

Submission on the Proposed Regional Coastal Plan 2016

PART A: Submitters contact details

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PART B: Trade Competition

I could not gain an advantage in trade competition through this submission.



Signature: _____
(on behalf of Westpower Ltd)

Date: 19 March 2016

PART C: Request to be Heard

I do wish to be heard in support of my submission

PART D: Submissions on the Proposed Regional Coastal Plan 2016 (the Proposed Coastal Plan)

Submissions - General

Westpower is a network utility operator and electricity generator undertaking work and activities throughout the West Coast Region, particularly within the Grey and Westland Districts but also extending into the Buller District. Westpower is a 100% West Coast community owned company with its head office in Greymouth. Since 1999, when it was required by legislation to divest itself of its generation assets within the West Coast, Westpower has principally been an electricity distribution company, responsible for transporting electricity from the national grid to consumers within the communities it serves on the West Coast. With the commissioning of the Amethyst Hydro scheme in 2013, and coinciding with a more favourable regulatory framework, Westpower has again become involved with developing local generation capacity to meet the needs of the West Coast communities that it services.

As a locally owned and operated network utility operator, with assets and networks across the West Coast, Westpower has an interest in the Proposed West Coast Regional Coastal Plan 2016 (the Proposed Coastal Plan) and resource management objectives, policies and plans as they are developed across the region. To this end Westpower is an active participant in the current Proposed West Coast Regional Policy Statement process as that document provides an overarching set of resource management objectives and policies which are given effect to through regional and district plans.

Westpower is generally supportive of the Proposed Coastal Plan and the approach to management of natural and physical resources with an emphasis on enabling use and development of these resources for the social, economic and cultural wellbeing of the West Coast community. Having said that it is also recognised that a balance is required to ensure that resources are managed in a sustainable manner for the benefit of both current and future generations.

There are some matters arising from the Proposed Coastal Plan that require submissions.

Submissions

These submissions are in two parts. Firstly a general submission point and secondly more specific submissions as regards the various provisions of the Proposed Coastal Plan.

General Submission - Proposed Coastal Plan

Proposed West Coast Regional Policy Statement (PWCRPS)

While Westpower understands that the Council is seeking to progress the Proposed Regional Coastal Plan (PRCP) it is concerned at the timing of this given the current Proposed West Coast Regional Policy Statement (PWCRPS) process being worked through. As you will be aware the submission process has now been completed for the PWCRPS and there are a number of objectives and policies, submissions and further submissions, related to utility matters and regional infrastructure issues, including a wide range of matters of relevance to the Coastal Marine Area managed by the PRCP. Indeed the PWCRPS contains a specific section on Regionally Significant Infrastructure plus a number of other references, issues, objectives, policies, methods and definitions relevant to utilities and regionally significant infrastructure throughout the document.

If the current proposal of the Council is to progress this PRCP process prior to completion of the PWCRPS process it will mean that the PRCP may well not give effect to the PWCRPS. The outcome is potentially that the PRCP sections are finalised prior to the PWCRPS finalisation, the end result being that there is potential for the Coastal Plan and RPS cycles to be out of sequence. The alternative is that the Council is intending to undertake another review of the Coastal Plan as soon as the PWCRPS process is finalised in order that appropriate matters are given effect by the Coastal Plan provisions. However given the costs of such processes this would seem to be inefficient and not what the Council would intend. Section 73 of the Act is relevant in this regard, particularly Section 73(4). The other alternative is that there is an intention that the outcome of the Coastal Plan process would essentially determine the outcome of matters arising in the PWCRPS process, however this is not supported under the Act or the hierarchy of documents (see Section 1.3 Relationship to other Resource Management Documents, page 3-4, of the Proposed Coastal Plan for reference).

Westpower is of the opinion that there is an opportunity to coordinate the various planning processes on the West Coast to ensure an RPS is established for the West Coast and then both Regional and District Plans developed/reviewed to give effect to the RPS. This would be an effective and efficient process and sound resource management for the region. It also enables all parties to be effectively and efficiently involved in the processes without the need for duplication of discussions and processes.

