

**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: Natural Features and
Landscapes**

**STATEMENT OF EVIDENCE OF STEPHANIE STYLES
ON BEHALF OF MANAWA ENERGY LIMITED (S438)**

DATED 12 February 2024

Contents

1.0	SUMMARY	3
2.0	INTRODUCTION	3
3.0	PROCEDURAL MATTER	4
4.0	APPROACH TO EVIDENCE	5
5.0	MANAWA SCHEME LOCATIONS IN RESPECT OF NATURAL FEATURES AND LANDSCAPES	6
	Kumara Scheme	6
	McKays Kaniere Scheme.....	6
	Wahapo Scheme	7
	Arnold Scheme	7
6.0	LANDSCAPE STUDY, TECHNICAL LANDSCAPE ADVICE AND SCHEDULES....	7
	General Comments.....	7
	Technical advice – Landscape Study Methodology and Content	10
7.0	PART 2, DISTRICT WIDE MATTERS – NATURAL ENVIRONMENT VALUES – NATURAL FEATURES AND LANDSCAPES	11
	Repeated Submission Themes	11
	General Comments.....	11
	Overview	12
	Objective and Policies	12
	Objective NFL – O1	12
	Policy Structure and New Proposed Policy	13
	Policy NFL – P1	15
	Policy NFP – P2.....	17
	Policy NFL – P3.....	19
	Policy NFL – P4.....	19
	Policy NFL – P5.....	20
	Rules	20
	Rule NFL – R1	20
	Rule NFL – R3 and Rule NFL – R9.....	21
	Rule NFL – R4.....	22
	Rule NFL – R5.....	22
	Rule NFL – R6.....	24
	Rule NFL – R8.....	26
	Rule NFL – R10.....	27
	Rule NFL – R12.....	28

Rule NFL – R14.....	28
8.0 CONCLUSION.....	28
APPENDIX ONE: KEY POLICIES FROM THE NPSREG.....	1
APPENDIX TWO: LOCATION OF MANAWA SCHEMES.....	2
DILLMANS DUFFERS KUMARA SCHEME.....	3
MCKAYS KANIERE SCHEME.....	6
WAHAPO SCHEME	8
APPENDIX THREE: SECTION 32AA ANALYSIS	10

1.0 SUMMARY

- 1.1 My evidence focusses on the Natural Character and Landscape provisions of the Proposed Te Tai o Poutini Plan (**pTTPP**) 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 (submitter ID number **S438**) made numerous submissions points that are related to this topic and raised issues of concern associated with the policy framework content and structure, as well as the technical information that sits behind this chapter. Manawa has concerns regarding the process associated with the identification of Outstanding Natural Features and Landscapes ('**ONFL**'), the ONFL features identified as they relate to specific Manawa operations, and the manner in which this information relating to ONFL is proposed to be incorporated into the pTTPP.
- 1.4 Overall, I am of the view that the chapter (both as notified as and as recommended to be amended by the reporting officer) does not fully give effect to the NPSREG as it does not sufficiently provide for Renewable Electricity Generation (**REG**) activities, especially existing activities, within ONFL areas. I consider that a range of changes are necessary to give effect to higher order documents, remove confusion and overlapping provisions, and improve the approach to REG activities as a matter of national importance.

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 2 October 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.

2.4 My colleague Mr James Bentley, a highly experienced Senior Landscape Architect and Partner with Boffa Miskell Limited, will also present expert landscape planning evidence on this topic on behalf of Manawa Energy. I have relied on the evidence of Mr Bentley in the preparation of parts of my evidence.

3.0 PROCEDURAL MATTER

3.1 In preparing this evidence, I have had some concerns over the availability of information and the ability to address ONFL matters. In note that Ms Easton's s42A report¹ includes the following statement:

'Te Tai o Poutini Plan Committee (S171.001) seeks that the area of extent of the ONL overlay on the maps be amended to reflect the updated boundaries that have been provided by Brown Limited based on their reassessment and remapping of all of the ONLs in September 2022'.

