

Westpower Appeal Point Clarification

WCRC Ref	Clarification Sought	Response
(a)	Activities on the surface of water (ASW-R8) – it is not clear which submission point you wish to be adopted by way of relief sought;	It is not clear what this matter refers to as there is no ASW-R8 in either the pTTPP or TTPP (Decisions Version)
(b)	CE - R6 – the further submission relied on for relief does not provide specific relief sought;	It is unclear what the question is here, and which further submission is referred to? The further submission(s), ie. <i>FS222.0289</i> and <i>FS222.097</i> , referred to was/were opposition by Westpower to outcomes sought in submissions therefore changes to the rule are opposed, except for amendment to clause (6).
(c)	Definitions - Indigenous Vegetation Clearance – the relationship between the relevant further submission and reasoning in the appeal is not clear so as to understand the relief sought;	The further submission(s), ie. <i>FS222.0215</i> and <i>FS222.006</i> , referred to was/were opposition by Westpower to outcomes sought in submissions therefore changes to the definition are opposed.
(d)	Definitions - Biodiversity Compensation and Biodiversity Offsetting – it is not clear whether the appeal is seeking deletion or new definitions;	It is unclear whether this is referring to matters in the ECO Section. The further submission(s), ie. <i>FS222.0202</i> , <i>FS222.074</i> , <i>FS222.0118</i> and <i>FS222.076</i> , referred to was/were opposition by Westpower to outcomes sought in submissions therefore the definitions are opposed.
(e)	Definitions - Area of Significant Indigenous Biodiversity - the relationship between the relevant further submission and reasoning in the appeal is not clear so as to understand the relief sought;	The further submission <i>FS222.0210</i> opposed a submission regarding the definition for Area of Significant Indigenous Biodiversity
(f)	Definitions - Significant Natural Area - the relationship between the relevant further submission and reasoning in the appeal is not clear so as to understand the relief sought;	<p>The further submission, ie. <i>FS222.077</i>, referred to was opposition by Westpower to outcomes sought in a submission therefore changes to the definition are opposed.</p> <p>The further submission <i>FS222.0360</i> supported in part a submission to identify SNA's for the area covered by the Plan. Such identification has not occurred as sought in the original submission and accordingly an appeal has been lodged.</p>
(g)	ECO - Ecosystems and Indigenous Biodiversity Overview – the relevant submission point refers to a need to “review outcomes of provisions” which leaves the relief sought on appeal unclear;	<p>It is unclear whether this relates to submission point <i>S547.247</i> and/or <i>FS222.017</i>, <i>FS222.0129</i>, <i>FS222.0363</i>, <i>FS222.0258</i> and <i>FS222.0259</i>? The outcomes sought with respect to the submission are clear. The opposition by Westpower to outcomes sought in other submissions is clear in terms of outcomes sought, is no change.</p> <p>If this question relates to <i>S547.246</i> and <i>FS222.0167</i>.</p> <p>The submission, and subsequent appeal, is relevant in conjunction with the Westpower submissions and further submissions to the ECO chapter, particularly considering the significant changes made to chapter and provisions as a whole. This process being undertaken without the opportunity for submission (see relief sought under <i>S547.247</i>). Westpower seeks the outcome sought in the submission.</p>

		With respect to the further submission Westpower opposed the outcome sought in the submission to which it relates, again this can be achieved in conjunction with other appeal points.
(h)	ENG - R11, R12, R13 and R14 - the further submission relied on for relief does not provide specific relief sought and refers to apparent duplication;	The further submission(s), ie. <i>FS222.0241, FS222.0242, FS222.0243 and FS222.0244</i> , referred to was/were opposition by Westpower to outcomes sought in submissions therefore changes to the rules are opposed. Westpower also had an interest in “ <i>consent activity rules</i> ” as a consequence of appeals to “ <i>permitted activity rules</i> ” in the Energy Section.
(i)	FC - Financial Contributions Overview – the further submission relied on for relief does not provide specific relief sought;	It is unclear whether this relates to <i>FS222.090</i> which was opposition by Westpower to outcomes sought in the related submission seeking changes to the overview. Westpower also made submissions regarding financial contribution provisions which are related to the amendments made to the overview. Therefore, changes to the overview are opposed.
(j)	HH - Historic Heritage Overview – as the submission opposed in the further submission referred to was not adopted it is not clear what Westpower is seeking as relief through this appeal;	It is unclear whether this relates to <i>FS222.0161</i> which was opposition by Westpower to outcomes sought in the related submission seeking changes to the overview. If this is correct, then changes were made to the overview which was not the outcome sought by Westpower.
(k)	HH – P10 – it is unclear whether the appeal opposes the inclusion of this policy in the TTPP;	The further submission, <i>FS222.0171</i> , opposed the original submission and the wording sought.
(l)	NH – P9 – the further submission relied on for relief does not provide specific relief sought;	Presumably this is referring to the now <i>NH-P9</i> (previously <i>NH-P12</i>)? It is unclear what further submission is being referred to? Westpower lodged <i>S547.134</i> and <i>FS222.078</i> and <i>FS222.0384</i> regarding the then <i>NH-P12</i> . Matters referenced in the relief sought are related to significant amendments made to provisions in this chapter for which no submission process was available. Although submissions to other provisions, including rules are consistent with this relief. The relief sought seeks outcomes which ensure provisions are appropriate to, and required as a consequence of, the new regime for management of natural hazards.
(m)	Natural Hazards Rules – the submission seeks to continue to encourage and provide for the continued distribution of electricity to the community and Westpower’s other activities associated with this as regionally significant infrastructure, but does not provide specific detail in relation to changes to the rules requested to do so; and	It is unclear whether this relates to <i>S547.0514</i> . This is a submission which seeks to ensure consistency across the natural hazards’ regime and variations to that chapter for specific coastal hazard issues. The outcomes sought are as provided for throughout the submissions, further submissions and evidence presented at the hearings. This also considers the significant level of amendment of provisions made without the ability to submit, including matters such as <i>NH-P9</i> above.
(n)	Climate Change and Resilience (CCR – P7) – it is unclear whether the appeal opposes the inclusion of this policy in the TTPP.	It is unclear whether this relates to further submissions, <i>FS222.009</i> and <i>FS222.0121</i> , both of which opposed submissions that have resulted in <i>CCR-P7</i> . <i>CCR-P7</i> is an

		<p>entirely new policy in a suite of new <i>CCR Objectives and Policies</i> and part of a reframing of the issues from <i>Connection & Resilience</i> (per the notified pTTPP). These matters are related to appeals regarding submissions, <i>S547.055-S547.058</i> and <i>S547.050-S547.05</i>, which relate to the pTTPP as notified, <i>ie Connections & Resilience</i>, and the <i>now Climate Change & Resilience</i> which contains an entirely new set of provisions, including <i>CCR-P7</i>.</p>
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