

**BEFORE THE HEARINGS PANEL
APPOINTED BY THE TE TAI O POUTINI JOINT COMMITTEE**

UNDER THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Te Tai o Poutini Plan

Topic 3: General District Wide Matters

**STATEMENT OF EVIDENCE OF STEPHANIE STYLES
ON BEHALF OF MANAWA ENERGY LIMITED**

DATED 10 October 2023

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1.0 SUMMARY

- 1.1 My evidence focusses on the General District Wide Earthworks provisions of the Proposed Te Tai o Poutini Plan (**pTTPP**), as relevant to the renewable electricity generation operations of Manawa Energy Ltd (**Manawa**) across the West Coast Region, and renewable electricity generation generally.
- 1.2 Renewable energy is a matter of national significance, and the pTTPP is required to:
- (a) have particular regard to the benefits to be derived from the use and development of renewable energy under s7(j) of the Resource Management Act 1991 (RMA);
and
 - (b) give effect to the policy directions in the National Policy Statement for Renewable Electricity Generation (NPSREG), including to recognise and provide for renewable electricity generation activities.
- 1.3 Manawa made three submission points relevant to this topic and I touch on each of these briefly to explain where there remains a difference between my opinion and that of the reporting officer. In particular I note that there remains a level of duplication and conflict between the rules following the reporting officer's recommended changes, and that there appears to be some conflict within the way these recommended changes have been transferred into changes to the Plan provisions.
- 1.4 I consider that the clarification and text modifications proposed in the Manawa submission points remain necessary to improve the clarity and application of the pTTPP.

2.0 INTRODUCTION

- 2.1 My name is Stephanie Amanda Louise Styles. I hold the position of Senior Resource Management Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2004.
- 2.2 In my brief of evidence dated 26 September 2023, in relation to the Introduction and Strategic Direction hearings, I provided an outline of my experience, my role advising Manawa, my involvement in the pTTPP process to date, and the key policy issues of relevance to Manawa.
- 2.3 I reiterate that I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2023. I agree to comply with this Code. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another

person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3.0 PART 2, DISTRICT WIDE MATTERS – GENERAL DISTRICT WIDE MATTERS – EARTHWORKS

3.1 The submission by Manawa includes three submission points that have been addressed under this topic¹.

3.2 Submission points S438.121² and S438.123³ have been recommended by the Council's reporting officer to be accepted/accepted in part. That acceptance is acknowledged⁴.

3.3 In relation to submission point S438.123, I note that the assessment provided does not cover the whole of the submission point. In addition to the clauses assessed, it was also requested that clause h. be amended as follows "*Any adverse effects on ~~landscape, amenity,~~ natural features, water quality, cultural and heritage sites, ...*". This deletion was sought to avoid duplication with clause a. which already covers these matters. I reiterate that I consider that this simplification should occur for improved clarity.

3.4 Submission point S438.122 sought text changes to rule EW-R3 as it was noted that there is overlap between the various earthworks rules. This has been recommended to be rejected⁵ on the basis that the definition of 'Energy Activity' includes 'Renewable Electricity Generation' and inclusion of 'Regionally Significant Infrastructure' would result in duplication with rule EW-R2.

3.5 I have compared these two rules and note:

Rule EW-R2	Rule EW-R3
Deals with Earthworks ⁶	Deals with Earthworks
Across all zones	In specified zones ⁷

¹ S438.121, S438.122 and S438.123

² Te Tai o Poutini Plan, Section 42A Officer's Report, General District Wide Matters: Light – Ngā Rama, Earthworks - Te Huke Whenua, Temporary Activities – Ngā Mahi Taupua, loaded to website on 3 October 2023, B Belgrave, Page 45, paragraphs 110-111.

³ Te Tai o Poutini Plan, Section 42A Officer's Report, General District Wide Matters: Light – Ngā Rama, Earthworks - Te Huke Whenua, Temporary Activities – Ngā Mahi Taupua, loaded to website on 3 October 2023, B Belgrave, Page 65, paragraphs 164-165.

⁴ I note that the reporting officer for this topic has a different opinion on the use of the term 'Regionally Significant Infrastructure' from that expressed in Topics 1 and 2. I will address this verbally at the initial hearing.

⁵ Te Tai o Poutini Plan, Section 42A Officer's Report, General District Wide Matters: Light – Ngā Rama, Earthworks - Te Huke Whenua, Temporary Activities – Ngā Mahi Taupua, loaded to website on 3 October 2023, B Belgrave, Page 51, paragraphs 132-133.

⁶ Recommended to be amended to Land Disturbance in the s42A report.

⁷ Earthworks in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone

includes provision for earthworks including stockpiles required for network utility or regionally significant infrastructure ⁸	includes provision for ancillary earthworks for an Energy Activity, Network Utility Operation or Transport Activity
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3.6 It can be seen from this comparison that there is considerable overlap in the activities already covered in these parts of these two rules and particularly by using the definitions of network utility in both rules such that these two rules are essentially duplications for these activities. For Manawa operations (such as maintaining and repairing access tracks or undertaking dam upgrade works) parts of both rules would apply and this does not appear to be necessary. It is my recommendation that this would be best resolved through the deletion of clause 2.ii from rule EW-R3 leaving earthworks for these activities to be covered by rule EW-R2 alone.

