



# Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

## Timaru District Plan Review Hearing E Energy, Infrastructure and Transport

Forest & Bird Speaking Notes for hearing 11 Feb 2025 (online).

### Key Points

Forest & Bird generally supports the s42A officer recommendations for the Energy, Infrastructure and Transport chapter, however we do have some concerns with what is proposed.

We acknowledge that the points in our submission relating to energy, infrastructure and transport activities in the Coastal Environment have not been addressed here and will likely be addressed later in the CE hearing.

The main concern that we have with the officer's recommendations relate to requirements for addressing adverse effects on RMA section 6 matters of national importance, particularly sections 6a the preservation of rivers, lakes and their margins, 6b the protection of outstanding natural landscapes and features, and section 6c the protection of significant indigenous vegetation and significant habitats of indigenous fauna. This is of most concern in respect to adverse effects of "new" Regionally Significant Infrastructure, and as the provisions seem to extend to other types of infrastructure.

### Definition of "Regionally Significant Infrastructure"

Forest & Bird supports the s42A officer's recommendation for RSI and agree that the definition aligns with the Canterbury Regional Policy Statement (CRPS) definition, which purposefully differentiates between established RSI and new, or other infrastructure not listed as RSI.

### EI Chapter – Integration of the EI Chapter with other chapters

Some of Forest & Bird's submission points were rejected by the S42A because they relate to the Coastal Environment (CE). With the CE being part of the district wide matters chapter, we will cover these matters in the CE chapter hearing. However, we are concerned with the officer's recommendation to reject Forest & Bird's submission point seeking to reference the CE chapter in the EI chapter, ahead of the CE hearing.

Forest & Bird supports the s42A proposed addition of the words to the second to last paragraph in the introduction that recognises that District Wide Matters also apply to the EI Chapter.

### EI-O1 Regionally Significant Infrastructure

Forest & Bird agrees with the s42A proposed amendments.

Forest & Bird supports the inclusion of the words support emissions reduction to clause 3.

### EI-O2 Adverse effects of Regionally Significant Infrastructure and Lifeline Utilities and other infrastructure.

Forest & Bird's submission sought the deletion of EI-O2 as it would not achieve s6 or give effect to the NZCPS.

The amendments recommended by the officer, while an improvement, still fail to address Forest & Bird's concerns. This is because the objective that adverse effects EI-O2.1 "are avoided" is not achieved by to EI-P2, and where the exceptions apply in the objective, the effects management hierarchy in EI-P2.2 does not apply the avoidance requirements in clause 3.10(2) of the NPSIB to "other infrastructure", and for RSI does not include the requirement of the NPSIB 3.11(1)(c), that there are no practicable alternative locations. This is discussed in the wording again under EI-P2 below.

If Policy EI-P2 is amended to address these concerns Forest & Bird would support the officers' amendments to EI-O2.

### **IE-O3 Adverse effects of other infrastructure**

Forest & Bird support the deletion of IE-O3. However, we consider it is not appropriate to provide for "other infrastructure" on the same terms as for RSI and that additional policy direction is required for "other infrastructure" to give effect to clause 3.10(2) of the NPSIB and to achieve s6 of the RMA, including for the coastal environment.

### **IE-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities**

Forest & Bird supports the s42A proposed amendments.

### **IE-O5 Amateur Radio Configurations**

Forest & Bird supports the s42A proposed amendment.

### **EI-P1 - Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities**

F&B supports the s42A officer's recommended wording which aligns with the relief sought in our original submission.

The recommended wording will give effect to the NPS-ET and NPS-REG while reducing potential for conflicts with the NZCPS and also giving effect to the RPS and achieving s6 of the RMA.

Regarding clause 7(d) Forest & Bird remains of the view that it would also be appropriate to support RSI in adopting new technologies that avoid adverse environmental effects. In our view this would strengthen the policy and help to achieve the objectives of the plan. This additional wording would strengthen the policy - why not include avoid adverse environmental effects?

### **EI-P2 - Managing adverse effects of Regionally Significant Infrastructure and other infrastructure**

As discussed above (in key points), the council has responsibility under s6 of the RMA to protect the values within areas identified in EI-P2.1a. And the avoidance of adverse effects is the most certain way of ensuring this. While we accept that there may cases where it is still appropriate to provide for activities where adverse effects cannot be entirely avoided, there must be clear direction on when, for what and where this may be acceptable. The NPSIB provides some direction with respect to adverse effects on indigenous biodiversity, but it does not override the NZCPS in the coastal environment.

However, the policy includes 'seeking to avoid'. Seeking to avoid is not the same as "avoid" and is uncertain for achieving the objective EI-O2.

Nor should functional or operational need be the deciding factor in areas where adverse effects, particularly for 'other' infrastructure activities, which would otherwise need to be avoided in these areas.

Having considered the officers recommended amendments we suggest the following changes to address Forest & Bird's submission with respect to s6(c) of the RMA and the NZCPS (recognising the need to give effect to the NPSET and NPSREG).

#### El-P2

"1. a. ~~seeking to avoid~~ing adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, on the Coastal Environment, on Significant Natural Areas..."

3. where there are no practicable alternative locations, and due to functional needs or operational needs, RSI and other infrastructure must be located in the environments identified in El-P2.1. a, to ensure that:

i. any new RSI and other infrastructure within the coastal environment avoid adverse effects where required in order to protect the special values and characteristics of those areas; and

ii. any "new" other infrastructure avoids adverse effects on Significant Natural areas in accordance with 3.10(2) of the NPSIB; and

Where i and ii are achieved, or do not apply, apply the following effects management hierarchy for any other adverse effects:..."

We consider that the application of the effects management hierarchy in Policy El-P2 is uncertain for achieving s6(a) and (b) and that there should be further limits on any provision for "new" RSI or other infrastructure to ensure that the values of those areas are protected.

F&B sought more clarity for El-P2 in its original submission. Our submission was accepted in part by the s42A officer. Forest & Bird recommended that policy be split to recognise the National Grid and RIS and other infrastructure and that appears to be what the s42A officer has proposed by including a new El-PX for Managing adverse effects of the National Grid. This separation of the policies for RSI and other infrastructure and the National Grid is supported by Forest & Bird.

However as drafted, the policy still lacks clarity.

As drafted, El-P2 seems to assume that RSI and other infrastructure can occur in sensitive environments including in the CE and in SNA, if they 'seek to avoid' adverse effects and in clause 2. By recognising the have functional or operational need and in clause 3. By applying the effects management hierarchy, including offsetting and compensation.

The plan does not appear to include limits for offsetting and compensation.

Nothing seems to be off limit including threatened species and habitat. The policy seems to suggest that everything can be offset or compensated for. The policy needs to include limits to offsetting as set out in the CRPS and the NPSIB.

#### **El-P3 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities**

Forest & Bird supports the s42A amendments to the reverse sensitivity policy.

#### **El-P4 Amateur Radio**

Forest & Bird supports this policy.

#### **EI-PX Managing adverse effects of the National Grid**

Forest & Bird supports the s42A officer's approach for a new policy recognising the National Grid. However, we do have some concerns with how EI-PX gives effect to the RMA s6a, particularly for lakes and rivers and their margins.

Forest & Bird proposes that amendments to EI-PX are necessary and recommend that the panel consider the recently agreed **Marlborough Environment Plan Volume 1: Chapter 4: Sustainable Management of Natural and Physical Resources Policy 4.2.3 – When considering the environmental effects of National Grid activities...** which provides wording for proposed EI-PX to better give effect to the national direction.

Thanks for the opportunity to present. My apologies I did not get time to comment on the rules.

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