3.2 The submission by the Te Tai o Poutini Plan Committee is contained on the pTTPP website². This submission (emphasis added) states:

*"A further reassessment of the Outstanding Natural Landscape boundaries has now been completed by Brown Ltd. This reassessment was undertaken because for many areas, the boundaries of these overlays in the Proposed Plan reflects work done in 2013. Since that time there have been landscape changes, and the quality of aerial photography and GIS resolution has increased substantially. The Committee submit that the updated Brown Ltd work from the 2022 resurvey (dated September 2022 **and appended to this submission**) be used to form the basis of the boundaries of these overlays where this identifies that the boundaries should be reduced from the Proposed Plan mapped boundaries."*

¹ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraphs 330-331, page 124.

² Original Submissions by Submitter - Te Tai o Poutini Plan | West Coast District Plan (tppp.nz)

However, the copy of the submission available on the website does not appear to include any appendix.

- 3.3 There are however a number of updated Landscape and Natural Character reports available on the pTTPP website³ under the heading of Technical Reports. This gives the appearance that these reports influenced the content of the proposed Plan and accordingly formed part of the S32 analysis, but it would now appear that they actually relate to the Te Tai o Poutini Plan Committee submission.
- 3.4 Subsequently additional technical advice from Ms Gilbert was provided on 31 January 2024 and this introduced further changes to the mapping (referencing mapping dated January 2024) as well as providing commentary on the methodology of the landscape assessment. This in turn was relied upon for further recommendations by Ms Easton also provided on 31 January 2024⁴. I have been unable to be confident about what mapping is being referenced at times in the S42A report and the addendum to such. Further it is difficult to interpret the various inserted maps in the reports and understand the implications of these inserted maps as they are at a range of scales and with different mapping styles.
- 3.5 Regardless, my evidence (and that of Mr Bentley) has relied on both the original landscape study material prepared by Mr Brown and the revisions, in addition to that material provided to the Panel by Ms Gilbert and Ms Easton. The various iterations of information have not made assessment of impacts of this topic easy for submitters.

4.0 APPROACH TO EVIDENCE

4.1 My evidence below is approached as follows:

4.1.1 Firstly, I will provide a brief overview of the current Manawa schemes specifically affected by the identified ONFL areas, as this will place my evidence in context and will also enable the Panel to more fully understand the implications of the natural features and landscape provisions of the Plan for existing Manawa operations. Appendix Two also contains snips showing the location of these schemes in context⁵.

4.1.2 Next I comment on the technical Landscape Study and landscape advice prepared for the reporting officer, as this technical information underpins what

³ Technical Reports - Te Tai o Poutini Plan | West Coast District Plan (tpp.nz)

⁴ This only allows (generously) 8 working days for assessment of the information and preparation of evidence in response.

⁵ This repeats some of the information provided to the Panel in the evidence of Ms Foran dated 29 September 2023.

goes into the pTTPP. This relates to the identification and mapping of ONFL, including how these areas are assessed, and the way that this information has been integrated within the pTTPP provisions.

4.1.3 Finally, I turn to a detailed consideration of the objectives, policies and provisions proposed that reflects on the way in which these provisions impact on REG activities.

5.0 MANAWA SCHEME LOCATIONS IN RESPECT OF NATURAL FEATURES AND LANDSCAPES

5.1 Ms Foran presented detailed evidence on the location of the relevant Manawa schemes in her evidence on Topics 1 and 2. I do not wish to repeat the specifics of the schemes here, but I do point out below how these schemes coincide with the ONFL areas identified and thus where the schemes are impacted by the ONFL overlays and provisions. I have included in my **Appendix Two** a series of graphics that show the location of the schemes in relation to the ONFL boundaries.

Kumara Scheme

5.2 The Dillmans Duffers Kumara Scheme runs from the headwaters of the Kawhaka river via two reservoirs, a network of canals and streams, through three power stations and discharges into the Taramakau River. Notably, the scheme provides critical electricity supply for the West Coast, in the event that the transmission line from Coleridge is out of service. Some components of the scheme are within or in close proximity to proposed ONL 27 (Lower Taramakau River & Kawhaka Forest), including the two main water reservoirs and their dams, while other components such as the Dillmans canal are not within the ONL.

McKays Kaniere Scheme

5.3 The Kaniere Scheme is located approximately 16km southeast of Hokitika. It is fed from Lake Kaniere via races, and discharges into the Kaniere River at Kaniere Forks. The McKays Scheme is supplied via a weir and race from the Kaniere River, and weir from Blue Bottle Creek, and is synchronised with the Kaniere Scheme. Some components of the scheme are within or close to proposed ONL 25 (Lake Kaniere), while other components, such as the power stations, are not within the ONL.