The fact that a number of Policies and Plans across the region are being considered, or being worked on, for review provides a somewhat unique region wide ability to coordinate the development of Policy and Plan Documents from a top down perspective where the RPS guides the

development of those plans and policies. Certainly the intentions of the Proposed RPS are clear in respect of trying to achieve this outcome for resource management on the West Coast.

Westpower does note that some matters arising in the PWCRPS are included in the PRCP, including some matters on which it made submissions, but there is a clear potential for a disconnect to occur in this regard. For clarity Westpower made submissions to the PWCRPS with respect to;

- Resilient and Sustainable Communities
- Resource Use and Development
- Regionally Significant Infrastructure
- Biodiversity and Landscape Values
- Land and Water
- Coastal Environment
- Natural Hazards
- Glossary

There were a number of further submissions made by both Westpower and other parties in relation to these matters which are yet to be resolved and would have a direct bearing on matters arising in the PRCP.

Westpower requests that the West Coast Regional Council aligns its Policy and Plan making process to ensure efficient and effective processes and outcomes and ensures that the outcomes of the PWCRPS process are given effect to in the PRCP.

Given the order of the processes Westpower makes this submission on a without prejudice basis to any of the submissions made to the PWCRPS process.

Specific Submissions - Proposed Coastal Plan Provisions

Specific Provision: Section 3. Natural and Human Use Values, Objectives 3.2, pg 10-11

My submission is that: Westpower generally supports the objectives as set out in this section. The objectives overall seek to enable activities and recognise the benefits of activities whilst seeking to manage potential effects of activities. Having said that, the explanation to Policy 3.2.3 could be amended to articulate what protection from inappropriate use and development means. Whilst it is understood that this is reflective of the Act and other Policies this is a very strong directive outcome and it should be clear that is what is intended. We note for example that the explanation refers to significant values however the Objective does not contain the word significant, rather referring to all natural and amenity values within and adjacent to the coastal marine area. This has very wide implications, including across authority boundaries (with reference to "*adjacent to*" in the objective) in terms of consistency of approach for developing complementary plans and policies. Is it intended that this objective be interpreted to mean that any use or development with an effect on any natural and amenity value which is more than minor would be inappropriate?

I seek the following amendments from the West Coast Regional Council: That the Objectives are retained, with the exception of Objective 3.2.3 and associated explanation which are reviewed and amended to clearly articulate the outcome sought. Based on the existing explanation this would require reference to significant values to be added to the objective, ie. "3.2.3 *To protect significant natural and amenity values ...*"

Specific Provision: Section 3. Natural and Human Use Values, Policy 3.3.1, pg 10

My submission is that: Westpower supports the Policy and the recognition of the importance of infrastructure for the social, economic and cultural wellbeing of the community.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained in its current form.

Specific Provision: Section 3. Natural and Human Use Values, Policy 3.3.2, pg 10

My submission is that: Westpower supports the Policy and the recognition of the functional need for some activities to be located in the coastal marine area. This includes network utilities and regionally significant infrastructure which may have a technical or operational need to locate in the coastal area. The policy and explanation should be amended to refer to these activities.

I seek the following amendments from the West Coast Regional Council: That the Policy and explanation is retained and amended to include reference to utilities and regionally significant infrastructure, ie "3.3.2 *functional need for some activities, including network utilities and regionally significant infrastructure, to locate within ...*",

and in terms of the explanation, "*Some activities ... and wellbeing. For example, network utilities and regionally significant infrastructure ...*"

Specific Provision: Section 3. Natural and Human Use Values, Policy 3.3.5, pg 12

My submission is that: Westpower supports the Policy and the recognition of the importance of infrastructure for the social, economic and cultural wellbeing of the community. The Policy sets a bottom line of avoidance of adverse effects in respect to certain values with the exception of protection works for regionally significant infrastructure where remediation or mitigation is required as far as practicable. Westpower submits that from an infrastructure perspective this should also apply to where there is a functional need to locate in these areas and the Policy should be amended to reflect that.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment that provides an additional exception with respect to Policy 3.3.2, ie "3.3.5 *Except ... Policies 3.3.2 and 5.3.6, in the ...*"

