a 'black start' which means in the event of a major power outage on the West Coast, Wahapo is the first generator able to self-start without requiring power, and re-connect to the network, providing the stability while other generators connect.
- 3.21 The scheme also endured a large flood event in 1995 that caused significant change to the lake, as well as damage to the Lake Wahapo outlet, intake, and the downstream Okarito River channel. This caused considerable widening and deepening of the channel and resulted in the riverbed dropping below the weir. Post flood stabilisation works required the placement of boulders of sufficient size and stability to ensure the river channel invert erosion is kept in check and the outlet weir is not undermined. The large boulders also have the effect of ensuring the lake is maintained in its current form.
- 3.22 For the purpose of the pTTPP, Wahapo HEPS is subject to provisions relating to the Open Space zone, and the ONL overlay.

4.0 Summary of Key Submission Points

4.1 The key aspects of Manawa Energy's submission on the pTTPP which are discussed in more detail in the sections below, focus on:

- **Priorities and hierarchy;** the structure of the pTTPP identifies the significance of renewable electricity generation activities, however does not clearly state priorities between competing resources. In numerous cases the recognition given to renewable electricity generation is significantly undermined by provisions that require protection of natural resources or special areas. The approach in the pTTPP should more clearly reinforce priorities to give effect to national direction and reflect these in the interrelationships between various spatial layers to avoid confusion and misinterpretation. Further this has the ability to undermine the ability to operate and develop renewable electricity generation which is a matter of national priority.
- **The Energy chapter;** the pTTPP chapter on Energy as currently drafted provides clear direction on the approach to renewable electricity generation activities, however there are many ways in which this could be improved and clarified.

4.2 The specific issues and relief sought by Manawa Energy are set out in **Appendix A** attached to this submission.

Manawa Energy's General Submission Points

4.3 Manawa Energy's interests in the West Coast Region are primarily with ensuring the continued provision for operation and development of renewable electricity generation, and ensuring that effect is given to the National Policy Statement on Renewable Electricity Generation 2011 (NPS-REG) and this submission is made on this basis.

4.4 Overall, Manawa Energy considers that the pTTPP will enable it to fulfil its role in protecting and enhancing its renewable electricity assets and addressing New Zealand's climate change commitments subject to the amendments sought in this submission.

Priorities and hierarchy

4.5 In relation to renewable electricity generation, the Energy ('ENG') chapter of the EIT topic contains a number of provisions which are generally supported by Manawa Energy (details of which are contained in the body of this submission). The ENG chapter of the pTTPP is the primary chapter which gives effect to the NPS-REG. However, a number of these provisions are considered to be diminished in status by the applicability (through cross referencing or otherwise) of provisions in other chapters / topics of the pTTPP. For example, renewable electricity generation activities are considered under the ENG chapter but also may be considered under the ECO, NFL, NC, HH, and SASM chapters with varying rules that apply. This collective consideration then means that in some cases there is little direction on what is to be considered and a high risk of different interpretation being applied by different parties, or by the three Councils that will be administering this combined plan.

4.6 The direction from the NPS-REG to enable renewable electricity generation, and indeed the direction of the pTTPP itself (as expressed in the ENG objectives and policies) appear to be diminished by this approach. It is considered vital that the pTTPP is clear and directive, and that it gives effect to national direction including in enabling renewable electricity generation to give effect to the NPS-REG.

4.7 For these reasons Manawa Energy have made a number of general submission points on the pTTPP relating to Plan structure and policy priorities (see **Appendix A**). In particular, Manawa Energy's support the general self-containment of the ENG chapter, however Manawa seeks that this is taken

further to ensure the intent of provisions throughout the plan relating to Renewable Electricity Generation (REG) are consistent and give effect to the NPS – REG.

The Energy chapter

- 4.8 The Energy chapter deals specifically with renewable electricity generation activities and primarily appears to focus on ‘giving effect’ to the NPS-REG. It would be clearer and more effective if provisions in other chapters of the Plan reinforce and are consistent with these provisions. The specific relief sought (see **Appendix A**) sets out changes to the chapter to achieve this.
- 4.9 To assist in understanding the whole of the energy chapter as sought in Manawa Energy’s submission, we have provided a ‘clean’ version of the chapter is attached as **Appendix B** for convenience.

Appendix A: Manawa Energy’s Detailed Submission

Text changes to the pTTPP sought as part of this submission are shown as ~~strikeout~~ for text to be deleted and **bold underlined** for text to be added.

Chapter / provision	Support / Oppose	Manawa Energy’s reasons for submission	Relief sought
ENTIRE DOCUMENT			
Reference to ‘Minimise’	Oppose	Manawa considers that the word ‘minimise’ is subjective, open to interpretation and ambiguous. This terminology is not used by relevant statutory documentation such as the Resource Management Act 1991 or the NPS – REG, and does not have a basis in caselaw. Manawa Energy seeks that this is replaced throughout the Plan by terminology appropriate to the context it has been used.	Replace the word ‘minimise’ with appropriate wording such as ‘avoid, remedy or mitigate’ throughout the Plan as outlined below.
Division of renewable electricity generation according to arbitrary scale – using the terms ‘small-scale’, ‘community-scale’ and ‘large-scale’.	Oppose	<p>Manawa acknowledges that there are commonly different provisions applied to renewable electricity generation of different scales. Often this enables smaller scale activities to be developed more easily than larger scale projects. Generally, the reason for this is to recognise that the larger the scale of the activity, the more likely it will generate adverse effects. This approach is reflected in the NPS-REG which specifically references “<i>Small and community-scale distributed electricity generation</i>”.</p> <p>However, the pTTPP has developed separate definitions of ‘small-scale’, ‘community-scale’ and ‘large-scale’ activities and divided rules according to these arbitrary definitions.</p> <p>Manawa acknowledges that the scale of activity may be useful to use in rules that allow for distinction between activities but is opposed to the definitions currently applied as they have no basis in higher order documents. Also the use of ‘large-scale’ for what may actually be very modest development is misleading and inappropriate.</p>	<p>Replace the use of the terms ‘small-scale’, ‘community-scale’ and ‘large-scale’ with the terminology utilised in the NPS – REG.</p> <p>This is specifically addressed through submissions on definitions (as outlined below), however should be considered in the context of the Plan provisions as a whole.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Manawa seeks that the terminology utilised is clear, well defined and not emotive / subjective. It considers that the terminology used should be consistent with that used in that used in the NPS – REG.</p>	
Reference to 'Critical Infrastructure'	Oppose in part	<p>The pTTPP contains a number of varying definitions applicable to renewable electricity generation activities – these include just referring to 'infrastructure', and referring to 'critical infrastructure'. There are also references in the plan to 'transmission infrastructure', 'electricity infrastructure', 'utilities and infrastructure', 'specified infrastructure', and 'green infrastructure'.</p> <p>The use of such varying terminology is confusing and unnecessary.</p> <p>To ensure the West Coast Regional Policy Statement (RPS) is given effect to, it is sought that the term 'critical infrastructure' is replaced with the term 'regionally significant infrastructure'. This ensures consistency but also aligns the district plan with commonly used definitions as are now being applied in national direction.</p> <p>It is noted that the two definitions differ slightly, but the RPS definition is operative and therefore preferred. If necessary, the definition from the RPS could also be updated to include any aspects of the 'critical infrastructure' definition that are also necessary.</p>	<p>Delete the term 'critical infrastructure' and replace with 'regionally significant infrastructure' based on the West Coast Regional Policy Statement, as requested in the later submission point.</p> <p>All necessary and consequential amendments to other parts of the Plan are also sought to support this change.</p>
PART 1 - INTRODUCTION AND GENERAL PROVISIONS, HOW THE PLAN WORKS, GENERAL APPROACH			
Step 2 – Locate the relevant zone rules	Support	<p>Manawa supports the second paragraph of Step 2 which clearly outlines the manner in which the Infrastructure, Energy, Transport, Subdivision and Temporary Activities Chapters operate in relation to the remainder of the Plan. It considers that this provides clarity to all Plan users and thereby assists in the efficient administration of the Plan.</p>	<p>Retain the second paragraph in Step 2 'locate the relevant zone rules' as notified.</p>
PART 1 - INTRODUCTION AND GENERAL PROVISIONS, INTERPRETATION, DEFINITIONS			

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
Definition of 'Artificial Lake or Pond'	Support	Manawa supports the inclusion of this definition as notified, and the specific acknowledgement that this term includes man made reservoirs. It considers that this provides clarity to all Plan users and thereby assists in the efficient administration of the Plan.	Retain the definition of 'artificial lake or pond' as notified.
Definition of 'Community Scale'	Oppose	<p>As discussed above, Manawa opposes the definition of 'community scale', in relation to renewable energy activities as it creates a differentiation between various scales of Renewable Electricity Generation activities based on an arbitrary generation limit, and introduces a subjective element to the definition of such facilities.</p> <p>If this type of definition is considered to be necessary Manawa requests that the definition adopted is consistent with that included in the National Policy Statement – Renewable Electricity Generation (2011). This definition combines 'community scale' with 'small scale' renewable electricity generation and removes any capacity limit.</p> <p>If a scale of activity is considered necessary, this can be included through any specific rules that limit the nature or scale of the activity under different rules.</p>	<p>Delete the definition of 'community scale' and replace it with the following definition of 'small and community- scale distributed electricity generation':</p> <p><u>small and community- scale distributed electricity generation:</u> <u>means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</u></p>
Definition of 'Critical Infrastructure'	Oppose	<p>As discussed above, Manawa supports the recognition of electricity transmission and distribution assets, however, seeks that this is extended to include electricity generation activities in accordance with the NPS – REG and to ensure consistency with the RPS. It is considered that this electricity generation is necessary to maintain the resilience and function of West Coast communities, and without this there will be a significant impact on the ability of many businesses and key community facilities to operate.</p> <p>Further, the pTTPP contains a number of varying definitions applicable to Renewable Electricity Generation activities. To ensure consistency with the RPS and to avoid variations in applicability of it is sought that the term 'critical infrastructure' is replaced with the term 'regionally significant infrastructure'.</p>	<p>Delete the term 'critical infrastructure' and replace with 'regionally significant infrastructure' based on the West Coast Regional Policy Statement, as requested in the later submission point.</p> <p>All necessary and consequential amendments to other parts of the Plan are also sought to support this change.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
Definition of 'Critical Response Facilities'	Support in part	<p>Manawa supports the recognition of some hydro electricity generating related infrastructure with the definition, however, considers that limitation of this to 'major dams' is not appropriate. The term 'major dams' is ambiguous and is unclear on what it applies to. All renewable electricity generation activities are of critical importance to the West Coast to ensure resilience in a natural hazard event.</p> <p>Manawa seeks a wider recognition within this definition using terminology that is consistent with other definitions.</p>	<p>Amend the definition of 'Critical Response facilities' as follows:</p> <p>means, in relation to natural hazards, hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, communication operations or response, hazardous or explosive material storage, aviation control towers, air traffic control centre, emergency aircraft hangers, fuel storage, major dams, electricity generation, transmission and distribution assets; community scale potable water treatment facilities; and wastewater treatment facilities.</p>
Definition of 'Energy Activity'	Support	Manawa supports the definition of 'energy activity' and recognition of the wide range of Renewable Electricity Generation activities/ assets within this.	Retain the definition of 'energy activity' as notified.
Definition of 'Functional Need'	Support	Manawa supports the definition of 'functional need' and that this is a term defined by the National Planning Standards.	Retain the definition of 'functional need' as notified.
Definition of 'Lake'	Support	Manawa supports the definition of 'lake' and clarification that this term does not include an artificial waterbody or reservoir.	Retain the definition of 'Lake' as notified.
Definition of 'Large Scale'	Oppose	<p>As discussed above, Manawa opposes the definition of 'large scale', in relation to energy as it creates a differentiation between various scales of Renewable Electricity Generation activities based on an arbitrary generation limit, and introduces a subjective element to the definition of such facilities. Further the use of 'large-scale' for what may actually be very modest development is misleading and inappropriate.</p> <p>If this type of definition is considered to be necessary Manawa requests that the definition adopted is consistent with that included in the National Policy Statement – Renewable Electricity Generation (2011). The NPS – REG does not include a definition of the term 'large scale' – but defines the terms 'small and</p>	Delete the definition of 'Large Scale'.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		community – scale distributed electricity generation' and 'renewable electricity generation activities'. Manawa requests that these definitions are included in the pTTPP, and that the existing definition of the term 'large scale' is deleted.	
Definition of 'Maintenance'	Support	Manawa supports the definition of the term 'maintenance' and its clear applicability to renewable electricity generation activities. However, to be explicit about what is intended to be encompassed by this definition, and to ensure that normal activity is provided for, this definition should also refer to 'repair'.	Retain the definition of 'maintenance' as notified. Amend the definition to be 'maintenance <u>and repair</u> '
Definition of 'Operational need'	Support	Manawa supports the definition of 'operational need' and that this is a term defined by the National Planning Standards.	Retain the definition of 'operational need' as notified.
Definition of 'Renewable Electricity Generation'	Support	Manawa supports the definition of the term 'renewable electricity generation'. This definition is consistent with the definition contained in the NPS – REG, will ensure consistency with other relief sought, and will provide certainty to Plan users.	Retain the definition of 'renewable electricity generation' as notified.
Definition of 'Renewable Electricity Generation Activities'	Support in part	Manawa supports the definition of the term 'renewable electricity generation activities' as this is consistent with the definition included in the NPS – REG. Manawa seeks that this definition is expanded to apply to ancillary earthworks and vegetation clearance as these are fundamental elements of installing, maintaining and operating such activities.	Amend the definition of 'renewable electricity generation activities' as follows: 'means the construction, operation, maintenance and upgrading of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, <u>earthworks, vegetation clearance</u> , roading, maintenance buildings, temporary

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			concrete batching plants, internal transmission and fibre networks, and site rehabilitation works'.
Definition of 'Riparian Margin'	Support in part	Manawa support the inclusion of a definition of the term 'riparian margin', however considers that the margins included within the definition are excessive for lakes. Further it does not consider that these setbacks have been, or are justified to ensure protection.	Amend the definition of 'riparian margin' as follows: means all land <u>within 10m of any waterbody.</u> a. 10m of any wetland; b. 20m of any lake; and c. 10m of any stream or river with an average bed width greater than 3m
Definition of 'Small Scale'	Oppose	As discussed above, Manawa opposes the definition of 'small scale', in relation to energy as it creates a differentiation between various scales of Renewable Electricity Generation activities based on an arbitrary generation limit, and introduces a subjective element to the definition of such facilities. If this type of definition is considered to be necessary Manawa requests that the definition adopted is consistent with that included in the National Policy Statement – Renewable Energy Generation (2011). This definition combines 'community scale' with 'small scale' renewable electricity generation and removes any capacity limit.	Delete the definition of 'small scale' and replace with the following definition of 'small and community- scale distributed electricity generation': <u>small and community- scale distributed electricity generation:</u> <u>means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</u>
Definition of 'Upgrading'	Support	Manawa supports the inclusion of the definition of 'upgrading', and the specific reference to renewable electricity generation activities in this definition.	Retain the definition of 'upgrading' as notified. Amend the term used to be 'upgrading / <u>upgrade</u> ' to ensure clarity in use throughout the plan.
NEW DEFINITIONS			