Wahapo Scheme

- 5.4 The Wahapo Scheme was formerly known as the Okarito Forks Power Station and plays a vital role in ensuring reliable supply of electricity to South Westland. Of particular note, this station is able to start from a 'black start'. This means that 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 stability while other electricity generators connect. It is located partly within proposed ONL 15b (Koihaihai/ Gillespies Point to Te Kohumarua Bluff) and partly within ONL 16b (Okarito Lagoon to Mt Bird).

Arnold Scheme

- 5.5 The Arnold Scheme is located on the Arnold River and fed by Lake Brunner. It is located downstream from proposed ONL 29 and to the east of proposed ONL 30b, but is not within any ONL.

6.0 LANDSCAPE STUDY, TECHNICAL LANDSCAPE ADVICE AND SCHEDULES

General Comments

- 6.1 The submission by Manawa raised significant concerns regarding the approach taken to identification and assessment of ONFL areas. It was noted in the submission that the approach taken does not appear to be robust or based on current best practice in undertaking such work for a District Plan, especially given how dated some of the information is. In relation to the schedules that translate the identified values into the pTTPP context, Manawa sought a range of amendments through their submission (S438.142) including a review of the methodology behind the technical work and amendments to the mapping and schedules that include the values of the ONFL areas⁶. Ms Easton has recommended that the submission be accepted in part⁷ and considers the further amendments recommended by Ms Gilbert (noted below) would further assist to address these matters.
- 6.2 I consider this to be a critical matter as it is the identification and assessment of ONFL areas, including their mapping and descriptions of values, that underpins the approach to this whole chapter and to the provisions that relate to this topic. Where the technical

⁶ This was also sought in relation to the submission made on NFL – P1 and assessed as submission point S438.087.

⁷ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraphs 342-345, pages 128 – 131; Appendix Two

assessment is not robust, the rest of the provisions cannot be relied upon to be on a sound foundation.

- 6.3 I have been involved in the planning aspects of undertaking regional and district-wide ONFL projects, including the application of the technical work to the planning framework, for a number of parts of the South Island⁸ and I am familiar with contemporary best practice in this regard. In my experience, the approach taken for the pTTPP is lacking in a number of aspects. I also note that the agreed and nationally accepted approaches to these issues have evolved over recent years and have been very recently made nationally consistent through the guidance provided by Te Tangi a te Manu⁹. Given the timing, this nationally consistent approach would not have been applied to the pTTPP technical work.
- 6.4 From a planning perspective, my particular concerns relate to the way the **values** of the ONFL areas have been expressed in the technical report and then transferred into the pTTPP, and the lack of recognition of the **existing activities/modification** within each of the ONFL areas.
- 6.5 The **values** of the ONFL areas have been expressed in the technical report and then transferred into the pTTPP within Schedules 5 and 6. The landscape values are very brief and appear almost generic. The bullet point approach, combined with an idealised set of descriptions, highlighting only the most idyllic aspects of the areas, does not provide a robust description of the ONFL areas. As the Panel is aware, one of the considerations in any resource consent application is the assessment of effects of a proposal against the identified values that make the area outstanding. The schedules of values are extremely important in understanding what makes the ONFL areas special, essentially setting the existing environment at the time of assessment. The schedule of values sets the baseline against which any activities within an area would be assessed and enables a consideration of what the effects on values are. Without sufficient understanding of values there is no ability to judge changes to an area accurately and make a robust assessment of the effects of an activity. This makes it very difficult for council to appropriately manage these landscapes in accordance with RMA Section 6(b).
- 6.6 The policy framework proposed in the pTTPP requires an assessment of the effects of an activity on the values of an ONFL. Specifically, policy NFL – P2 as notified states “Where possible, avoid significant adverse effects on the values that contribute to

⁸ For example, I undertook the planning advice and drafting for the Landscapes topic for the Selwyn and Timaru District Plan reviews and am presently working on plan review issues, including landscapes, in the Tasman District.

⁹ [Te Tangi a te Manu | New Zealand Institute of Landscape Architects Tuia Pito Ora \(nzila.co.nz\)](https://nzila.co.nz)

outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six..." (emphasis added). This policy approach is, rightly, to manage effects on landscape values but this is impossible if there is no accurate articulation of what the values are, or if they are so high level, they are simply generic. 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. I consider it to be essential to provide more fulsome and accurate descriptions of the values of the ONFL areas within the schedules in the pTTPP.