Specific Provision: Section 3. Natural and Human Use Values, Policy 3.3.7, pg 13

My submission is that: Westpower supports the Policy and the management of activities which could compromise infrastructure. Having said that item (2) of this policy seeks avoidance of increased risk of coastal hazards in any area not identified, while at the same time providing no exceptions. As discussed elsewhere and supported by proposed Policy 3.3.2 there may be a functional need for infrastructure to be located in such areas given the topography of the West Coast. This part of the policy should be amended to refer to this and provide for remediation or mitigation against hazards as far as practicable.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment to (2) to reflect the function need for some activities to locate in such areas, ie "3.3.7 (2) ... *in Schedule 3C, with the exception of instances where infrastructure needs to be located within such areas in which case mitigation will be required as far as is practicable.*"

Specific Provision: Section 3. Natural and Human Use Values, Policy 3.3.8, pg 13

My submission is that: Westpower supports the Policy and the provision of guidance with respect to consideration of effects. However to reflect policies elsewhere it is considered that, from an infrastructure perspective, the technical and operation requirements should be a consideration in ensuring the continued ability of infrastructure to provide for the well being of the community.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with the addition of an item (d) to the effect, "*3.3.8 When considering effects (d) The functional, technical and operational needs and requirements of infrastructure.*"

Specific Provision: Section 5. Structures, Objective 5.2.1, pg 17

My submission is that: Westpower supports the Objective and the recognition of the functional need for some structures to be located in the coastal marine area. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

I seek the following amendments from the West Coast Regional Council: That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that, "*5.2.1 To enable structures to be located*"

Specific Provision: Section 5. Structures, Policy 5.3.1, pg 17

My submission is that: Westpower supports the Policy to manage effects of activities related to structures. It is noted that effects on infrastructure are not provided for in the Policy

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with the following amendment, "*5.3.1 in addition to ... (h) Infrastructure.*"

Specific Provision: Section 5. Structures, Policy 5.3.5, pg 18

My submission is that: Westpower supports the Policy and the need to consider options. Having said that in considering options it is important from and infrastructure point of view to consider location, operational and technical needs and requirements.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with the following amendment, "5.3.5 *When considering ... (f) the location, operational and technical requirements of infrastructure.*"

Specific Provision: Section 5. Structures, Policy 5.3.6, pg 19

My submission is that: Westpower supports the Policy and the recognition of the functional need to protect regionally significant infrastructure whilst managing potential effects. To assist with ensuring all utilities are covered the Policy should be amended to include network utilities.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment such that, "5.3.6 *Where a ... adjoining regionally significant infrastructure and network utilities.*"

Specific Provision: Section 6. Disturbance, Extraction/Removal, Deposition, Reclamation, Objective 6.2.1, pg 20

My submission is that: Westpower supports the Objective and the recognition of the need for such activities in the coastal marine area whilst managing effects. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

I seek the following amendments from the West Coast Regional Council: That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that, "6.2.1 *To enable disturbance, extraction ...*"

Specific Provision: Section 6. Disturbance, Extraction/Removal, Deposition, Reclamation, Policy 6.3.3, pg 21

My submission is that: Westpower supports the Policy and the need to consider potential methods in this regard. There is also a need to ensure that activities do not effect regionally significant infrastructure and network utilities.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment such that, "6.3.4 *When processing ... (a) Buffers or setbacks ... values, including Regionally Significant Infrastructure and Network Utilities.*"

Specific Provision: Section 6. Disturbance, Extraction/Removal, Deposition, Reclamation, Policy 6.3.4, pg 21