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
Definition of 'Indigenous Biodiversity / Biodiversity'.	N/A	<p>The terms 'indigenous biodiversity/ biodiversity' are used throughout the pTTPP, however a definition of this term is not included. Manawa considers that the inclusion of a definition will provide certainty for Plan users, and will assist in the effective administration of the Plan.</p> <p>It is appropriate to use the definition from the NPS-IB for consistency.</p>	<p>Add a new definition of the term 'indigenous biodiversity / biodiversity' as follows:</p> <p><u>indigenous biodiversity / biodiversity:</u></p> <p><u>means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.</u></p>
Definition of 'Major Hazard Facility'	N/A	<p>Manawa considers it appropriate that the term 'major hazard facility' is defined within the Plan. This term is used a number of times in Part 2 – District Wide Matters/HAZ – Hazards and Risks/ HS – Hazardous Substances.</p>	<p>Add a new definition of the term 'major hazard facility' as follows:</p> <p><u>major hazard facility:</u></p> <p><u>Has the same meaning as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016. means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20.</u></p>
Definition of 'Minor Upgrade'	N/A	<p>Manawa considers it appropriate that the term 'minor upgrade' is included within the Plan. This term is included in ENG – R4, INF – R26, NC – R1, CE – R5 and CE – R10. It considers that the inclusion of such a definition will benefit in the efficient and consistent administration of the Plan and will provide certainty to Plan users. The inclusion of such a term is common in district plans and recognises that some activities go beyond maintenance and repair but are not of any significant scale. Inclusion of such a definition would enable greater recognition of the need for enhancement of renewable electricity generation.</p>	<p>Add a new definition of the term 'minor upgrade' as follows:</p> <p><u>minor upgrade:</u></p> <p><u>Development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment and provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity. In relation to renewable electricity generation activities, includes increasing the generation</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<u>or transmission capacity, efficiency or security of regionally significant infrastructure and replacing support structures within the footprint of authorised activities.</u>
Definition of Non Renewable Electricity Generation Activities	N/A	In order to support other submission points, and to explain the use of the term 'non-renewable electricity generation activities' which is used within the plan, it is necessary to define this term. Manawa seeks that this be included in the definitions.	Add a new definition of the term 'non-renewable electricity generation activities' as follows: <u>non-renewable electricity generation activities:</u> <u>means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources.</u>
Definition of 'Regionally Significant Infrastructure'	N/A	The pTTPP contains a number of varying definitions applicable to Renewable Electricity Generation activities. To ensure consistency with the RPS and to avoid variations in Manawa seeks that the term 'regionally significant infrastructure' is included within the Plan.	Add a new definition of the term 'regionally significant infrastructure' based on the West Coast Regional Policy Statement as follows: <u>Regionally significant infrastructure means:</u> a) <u>The National Grid (as defined by the Electricity Industry Act 2010);</u> b) <u>Other electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;</u> c) <u>Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;</u>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</u></p> <p><u>e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic, and all special purpose road zones;</u></p> <p><u>f) The regional rail networks</u></p> <p><u>g) The Westport, Greymouth, and Hokitika airports;</u></p> <p><u>h) The Regional Council seawalls, stopbanks and erosion protection works;</u></p> <p><u>i) Telecommunications and radio communications facilities and networks;</u></p> <p><u>j) Public or community sewage treatment plants and associated reticulation and disposal systems;</u></p> <p><u>k) Public water supply intakes, treatment plants and distribution systems;</u></p> <p><u>l) Public or community drainage systems, including stormwater systems;</u></p> <p><u>m) The ports of Westport, Greymouth and Jackson Bay; and</u></p> <p><u>n) Public or community solid waste storage and disposal facilities, and</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>o) Defence facilities.</u></p> <p>All necessary and consequential amendments to other parts of the Plan are also sought.</p>
PART 2 – DISTRICT-WIDE MATTERS, STRATEGIC DIRECTION			
CR – CONNECTIONS AND RESILIENCE			
CR – O2	Support in part	<p>Manawa supports Objective 2, in particular the recognition and protection of critical infrastructure throughout the Region. Manawa has sought that the term 'critical infrastructure' is replaced with the term 'regionally significant infrastructure' and therefore requests the wording of the policy is amended to reflect this.</p>	<p>Retain CR – O2 as notified with the exception of the replacement of the term 'critical infrastructure' with the term 'regionally significant infrastructure' as follows:</p> <p>To enable and protect the continued function and resilience of critical regionally significant infrastructure and connections and facilitate their quick recovery from adverse events.</p>
CR – O3	Support in part	<p>Manawa appreciate the recognition of the role of critical / regionally significant infrastructure within the Region, but consider that recognition of the functional and operational need to locate in particular locations needs to be explicitly provided and further that Council support (rather than ensure) that this occurs.</p> <p>In a number of cases it may be impractical for this infrastructure to be sited away from natural hazards, and Manawa consider that the focus would be better placed on avoiding, remedying or mitigating the adverse effects of natural hazards on this infrastructure.</p> <p>Further it opposes the use of the term 'hazardscape' as this is not defined in the Plan, is not commonly used or understood in district plans, and is open to interpretation.</p>	<p>Amend CR – O3 as follows:</p> <p><u>To ensure that new support the locations for of critical regionally significant infrastructure and associated connections take account of the hazardscape and where practicable are built away from natural hazards where the adverse effects of natural hazards on this critical infrastructure are able to be avoided, remedied or mitigated, whilst recognising the functional and operational needs of such infrastructure.</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		Manawa has sought that the term 'critical infrastructure' is replaced with the term 'regionally significant infrastructure' and therefore requests the wording of the policy is amended to reflect this.	
CR – O4	Support	Manawa supports this objective. Manawa's assets generate electricity which can be distributed along the West Coast without having to rely on the Coleridge line, thereby supporting resilience along the West Coast.	Retain CR – O4 as notified.
NHER – NATURAL HERITAGE			
NENV – O1	Support in part	Manawa supports the intent of this policy, however seeks that the wording used is consistent with that used in the Resource Management Act 1991.	Amend NENV – O1 as follows: To recognise and protect the outstanding natural character, landscapes and features, significant ecosystems and indigenous biodiversity that contribute to the West Coast's character and identify and Poutini Ngāi Tahu's cultural and spiritual values
NENV – O3	Support	Manawa supports the explicit recognition that there is a need sometimes for regionally significant infrastructure to be located in significant natural areas.	Retain NENV – O3 as notified.
UFD – URBAN FORM AND DEVELOPMENT			
UFD – O1	Support	Manawa supports the explicit protection of critical infrastructure in Clause 8, however requests that the term 'critical infrastructure' is replaced with the term 'regionally significant infrastructure'.	Retain UFD – O1 (8), but replace the words 'critical infrastructure' with 'regionally significant infrastructure' as follows: Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical regionally significant infrastructure.
EIT – ENERGY, INFRASTRUCTURE AND TRANSPORT			

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
General – Plan Structure	Support	Manawa strongly support the separation of the ENG and INF chapters of the Plan. It considers that this provides a necessary degree of transparency for Plan users, and avoids duplication and confusion between the ENG and INF chapters.	Retain the separation between the ENG and INF chapters as notified.
ENG - ENERGY			
		In addition to the specific matters raised below and relief sought, a 'clean' version the ENG chapter including the relief sought by Manawa is provided as Appendix B to this document.	
Overview	Support in part	Manawa strongly supports the separation of the ENG and INF chapters of the Plan. It considers that this provides a necessary degree of transparency for Plan users, and avoids duplication and confusion between the ENG and INF chapters.	<p>Retain the statement at the end of the Overview section that clearly outlines the relationship between the ENG and INF chapters, as notified.</p> <p>If possible, Manawa requests that this statement differentiated from the remainder of the overview text (by use of font, bolding etc) to make this key information clearer.</p>
		<p>The energy chapter covers generation, transmission and distribution of electricity. It inherently covers both renewables and non-renewables, however there is no provision for non-renewable energy nor any deterrent to non-renewable energy activities being established. The development of and continue use of non-renewable energy is not supported by international commitments and national direction and this needs to be made clear in the chapter.</p> <p>It is considered inappropriate that non-renewable energy activities, by virtue of inclusion within the definition of 'energy activities', are considered in the same manner as renewable electricity generation activities given the NPS that applies solely to these activities (NPS – RG 2011). Manawa requests that the wording is amended throughout the Plan to refer to Renewable Electricity Generation (as opposed to energy activities) in all supporting policies. Further it requests that</p>	<p>Amend all objectives and policies by removing the reference to 'energy activities' and replacing this with a reference to 'renewable electricity generation activities'.</p> <p>Add a new policy as follows:</p> <p><u>ENG – P10</u></p> <p><u>Avoid the development of non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>a policy be added to avoid the development of non-renewable energy generation activities on the West Coast, and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in energy generation.</p> <p>The first sentence of the Overview incorrectly refers to all energy activities being recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. Manawa requests that this section is amended to correct this error.</p> <p>The Overview section of the Plan incorrectly refers to the title of the NPS on Renewable Energy Generation. This National Policy Statement applies to Renewable Electricity Generation.</p>	<p>Delete the words 'Energy activities including' from the first sentence of the Overview section as follows:</p> <p>Energy activities, including rRenewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement.</p> <p>Replace the word 'Energy' in the reference to the NPS with the word 'Electricity' in the second paragraph of the Overview section to read as follows:</p> <p>... with renewable electricity recognised in the National Policy Statement on Renewable Energy Electricity Generation.</p>
ENERGY - OBJECTIVES			
ENG – O1	Support in part	Manawa supports this provision, however requests that changes are made to terminology used in the objective to ensure that there is consistency between amendments sought to other parts of the Plan. Manawa considers it essential that Renewable Electricity Generation activities are provided for within the pTTPP to give effect to the provisions of the NPS – REG.	<p>Amend ENG – O1 as follows:</p> <p>To recognise the local and regional benefits of electricity transmission, distribution and renewable electricity generation activities, by providing for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.</p>
ENG – O2	Support in part	Manawa considers that the use of the term 'minimise' is not consistent with terminology used in current Resource Management Act legislation, and therefore it is unclear what the level of outcome anticipated by this term	<p>Amend ENG – O2 as follows:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>involves. Manawa requests that the term 'minimise' should be replaced with the with 'avoid, remedy or mitigate' terminology provided by the Act as in different circumstances different aspects of the effects management hierarchy may be appropriate.</p> <p>Manawa also requests that the wording of policy be restructured to provide greater clarity and direction to Plan users, and that reference to functional and operational needs be retained to ensure consistency in terminology used in other national policy documents.</p>	<p>To recognise the functional and operational needs associated with the location and design of renewable electricity generation energy activities, and to minimise avoid, remedy or mitigate any adverse effects of these activities on communities and the environment.</p>
ENG – O3	Support in part	<p>Manawa supports the recognition of the need to provide for renewable electricity generation and the recognition of the potential for reverse sensitivity effects on renewable electricity generation activities (as is required to be addressed in the NPS – REG). It is however considered better to separate these two concepts for clarity. It is also suggested that terminology used is amended to ensure consistency with earlier comments and terminology used in the Resource Management Act 1991.</p>	<p>Amend ENG – O3 as follows:</p> <p>To provide for the development, operation, maintenance and upgrade of energy renewable electricity generation activities and to protect them from the adverse effects of incompatible subdivision, use and development.</p>
ENERGY - POLICIES			
ENG – P1	Support in part	<p>Manawa supports the intent of this policy, however, considers that it that this policy:</p> <ul style="list-style-type: none"> • mixes support for activities with management of effects leading to confusion in the intent of the policy. Management of effects is covered by subsequent policies and does not need to be within this policy. • mixes transmission, distribution and generation without differentiating between various types of 'energy' activities (including the distinction between renewable and non-renewable energy activities), and • does not include a reference to renewable electricity generation activities specifically. 	<p>Amend ENG – P1 as follows:</p> <p>Provide for Enable the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable electricity generation activities and assets, while recognising the positive social, economic, cultural and environmental benefits of renewable electricity generation and transmission.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Further, Manawa notes that there is no policy that recognises the role of Renewable Electricity Generation activities and their importance to the community. It considers it appropriate that the scope of this policy be widened to include this recognition.</p> <p>Manawa also seeks that the terminology used is amended to ensure consistency with earlier comments and terminology used in the Resource Management Act 1991.</p>	
ENG – P2	Support in part	Manawa generally supports this policy, however requests that changes are made to provide clarity that the intent of the policy is to include new activities, as well as existing activities.	<p>Amend ENG – P2 as follows:</p> <p>When considering proposals to develop and operate new and existing energy renewable electricity generation, electricity transmission and distribution activities, have particular regard to the benefits to be obtained from the proposal, including:</p> <p>a. Maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of renewable electricity generation.....</p>
ENG – P3	Support in part	Manawa supports the intent of this policy, however, considers that it could be expressed in a manner more consistent with a similar policy included in the INF chapter (policy 3) and more closely aligned to the approach directed by the NPS-REG.	<p>Amend ENG – P3 as follows:</p> <p>Minimise Avoid reverse sensitivity effects from incompatible subdivision, use and development on energy renewable electricity generation and electricity transmission and distribution activities. and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development</p>
ENG – P4	Support in part	Manawa supports the intent of this policy, however, considers that it needs to be updated to clearly reference renewable electricity generation and to use established terminology that is well understood rather than 'minimise'.	<p>Amend ENG – P4 as follows:</p> <p>Minimise Avoid, remedy or mitigate adverse effects on communities and the environment from energy</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>renewable electricity generation and electricity transmission and distribution</u> activities by:</p> <ul style="list-style-type: none"> • Having regard to ...
ENG – P5	Support in part	Manawa requests that amendments are made to this policy to ensure consistency throughout the Plan in the use of defined terms and in referencing renewable electricity rather than energy generally.	<p>Amend ENG – P5 as follows:</p> <p>When considering proposals to develop, operate, maintain and upgrade new and existing energy <u>renewable electricity generation</u> activities:</p> <ol style="list-style-type: none"> Recognise their functional <u>needs</u> constraints and operational <u>needs</u> requirements; and ...
ENG – P6	Support	Manawa supports the intent of the policy, however requests that there is no distinction made between varying scales of renewable generation activities.	<p>Amend ENG – P6 as follows:</p> <p>Provide for the development, upgrading, maintenance and operation of:</p> <ol style="list-style-type: none"> A range of small, community and large scale renewable electricity generation activities; and ...
New Policy	Support	<p>The energy chapter covers generation, transmission and distribution of electricity. It inherently covers both renewables and non-renewables, however there is no provision for non-renewable energy nor any deterrent to non-renewable electricity activities being established. Non-renewable electricity generation is not supported by national direction and this needs to be made clear in the chapter.</p> <p>It is considered inappropriate that non-renewable energy activities, by virtue of inclusion within the definition of 'energy activities', are considered in the same manner as renewable electricity generation activities given the NPS that applies</p>	<p>Add a new policy as follows:</p> <p><u>ENG – P10</u></p> <p><u>Avoid the development of non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		solely to these activities (NPS – REG 2011). Manawa requests that the wording is amended throughout the Plan to refer to Renewable Electricity Generation (as opposed to energy activities) in all supporting policies. Further it requests that a policy be added to avoid the development of non-renewable energy generation activities on the West Coast, and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.	
ENERGY - RULES			
Rule Structure / Hierarchy		<p>Manawa is very supportive of the separation of rules applying to Renewable Electricity Generation activities from those relating to INF activities. Manawa's primary concern with the ENG rules is the extent to which these provide for the construction, operation, maintenance and upgrade of Renewable Electricity Generation activities in a manner consistent with the provisions of the NPS – REG 2011. This concern relates to the manner in which the Plan differentiates between Renewable Electricity Generation activities of various types and scales (and the terminology used in the Plan to express these differences), and the activity status afforded to these activities.</p> <p>As presently set out, Manawa does not consider that the energy chapter provisions give effect to the NPS-REG as they do not enable continuation of existing activities and establishment of new activities.</p> <p>Definitions</p> <p>Specific submission points applying to Renewable Electricity Generation activities have been addressed in submissions on the Interpretation section of the Plan set out above. In particular, Manawa opposes the distinction between Renewable Electricity Generation activities based on the current definitions of the terms 'small scale', 'community scale' and 'large scale'. Manawa seeks to ensure that the terminology used in the pTTPP is consistent with that in the NPS – REG 2011.</p>	<p>See definitions requests above.</p> <p>Amend terminology used in the ENG chapter to reflect the relief sought for changes to definitions, especially defined terms of:</p> <ul style="list-style-type: none"> • small and community- scale distributed electricity generation • minor upgrade • regionally significant infrastructure. <p>Amend the structure of the rules to clearly step through the different activities relating to existing and new activities.</p> <p>Amend rules to ensure that activity status that applies gives effect to the NPS-REG and other higher order documents.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Manawa has also sought the inclusion of a definition for the term 'minor upgrade'. It considers that this is appropriate and is already used throughout the Plan.</p> <p>Manawa requests that the submission points in the remainder of this section reflect changes sought to terminology used in the Plan.</p> <p><i>Provision for the Operation, Maintenance, Upgrading and Establishment of Renewable Electricity Generation activities</i></p> <p>The rules mix activities relating to existing structures and facilities (operate, maintain, repair and upgrade) with activities relating to new structures and facilities (construction). This confuses the direction and intent of the provisions (enabling ongoing operation, maintenance, repair and minor upgrading of new facilities to not be adequately provided for).</p> <p>Manawa requests that the structure of the rules be amended to clearly step through the differences in existing and new activities.</p> <p><i>Activity Status</i></p> <p>Manawa strongly opposes the activity status given to a number of Renewable Electricity Generation activities, and considers that this is inconsistent with the policy direction provided for in the NPS – REG. In particular activities relating to existing hydro-electric generation schemes are not provided for such that the maintenance of an existing "large scale" dam is a full discretionary activity. Such an activity is essentially for the safety and resilience of renewable electricity generation schemes on the West Coast and needs to be provided for.</p> <p>In terms of other Renewable Electricity Generation activities, Rule 5 in effect determines that a wind farm unable to meet the requirements of the NZS 6808:2010 (Acoustics – Wind Farm Noise) is assessed as a non-complying activity. Manawa considers that this is inappropriate, particularly when</p>	