- 6.7 The lack of recognition of the **existing activities/modification** within each of the ONFL areas increases the inaccuracy of understanding of these 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 already within the ONFL areas such as state highways, renewable electricity generation activities, transmission structures, and other regionally significant infrastructure, as well as rural and domestic activities. These already exist in the ONFL and need to be recognised as being a part of the outstanding landscape rather than brushed over in a few places. This is particularly important in providing for change to existing activities in these areas in relation to their continued operation, maintenance and upgrading; and in understanding the ability of an area to absorb change.
- 6.8 In regard to these issues, I note that Ms Easton has addressed this in her report (in her section on policies as a whole¹⁰), and she states:

I support the inclusion of additional information around characterising the landscapes and describing their values in the schedule, and this was also a recommendation in the Introduction and General Provisions s42A report. I do not support the inclusion of information around existing activities and modifications – this will inevitably become out of date and therefore not a useful inclusion in the Plan.

- 6.9 However, Ms Gilbert has recommended¹¹:

Clear guidance is included in the TTPP (perhaps by way of a Preamble to TTPP Part 4: Schedule Five: Outstanding Natural Landscapes), that explains:

i. the reasonably high-level nature of the ONL Schedules;

¹⁰ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 94, page 33; Appendix Two.

¹¹ Te Tai o Poutini Plan Landscape Report, Bridget Gilbert, Prepared for: The West Coast Regional Council January 2024, Executive Summary, paragraph 1.2 c).

- ii. that the landscape values identified relate to the ONL as a whole, rather than specific sites; and*
- iii. that other landscape values may be identified as part of an application-specific landscape assessment, including landscape modifications that are an accepted part of the landscape (e.g. infrastructure, buildings) and more negative landscape attributes (e.g. pests).*

6.10 Such guidance being inserted within the schedule would assist to ensure that the understanding of what is special about these areas is not misunderstood and would assist to ensure the recognition of existing activities and modification. I support Ms Gilbert's recommendation and reiterate this needs to be inserted within the Schedule in sufficient detail as to be meaningful to users of the Plan.

Technical advice – Landscape Study Methodology and Content

6.11 In terms of the approach to methodology, the content of the technical work and the mapping of the ONFL areas, I rely on Mr Bentley's evidence which addresses:

- The methodology applied to the Landscape Study;
- The assessments and descriptions within the Landscape Study; and
- The mapping in the Plan as notified, and as amended through various iterations;

6.12 Mr Bentley considers that the **methodology** used in the landscape work undertaken by Brown Limited has employed a 'too high level' approach, ignoring key steps in the landscape assessment process which has resulted in errors in mapping and broad sweeping descriptions¹². He agrees that a preamble should be inserted in Schedule 5 to better address landscape values, and that recognition of existing activities / modifications should be included¹³.

6.13 Mr Bentley has provided evidence on the specific area of Manawa's interests in respect to ONLs 15, 16, 25 and 27, and the recommended changes to ONL boundaries. I do not propose to repeat these comments here, other than to endorse his recommended adjustments to ONL boundaries.

¹² Evidence of Mr Bentley, dated 12 February 2024, conclusion.

¹³ Ibid

7.0 PART 2, DISTRICT WIDE MATTERS – NATURAL ENVIRONMENT VALUES – NATURAL FEATURES AND LANDSCAPES

Repeated Submission Themes

- 7.1 The submission points relevant to this chapter include some key themes that are repeated in a number of submission points relating to the objectives, policies and rules (and also in other Manawa submission points on other chapters). These include¹⁴:
- Not using the term ‘minimise’ and using ‘avoid, remedy or mitigate’ or referencing the effects management hierarchy.
 - Referring to both functional need and operational need consistently.
 - Referring to regionally significant infrastructure (rather than critical infrastructure) and renewable electricity generation (rather than energy activity) for consistency with other parts of the plan and evidence on other chapters.

I address these points where applicable below.