My submission is that: Westpower supports the Policy and the need to consider effects in this regard. There is also a need to ensure that such activities do not effect regionally significant infrastructure and network utilities.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment such that, "6.3.4 *When processing ... (i) Adverse Effects on Regionally Significant Infrastructure and Network Utilities.*"

Specific Provision: Section 7. Vegetation Removal and Planting, Policy 7.3.1, pg 23

My submission is that: Westpower supports the Policy and the need to consider effects in this regard. There is also a need to ensure that such activities do not effect regionally significant infrastructure and network utilities.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment such that, "7.3.1 *To manage ... (f) Regionally Significant Infrastructure and Network Utilities.*"

Specific Provision: Section 9. Taking, Use, Damming Or Diversion, Objective 9.2.1, pg 27

My submission is that: Westpower supports the Objective and the recognition of the need for such activities in the coastal marine area whilst managing effects. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

I seek the following amendments from the West Coast Regional Council: That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that, "9.2.1 *To enable the appropriate*"

Specific Provision: Section 9. Taking, Use, Damming Or Diversion, Policy 9.3.1, pg 27

My submission is that: Westpower supports the Policy and the recognition that certain activities are permissible, and can be allowed, whilst others require management. Having read the explanation it is considered that the Policy would be more appropriately worded to manage, rather than restrict, activities which would be in line with requiring an assessment of effects.

I seek the following amendments from the West Coast Regional Council: That the Policy is retained with an amendment such that, "9.3.1 To allow ..., and manage takes, uses"

Specific Provision: Rule 10 Maintenance of Existing Structures, pg 37

My submission is that: Westpower supports the provision for the ability to maintain existing structures as a permitted activity. In terms of alteration it would be of use to enable the addition of lines for the conveyance of electricity to existing lines infrastructure as this would avoid the need for additional lines and structures. This should particularly be the case where the structure has been originally designed to accommodate that change or addition.

I seek the following amendments from the West Coast Regional Council: Retain Rule 10 with the following amendments,

"(a) Any change compared to either effects ... before the change or effects of use for which the structure has been designed."

and

"(l) the addition of lines for the conveyance of electricity is made to existing structures and does not require any additional poles to be installed in the coastal marine area".

If there is a more appropriate rule under which this could be provided then Westpower would consider such alternatives.

Specific Provision: Rule 19 Clearing Blocked River and Creek Mouths, pg 41

My submission is that: Westpower supports the ability to prevent or mitigate hazards from affecting infrastructure.

I seek the following amendments from the West Coast Regional Council: Retain Rule 19.

Specific Provision: Rule 34 Incidental Discharge of Contaminants from Maintenance Of Structures, pg 48

My submission is that: Westpower supports the allowance for discharges from maintenance activities under the circumstances proposed. This enables such works to proceed but in a manner which manages effects.

I seek the following amendments from the West Coast Regional Council: Retain Rule 34.

Specific Provision: Rule 40 temporary Taking or Diversion of Coastal Water, pg 51

My submission is that: Westpower supports the allowance for temporary take or diversion, under the circumstances proposed, to allow for the works set out in the rule. This enables such works to proceed but in a manner which manages effects.

I seek the following amendments from the West Coast Regional Council: Retain Rule 40.

Specific Provision: Rule 45 Noise, pg 53

My submission is that: While Westpower supports the inclusion of a noise provision in the Coastal Plan it is considered that provision should also be made for construction noise, which is managed differently to the noise provisions set out in the rule. It is also useful in terms of the proposed rule to include reference to the standards under which noise will be measured and assessed. Finally the Council should consider and provide for how noise is controlled in terms of helicopter landing areas and blasting. All of these matters would make noise provisions consistent with District Plan provisions and therefore enable consistency across authority boundaries (see for example noise provisions of the Grey District Plan).

I seek the following amendments from the West Coast Regional Council: Retain Rule 45 with the following amendment,

"(i) The activity, with the exception of an activity provided for under (ii) below, is designed ...any dwelling:

(a) ...

(b) ...