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought																				
		<p>considering that if the rules in the noise chapter default to restricted discretionary if not met.</p> <p>These are inappropriate activity status, for renewable electricity generation activities that are determined to be nationally significant and a matter of national importance. As outlined in the general section of this submission, support for existing renewables and provision for development of new renewables is a national priority and the current rules in the pTTPP do not sufficiently enable this to occur.</p> <p>Manawa requests that the rule structure be amended to better align with the intent for Renewable Electricity Generation activities as set out in higher order documents which can be summarised as:</p> <table border="1" data-bbox="607 738 1397 1295"> <tbody> <tr> <td data-bbox="607 738 757 1066" rowspan="4">Existing activity</td> <td data-bbox="757 738 1005 794">Operate</td> <td data-bbox="1005 738 1196 794">Permitted</td> <td data-bbox="1196 738 1397 794"></td> </tr> <tr> <td data-bbox="757 794 1005 850">Maintain / repair</td> <td data-bbox="1005 794 1196 850">Permitted</td> <td data-bbox="1196 794 1397 850"></td> </tr> <tr> <td data-bbox="757 850 1005 906">Minor upgrade</td> <td data-bbox="1005 850 1196 906">Permitted</td> <td data-bbox="1196 850 1397 906"></td> </tr> <tr> <td data-bbox="757 906 1005 1066">Upgrade (more than minor)</td> <td data-bbox="1005 906 1196 1066">Permitted (limited in scale)</td> <td data-bbox="1196 906 1397 1066">RD larger scale</td> </tr> <tr> <td data-bbox="607 1066 757 1201" rowspan="2">New activity</td> <td data-bbox="757 1066 1005 1201">Construct new</td> <td data-bbox="1005 1066 1196 1201">Permitted (limited in scale)</td> <td data-bbox="1196 1066 1397 1201">RD all other scale activities</td> </tr> <tr> <td data-bbox="757 1201 1005 1295">Temporary</td> <td data-bbox="1005 1201 1196 1295">Permitted up to 24 months</td> <td data-bbox="1196 1201 1397 1295">RD longer period</td> </tr> </tbody> </table>	Existing activity	Operate	Permitted		Maintain / repair	Permitted		Minor upgrade	Permitted		Upgrade (more than minor)	Permitted (limited in scale)	RD larger scale	New activity	Construct new	Permitted (limited in scale)	RD all other scale activities	Temporary	Permitted up to 24 months	RD longer period	
Existing activity	Operate	Permitted																					
	Maintain / repair	Permitted																					
	Minor upgrade	Permitted																					
	Upgrade (more than minor)	Permitted (limited in scale)	RD larger scale																				
New activity	Construct new	Permitted (limited in scale)	RD all other scale activities																				
	Temporary	Permitted up to 24 months	RD longer period																				

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission				Relief sought
			Investigations and meteorological	Permitted (limited in scale)	RD larger scale	
		Non-renewable electricity generation	Electricity generation activities that are not renewable		Non-complying	
Note 1	Support	Manawa supports the inclusion of note 1 which reiterates where these rules apply to energy and renewable electricity generation activities, the rules in the INF chapter do not apply.				Retain Note 1 as notified.
ENG – R1	Support	Manawa supports the retention of this rule in its current form.				Retain ENG – R1 as notified.
ENG – R5	Support in part	<p>Manawa supports this rule in part as it is essential that there be a permitted activity rule providing for the ongoing operation of renewable electricity generation activities and for the establishment of new smaller scale facilities.</p> <p>However, Manawa considers that:</p> <ul style="list-style-type: none"> the terminology within the rule should be altered to apply to small and community scale distributed electricity generation use rather than simply small-scale activities (as previously discussed in the definitions section). provision should be made for the operation, maintenance, repair and minor upgrade of <u>existing</u> renewable electricity generation activities as a permitted activities. At present the rules are entirely silent on the ongoing use of existing activities and there is no obvious activity status for this. At worst, this could mean that maintenance on large hydroelectricity structures is a discretionary activity. Clearly this is not appropriate. Amending this rule to explicitly provide for existing activities would ensure consistency 				<p>Replace ENG – R5 with the following:</p> <p><u>ENG - R5 The construction, operation, maintenance, repair and upgrade of renewable electricity structures for small and community scale electricity generation, and</u></p> <p><u>The operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities.</u></p> <p><u>Activity Status Permitted</u></p> <p><u>Where:</u></p> <p>1. Performance standards in Rule ENG - R1 are complied with;</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>with the provisions of the NPS – REG and is considered essential for the ongoing operation of these facilities, the nature of associated hazards within the West Coast and the associated necessity to ensure resilience of such (as it reflected in the strategic direction provisions of the pTTPP).</p> <ul style="list-style-type: none"> wind turbines do not need to be specified as 'small scale' as the performance standards for this rule limit them in height and scale. If a maximum number of turbines or a maximum scale of facility is considered necessary to ensure that this rule only allows smaller scale facilities to be permitted, then an additional performance standard can be added to limit the generation from such facilities it is inappropriate, inequitable and unjustified to require activities not meeting the standard 4 (which applies to small scale wind turbines and compliance with NZS 6808: 2010 Acoustics – Wind Farm Noise) to be accorded non-complying activity status. The common activity status used elsewhere in the country for this situation is discretionary and that should be applied in this situation also. Having a non-complying activity status would not provide for the national direction seeking to enable renewable electricity generation activities. that the size limits stipulated for land based structures, building or impermeable surface for hydroelectricity generation in clause 5 are too small to cover most existing schemes and will generally only apply to domestic scale new activities. This also limits the ability to undertake meaningful works to existing structures. Amended wording for this performance standard is proposed. 	<p>2. Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically;</p> <p><u>3. Wind turbines do not exceed 8m in height;</u></p> <p><u>4. Wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;</u></p> <p><u>5. Structures, buildings or impermeable surface for hydroelectricity generation must not exceed a footprint of 100m² or an increase in area from existing buildings/structures and surfacing of more than 10%; and</u></p> <p>6. Any building or structure must not be located within an existing esplanade reserve or strip.</p> <p><u>7. The maximum generation capacity for new small and community scale generation activities is 500kW.</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>Restricted Discretionary where performance standards 2, 3, 5, 6 and 7 are not complied with.</u></p> <p><u>Discretionary where performance standard 4 is not complied with.</u></p> <p><u>Non-complying where performance standard 1 is not complied with.</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
ENG – R9	Support	<p>Manawa supports the inclusion of rules in the pTTPP enabling temporary activities required following the declaration of a national, regional or local state of emergency declaration to be undertaken as a permitted activity. These activities are vital to the functioning of regionally significant infrastructure, such as Renewable Electricity Generation activities, and the ability for the West Coast to recover from such events as quickly as possible without incurring delays and costs associated with obtaining any required resource consents. However minor consequential amendments have been suggested.</p>	<p>Amend ENG – R9 as follows:</p> <p>ENG - R9 Temporary Energy <u>Electricity</u> Generation Activities</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The temporary energy <u>electricity generation</u> activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site when operation ceases and the site is rehabilitated.
ENG – R10	Support	<p>Manawa supports the inclusion of a specific rule for environmental monitoring and extreme weather event monitoring facilities, and meteorological facilities as permitted activities. These facilities also play a role in the operation of Renewable Electricity Generation activities, provide important information and are often required to ensure compliance with conditions of resource consent. However, Manawa considers that:</p> <ul style="list-style-type: none"> • the height and structure footprint provided for as a permitted activity under this rule is insufficient to be meaningful in providing for investigations into meteorological conditions. Slimline masts and towers should be provided for to a greater height. • the activity status for larger monitoring structures should not be non-complying as this would not be consistent with other structures in generally rural areas and would not give effect to the NPS-REG which seeks to enable such activities. 	<p>Amend ENG – R10 as follows:</p> <ol style="list-style-type: none"> 1. All performance standards in Rule INF - R1 are complied with; and 2. Monitoring equipment is not more than 4m in height and 25m² in area. <u>equipment is limited to:</u> <ol style="list-style-type: none"> a. Masts and towers with a maximum footprint of 4m² and a maximum height of 10m, or b. Other structures up to 4m in height and 25m² in area. <p>Activity status where compliance not achieved:</p> <p>Non-complying</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>Restricted Discretionary where performance standard 2 is not complied with.</u></p> <p><u>Non-complying where performance standard 1 is not complied with.</u></p>
ENG – R14	Oppose	<p>Manawa opposes this rule and seeks that it be deleted. The changes sought by Manawa include providing more clearly for activities that are permitted under rules ENG – R5 and ENG – R10, and further amendment to ENG – R15 that provides for the restricted discretionary status of activities not meeting those permitted rules.</p> <p>Other rules, such as ENG – R9, are considered to sufficiently address the status of temporary energy activities not meeting this standard.</p> <p>With the changes sought to definitions (to not separately define small, community and large activities) and the permitted activity status rule (R5) dealing with the scale of activities regardless of definition, there is no necessity for this rule to address 'community scale' activities.</p> <p>This rule also deals with 'renewable energy investigation activities' which are not defined in the plan. The definition of "energy activity" includes energy investigation and it is unclear what the council may consider under this term. Usually within a district plan energy investigation would most commonly be meteorological measurements (noting other investigation would be covered by regional rules). This type of activity is covered by ENG - R10 so would not be lost if rule R14 is deleted.</p> <p>Similarly if activities under rule R9 dealing with temporary energy activities need to be escalated, then that can be to the restricted discretionary activity rule R15.</p>	Delete ENG – R14

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		For these reasons it considers that this rule is not required and seeks the deletion of such.	
ENG – R15	Oppose	<p>Manawa strongly opposes ENG – R15 as currently drafted. It does not consider that this rule gives sufficient effect to the provisions of the NPS – REG as it makes most renewable electricity generation projects straight into discretionary activity status. This is not appropriate when it is national direction to provide for significant increases in renewable electricity generation.</p> <p>Further, because there is no rule that provides for the maintenance, repair, operation and minor upgrading of existing renewable electricity generation activities (ie those Renewable Electricity Generation activities at a scale not meeting the definition of small and community scale distributed electricity generation) these automatically end up as discretionary activities under this rule. That is unreasonable as the ongoing operation of such activities is essential to the resilience and well being of the region, as well as to meeting the national direction.</p> <p>Manawa seeks that the rule is amended to restricted discretionary activity status, reworded for clarity and other amendments to the rule to ensure consistency with other parts of its submission (particularly those relating to terminology).</p>	<p>Amend ENG – R15 as follows:</p> <p>Large _____ scale renewable _____ electricity generation activity excluding wind</p> <p><u>Upgrades, other than minor upgrades, and construction of renewable electricity generation activities (excluding wind) and renewable electricity generation activities not meeting rules R5, R9 and R10.</u></p> <p>Restricted Discretionary Activities.</p> <p><u>Discretion is limited to:</u></p> <p><u>a) The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets;</u></p> <p><u>b) The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast;</u></p> <p><u>c) Any functional needs and operational needs associated with the design or location of the proposal;</u></p> <p><u>d) The ability to mitigate any adverse effects of the proposal on the environment;</u></p> <p><u>e) The degree to which the proposed activity will cause significant adverse effects on values</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>identified and protected through Overlay Chapter provisions.</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>N/A</u></p>
ENG – R16	Support in part	<p>Manawa does not consider it appropriate to single out wind farms and to give them an activity status that is restrictive. Many other comparable district plans place wind farms at restricted discretionary activity status and this is an appropriate status to give effect to the NPS-REG.</p> <p>Further, to simplify the provisions, this wind farm rule could be combined with rule R15 above.</p> <p>Manawa also considers it inappropriate that a wind farm unable to comply with NZS 6608: 2010 Acoustics – Wind Farm Noise is afforded non-complying activity status. It is considered that discretionary status is appropriate to enable full consideration of the effects of wind farm noise. Discretionary activity status is commonly applied in other district plans that provide for wind farm noise above the NZS.</p>	<p>Amend ENG – R16 as follows</p> <p>Activity Status <u>Restricted</u> Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This does not comply with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise. <p><u>Discretion is limited to:</u></p> <ol style="list-style-type: none"> <u>a. Degree of non-compliance with ENG – R5;</u> <u>b. Locational, technical and operational constraints;</u> c. Benefits to the community. <p>Activity status where compliance not achieved: Non-complying <u>Discretionary</u></p>
ENG – R17	Oppose	<p>Manawa considers it inappropriate that a wind farm unable to comply with NZS 6608: 2010 Acoustics – Wind Farm Noise is afforded non-complying activity status. It is considered that discretionary status is appropriate.</p>	<p>Amend ENG – R17 as follows:</p> <p>ENG - R17 Any <u>energy renewable electricity generation</u> activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			Activity Status Non-Complying Discretionary
ENG – R20	Oppose	Manawa considers that the non-complying status of renewable electricity activities not permitted, controlled, restricted discretionary or discretionary is not appropriate and does not reflect the enabling provisions and direction of the NPS – REG and the RPS. It considers that these activities should be provided for as restricted discretionary or discretionary activities. To achieve this, none of the renewable electricity activities should be covered by this rule.	Amend ENG – R20 as follows: Energy a Activities that do not meet Rules ENG - R12; or ENG - R13 or ENG – R14 Activity Status: Non-Complying
New Rule	Support	Manawa also considers that any energy activities that do not involve renewable electricity generation should be dealt with as non-complying activities. This would be consistent with the intent of the national policy framework, and New Zealand's climate change obligations.	Add a new rule ENG – R21: <u>ENG-R21 Non-renewable Electricity Generation Activities</u> <u>Activity Status: Non-Complying</u>
PART 2 – DISTRICT WIDE MATTERS / INF - INFRASTRUCTURE			
Overview	Support	Manawa supports the clarification of the interrelationship between the INF and ENG chapters of the Plan. It considers that this provides clarity for Plan users and will aid in the efficient administration of the Plan.	Retain the third sentence of the fourth paragraph of the Overview as notified.
PART 2 – DISTRICT WIDE MATTERS / HAZ – HAZARDS AND RISKS / HS – HAZARDOUS SUBSTANCES			
Chapter	Support in part	A number of policy provisions relating to hazardous substances apply to 'major hazard facilities'. This term is not defined in the Plan. Manawa considers that the definition of such a term is required to provide clarity to Plan users, and has requested the inclusion of such a term in the Interpretation section of the Plan.	Cross reference to new definition of the term 'major hazard facility' requested.
PART 2 – DISTRICT WIDE MATTERS / HAZ – HAZARDS AND RISKS / NH – NATURAL HAZARDS			
NH – O3	Support in part	Manawa considers that the objective could be more appropriately worded to better recognise that some renewable electricity generation activities are functionally and operationally required to be within or adjacent to water.	Amend NH – O3 as follows: To encourage :