General Comments

- 7.2 The premise behind the Manawa submission is that in giving effect to higher order documents it is essential to ensure that there is a consistent and integrated approach within all parts of the pTTPP. In relation to REG activities, I note that it is important to ensure that there is recognition of the national significance of REG and provision for such activities, in order to give effect to the RMA and to the NPSREG. This recognition and enablement have been discussed previously in evidence and with the Panel for the Energy section of the EIT chapter. It is, however, necessary in my opinion to continue such an approach into the rest of the pTTPP. In essence, if REG is provided for in the Energy section but such enablement is overridden in region wide chapters it does not give effect to those higher order documents. This is not to say that REG activities should not have to address region wide issues such as Landscapes, but simply that there needs to be consistent provision for consideration of activities of national significance through consents and assessment of effects.
- 7.3 I have some concern over a number of the recommended changes in respect of a number of policy provisions to ‘maintain and enhance’ the values of an ONFL, as opposed to ‘avoiding adverse effects’ on ONFL values. This amended terminology is

¹⁴ Submission points relating to the Overview (S438.084) (noting this submission point does not appear to have been specifically addressed in the s42A report), NFL – P1 (S438.087), NFL – R1 (S438.092), NFL – R3 (S438.093), NFL – R6 (S438.096), NFL – R9 (S438.098), and NFL – R10 (S438.099).

inconsistent with the intent of s6(b) of the Resource Management Act 1991 which includes no reference to the maintenance and enhancement of the values of ONFL's. As the Panel are aware, this section states: '*the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*'. The amendment of the wording applies a different test and could be interpreted to go further than protection.

Overview

- 7.4 Manawa sought that the text of the Overview be altered to use the term 'regionally significant infrastructure' rather than 'critical infrastructure'¹⁵. This relates to consistency throughout the Plan. This matter was not addressed in the s42A report and the recommended changes in Appendix 2 to the officer's report have not included this change. I understand from previous hearings and caucusing that there is general acceptance of this change throughout the pTTPP, and I recommend that this also be applied to this Overview. I also note that the reference to REG activities within the Overview is supported.

Objective and Policies

Objective NFL – O1

- 7.5 The Manawa submission point on Objective 1¹⁶ seeks that this objective be simplified to refer just to protecting the values of outstanding natural landscapes and outstanding natural features to align with the direction in the RMA section 6(b).
- 7.6 Ms Easton supports changes relating to placement of the wording to '*... are protected from ...*' within the objective, but does not support the deletion of the end of the policy (ie the removal of the words '*where the values that make the landscape or feature outstanding can be maintained or enhanced*')¹⁷.
- 7.7 I have considerable concern over the wording used in the latter part of the objective. I do not consider such wording reflects Council's obligations under the provisions of s6(b) but extends these further than is directed by the Act and provides an additional 'hurdle' which is above and beyond legislative requirements. I also consider that maintenance and enhancement is an unreasonable expectation for all ONFL at an

¹⁵ Submission point S438.084

¹⁶ Submission point S438.085

¹⁷ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 86, page 31; Appendix Two.

objective level and it could be interpreted to imply a 'predetermination' of what is considered appropriate or inappropriate. I recommend that the objective be simplified to read:

The values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini are protected from inappropriate subdivision, use and development.

- 7.8 I note that this same concern applies to policies that also use the term "maintain and enhance" as set out below.

Policy Structure and New Proposed Policy

- 7.9 The submission point from Manawa on the general structure of the policy framework relates also to the landscape study/s which underpin this¹⁸. This submission point is quite extensive, and I have already dealt with a number of the matters raised in the earlier sections of my evidence. This also links to the submission point seeking inclusion of a policy outlining the approach to identification of ONFL¹⁹. The residual aspects of these submission points relate to:

- Inclusion of the criteria and methodology for the identification and assessment of ONFL at the policy level.
- Revision of the policies to provide a clear hierarchy setting out what activities are enabled, provided for, managed and avoided.

- 7.10 Ms Easton has recommended that one submission point be accepted in part and the other rejected²⁰. In her assessment she states that she does not consider that the criteria and methodology for the ONFL should be included in the policies. Instead she recommends the inclusion of such information in the Overview²¹. She does not consider that any further ONFL are likely to be identified within the District as the entire West Coast has been assessed and the criteria and methodology is outlined in the s32 report and the supporting technical reports²².

- 7.11 I do not agree with the comments made by Ms Easton. I consider that the criteria used for the specific identification of areas of significance within a planning document should

¹⁸ Submission point S438.083

¹⁹ Submission point S438.086

²⁰ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraphs 93/94, page 33; and Appendix Two

²¹ Ibid.