(c) ...

Except where expressly provided elsewhere in this rule, sound shall be measured in accordance with the provisions of NZS 6801/2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.

(ii) Construction noise shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - construction Noise.

Consider adding in provisions, as a (iii) and (iv), for helicopter landing areas and blasting as per provisions of adjoining District Plans. Where this is done amend (i) above to refer to a (iii) and (iv), ie "... provided for under (ii)-(iv) below, is ...".

Specific Provision: Section 16 Glossary, Regionally Significant Infrastructure, p67

My submission is that: The definition for regionally significant infrastructure is generally supported as set out in the glossary, with the exception of the following. Whilst the definition is supported to assist with the interpretation of the Proposed Regional Coastal Plan 2016 it is noted with reference to the definition of "*Regionally Significant Infrastructure*" that the network of assets and infrastructure owned and/or operated by Westpower are not defined as regionally significant infrastructure for the purpose of the Proposed RPS 2015. It is further noted that other than reference to the National Grid and associated infrastructure there is no reference to electricity distribution and transmission networks within the region, except in relation to generation facilities supplying electricity distribution and transmission networks.

Westpower submits that the electricity supply and distribution network which it owns and/or operates is regionally significant infrastructure. This therefore needs to be provided for in the definition of "*Regionally Significant Infrastructure*" as it services a significant proportion of the West Coast region, crosses territorial authority boundaries, and benefits the communities it serves in that regard by allowing them to provide for their social, economic and cultural wellbeing. It is also important to note that Westpower is a 100% community-owned company, which again ensures that the benefits of generation, supply and distribution are to the West Coast communities it serves.

The network of assets and infrastructure owned and/or operated by Westpower is located across a significant portion of the West Coast and supplies in the order of 13,300 consumers. In terms of that infrastructure, and to supply some context in terms of regional significance to West Coast communities, the network as at 2015 covers approximately 18,017 square kilometres from Lyell in the north to Paringa in South Westland and consists of; 2169 circuit kilometres of lines and cables, 19 zone substations and 2424 distribution substations. From a regional policy and planning perspective that network crosses territorial authority boundaries between Westland, Grey and Buller Districts.

As discussed above Westpower had taken the opportunity to become involved with electricity generation for the benefit of the community it serves and, through a joint venture, owns and operates a 7.6MW hydro scheme on the Amethyst River near Hari Hari. Based on the current definition of "*Regionally Significant Infrastructure*" the scheme and supporting infrastructure to supply the generated electricity to the electricity and distribution network would meet the definition but the electricity distribution and transmission network being supplied would not.

To ensure holistic management of the network owned and/or operated by Westpower across the region, and to recognise the benefit to a range of communities on the West Coast in enabling them to provide for their social, economic and cultural wellbeing, it is important that the regional significance of the network is provided for in the definition of "*Regionally Significant Infrastructure*".

I seek the following amendments from the West Coast Regional Council: Amend the definition of "*Regionally Significant Infrastructure*" to read,

Regionally Significant Infrastructure means:

.....

x) Westpower owned and/or operated electricity supply, transmission and distribution networks and including all associated assets, lines and cables, infrastructure, substations, systems and works for the purpose of supply and conveyance of electricity.

Specific Provision: Section 16 Glossary, Infrastructure

My submission is that: The term infrastructure arises a number of times throughout the proposed plan, as does regionally significant infrastructure. It does not seem that network utilities are mentioned. It is presumed that reference to infrastructure includes these other descriptions but is unclear whether any other activities are included in the term "*infrastructure*". A definition of infrastructure should be included which clearly sets out that it includes regionally significant infrastructure and network utilities and all associated works and activities.

I seek the following amendments from the West Coast Regional Council: Amend the Glossary to add a new definition of "*Infrastructure*" to read,

Infrastructure means: regionally significant infrastructure and network utilities and all associated works and activities.

Alternatively change the term infrastructure to, or add, regionally significant infrastructure and network utilities at each instance the term arises.