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		As a consequential change of other submission points, Manawa also seek that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.	<p>Only 1. The location of critical regionally significant infrastructure within outside areas of significant natural hazard risk, <u>except</u> where there is no reasonable alternative, <u>or where there is a functional or operational need to locate in these areas;</u> and</p> <p>2. The design of regionally significant infrastructure is resilient to hazard events so as and will not to exacerbate natural hazard risk to people and property.</p>
NH – P12(g)	Support	Manawa supports the recognition given in the policy to the functional and operational needs of activities.	Retain NH – P12(g) as notified.
PART 2 – DISTRICT WIDE MATTERS/ HCV – HISTORICAL AND CULTURAL VALUES / HCV – HISTORICAL AND CULTURAL VALUES			
HH – O2	Support	Manawa schemes incorporate a range of heritage items and protect these insitu including providing for ongoing use of these as part of the hydro-electricity schemes. On this basis, Manawa supports Objective 2 in that it provides for development sensitive to identified values.	Retain HH – O2 as notified.
HH – P4	Support in part	Manawa supports the enabling provisions of this policy. It is considered that reference should be added to the maintenance of identified heritage values 'where practicable' to recognise different contexts in which heritage items may be utilised and other considerations associated with this use (such as health and safety matters). In some cases, the continued use of heritage items will not enable maintenance to the fullest extent.	Amend HH – P4 as follows: Enable the use, including adaptive reuse of historic heritage items identified in Schedule One, while ensuring that their identified values are maintained, <u>where practicable</u> .
HH – P5	Support in part	Manawa considers that external alterations to a heritage resource may be required to enable continued use of that resource, or for maintenance and repair purposes. It is recommended that the policy is amended to provide for these purposes.	Amend HH – P5 as follows:

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>When considering proposals for external alteration of historic heritage items identified in Schedule One, the following matters shall be considered:</p> <ul style="list-style-type: none"> a. Any external alteration will not significantly detract from an item of historic heritage value; or b. The alterations are for the primary purpose of improving structural performance, fire safety or physical access; <u>or</u> c. <u>The alterations are required to enable the continued use of the item, or</u> d. <u>The alterations are required for maintenance or repair purposes.</u>
HH – P7	Support in part	Manawa considers that public safety risk and the efficient functioning of regionally significant infrastructure are matters which should be considered in relation to this issue. It is recommended that the policy is amended to provide for these purposes.	<p>Amend HH – P7 as follows:</p> <p>Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitably qualified heritage professional that:</p> <ul style="list-style-type: none"> a. The extent of the work required to retain the heritage items is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised; b. The costs to retain or repair the heritage item would be unreasonable;

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>c. All other viable alternatives, including relocation and repositioning have been fully considered;</p> <p><u>d. The item poses a significant risk to public safety;</u></p> <p><u>e. the item is adversely affecting the efficient functioning or operation of regionally significant infrastructure.</u></p>
HH – R3	Support in part	<p>Manawa has concerns with the current approach of including district wide earthworks rules under the General District-Wide Matters EW Earthworks chapter (that include rules for overlay areas) and additional rules controlling earthworks within each overlay chapter such as this one. This approach is confusing and leads to duplication of control. Please refer to more expansive feedback on this issue, contained in the EW Earthworks response below.</p> <p>Manawa seeks that this rule be amended to explicitly provide for minor earthworks that are necessary for maintenance and repair of regionally significant infrastructure.</p>	<p>Amend HH – R3 as follows:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are earthworks that will not result in damage, demolition or destruction of heritage items and are associated with: <ol style="list-style-type: none"> a. An activity permitted under Rule HH - R1 or Rule HH - R2; ... g. Maintaining roads, tracks, carparks, accessways or paved areas within the footprint or modified ground compromised by the existing road, track, carpark, accessway or paved area; and <u>or</u> <u>h. Maintenance and repair of regionally significant infrastructure within the existing footprint of that infrastructure; and</u> 2. An Archaeological Authority ...

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
HH – R6	Support	Manawa supports restricted discretionary activity status for this rule.	Retain HH-R6 as notified.
HH – R8	Support	Manawa supports restricted discretionary activity status for this rule.	Retain HH-R8 as notified.
HH – R10	Oppose	Manawa considers that this rule is unreasonably restrictive of nationally significant activities and that there is no good reason for such activities to be treated more restrictively than any other buildings or structures. Placing energy and infrastructure activities at discretionary activity status is the same activity status as demolition of the heritage item but does not have the same impact. The only issues of relevance for consideration are the impact on the heritage item and thus should be no more than restricted discretionary and addressed in the same way as any other buildings or structures.	Delete HH-R10.
PART 2 – DISTRICT WIDE MATTERS/ HCV – HISTORICAL AND CULTURAL VALUES / SASM – SITES AND AREAS OF SIGNIFICANCE TO MĀORI			
SASM – P13	Support in part	In accordance with other submission points made, Manawa requests that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure' to ensure the use of consistent terminology throughout the pTTPP.	Amend SASM – P13(b) as follows: Maintenance, operation, repair and upgrading of existing network utility structures and critical regionally significant infrastructure.
SASM – R2	Support in part	Manawa seeks that provision is made for earthworks associated with the maintenance or repair of existing regionally significant infrastructure as a permitted activity in specified SASM areas.	Amend SASM- R2 by adding a new clause as follows: 1. These are earthworks associated with: i. Burials at urupā; or ... iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and or

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			v. for the maintenance or repair of existing regionally significant infrastructure; and
SASM – R9	Support in part	Manawa considers that the term 'network utility structure' should be replaced by 'regionally significant infrastructure'. Manawa Energy is not a network utility operator under the provisions of the Resource Management Act 1991, however the activities it undertakes (and associated assets) are identified as nationally and regionally significant infrastructure. The term 'regionally significant infrastructure' encompasses a number of network utility structures within the West Coast, and is considered to be a more appropriate term upon which to base this rule. This terminology is consistent with other changes sought by Manawa throughout the pTTPP.	Amend SASM R9 as follows: Maintenance, Repair and Upgrading of Network-Utility Structures Regionally Significant Infrastructure on or within Sites and Areas of Significance to Māori identified in Schedule Three
SASM – R10	Support in part	Manawa considers that the term 'network utility structure' should be replaced by regionally significant infrastructure. Manawa is not a network utility operator under the provisions of the Resource Management Act 1991, however the activities it undertakes (and associated assets) are identified as nationally and regionally significant infrastructure. The term 'regionally significant infrastructure' encompasses a number of network utility structures within the West Coast, and is considered to be a more appropriate term upon which to base this rule. This terminology is consistent with other changes sought by Manawa throughout the pTTPP.	Amend SASM – R10 as follows: Maintenance, Repair and Upgrading of Network-Utility Structures Regionally Significant Infrastructure on or within Sites and Areas in Schedule Three – Sites and Areas of Significance to Māori where Permitted Activity Standards are not met Where: ... 2. The work is in an area that has previously been disturbed by the network-utility regionally significant infrastructure ; and ...
PART 2 – DISTRICT WIDE MATTERS / NATURAL ENVIRONMENT VALUES / ECO ECOSYSTEMS AND INDIGENOUS BIODIVERSITY			
Overview	Support in part	In general, Manawa has significant concerns with the approach taken in this chapter to identification and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required under section 6(c) of the Act. The proposed approach relies heavily on applicants to provide information on areas of significant indigenous vegetation and	Reconsider, review and amend the approach to and all provisions relating to identification of significant natural areas, to, at least, take into account the exposure draft of the NPS-Indigenous Biodiversity (or the gazetted version

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>significant habitats of indigenous fauna through any resource consent applications and this is generally the primary tool for identification of these areas. This is not considered to be a robust approach and it is considered unreasonable to put the cost of this process on to applicants alone.</p> <p>This approach means that all applicants will face considerable uncertainty in identifying consenting needs and may face unseen and unexpected hurdles in obtaining consents. It is an unreasonable derogation of the Council's responsibilities to recognise and provide for matters of national importance set out in the Act.</p> <p>While Manawa supports the need to protect significant biodiversity values, it is considered unreasonable to not specify these in the District Plan for all parties to see and to understand the impacts of. Manawa opposes the current approach and strongly recommends that this be reconsidered. It considers that a comprehensive and consistent investigation into significant natural areas, through a transparent and robust process, needs to be undertaken before any policy or provisions are included in the TTPP. It also notes that the National Policy Statement on Indigenous Biodiversity is due to be gazetted in late 2022, and that this may require amendments to the pTTPP to ensure consistency with a higher level policy document.</p>	<p><i>if that comes into effect before the pTTPP becomes operative).</i></p>
ECO – O2	Support in part	<p>Manawa supports provisions for appropriate use within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced. It considers however that the focus at an objective level should be simplified to provision for appropriate activities, while the mechanism for doing this can come through the policy.</p>	<p>Amend ECO – P2 as follows:</p> <p>To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.</p>
ECO – P1	Oppose	<p>Manawa generally opposes the identification of areas of significant indigenous vegetation and fauna habitat through the resource consent process and considers that it places an unnecessary and unjustified burden on applicants. It will also lead in inconsistency between how different areas and environments</p>	<p>Amend ECO – P1 as follows:</p> <p>Identify areas of significant indigenous vegetation and fauna habitat <u>in accordance with the criteria set out in</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>are assessed, given the assessments would not be conducted by the same experts, nor any requirements in the pTTPP to follow particular predefined criteria.</p>	<p><u>Appendix 1 of the West Coast Regional Policy Statement 2020, and identify these areas in Schedule Four of the Plan.</u></p> <ol style="list-style-type: none"> 1. In the Grey District these areas are identified in Schedule Four; 2. In the Buller and Westland Districts: <ol style="list-style-type: none"> i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance; ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken; ii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken by suitably qualified and experienced experts and completed by June 2027; and iii. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Schedule One Plan Change.
ECO – P2	Support in part	<p>Manawa supports provision for appropriate use within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the activity will have no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.</p> <p>Manawa seeks that the benefit of activities should be a criteria in the consideration of allowance of activities to locate in the areas covered by the</p>	<p>Amend ECO – P2 as follows:</p> <p>Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>policy, and further the <u>operational</u> and functional needs of specific activities. Amendments are required to the policy to make it clear that the considerations outlined in ECO – P2 are all exclusive.</p>	<p>a. ...</p> <p>d. The activity has a functional or operational need to be located in the area; <u>or</u></p> <p>e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat; <u>or</u></p> <p><u>f. These activities contribute to New Zealand's social, economic, cultural and environmental wellbeing; or</u></p> <p><u>g. These activities contribute to climate change mitigation or adaptation measures.</u></p>
ECO – P6	Oppose in part	<p>Manawa considers that ECO P6, P7 and P9 should be considered in combination, and that there should be sufficient consistency between these provisions to provide certainty for Plan users. In addition, it considers that these provisions are not sufficiently consistent with those contained in the Regional Policy Statement.</p> <p>Manawa supports the specific inclusion and reference to renewable electricity generation activities, and acknowledgment of the location of these activities within areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>In general, Manawa considers that these provisions should:</p> <ul style="list-style-type: none"> • Be consistent with those included in the RPS and use the same terms/ approaches as this higher order document and the NPS – REG 2011, and 	<p>Amend ECO – P6 as follows:</p> <p>When assessing consents for subdivision, use and development <u>in areas of significant indigenous vegetation and significant habitats of indigenous fauna, enable activities which will not:</u></p> <p>a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;</p> <p>b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in <u>of</u> category one or two <u>species listed in</u> the Threatened Environment Classification</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>the effects management hierarchy outlined in the NPS – FW (where applicable and appropriate).</p> <ul style="list-style-type: none"> • Ensure that those matters listed in P6 are accurate and measurable for all parties. The term 'avoid' is very strong and directive language, and Manawa Energy consider that this should only be used where essential to ensure the outcomes of the Act. • Beyond the matters covered in P6, the policies should focus less on 'avoidance' and more on enabling provisions, particularly as these relation to the maintenance, operation, upgrading and development of Renewable Electricity Generation and regionally significant infrastructure. 	<p>at the Ecological District level [as at 14 July 2022]; and</p> <p>c. Result in a reasonably measurable significant reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.</p>
ECO – P7	Oppose in part	<ul style="list-style-type: none"> • It is not appropriate to consider activities outside identified significant natural areas as part of cumulative effects as these are not subject to ECO rules. It is unreasonable to penalise an activity in an identified area based on other unrelated activities further afield. • It is necessary to recognise the functional and operational need for critical infrastructure to operate or establish within areas of significant indigenous vegetation and significant habitats of indigenous fauna. <p>Manawa also considers it important that the pTTPP does not rely on external documents which are not clearly referenced and may be subject to change (thereby providing a lack of certainty for Plan users). These references should be removed, or if kept then they need to be linked to a specific version or date of any relevant document and what specific parts of that document/s are being referenced.</p>	<p>Amend ECO – P7 as follows:</p> <p>When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna, consider the following matters:</p> <p>a. The necessity for the activity to provide for regionally significant critical infrastructure or renewable electricity generation;</p> <p>b. ...</p> <p>d. The cumulative effects of activities within or adjacent to any area of significant indigenous vegetation or habitat;</p> <p>h. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any significant residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied;</p> <p><u>i. the functional or operational need for activities to locate in that area.</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
ECO – P9	Oppose in part		<p>Amend ECO – P9 as follows:</p> <p>Provide for biodiversity offsets and compensation to manage significant residual adverse effects of an activity where:</p> <ul style="list-style-type: none"> a) The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity; and b) The conservation outcomes are measurable and positive; and c) The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.
ECO – R1	Support in part	To ensure consistency with other comments, Manawa requests that this rule makes provision for existing renewable electricity generation activities and temporary energy activities. It also seeks that the policy clearly indicates that the various sub clauses of clause (iii) are exclusive.	<p>Amend ECO – R1 (3)(ii) and (iii) as follows:</p> <ul style="list-style-type: none"> ii. The maintenance, operation, upgrading and repair of lawfully established tracks, fences, structures, buildings, regionally significant critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities, or iii. For the installation of temporary electricity generation activities or network activities following a regional or local state of emergency declaration, or ...
ECO – R2	Support	Manawa supports the explicit recognition of and provision for renewable electricity activities within the coastal environment.	Retain ECO – R2 (1)(ii) as notified.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
PART 2 – DISTRICT WIDE MATTERS / NATURAL ENVIRONMENT VALUES / NFL – NATURAL FEATURES AND LANDSCAPES			
NFL generally		<p>Manawa has significant concerns regarding the approach taken to identification and protection of outstanding natural features and landscapes. The approach does not appear to be robust or based on current best practice in undertaking such work for a District Plan.</p> <p>Manawa considers that this section needs to clearly identify the manner in which the identification, management and protection of ONFL will be achieved. The policy structure at present lacks an identification of ONL / or criteria / or methodology used; and subsequently progresses straight to the manner in which activities are enabled, provided for, managed and avoided. As a result it does not recognise the location of existing modifications to this landscape – a matter which Manawa considers to be a fundamental flaw (and envisages that this will become problematic at the stage in which resource consent applications to undertake activities in ONFLs are processed and assessed).</p> <p>Manawa also considers that the methodology used for the Landscape Study is flawed. This flawed methodology has resulted in substantial errors in the mapping and identification of landscapes within the pTTPP. The methodology utilised has not appropriately articulated descriptions and characterisations of landscape generally (only outstanding landscapes), nor has it provided the identification of values within each of the ONFL. These flaws also lead to inaccuracies of mapping of ONFL areas as this has been done inaccurately and at an inappropriate scale.</p> <p>Some of these submission points are dealt with in more detail in relation to Part 4 of the Plan (Appendices dealing with landscapes) but are interrelated to matters raised in relation to this chapter of the Plan and should be considered collectively.</p>	<p><i>Revise the policies to properly work through the approach to identification, management and protection of ONFL.</i></p> <p><i>Revise the policies to clearly articulate the criteria and methodology for identification of ONFL.</i></p> <p><i>Revise the policies to provide a clear hierarchy through specific wording that steps through what is enabled, provided for, managed and avoided.</i></p> <p><i>Do not use the term 'minimise' as this has no agreed meaning and would be better with 'manage' which covers a range of methods, or avoid/remedy/mitigate as clearly understood terms.</i></p> <p><i>Amend the landscape study and associated landscape schedules to include:</i></p> <ul style="list-style-type: none"> <i>• descriptions and characterisations of landscape generally</i> <i>• identification of values within each of the ONFL</i> <i>• identification of existing activities and modifications within the ONFL.</i> <p><i>Amend the mapping of ONFL to improve accuracy and to follow best practice.</i></p>
Overview	Support	Manawa acknowledges the protection afforded to outstanding natural features and landscapes (ONFL) under the provisions of the Resource Management Act 1991. These areas cover very large tracts of the West Coast and impact on large	<i>Amend</i> the second paragraph of the Overview as follows:

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>areas of private land (as well as the very large areas of public conservation estate). In some cases, parts of these ONFL areas contain significant areas of modification or large existing structures and facilities, including state highways, transmission lines, and hydroelectric power schemes. Manawa seeks that the pTTPP continues to acknowledge this this modification and existing use, particularly in the context of existing regionally significant infrastructure, Renewable Electricity Generation and other elements of the built environment.</p> <p>Manawa supports the explicit recognition of renewable electricity generation activities within Outstanding Natural Features and Outstanding Natural Landscapes (noting further comments below). To ensure consistency with other submission points it is requested that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>... These areas may also include critical regionally significant infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification.</p>
NFL – O1	Support in part	<p>Manawa considers that Objective 1 should be simplified to refer just to protecting the values of outstanding natural landscapes and outstanding natural features. Reference to the maintenance and enhancement of these features is inconsistent with the wording of Section 6(b) of the Resource Management Act 1991.</p>	<p>Amend NFL – O1 as follows:</p> <p>To protect The values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini are protected while providing for from inappropriate subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</p>
New Policy	N/A	<p>Manawa requests the inclusion of a new policy that provides for the identification of ONFL, and the criteria or methodology upon which such an identification is based. Manawa considers that this is a crucial step in achieving the requirements of Section 6 (b) of the Resource Management Act 1991, and that the identification of outstanding natural features and development should be undertaken in a transparent manner outlined in the District Plan, with clear identification of the values associated with these features.</p>	<p>Add a new policy NFL – P1 as follows:</p> <p><u>Identify the District's landscapes by:</u></p> <p><u>a. assessing the values and characteristics of the landscapes according to the following criteria:</u></p> <p><u>i. biophysical (abiotic, biotic); and</u></p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p><u>ii. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and</u></p> <p><u>iii. associative (shared and recognised values, mana whenua values, historic heritage associations); and</u></p> <p><u>b. identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, or Outstanding Natural Landscapes; and</u></p> <p><u>c. describing the values and characteristics of each Outstanding Natural Feature, or Outstanding Natural Landscape within Schedules Five and Six.</u></p> <p><i>Amend</i> the Plan by <u>consequentially renumbering</u> Plan provisions and making any other necessary to related changes to give effect to the relief sought.</p>
NFL – P1	Support in part	<p>Manawa supports the intent of this policy and the specific recognition of infrastructure within ONFL areas. However, renewable electricity generation facilities are provided for by a number of clauses within this policy which could cause some confusion. Manawa requests that changes to the policy wording is made to clearly provide for the operation, maintenance and upgrading of <u>existing</u> electricity generation infrastructure activities, and the <u>establishment</u> of new renewable electricity generation facilities where there is a functional need for it to be located within these areas.</p> <p>Manawa notes that the specific values upon which the identification of outstanding natural features and landscapes has been based are not included within the Plan. It considers that this omission, coupled with the lack of recognition of existing modifications within ONFL, makes it difficult for both</p>	<p><i>Amend</i> NFL – P1 as follows:</p> <p>Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not <u>significantly</u> adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:</p> <p>a. Existing land uses and lawfully established activities including existing network utilities, <u>energy renewable electricity generation</u> activities, agricultural, horticultural and pastoral activities;</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Councils and Plan users to implement the provisions of the Plan or to understand how this policy would apply.</p> <p>It is also noted that this policy requires activities to “not adversely affect values”, however Policy 2 below requires “avoid <u>significant</u> adverse effects on values”. This difference in terminology is confusion and needs to be reconsidered.</p>	<ul style="list-style-type: none"> b. Conservation activities; c. Recreational activities; d. Natural hazard mitigation activities; e. Operation, maintenance and upgrade of renewable electricity generation activities. f. Operation, maintenance and upgrading of network infrastructure; g. Upgrading and/or Establishment of new infrastructure and renewable electricity generation activities where there is a functional need for it to be located in these areas; h. Poutini Ngāi Tahu uses; or i. The alteration, maintenance or removal of existing buildings or structures. <p><i>Insert</i> descriptions of the values of all outstanding natural features and landscapes within Schedules Five and Six to enable impacts on the values to be assessed. Include accurate descriptions of the existing modifications within all outstanding natural features and landscapes within Schedules Five and Six to provide a baseline for assessment.</p>
NFL – P2	Support in part	<p>Manawa supports this policy in part, specifically the reference to the identification of specific values of ONFL in Schedules Five and Six of the Plan. However, it is noted that the specific values upon which the identification of outstanding natural features and landscapes has been based are <u>not</u> included within the Plan or schedules. Manawa considers that this omission, coupled</p>	<p>Amend NFL – P2 as follows:</p> <p>Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>with the lack of recognition of existing modifications within ONFL, makes it difficult for both Councils and Plan users to implement the provisions of the Plan. This is a significant omission and fundamental to the ability to accurately protect ONFL and to implement the policy approach.</p> <p>Manawa requests that the policy is amended to recognise practicability (as opposed to possibility). It notes that the term 'practicable' is used in other parts of the pTTPP and in the West Coast Regional Policy Statement as well as other higher order documents. All things are possible however many things may not be practicable and it is important that accurate terminology is used.</p> <p>Additionally, Manawa notes that offsetting is not an appropriate method of managing adverse effects on landscape values. The concept of offsetting is based around 'like for like' replacement of something lost with something gained, created or protected. This is particularly used in the biodiversity area and is subject to well established international guidance and application. The ability to remove or impact on landscape values, but then to offset that effect with new landscape values is tenuous and not common practice. Compensation is a valid consideration for impacts on landscape values.</p> <p>There appears to be some confusion throughout the pTTPP in the application of the terms offsetting and compensation especially, but also in the use of the effects management hierarchy. This needs to be reviewed throughout the pTTPP and correct referencing used throughout. The effects management hierarchy is now well established through higher order documents but needs to be accurately integrated into the pTTPP. Further, use of the terms offsetting and compensation should relate to residual effects after effects have been avoided, remedied or mitigated. For reference, the effects management hierarchy is well set out in the NPS for Freshwater Management 2020 (in water terms).</p>	<p>outstanding natural features described in Schedule Six. Where significant adverse effects cannot practicably be avoided, ensure that such the adverse effects are remedied or, mitigated, or offset compensated if appropriate.</p> <p>Insert descriptions of the values of all outstanding natural features and landscapes within Schedules Five and Six to enable impacts on the values to be assessed. Include accurate descriptions of the existing modifications within all outstanding natural features and landscapes within schedules five and six to provide a baseline for assessment.</p> <p>Review the use of the effects management hierarchy throughout the pTTPP and ensure that it is accurately applied.</p>
NFL – P3	Support	Manawa supports this policy which recognises existing activities and modification within ONFL.	Retain NFL-P3 as notified.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
NFL – P4	Support in part	Manawa seeks that Policy 4 is amended to provide some recognition of the operational and functional need of infrastructure and Renewable Electricity Generation activities to locate in these areas, and the practicality of incorporating/utilising the design elements specified in the policy. Further, it opposes the use of subjective terminology such as 'minimise' and 'limiting'.	<p>Amend NFL – P4 as follows:</p> <p>Require that new buildings, structures within outstanding natural features or landscapes minimise manage any adverse visual effects by:</p> <ol style="list-style-type: none"> Ensuring the scale, design and materials of the building and/or structure are appropriate in the location where practicable; Using naturally occurring building platforms, materials and colour that blends into the landscape where practicable; and Limiting Reducing the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
NFL – P5	Support in part	Manawa supports the specific recognition of the functional, technical and locational needs of activities to be sited in particular locations; national, regional and local benefits of an activity; and the reference to public safety considerations. In accordance with other submission points, Manawa requests that the term 'minimise' is replaced with the term 'manage'.	<p>Retain Clauses e, h and Resource Management Act of NFL – P5 as notified.</p> <p>Amend the first sentence of the policy as follows:</p> <p>Minimise Manage adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision...</p>
RULES			
NFL – RL1	Support in part	Manawa generally supports the rule, however considers that clarification is required to ensure that the pTTPP explicitly recognises that earthworks, structures and vegetation clearance for Renewable Electricity Generation	<p>Amend NFL – R1 as follows:</p> <p>Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>activities provided for in the Ecosystems and Biodiversity Chapter (which are also located within an ONFL) are permitted.</p> <p>To ensure consistency with other submission points it is requested that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>electricity generation activities, fence lines, drains, roads, railway, critical regionally significant infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six.</p> <p>Activity Status Permitted.</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Earthworks, structures and vegetation clearance applying to renewable electricity generation activities are permitted under the Energy and Ecosystems and Biodiversity chapters.
NFL – R3	Support in part	<p>To ensure consistency with other submission points it is requested that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>Amend NFL – R3 as follows:</p> <p>Where:</p> <p>The natural hazard mitigation activities are to protect critical regionally significant infrastructure;</p>
NFL – R4	Support	<p>Manawa supports the retention of NRL – R4 in its current form.</p>	<p>Retain NFL – R4 as notified.</p>
NFL – R5	Support in part	<p>A number of assets owned and operated by Manawa are located within areas identified as Outstanding Natural Landscapes and some of these structures and buildings are already of substantial scale. It considers that the maximum height limits for buildings and structures stipulated is impractical, and does not recognise the nature of these assets or their existing scale.</p> <p>Manawa seeks the buildings and structures associated with renewable electricity generation activities are exempt from these provisions or at least that the maximum height of the additions or alterations to the existing</p>	<p>Amend NFL – R5 as follows:</p> <p>Additions or alterations to buildings and structures, and ancillary earthworks and vegetation clearance within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six.</p> <p>Activity Status Permitted</p> <ol style="list-style-type: none"> 1. The maximum height of new buildings and structures above ground level is 5m.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>buildings is amended to allow for some additional height to align with the approach in the ENG and INF chapters.</p> <p>Further, it seeks that ancillary earthworks and vegetation clearance are provided for where incorporated into such activities. It considers that these are critical and related components of works required to undertake additions or alterations to buildings and structures.</p>	<p>2. The maximum height of existing buildings and structures greater than 5m in height above ground level does not exceed an additional 30% increase in total height.</p>
NFL – R6	Support in part	<p>Manawa considers that NFL – R6 as currently written is unclear, and seeks that amendments are made to clarify the applicability of Clause 3) to any activities undertaken in accordance with this rule.</p> <p>Further it requests that the wording of Clause 2b) be amended to refer to Renewable Electricity Generation activities specifically. It is also noted that Renewable Electricity Generation activities are not undertaken by a network utility operator.</p>	<p>Amend NFL – R6 as follows:</p> <p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Earthworks Rule EW – R1 are complied with; and 2. This is ancillary to: <ol style="list-style-type: none"> a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or b. Any renewable electricity generation activity of energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R14; or 3. For other earthworks (beyond those provided for in clause 1 and 2 above), the following standards are complied with:

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<ul style="list-style-type: none"> a) The cut height or fill depth does not exceed one metre vertically; b) No more than 500m³ of earthworks are undertaken/12 month period/site; and c) The earthworks are undertaken outside of the Coastal Environment
NFL – R8	Support in part	<p>Manawa is concerned that the Plan as drafted contains inconsistencies in exemptions provided to energy activities, network utility operators and Renewable Electricity Generation providers. It seeks that similar exemptions in this rule provided to network utility operators are also provided to Renewable Electricity Generation activities. Alignment with other activities is important to provide consistency.</p>	<p>Amend NFL – R8 as follows:</p> <p>Activity Status Permitted</p> <p>Where the structure is:</p> <ul style="list-style-type: none"> 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or 5. For a small-scale renewable electricity generation activity with a maximum height above ground level of 5m <u>where:</u>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>a. <u>The maximum height is 5m above ground level; and</u></p> <p>b. <u>The gross floor area of any building does not exceed 100m²; or</u></p> <p>6. For agricultural, pastoral and horticultural activities or any accessory building where:</p> <p>a. The maximum height is 3m above ground level; and</p> <p>b. The gross floor area of any building does not exceed 100m²</p>
NFL – R9	Support in part	<p>Manawa generally support the provisions of R9, however consider that these provisions should be extended to also apply to temporary energy activities required to be undertaken within outstanding natural features and landscapes. These activities are permitted by virtue of Rule ENG – R5, and would ensure continuity of such provisions across various Overlay layers.</p> <p>To ensure consistency with other submission points it is requested that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>Amend NFL – R9 as follows:</p> <p>Activity Status Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are Temporary Energy Electricity Generation Activities undertaken in accordance with ENG – R9, or 2. These are required to protect Critical Regionally Significant Infrastructure; and 3. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
NFL – R10	Support in part	<p>Manawa considers that consistent terminology should be used throughout the pTTPP, and that this rule should be widened in scope to provide for installation, development, operation and maintenance of Renewable Electricity Generation facilities, and associated activities and infrastructure (consistent with the provisions of the NPS – REG 2011).</p> <p>Manawa also opposes the activity status afforded to those activities which do not comply with the rule. It considers that such activities should be afforded restricted discretionary activity status. Such status is consistent to that afforded to other similar activities which do not comply with specific rules.</p> <p>To ensure consistency with other submission points it is requested that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>Amend NFL – R10 as follows:</p> <p>Activity Status Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are for: <ol style="list-style-type: none"> a) Walking/cycling tracks; b) Roads, farm tracks or fences; c) Installation of network utility infrastructure; or d) Installation, <u>upgrade, operation, repair and maintenance</u> of a renewable electricity generation <u>activity</u> facility; or e) Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; f) Protection of critical <u>regionally significant</u> infrastructure from natural hazards; and 2. Earthworks are the minimum required to undertake the activity. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation;