²² Ibid.

be transparent. Further I note that method 1 in Chapter 7B of the Natural Features and Landscapes chapter of the West Coast Regional Policy Statement states “*Develop a regionally consistent set of criteria for the identification of outstanding natural features and outstanding natural landscapes and their values, and include the criteria in the regional and district plans.*” Relying on the s32 and technical reports in my view is not sufficient as this essential material should be contained within the plan.

- 7.12 I consider that the identification of ONFL needs to be undertaken in a transparent and robust manner with the criteria outlined in the District Plan to enable all parties to understand how such identification has been undertaken. Without this being transparent it undermines the ability to be sure the right areas are identified and thus undermines the protection afforded to these areas.
- 7.13 Ms Easton’s recommendation that the overview is amended to provide a brief description of the values upon which the ONLs have been identified (i.e., biophysical values, perceptual/ aesthetic values and associative values) is not in my opinion sufficient to address this requirement. I consider that this would be more appropriately included at the policy level as sought in the Manawa submission. As an alternative it could be located at the commencement of Schedule Five, or as an appendix to the Natural Features and Landscapes section of the Plan as suggested in the report prepared by Ms Gilbert²³. I also consider that this should be the first policy in this section of the Plan, thereby providing some guidance for the interpretation of further policies.
- 7.14 In addition I note that Ms Gilbert identifies the need to reassess the updated ONL mapping to check the linework and make further amendments²⁴. It is important to have clear criteria in place in the plan to guide such further adjustment.
- 7.15 Ms Easton does not support the inclusion of information around existing activities and modifications. She states that ‘*inevitably become out of date and therefore not a useful inclusion in the Plan*’²⁵. I strongly disagree with this view, as the identification of the existing environment at the time of assessment as an ONL is essential to the understanding of change over time. Activities, such as hydroelectric power schemes, are acknowledged to be regionally significant infrastructure and in the case of the Manawa schemes have all been in existence for many years. These and other

²³ Te Tai o Poutini Plan Landscape Report, Bridget Gilbert, Prepared for: The West Coast Regional Council January 2024, Executive Summary, paragraph 1.2 c).

²⁴ Te Tai o Poutini Plan Landscape Report, Bridget Gilbert, Prepared for: The West Coast Regional Council January 2024, Executive Summary, paragraph 1.2 d).

²⁵ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 93/94, page 33; Appendix Two.

substantive infrastructure form part of the current landscape and represent a substantial investment.

- 7.16 I consider that inclusion of this information will provide guidance to decision makers as to what constitutes an 'appropriate' development within an outstanding natural landscape. I encourage the Panel to read Schedule Five with this statement in mind. My reading of this schedule, at face value, provides an impression that the ONLs are pristine natural environments devoid of structures. For example, the description for ONL 27 makes almost no mention of any modification of the natural environment nor the existence of manmade features, despite that ONL containing State Highway 1 and the main transmission lines, as well as the Dillmans Duffers Kumara Scheme, and other modifications. My prime concern here is that the comments made in Schedule Five (Site Type and Values) will be the basis upon which resource consents will be assessed.
- 7.17 In terms of a hierarchy of policies, Ms Easton considers that this has been addressed through amendments proposed in response to submissions²⁶. I disagree and do not consider that the policy framework provides a clear hierarchy. The policy structure at present lacks an identification of ONL / or criteria / or methodology used, rather it progresses straight to the manner in which activities are enabled, provided for, managed and avoided. Then the policies move from 'provide for' to 'avoid', to 'recognise' and 'require', and then back to 'enable'. I recommend that the policies be restructured to step through identification, activities provided for, management required and then what is to be avoided or some other logical progression.

Policy NFL – P1

- 7.18 The Manawa submission supports the intent of NFL - P1 and the specific recognition of infrastructure within ONFL areas²⁷. To improve the policy, Manawa requested that changes be made to the policy wording to clearly provide for the operation, maintenance and upgrading of existing electricity generation infrastructure activities, and the establishment of new infrastructure and renewable electricity generation facilities where there is a functional need for it to be located within these areas. The differentiation between existing and new activities would, in my opinion, assist in providing clarity around what is anticipated within ONFL areas and how this policy is to be achieved. In addition, the submission sought that the reference to adverse effects is prefaced by the term 'significantly'. This is an appropriate inclusion to ensure

²⁶ Ibid.

²⁷ Submission point S438.087

consistency with policy NFL – P2 and to recognise that it is unlikely that the anticipated activities will have no adverse effects.