3.7 I am concerned by the recommendation to alter the title of rule EW-R2 (and EW-R1) to relate to 'Land Disturbance' rather than 'Earthworks'. These are quite different activities and as can be seen in the s42A assessment⁹ the definitions are different in their nature and extent. By changing the rule to refer to Land Disturbance, the activity provided for is quite restricted and no longer makes sense in relation to the remainder of the rule e.g. land disturbance by definition excludes activities that alter the profile, contour or height of the land but all of the activities under clause 2 usually have this effect, and certainly earthworks required for a well, stockpiles, test pits, swimming pools, and installation of utilities will exceed the limits of the definition. I do not support this change to the title of the rule(s) and recommend that the rule title continues to refer to earthworks.

3.8 Further I note that the recommended text changes in relation to these submission points within the s42A report differ from the text shown in Appendix 1 to that report. I have included a table my Appendix One showing some of the differences. I request that the text amendments be confirmed to be in accordance with the main report assessment and with the submission points accepted.

4.0 CONCLUSION

4.1 I consider the clarification and text modifications proposed in the Manawa submission points, and as explained further above, remain necessary to improve the clarity and application of the pTTPP.

⁸ Recommended amendment by the s42A officer.

⁹ Te Tai o Poutini Plan, Section 42A Officer's Report, General District Wide Matters: Light – Ngā Rama, Earthworks - Te Huke Whenua, Temporary Activities – Ngā Mahi Taupua, loaded to website on 3 October 2023, B Belgrave, Page 46, paragraphs 114-116.

APPENDIX ONE: COMPARISON OF RECOMMENDED TEXT CHANGES

	S42A assessment	S42A recommendation	Appendix 1 recommended text
EW -R2	<p>Accept submission text:</p> <p><i>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</i></p> <p>[s42A report, page 45, para 110]</p>	<p>2. <i>These earthworks are:</i></p> <p>a. <i>Are Associated with the construction of an approved building platform and access; or</i></p> <p>b. <i>These are earthworks Are associated with an approved subdivision consent; or</i></p> <p>c. <i>These are earthworks Are associated with an approved well or bore; or</i></p> <p>d. <i>These are earthworks including Are 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;</i></p> <p>[s42A report, page 48, para 130]</p>	<p>2. These earthworks are:</p> <p>a. <u>Are</u> Associated with the construction of an approved building platform and access; or</p> <p>b. <u>These are earthworks Are</u> associated with an approved subdivision consent; or</p> <p>c. <u>These are earthworks Are</u> associated with an approved well or bore; or</p> <p>d. <u>These are earthworks</u> including stockpiles required for repair, maintenance, operation, upgrading and establishment of network utility or critical infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities including public roads; or</p> <p>[s42A Appendix 1, page 4]</p>
EW -R3	<p>Reject submission.</p>	<p>2. <i>These are ancillary earthworks for:</i></p> <p>i. <i>A Permitted Activity, except that in the:</i></p> <p><i>a. Rural Lifestyle Zone a maximum of 500m²/site of land is disturbed in any 12 month period; or</i></p> <p><i>b. Natural Open Space Zone a maximum of 250m²/site of land is disturbed in any 12 month period and a maximum of 200m³ of material is transported off site in any 12 month period, and there is a maximum 1m change of existing ground level; and</i></p> <p>ii. <i>An Energy Activity, Network Utility Operation or Transport Activity.</i></p> <p>[s42A report, page 52-53, para 141]</p>	<p>2. These are ancillary earthworks for:</p> <p>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</p> <p>ii. <u>Natural Open Space Zone a maximum of 250m²/site of land is disturbed in any 12 month period and a maximum of 200m³ of material is transported off site in any 12 month period, and there is a maximum 1m change of existing ground level; and</u></p> <p>iii. An Energy Activity, <u>Network Utility Operation or Transport Activity.</u></p> <p>[s42A Appendix 1, page 5]</p>
EW -R8	<p>Accept submission text:</p> <p><i>a. The impact of the earthworks on visual amenity, landscape character, outlook and privacy;</i></p> <p><i>b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects on surrounding land uses;</i></p> <p><i>... f. The impact of earthworks on critical regionally significant infrastructure;</i></p> <p>[s42A report, page 65, para 164]</p>	<p>a. <i>The impact of earthworks on visual amenity, landscape and natural character, outlook and privacy;</i></p> <p>b. <i>Potential dust nuisance, sedimentation, land instability, contamination and erosion effects on surrounding land uses;</i></p> <p>c. <i>Effects that result from the stockpiling in terms of visual amenity, landscape context and character; views, outlook, overlooking and privacy;</i></p> <p>d. <i>The effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity;</i></p> <p>e. <i>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;</i></p> <p>f. <i>The impact of earthworks on critical infrastructure;</i></p> <p>g. <i>The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks;</i></p> <p>h. <i>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></p> <p>[s42A report, page 66, para 177]</p>	<p>Discretion is restricted to:</p> <p>a. The impact of <u>earthworks</u> on visual amenity, landscape <u>and natural</u> character, outlook and privacy;</p> <p>b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects <u>on surrounding land uses;</u></p> <p>c. Effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy;</p> <p>d. The effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity;</p> <p>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;</p> <p>f. The impact of earthworks on critical infrastructure;</p> <p>g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks;</p> <p>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;</p> <p>[s42A Appendix 1, page 9]</p>