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<ul style="list-style-type: none"> b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Any physical measures required to mitigate the effects on values that make the feature or area outstanding Landscape measures. <p>Activity Status where compliance not achieved:</p> <p>Restricted Discretionary.</p>
NFL – R12	Support in part	<p>Manawa generally support the intent of NFL – R12, however consider that the stated matters over which discretion is restricted are overlapping, and do not recognise matters such as functional and optional needs of Renewable Electricity Generation nor public safety considerations. It seeks amendments to these matters of discretion to this effect.</p> <p>A consequential amendment is also required to the rule to address matters raised in the Manawa submission on NFL – R10.</p>	<p>Amend NFL – R12 as follows:</p> <p>Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules or NFL – R10.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Landscape measures Any physical measures required to mitigate the effects on values that make the feature or area outstanding;

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			f. Any functional or operational needs that relate to the proposal and its location; g. Any matters of public safety.
NFL – R14	Support	Manawa supports the activity status afforded to activities subject to this rule.	Retain NFL – R14 as notified.
PART 2 – DISTRICT WIDE MATTERS / NATURAL ENVIRONMENT VALUES / PA PUBLIC ACCESS			
New policy	-	<p>Manawa supports the maintenance and enhancement of public access to and along lakes and rivers, however, Manawa seeks that there is recognition of circumstances in which this access is not able to be provided or should be restricted for public safety or the functional and operational needs of infrastructure and REG.</p> <p>Manawa notes that the Resource Management Act envisages situations where public access may be closed or restricted to ensure protection and public safety, and also that the primary method for legal acquisition of public access is through subdivision of land.</p>	<p>Add a new policy as follows:</p> <p><u>To maintain and enhance public access to and along the coastal marine area and waterbodies, while taking into account the need to ensure public safety and maintenance of the operational functional needs of infrastructure.</u></p>
PART 2 – DISTRICT WIDE MATTERS / NATURAL ENVIRONMENT VALUES / NC NATURAL CHARACTER AND ACTIVITIES ADJACENT TO WATERBODIES			
Overview	Support in part	Manawa notes the overview for this chapter focusses on natural and social values and does not acknowledge the important resource that waterbodies are for the region in terms of providing for hydroelectricity generation. Manawa considers that this should be specifically acknowledged in the overview as it sets the context for some waterbodies and in some cases is the reason that the waterbody exists today (e.g. the artificial reservoirs).	<p>Amend the fifth paragraph of the Overview as follows:</p> <p>Rivers, streams, lakes and wetlands have important ecological, natural character and hydrological values and they provide important habitat for native fish, birds and macroinvertebrate aquatic life. <u>Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities.</u></p>
NC – O1	Support in part	Manawa requests that reference is added to the ability of effects to be 'avoided, <u>remedied</u> or mitigated' to ensure consistency with terminology used	Amend NC – O1 as follows:

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		in the Resource Management Act, and to recognise this is a valid approach to managing effects.	To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided, remedied or mitigated.
NC – O3	Support in part	Manawa opposes the use of the term 'minimise' as this is not a commonly used or understood term. It also seeks that the objective is simplified as the effects of activities are dealt with in other policy provisions.	Amend NC – O3 as follows: To provide for a Activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands are provided for in such a way that the impacts on natural character are minimised.
NC – P1	Support in part	Manawa opposes the use of the term 'minimise' and seeks that this is replaced by terminology used in the Resource Management Act (i.e. 'avoid, remedy or mitigate') or 'manage' which is a term commonly used. It also seeks that the policy is amended to use other correct terminology.	Amend NC – P1 as follows: Avoid, remedy or mitigate the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use protects maintains the elements, patterns and processes that contribute to the identified their natural character values .
NC – P2	Support in part	Manawa opposes the use of the term 'minimise' and seeks that this is replaced by terminology used in the Resource Management Act (i.e. 'avoid, remedy or mitigate') and in the effects management hierarchy, or 'manage' which is a term commonly used. It also seeks that the policy is widened to provide for regionally significant infrastructure and the establishment, operation or maintenance of renewable electricity generation activities.	Amend NC – P2 as follows: Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised avoided, remedied or mitigated and: ...

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>b. It is for the maintenance, repair and extension of network utilities and <u>regionally significant</u> infrastructure including the National Grid; or</p> <p>c. it is for the establishment, operation, maintenance or upgrading of renewable electricity generation <u>activities</u> structures; or infrastructure where this has a functional or operational need to be located in a riparian margin...</p>
NC – P3	Support in part	Manawa supports the general intention of the policy and the recognition of the operational or functional need for many different kinds of buildings and structures to establish in riparian margins. It considers that clause b) should be more specific, and refer to the <u>identified</u> natural character of a riparian area (the intention being that such values would be identified in any assessment of effects accompanying a resource consent application) so that it is clear to all users of the Plan what is intended to be protected,	<p>Amend NC – P3 as follows:</p> <p>Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these:</p> <p>a) Have a functional <u>or operational</u> need for their location; and</p> <p>b) They are of a form and scale that will not adversely effect the <u>identified</u> natural character of the riparian area.</p>
NC – P5	Support in part	Manawa operates an extensive range of infrastructure in riparian areas, some of which requires the exclusion of public access to meet health and safety obligations. It is considered that this should be specifically recognised in this policy.	<p>Amend NC – P5 as follows:</p> <p>Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat <u>or when required for public safety due to the operational requirements of regionally significant infrastructure</u>. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:</p> <p>...</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
NC – R1	Support in part	<p>Manawa supports the provision for renewable electricity generation activities within this rule, however considers that the permitted earthworks quantities are unreasonably restrictive and do not adequately provide for the nature of renewable electricity generation activities. Further, these limitations exceed those associated with undertaking similar activities in other overlay areas (such as in outstanding natural landscapes and the high coastal natural character overlay). It seeks that these limits do not apply for Renewable Electricity Generation activities or at least be significantly increased to provide for regionally significant infrastructure activities.</p> <p>Manawa also opposes the activity status associated with activities where compliance is not achieved. It considers that restricted discretionary activity status is appropriate, with matters of discretion limited to the impacts on the riparian area. It notes that the status of discretionary exceeds that stated for earthworks not complying with permitted rules in other overlay chapters (for example – earthworks not meeting NFL – R6 (which applies to earthworks within an outstanding natural landscape described in schedule Five or Outstanding Natural Feature described in Schedule Six) are a controlled activity.</p>	<p>Retain provision for infrastructure and renewable electricity generation and existing activities as notified.</p> <p>Amend NC – R1 as follows:</p> <p>Activity Status Permitted</p> <ol style="list-style-type: none"> 1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for: <ol style="list-style-type: none"> a) Fence lines; or b) Maintenance, operation, minor upgrade and repair of network utilities, critical regionally significant infrastructure or renewable electricity generation activities; c) Connections to wastewater, stormwater and reticulated network utility systems; or d) Installation of an environmental monitoring and extreme weather event monitoring facility; or e) Maintenance and repair of lawfully established structures; or f) ... 2. <u>For activities other than those provided for in clause 1 above, the</u> amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin; 3. For activities other than those provided for in clause 1 above, Resource Management Act amount of earthworks is not greater than 20m³ per 200m length of Riparian Margin; 4. ... <p>Activity Status where compliance not achieved:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			Restricted Discretionary
NC – R2	Support in part	Manawa supports the specific recognition of buildings and structures which are renewable electricity generation facilities as permitted activities in the riparian margin of a river, lake or wetland where these have a functional need to locate within a riparian margin. However it considers that recognition should also be made of the operational need for such buildings to locate in these areas.	Amend NC – R2 (f) as follows: f. Renewable electricity generation facilities where these have a functional or operational need to locate within the riparian margin;
New rule	-	To ensure consistency with the relief sought in NC – R1, Manawa requests that a new rule is added.	Add a new rule NC – RX as follows: <u>Earthworks not meeting Permitted Activity Rule NC – R1</u> <u>Activity Status Restricted Discretionary</u> <u>Discretion is restricted to:</u> <u>a) The location of any earthworks and indigenous vegetation clearance;</u> <u>b) Volume and area of earthworks and indigenous vegetation clearance;</u> <u>c) The effects on potential or existing public access to the riparian margin;</u> <u>d) Effects on habitats of any threatened or protected flora or fauna species;</u> <u>e) Effects on recreational values of public land;</u>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>f) <u>Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; and</u></p> <p>g) <u>Landscape and visual effects.</u></p>
PART 2 – DISTRICT – WIDE MATTERS / SUBDIVISION / FC – FINANCIAL CONTRIBUTIONS			
Plan Structure	Oppose	<p>Manawa considers that the structure and content of this chapter as it relates to landuse activities is inappropriate and does not provide clarity or certainty for users of the Plan.</p> <p>The Financial Contribution provisions sit under the subdivision chapter heading, means that many people would not find these provisions easily and it is not obvious that they are intended to apply to landuse activities beyond subdivision. Manawa considers that if a decision is made to retain the financial contribution provisions of the Plan these are clearly separated from the subdivision provisions.</p>	<p>Remove the Financial Contribution provisions from the Subdivision Chapter, and include these in a new, clearly identifiable chapter.</p> <p>OR</p> <p>If a decision is made to retain these provisions in the Plan, amend the chapter heading to 'Financial Contributions – Subdivision and Landuse'.</p>
All TTPP provisions relating to financial contributions for the purpose of dealing with adverse environmental effects as part of landuse consents (other than subdivision)	Oppose	<p>Manawa notes the stated intent to explore a move away from financial contributions to Development Contributions under the LGA and supports this approach. In noting the expressed need for this chapter in the interim, Manawa considers it important that the overview clearly set out that financial contributions are acknowledged as only <u>one way</u> to deal with infrastructure provision and only <u>one method</u> of managing adverse effects of activities. As presently drafted, it could be read as this being the fallback position for management of effects.</p> <p>Manawa strongly opposes the financial contributions proposed for the management of adverse effects on landuse consents, and does not consider that these are transparent, fair, equitable or meet the requirements of Section 32 of the Resource Management Act 1991.</p>	<p>Delete all pTTPP provisions relating to the taking of financial contributions on landuse consents for management of effects, including (but not limited to):</p> <p>FC-O1 (part)</p> <p>FC-O2</p> <p>FC-P1 (part)</p> <p>FC-P2 (part)</p> <p>FC-P6</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Manawa acknowledges that under the provisions of Section 108 of the Resource Management Act 1991 financial contributions are able to be applied to offset or compensate residual adverse effects. However, Manawa has strong concerns regarding the manner in which this regime is proposed to be established, the transparency of such and the workability of the provisions outlined in the pTTPP.</p> <p>Section 108 (10) prescribes that a consent authority must not include a condition requiring a financial contribution unless</p> <p style="padding-left: 40px;">(a) The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and</p> <p style="padding-left: 40px;">(b) The level of contribution is determined in the manner described in the plan or proposed plan.</p> <p>Manawa considers that the pTTPP does not include enough specificity about how the level of contributions will be set, the use of such contributions, and how these will be applied to proposals.</p> <p>Manawa also has a concern that financial contributions may be imposed for adverse effects which are addressed in other ways (such as mitigation) – essentially leading to duplication or double dipping. It also queries the ability to financially offset or compensate for residual adverse environmental effects on values such as ONLs, and how the contributions regime will work in conjunction with the natural features and landscapes provisions, which set up a different effects management framework to the indigenous biodiversity provisions.</p> <p>At a more general level, Manawa also opposes the use of terminology which is inconsistent with higher level policy documents – in particular the requirement in FC – P6 that such conditions will be used to manage adverse effects where these cannot be avoided, remedied or mitigated; inconsistent use of</p>	<p>FC-P7</p> <p>FC-R1 (part)</p> <p>FC-R2 (part)</p> <p>FC-R12.</p> <p>In the alternative, amend all of the provisions listed above in order to:</p> <ul style="list-style-type: none"> • clearly state the purpose of contributions, and whether these are intended to apply to offsetting and/or compensation (or only the latter as indicated in Rule FC – R1(1)). • clearly set out the relationship between the various sections of the Plan, particularly the principles established in ECO P9 and the relationship to FC – R12. • state how and when contributions will be applied (i.e. if financial contributions are to be collected to offset or compensate for residual adverse effects then the money or land should be used to fulfil that purpose). • explain the nature of the contribution – noting that Section 108 of the Resource Management Act prescribes those financial contributions can be taken for money or land only. • provide a clear methodology for how such a contribution will be calculated, over which period of time, and who is responsible for such a calculation. • explain how the various Councils administering the Plan will implement these provisions in a cohesive,