- 7.19 Ms Easton has recommended that this submission be accepted in part²⁸.
- 7.20 In relation to the insertion of ‘significantly’, Ms Easton has preferred the approach put forward by the telecommunication companies and proposes to replace the wording ‘do not adversely affect’ in the policy with the wording ‘maintain’. I agree that this is an improvement and acknowledges a focus on values rather than effects. However, I remain concerned that the provisions of s6(b) of the RMA do not require values of ONL’s to be maintained but that the areas be protected from inappropriate activities which is a different test.
- 7.21 I have addressed matters relating to consistency of terminology earlier in this evidence and I support the proposed amendments to use ‘regionally significant infrastructure’. I note that the recommended amendments in Appendix 2 to the officer’s report include an amendment to refer to ‘renewable energy generation activities’ in clause a. but this should actually be ‘renewable electricity generation activities’.
- 7.22 Ms Easton has considered the differentiation between existing and new activities in the various clauses, and has made a number of amendments to the policy. In addition, she has also recommended the complete deletion of clause (g) from this policy. Ms Easton relies on the submission from DOC to delete this clause on the basis that “*without a clear understanding of the scale, placement or parameters around new REG or infrastructure it is hard to argue that the activity would have no more than minor adverse effects*”²⁹.
- 7.23 I acknowledge the references Ms Easton has made to the provisions of the RMA, the WCRPS and the NPSREG, and her working through of the reconciliation necessary between different directions in higher order documents³⁰. However, I wish to make the following points:
- Policy C1 a) of the NPSREG requires decision makers to have “*particular regard*” to “*the need to locate the REG activity where the renewable energy resource is available*”;

²⁸ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 114, page 41; Appendix Two.

²⁹ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraphs 124-126, pages 42-43

³⁰ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraphs 124 – 126, pages 42-43; Appendix Two.

- Policy C1 b) of the NPSREG requires decision makers to have “*particular regard*” to “*logistical or technical practicalities associated with developing, upgrading, operating or maintaining the REG activity*”;
- This clause is limited in its application only applying to new infrastructure and REG activities where there is a functional need and thus would only apply in context;

7.24 I note that the wider direction in all higher order documents for REG is to “*Provide for...*” or “*Allow activities...*” and I do not consider it is up to a policy to determine in advance what the effect may be. The policy should be enabling, with any necessary restraint applied at the rule and consent processing level where consideration of issues is case specific. The ‘test’ of “*no more than minor adverse effects*” under Policy 4 of Chapter 7B of the WCRPS does not need to be applied in the policy by assuming all new activities would have more than minor adverse effects but can be achieved through rules and consents. There are numerous rules relating to REG in the many chapters of the pTTPP which ensure that there are controls over the effects of REG activities. It is my opinion that clause g should be retained.

Policy NFP – P2

7.25 The submission from Manawa sought that policy NFL – P2 be amended to recognise practicability (as opposed to possibility)³¹. The submission point also seeks that in the approach to management of effects within the policy, ‘offset’ be replaced with ‘compensated if appropriate’.

7.26 I note 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. Amending the term would provide consistency. Further I note that all things can be considered possible but not all may be practicable.

7.27 Ms Easton supports the amendment of this term at the commencement of the policy but has not recommended the second change within the second sentence of the policy³². I consider that the inclusion of the words practicable/ practicably within the policy is appropriate and will ensure that the policy can be read in a coherent manner and not cause confusion. I recommend that both changes be made such that the policy reads:

³¹ Submission point S438.088

³² Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 135-139, page 46-47; Appendix Two.

Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot practicably be avoided, ensure...

- 7.28 The last part of the policy deals with effects. A number of other submitters have also commented on this matter. Ms Easton has stated that she prefers to the relief sought by DOC (S602.088) to include reference to an effects management hierarchy, as being the most 'technically accurate'³³. She also proposes the inclusion of the term 'minimised' (which she states is now proposed to be defined in the Plan)³⁴.
- 7.29 To say that the application of an effects management hierarchy (**EMH**) is 'technically accurate' is not actually the case. The use of this EMH approach is codified only in national level policy documents dealing with natural inland wetlands and rivers (NPSFW) and indigenous biodiversity (NPSIB), and there is no national direction to apply it to landscapes. There is no necessity to use such a term in this policy and I do not consider it appropriate that the effects management hierarchy apply to this landscape policy.
- 7.30 Further, 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 in that regard. The ability to remove or impact landscape values, but then to offset that effect with new landscape values is tenuous and not common practice. I do not consider that offsetting is an appropriate method of managing adverse effects on landscape values and I reiterate that this test should be removed from the policy. Compensation is a valid consideration for impacts on landscape values.
- 7.31 Finally, I reiterate evidence already provided about the inappropriateness of using the term 'minimise' which is untested in caselaw and could be misinterpreted, regardless of any newly created definition.
- 7.32 On this basis I recommend that the second part of the policy be amended to read:
- ... ensure that the adverse effects are otherwise remedied or mitigated or compensated as appropriate.*