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>terminology applying to significant indigenous biodiversity / significant indigenous vegetation or areas of significant habitat of indigenous fauna.</p> <p>For the above reasons Manawa seeks that the provisions relating to the imposition of financial contributions for the purpose of managing adverse environmental effects are deleted from the Plan. If a decision is made to pursue the incorporation of these provisions, Manawa requests that these be amended substantially to:</p> <ul style="list-style-type: none"> • clearly state the purpose of contributions, and whether these are intended to apply to offsetting and/or compensation (or only the latter as indicated in Rule FC – R1(1)). • clearly set out the relationship between the various sections of the Plan, particularly the principles established in ECO P9 and the relationship to FC – R12. • state how and when contributions will be applied (i.e. if financial contributions are to be collected to offset or compensate for residual adverse effects then the money or land should be used to fulfil that purpose). • explain the nature of the contribution – noting that Section 108 of the Resource Management Act prescribes those financial contributions can be taken for money or land only. • provide a clear methodology for how such a contribution will be calculated, over which period of time, and who is responsible for such a calculation. • explain how the various Councils administering the Plan will implement these provisions in a cohesive, co ordinated and transparent manner, and deal with any cross boundary matters (including projects or associated effects or offsetting/ compensation) that transcend local authority boundaries. <p>Manawa also wishes to be specifically consulted on any such amended provisions and reserves the right to comment on these. It also notes that the</p>	<p>co ordinated and transparent manner, and deal with any cross boundary matters (including projects or associated effects or offsetting/ compensation) that transcend local authority boundaries.</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>Councils may be required to alter the District Plan to align with the principles of the yet to be released National Policy Statement on Indigenous Biodiversity. Manawa also reserves the right to be involved and comment on any such changes to the Plan as a result of notification of this statement.</p> <p>Manawa has sought amendments to other provisions of the Plan relating to financial contributions (beyond those relating to landuse) as outlined in the detailed submission points.</p> <p>It is recommended that all aspects of this section that relate to landuse activities (other than subdivision) and the management of effects, be reconsidered such that financial contributions are not relied on as the method of managing adverse effects on the environment. The way in which these provisions are currently worded is misleading, implying that adverse effects can be paid for rather than dealt with through the effects management hierarchy. If it is decided to continue to incorporate aspects of effects management in these provisions, then it needs to be amended to clearly state that it is only one option, and there needs to be clarity in the use of terminology used (e.g. offsetting is a term used in relation to biodiversity and not applicable to other effects). The chapter uses 'offsetting', 'compensation' and 'mitigation' interchangeably and this is confusing and inappropriate.</p> <p>Manawa's recommended approach is the removal of all aspects of this chapter relating to managing adverse effects. It considers that if the pTTPP wishes to utilise financial contributions to deal with the management of adverse effects then a plan change or variation to the Plan should be notified.</p>	
FC – O2	Oppose	As per earlier comments Manawa do not consider that financial contributions should be used as the sole mechanism to ensure that subdivision, land use and development does not adversely affect natural and physical resources.	<p>Delete FC – O2</p> <p>OR</p> <p>Amend FC – O2 as follows</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.
FC – P2	Oppose	As per earlier comments Manawa do not consider that financial contributions should be used as the sole mechanism to ensure that subdivision, land use and development does not adversely affect natural and physical resources. It considers that the policy should be amended to ensure that any financial contributions taken are also reasonable and appropriate to the circumstances, and that any financial benefits (such as interest) associated with the taking, holding and allocating of financial contributions are also taken into account.	<p>Amend FC – P2 as follows:</p> <p>Financial contributions shall be applied in a fair and equitable manner that:</p> <ul style="list-style-type: none"> a) Is financially transparent, reasonable and appropriate to the circumstances; b) Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c) Is complementary to the Council's other financial management policies; and d) Takes into account any costs incurred and financial benefits associated with the in-taking, holding and allocating the financial contributions.
FC – P6	Oppose	As per earlier comments Manawa seek that this policy be deleted, or otherwise amended to be clearly directed to management of effects not to offsetting or compensation, and to identify that financial contributions are only one method of managing adverse environmental effects.	<p>Delete FC – P6</p> <p>OR</p> <p>Amend FC – P6 as follows:</p> <p>To provide for the use of financial contributions as a method of for managing adverse environmental effects, including those on significant indigenous biodiversity and</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>outstanding natural landscapes where these cannot practicably be avoided, remedied or mitigated, and recognise that some the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant critical infrastructure.</p>
FC – P7	Support in part	<p>Manawa is generally supportive of the specific recognition of the local, regional and national benefits of the proposed activity when calculating financial contributions, noting the issues raised above. However it considers that this should be taken further and that clear formulas / methods of calculation be included in the Plan. In the interim, this policy should be deleted as inadequate to meet the requirements of the Resource Management Act.</p>	Delete FC – P7
FC – R12	Oppose	As per earlier comments Manawa seek that this rule be deleted.	Delete FC – R12
PART 2 – DISTRICT WIDE MATTERS – SUBDIVISION			
SUB – P6	Support in part	<p>Manawa generally supports the inclusion of provisions dealing with the potential reverse sensitivity effects of subdivision (and associated activities), however requests that these provisions also take into account Renewable Electricity Generation areas and facilities (in accordance with the provisions of the NPS – REG).</p> <p>To ensure that consistent terminology is used throughout the pTTPP Manawa requests that the term 'energy activities' be replaced with 'renewable electricity generation activities'.</p>	<p>Amend SUB – P6</p> <p>Avoid subdivision:</p> <ul style="list-style-type: none"> a) In the RURZ – Rural Zones that could result in the creation of an unplanned new settlement; b) In the Earthquake Hazard Overlay that could result in the creation of new allotments; c) Where detached minor residential units in RURZ – Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>d) Where this could create significant reverse sensitivity issues in relation to the MINZ – Mineral Extraction Zone or Energy Renewable Electricity Generation Activities;</p> <p>e) ...</p>
PART 2 – DISTRICT WIDE MATTERS / GENERAL DISTRICT – WIDE MATTERS / EW EARTHWORKS			
<p>EW – R2</p> <p>Earthworks – All Zones</p>		<p>Earthworks are a critical component of the number of repair, maintenance, operation, upgrading and establishment of renewable electricity generation activities undertaken by Manawa. The earthworks chapter is the primary control over the activity of earthworks across the region, and accordingly Manawa requests that specific provision is made for activities that it undertakes.</p>	<p>Amend EW – R2(d) as follows:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All standards in Rule EW – R1 are complied with; and 2. These earthworks are: <ol style="list-style-type: none"> a) ... b) c) ... d) These are earthworks including stockpiles required for repair, maintenance, operation, upgrading and establishment of network utility or critical regionally significant infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities including public roads; or e) ...
<p>EW – R3</p>	<p>Oppose</p>	<p>Manawa considers that the pTTPP contains excessive and overlapping requirements relating to earthworks – particularly as these apply to renewable electricity generation and regionally significant infrastructure activities. It considers that any sufficient controls relating to earthworks are either covered by the ENG chapter or Rule EW – R2, and that compliance with the overlay chapters is excessive and unjustified, or in the alternative the requirements in</p>	<p>Amend EW – R3 as follows:</p> <p>Activity Status Permitted</p> <p>Where:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>the overlay chapters override those in the earthworks chapter rather than all the rules being cumulative.</p> <p>To ensure that consistent terminology is used throughout the pTTPP Manawa requests that the term 'community infrastructure' (which it notes is not defined in the pTTPP) be replaced with 'regionally significant infrastructure'.</p>	<ol style="list-style-type: none"> 1. All standards in Rule EW – R1 are complied with; and 2. These are ancillary earthworks for: <ol style="list-style-type: none"> i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m²/site of land is disturbed in any 12 month period; or ii. An Energy Renewable Electricity Generation Activity, Regionally Significant Infrastructure, Network Utility Operation or Transport Activity, 3. Where the earthworks (other than those provided for in clause 2 above) are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay chapter.
EW – R8		<p>Manawa seeks that the matters of which discretion is limited are excessive and include duplication. It seeks that changes are made to provide greater certainty to applicants and to provide clarity over the extent to which effects are relevant and can be considered.</p>	<p>Amend EW – R8 as follows:</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The impact of the earthworks on visual amenity, landscape character, outlook and privacy; b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects on surrounding land uses; c. Effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy;

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<ul style="list-style-type: none"> d. The effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity; e. Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table; f. The impact of earthworks on critical regionally significant infrastructure; g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; h. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment; i. The impact on stormwater infrastructure and any overland flow paths; and j. The impact on any natural hazards infrastructure and the effectiveness of its operation.
PART 2 – DISTRICT WIDE MATTERS / GENERAL DISTRICT – WIDE MATTERS / NOISE			
NOISE – O2	Support in part	Manawa requests that the pTTPP provide for the continued operation of Manawa assets in various locations throughout the West Coast. This includes the operation of power stations and associated infrastructure within the Rural, Natural Open Space and Open Space zones. It requests that these standards	<p>Amend NOISE – O2 as follows:</p> <p>The function and operation of existing and permitted future noise generating activities and community</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>are reviewed to ensure that Manawa can continue to operate its assets in an efficient manner.</p> <p>To ensure that consistent terminology is used throughout the pTTPP Manawa requests that the term 'community infrastructure' (which it notes is not defined in the Plan) be replaced with 'regionally significant infrastructure'.</p>	<p><u>regionally significant</u> infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.</p>
NOISE – P1	Support in part	<p>Manawa supports the general intent of this policy, however to ensure that consistent terminology is used throughout the pTTPP Manawa requests that the term 'community infrastructure' (which it notes is not defined in the pTTPP) be replaced with 'regionally significant infrastructure'.</p>	<p>Amend NOISE – P1 as follows:</p> <p>Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to:</p> <ul style="list-style-type: none"> a) The purpose, character and qualities of the zone that the activity is located in; b) The nature, frequency and duration of the noise generating activity; c) Whether the noise generating activity is critical <u>regionally significant</u> infrastructure; d) ...
NOISE – R2	Support in part	<p>Manawa supports the general intent of this rule, however to ensure that consistent terminology is used throughout the pTTPP Manawa requests that the term 'lifeline utilities' be replaced with 'regionally significant infrastructure'.</p>	<p>Amend NOISE – R2(5) as follows:</p> <ul style="list-style-type: none"> 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities <u>providers of regionally significant infrastructure</u>.

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
PART 3 – AREA SPECIFIC MATTERS – ZONES			
Zones generally	Support	<p>Manawa generally support the approach taken in the TTPP that Renewable Electricity Generation activities are adequately and appropriately provided for by the rules in the ENG chapter, such that the rules in all zone chapters should not apply to Renewable Electricity Generation activities. However, depending on the status of such activities and the area in which they are located the objectives and policies for specific zones may be applicable. In addition, the background overview for each zone may be used in interpreting such policy provisions.</p> <p>Accordingly, Manawa considers that the relevant zone descriptions and associated objectives and policies should specifically acknowledge the existence of and provide for renewable electricity generation activities / regionally significant infrastructure. Manawa has commented on specific zone related provisions of the Plan to this effect.</p>	<p>Retain clarification provided within each of the zone provisions that these do not apply to renewable electricity generation / regionally significant infrastructure activities covered by the ENG and specific overlay chapters – subject to detailed comments provided below.</p>
PART 3 – AREAS SPECIFIC MATTERS – ZONES / OPEN SPACE AND RECREATION ZONES / OSZ – OPEN SPACE AND RECREATION ZONES – OBJECTIVES AND POLICIES			
Overview	Support in part	<p>Many of the Manawa assets are located in (or partly within) the Open Space Zone, however the overview does not make any reference to renewable hydro electricity generation activities as a key activity existing in these areas. Manawa considers that Renewable Electricity Generation assets should be specifically recognised within this zone to acknowledge that they are existing and long-standing modifications to these areas and provide a significant resource for the Region. This also acts to recognise these existing schemes such that there is no unreasonable assumption that these zones are unmodified.</p>	<p>Add the following to the end of the first paragraph in the Overview:</p> <p><u>A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.</u></p>
OSRZ – O1	Support in part	<p>Manawa considers that this is a very broad objective and provides little direction on what is the intent for these zones at a high level. As currently worded the objective would be very difficult to interpret consistently and apply to specific proposals. What are the “values of the particular open space” and how can these be consistently understood.</p>	<p>Rearrange the objectives such that objective 2 comes first to set out the types and uses of open space areas.</p> <p>Amend OSRZ – O1 (and move it to be the second objective) as follows:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>It also does not recognise that there needs to be opportunities for new activities to establish, where they are beneficial, where this may not be consistent with the existing surrounding environment.</p> <p>Manawa recommends that this objective be reconsidered and reframed to provide clarity and direction without unreasonably restricting uses of these large areas of land. It is important to note also that not all land in this zone is publicly owned as many areas zoned as open space are private land such as Manawa land associated with hydro-electric power schemes.</p>	<p>Development and activities should complement, and not conflict with, the functions and values of the particular open space areas and the surrounding environment. Where appropriate open space accommodates a range of functions.</p>
OSRZ – P2	Support in part	As per the above feedback, these policies are unreasonably open to interpretation and application and would restrict activities such as existing and new Renewable Electricity Generation activities. If the function and purpose of each open space area is to be separately defined, and that is to determine what can go on in that area, then this needs to be documented clearly for all users of the District Plan and needs to address existing uses as well as potential future uses of land such as Renewable Electricity Generation activities.	<p>Amend OSRZ – P2 as follows:</p> <p>Open space may accommodate <u>regionally significant infrastructure activities</u>, recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, where this fits with the purpose of the open space and its classification under any relevant Act <u>or has a functional or operational need for such a location</u>.</p>
OSRZ – P3	Support in part		<p>Amend OSRZ – P3 as follows</p> <p>Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space, <u>where practicable</u>, and fit within the character and amenity of the surrounding area.</p>
OSRZ – P9	Support in part		<p>Amend OSRZ – P9 as follows:</p> <p>Provide for the range of purposes where compatible with the open space values including:</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>a) The ongoing operation and appropriate management of cemeteries;</p> <p>b) Camping opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space;</p> <p>c) Gravel and shingle extraction for roading networks and other local purposes;</p> <p>d) Quarries for rock;</p> <p>e) Pastoral farming including grazing as a management tool;</p> <p>f) Mineral extraction of resources where these are limited in their location; and</p> <p>g) <u>Establishment and operation of regionally significant infrastructure; and</u></p> <p>h) Water supply and drainage networks where this supports local community needs.</p>
OSRZ – P13	Support in part		<p>Amend OSRZ – P13 as follows:</p> <p>Provide for activities that are ancillary to the functions of the OSZ – Open Space Zone including:</p> <p>a) Retail activities;</p> <p>b) Residential activities, including for caretaker purposes; and</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			c) Agricultural, horticultural or pastoral activities; and <u>d) Establishment and operation of regionally significant infrastructure.</u>
PART 3 – AREAS SPECIFIC MATTERS – ZONES / OPEN SPACE AND RECREATION ZONES / OSZ – OPEN SPACE ZONES			
Overview	Support in part	Manawa request that comments are included in the overview acknowledging the existence of Renewable Electricity Generation facilities within this zone, and the value of this resource throughout the Region.	Add the following to the end of the third paragraph of the Overview: <u>Additionally, a number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast, and are recognised as regionally significant assets.</u>
Open Space Zone Rules	Support in part	Manawa request that comments are included in the section clarifying that the rules in this section do not apply to energy activities and renewable electricity generation activities.	Add the following to OSZ – Open Space Zone Rules: <u>The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.</u>
PART 3 – AREA SPECIFIC MATTERS / ZONES / RURZ – RURAL ZONES			
RURZ – RURAL ZONES – OBJECTIVES AND POLICIES			
Overview	Support in part	Manawa supports the general reference to the location of energy generation sites within the Rural zone. However, the “Key points to note” section does not make specific reference to the role of Renewable Electricity Generation or infrastructure in general, despite the inclusion of these matters in the strategic objectives for the District in relation to Connections and Resilience. Manawa requests that specific reference is made to these in the “Key points to note”.	Retain reference to renewable electricity generation within the Overview, as notified. Amend the paragraph titled ‘Key points to note’ by adding an additional bullet point as follows:

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<ul style="list-style-type: none"> <u>Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around connections and resilience and are necessary activities within Rural zones.</u>
RURZ – P6	Support	Manawa supports the recognition of non rural activities within the rural zone and seeks explicit recognition of regionally significant infrastructure as important within the zone.	<p>Amend RURZ – P6 as follows:</p> <p>Recognise that the rural areas may be the most appropriate location for some utility, <u>regionally significant infrastructure</u>, industrial or commercial uses to establish, where these have a functional relationship with rural areas <u>or a functional or operational need to locate in that area</u>, provided the character and amenity of the rural areas is maintained and adverse effects are managed.</p>
RURZ – P15	Support	Manawa supports the recognition of the potential for reverse sensitivity effects on consented activities and existing rural uses within the rural zone.	Retain RURZ – P15 as notified.
RURZ – P16	Support in part	Manawa supports the recognition of the potential for reverse sensitivity effects within the rural zone, and the establishment of buffers around such infrastructure activities to protect them from such uses. It requests that renewable electricity generation activities/ regionally significant infrastructure is specifically included as an activity for which a buffer will be provided.	<p>Amend RURZ – P16 as follows:</p> <p>There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, <u>renewable electricity generation activities</u>, transmission <u>and other regionally significant infrastructure</u> and water supply catchments to avoid reverse sensitivity effects on the infrastructure.</p>
PART 3 – AREA SPECIFIC MATTERS/ ZONES/ RURAL ZONES / GRUZ – GENERAL RURAL ZONE			
Overview	Support in part	Unlike the general overview section in the umbrella rural zone section, the specific overview for the General Rural zone does not mention the existing Renewable Electricity Generation activities at all. Manawa seeks that	<p>Amend the Overview as follows:</p> <p>The GRUZ – General Rural Zone is the largest zone ...</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>appropriate recognition of Renewable Electricity Generation activities and regionally significant infrastructure is provided in this overview.</p> <p>To ensure consistency within the pTPP Manawa seeks that the term 'critical infrastructure' is replaced with 'regionally significant infrastructure'.</p>	<p>The GRZ – General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining, <u>regionally significant infrastructure</u>, and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and farm machinery, odour from dairy-sheds and associated effluent treatment and discharge systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the GRUZ – General Rural Zone is a production-oriented working environment that is characterised by these activities.</p> <p>The GRZ – General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry. <u>A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.</u> Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			<p>the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain this rural character.</p> <p>Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character. <u>A range of structures associated with regionally significant infrastructure are also a feature of the rural areas. ...</u></p>
GRUZ General Rural Zone – Rules Note	Support in part	Manawa seeks that the notes section of this chapter is amended to clarify that the provisions of this chapter do not apply to ENG activities. This amendment is consistent with the structure of other chapters of the pTTPP.	<p><i>Amend</i> General Rural Zone Rules: Note by adding the following sentence:</p> <p><u>The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.</u></p>
PART 4 – APPENDICES / SCHEDULES			
SCHEDULE FIVE: OUTSTANDING NATURAL LANDSCAPES			
All of schedule five	Oppose	<p>Manawa has significant concerns regarding the approach taken to identification and protection of outstanding natural features and landscapes. The approach does not appear to be robust or based on current best practice in undertaking such work for a District Plan.</p> <p>Manawa considers that the methodology used for the Landscape Study is flawed. This flawed methodology has resulted in substantial errors in the mapping and identification of landscapes within the pTTPP. The methodology utilised has not appropriately articulated descriptions and characterisations of landscape generally (only outstanding landscapes), nor has it provided the identification of values within each of the ONFL, identification of existing activities and modifications within the ONFL. These flaws also lead to</p>	<p><i>Review and amend</i> the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance.</p> <p><i>Review and amend</i> the entire landscape study to include full assessment of the landscape generally, the values of ONFL and the existing activities / modification within ONFL.</p> <p><i>Review and amend</i> the mapping of the ONFL areas to accurately map these at an appropriate scale that can be applied at a site level, and to include review of all areas</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>inaccuracies of mapping of ONFL areas as this has been done inaccurately and at an inappropriate scale.</p> <p>Without clearly identifying the values and characterisations of all landscape areas – rather than jumping straight to outstanding areas – the landscape assessment does not accurately consider the landscape values of the wider region. This is not best practice.</p> <p>The lack of description of the values within each of the ONFL means that there is no clear understanding of what makes these areas special. This means that there is no ability to judge changes to an area accurately and the basis for assessment is flawed. The policy approach is to manage effects on values but this is impossible if there is not articulation of what the values are. Similarly, the assessment of capacity to absorb change, significance of effects and the like cannot be undertaken without a consistent understanding of what exists presently.</p> <p>The lack of description of the existing activities/modification within each of the ONFL means that there is no accuracy in the base understanding of areas. Not articulating the existing (and in some cases substantial) modification implies that these areas are pristine and that is unreasonable. There are many important activities in the ONFL areas such as state highways, renewable electricity generation activities, transmission structures, and other regionally significant infrastructure. These are existing in the ONFL and need to be recognised as being a part of the landscape.</p>	<p>where the mapping follows arbitrary lines and not landform or landcover.</p> <p>Review and amend all of the landscape schedules to include a description of the values that make each ONFL outstanding, and to include a description of the existing activities / modification within each of the ONFL areas.</p> <p>Specifically review and amend Schedule 5 in relation to ONL 15, ONL 16, ONL 25 and ONL 27 to provide a recognition of the existing renewable electricity generation activities.</p>
MAPS			
ONFL OVERLAYS			
		<p>As set out above, Manawa considers that the landscape study is flawed and as such the ONFL overlays shown on the maps are inaccurate and do not appropriately capture landscape values. The mapping of ONFL areas has been done at a scale that does not allow the areas to be properly understood on the</p>	<p>Review and amend the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance,</p>

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
		<p>ground and at a site level. Further the mapping follows arbitrary lines and does not appropriately follow landform or landcover.</p>	<p>including review of all of the ONFL mapping to improve accuracy and appropriate identification of areas.</p> <p>Review and amend the mapping of the ONFL areas to accurately map these at an appropriate scale that can be applied at a site level, and to include review of all areas where the mapping follows arbitrary lines and not landform or landcover.</p> <p>Specifically review and amend map overlays applying to ONL 15, ONL 16, ONL 25 and ONL 27 generally to better follow landform and landcover, and specifically as follows:</p> <ul style="list-style-type: none"> • ONL15: Koihahai/ Gillespies Point to Te Kohumarua Bluff: refine the ONL mapping around the eastern part of Lake Wahapo and the surrounding landforms, including the relationship with the Waitangitahuna River. • ONL25: Lake Kaniere: review the extent around the highly natural Kennedy Creek and its margins, the modified area of forestry around Blue Bottle Road to the south of the Kaniere Forks power station, the 'cut-outs' at Lake Kaniere and the inclusion of a large adjacent area of native bush along the ONL's north-western edges (near Blue Bottle Creek). • ONL27: Lower Taramakau River & Kawhaka Forest: reconsider the extent of inclusion of the Taramakau River; reconsider the extent of this ONL to the west, around the extensive wetland areas; to the north around Dillmanstown, Greenstone River/ Hokonui; and the margins of the Kumara Reservoir. A review of the ONL in

Chapter / provision	Support / Oppose	Manawa Energy's reasons for submission	Relief sought
			relation to the Kapitia Reservoir is also required, notably along its northern boundary.
GENERAL – ALL OF PLAN			
General – All of Plan			All necessary and consequential amendments to other parts of the pTTPP are also sought where they relate to submission points set out above.

Appendix B: Manawa Energy's submission on the ENG chapter ('clean' version)

ENG Energy - Te Pūngao

Overview

Renewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they require specific recognition and protection, as they are critical to the social, cultural and economic wellbeing of people and communities.

The National Policy Statement for Electricity Transmission Activities requires specific recognition and protection of the National grid, with renewable electricity recognised in the National Policy Statement on Renewable Electricity Generation.

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including reverse sensitivity effects. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa.

Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the Electricity (Hazards from Trees) Regulations 2003.

Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for Electricity Transmission Activities) apply.

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for energy activities, including:

Overlay Chapters - the Overlay Chapters have relevant provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Subdivision - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

General District Wide Matters - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

Energy Objectives

ENG - O1	To recognise the local and regional benefits of electricity transmission, distribution and renewable electricity generation activities, by providing for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG - O2	To recognise the functional and operational needs associated with the location and design of renewable electricity generation activities, and to avoid, remedy or mitigate any adverse effects of these activities on communities and the environment.
ENG - O3	To provide for the development, operation, maintenance and upgrade of renewable electricity generation activities and to protect them from the adverse effects of incompatible subdivision, use and development.
ENG - O4	[Unchanged by Manawa submission]

Also the Strategic Objectives and Policies

Energy Policies

ENG - P1	Enable the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable electricity generation activities, while recognising the positive social, economic, cultural and environmental benefits of renewable electricity generation and transmission.
ENG - P2	<p>When considering proposals to develop and operate new and existing renewable electricity generation, electricity transmission and distribution activities, have particular regard to the benefits to be obtained from the proposal, including;</p> <ul style="list-style-type: none"> a. Maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of renewable electricity generation; b. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; c. Economic, social, environmental or cultural wellbeing; d. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; e. Effective transmission and distribution of electricity supply; f. Facilitation and use of renewable energy; g. Security of electricity supply; and h. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.
ENG - P3	Avoid reverse sensitivity effects from incompatible subdivision, use and development on renewable electricity generation and electricity transmission and distribution activities.

ENG - P4	Avoid, remedy or mitigate adverse effects on communities and the environment from renewable electricity generation and electricity transmission and distribution activities by: <ul style="list-style-type: none"> a. Having regard to the values associated with areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas; b. Implementing industry best management practices around electrical safe distances; c. Maintaining ongoing access to grid and distribution elements and structures for maintenance and upgrading works; and d. Avoiding exposure to health and safety risks.
ENG - P5	When considering proposals to develop, operate, maintain and upgrade new and existing renewable electricity generation activities: <ul style="list-style-type: none"> a. Recognise their functional needs and operational needs; and b. Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects have been minimised in the route, site and method selection.
ENG - P6	Provide for the development, upgrading, maintenance and operation of: <ul style="list-style-type: none"> a. A range of renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG - P7	[Unchanged by Manawa submission]
ENG - P8	[Unchanged by Manawa submission]
ENG - P9	[Unchanged by Manawa submission]
ENG – P10	Avoid the development of non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.

Energy Rules

Note:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In the case of Energy Activities however neither the Infrastructure Chapter or the Part 3: Area Specific Matters Apply. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. Compliance with the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by Te Tai o Poutini Plan.

3. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.
4. For any activity that relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 apply.

Permitted Activities	
ENG - R1 Energy Activity Performance Standards	
Activity Status Permitted Where: 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.	Activity status where compliance not achieved: Non-complying
ENG - R2 Substations (Zone)	
[Unchanged by Manawa submission]	
ENG - R3 Substations (Distribution)	
[Unchanged by Manawa submission]	
ENG - R4 Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations not managed by the National Environmental Standard for Electricity Transmission Activities	
[Unchanged by Manawa submission]	
ENG - R5 The construction, operation, maintenance, repair and upgrade of renewable electricity structures for small and community scale electricity generation and the operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities.	
Activity Status Permitted Where: 1. Performance standards in Rule ENG - R1 are complied with; 2. Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically; 3. Wind turbines do not exceed 8m in height; 4. Wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise; 5. Structures, buildings or impermeable surface for hydroelectricity generation must not exceed a footprint of 100m ² or an increase in area from existing buildings/structures and surfacing of more than 10%; and 6. Any building or structure must not be located within an existing esplanade reserve or strip. 7. The maximum generation capacity for new small and community scale generation activities is 500kW.	Activity status where compliance not achieved: Restricted Discretionary where performance standards 2, 3, 5, 6 and 7 are not complied with. Discretionary where performance standard 4 is not complied with.

	Non-complying where performance standard 1 is not complied with.
ENG - R6 Activities in and around the Significant Electricity Distribution Lines	
[Unchanged by Manawa submission]	
ENG - R7 Buildings, Structures and Activities within the National Grid Yard	
[Unchanged by Manawa submission]	
ENG - R8 Installation of electricity cabinets	
[Unchanged by Manawa submission]	
ENG - R9 Temporary Electricity Generation Activities	
Activity Status Permitted Where: 1. The temporary electricity generation activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site when operation ceases and the site is rehabilitated.	Activity status where compliance not achieved: Restricted Discretionary
ENG - R10 Environmental monitoring and meteorological facilities associated with Energy Activities	
Activity Status Permitted Where: 1. All performance standards in Rule INF - R1 are complied with; and 2. Monitoring equipment is limited to: a. Masts and towers with a maximum footprint of 4m ² and a maximum height of 10m, or b. Other structures up to 4m in height and 25m ² in area.	Activity status where compliance not achieved: Restricted Discretionary where performance standard 2 is not complied with. Non-complying where performance standard 1 is not complied with.
Restricted Discretionary Activities	
ENG - R11 Substations not meeting Permitted Activity standards	
[Unchanged by Manawa submission]	
ENG - R12 Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations not meeting Permitted Activity standards	
[Unchanged by Manawa submission]	

ENG - R13 Installation of electricity cabinets not meeting Permitted Activity standards	
[Unchanged by Manawa submission]	
ENG - R14	
[Deleted by Manawa submission]	
[Deleted by Manawa submission]	
ENG - R15 Upgrades, other than minor upgrades, and construction of renewable electricity generation activities (excluding wind) and renewable electricity generation activities not meeting rules R5, R9 and R10	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is limited to:</p> <ol style="list-style-type: none"> The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets; The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast; Any functional needs and operational needs associated with the design or location of the proposal; The ability to mitigate any adverse effects of the proposal on the environment; The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions 	<p>Activity status where compliance not achieved:</p> <p>N/A</p>
ENG - R16 Wind farm construction and operation	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise. <p>Discretion is limited to:</p> <ol style="list-style-type: none"> Degree of non-compliance with ENG - R5; Locational, technical and operational constraints; Benefits to the community. 	<p>Activity status where compliance not achieved:</p> <p>Discretionary</p>
Discretionary Activities	
ENG - R17 Any renewable electricity generation activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise	
<p>Activity Status Discretionary</p>	<p>Activity status where compliance not achieved:</p> <p>N/A</p>

Non-complying Activities	
ENG - R18 Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1	
[Unchanged by Manawa submission]	
ENG - R19 Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards	
[Unchanged by Manawa submission]	
ENG - R20 Activities that do not meet Rules ENG - R12 or ENG - R13	
Activity Status Non-complying	Activity status where compliance not achieved: N/A
ENG – R21 Non-renewable Electricity Generation Activities	
Activity Status Non-Complying	Activity status where compliance not achieved: N/A

Summary of rules applicable to renewable electricity generation activities

Existing activity	Operate	Permitted	
	Maintain / repair	Permitted	
	Minor upgrade	Permitted	
	Upgrade (more than minor)	Permitted (limited in scale)	RD larger scale
New activity	Construct new	Permitted (limited in scale)	RD all other scale activities
	Temporary	Permitted up to 24 months	RD longer period
	Investigations and meteorological	Permitted (limited in scale)	RD larger scale
Not renewable energy	Electricity generation activities that are not renewable		Non-complying

APPENDIX C: PERSONS TO BE SERVED

	Name	Address for service
1.	TTPP Committee	info@tpp.nz
2.	Royal Forest and Bird Protection Society of New Zealand Incorporated	n.snoyink@forestandbird.org.nz
3.	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	lisa.mckenzie@ngaitahu.iwi.nz rachael.pull@ngaitahu.iwi.nz philippa.lynch@ngaitahu.iwi.nz
4.	Kāinga Ora – Homes and Communities	developmentplanning@kaingaora.govt.nz
5.	Federated Farmers	jsutherland@fedfarm.org.nz elinscott@fedfarm.org.nz
6.	Transpower New Zealand Limited	Environment.Policy@transpower.co.nz
7.	Department of Conservation	gdeovoll@doc.govt.nz lthorne@doc.govt.nz
8.	New Zealand Energy Limited	david@nzenergy.co.nz
9.	Westpower Limited	martink@xtra.co.nz
10.	Robert Graham	r.graham4004@gmail.com