³³ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraphs 135 – 139, pages 46-47; Appendix Two.

³⁴ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 136, pages 46; Appendix Two.

Policy NFL – P3

- 7.33 The submission by Manawa sought that NFL – P3 be retained as notified³⁵.
- 7.34 Ms Easton recommends that this be accepted in part³⁶, but that the policy be amended in response to other submissions made³⁷. One of the amendments proposes to delete the reference within the policy to ‘ensuring that values of ONFLs are not adversely affected’ and replace this with a requirement that these values are ‘maintained or enhanced’³⁸.
- 7.35 I do not agree with this proposed alteration in wording, and I have addressed this earlier in my evidence in relation to the Objective and Policy P1. I do not consider that this better reflects the intent of the WCRPS and the specific provision included in such for ‘not more than minor effects on that direction’ as referred to in the s42A report. I consider that changing this wording will be inconsistent with the intent of s6(b) of the Act which includes no reference to the maintenance and enhancement of the values of ONFL’s. Raising the bar in this way is unreasonable and not supported by higher order documents. With the statutory test being to protect the ONFL, I consider it unreasonable to then expect an appropriate activity to go further and enhance the values of an area. I do not support this amendment to the policy wording and recommend it revert to the wording notified.

Policy NFL – P4

- 7.36 The submission by Manawa sought a number of changes to the wording of this policy³⁹. These included replacing the word ‘minimise’, adding ‘where practicable’ and using ‘reducing’ rather than ‘limiting’.
- 7.37 In relation to the term ‘minimise’, Ms Easton has proposed to replacement of the term ‘minimise’ with ‘avoid, remedy or mitigate’⁴⁰. I prefer this wording over the use of the term ‘minimise’.

³⁵ Submission point S438.089

³⁶ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 143, page 51-52; Appendix Two.

³⁷ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 143-148, page 52

³⁸ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 145, page 52; Appendix Two – response to the submission of Terra Firma Mining Limited (S537.286).

³⁹ Submission point S438.090

⁴⁰ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 154-158, page 54

- 7.38 In terms of practicability, Ms Easton recommends adding the words ‘where these mitigation measures are practicable’ at the end of the policy such that these would relate to all clauses, and I support that approach.
- 7.39 In relation to the terms reducing and limiting, I simply note that I consider the term ‘limiting’ to be subjective. I acknowledge the addition of the word ‘including’ which will assist to make the policy more realistic.

Policy NFL – P5

- 7.40 Manawa lodged a submission point supporting 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. Manawa sought that clauses e and h be retained, and that the word ‘minimise’ is replace with the word ‘manage’ at the beginning of the policy⁴¹.
- 7.41 Ms Easton has made an overall recommendation to reject this submission point⁴², and has recommended a number of changes be made to the policy in response to other submissions⁴³. In essence these ‘reframe’ the policy to set out matters to be considered when assessing whether a proposal or a land use or subdivision is appropriate (in addition to the other policies). I generally support this ‘reframing’ and note that this resolves the concern over the use of the word minimise. I note that clauses e and h have been retained and I am unsure why the submission point has been rejected rather than accepted in part.

Rules

Rule NFL – R1

- 7.42 The submission by Manawa sought that rule NFL-R1 be amended to use terminology consistent with other sections of the Plan⁴⁴. Ms Easton agrees with this request⁴⁵.
- 7.43 The submission also sought a further amendment, to include a link in the permitted activity conditions to other key parts of the pTTPP (specifically the Energy and

⁴¹ Submission point S438.091

⁴² Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, Appendix Two.

⁴³ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 162-163, page 58

⁴⁴ Submission point S438.092

⁴⁵ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 235, page 87; Appendix Two.

Ecosystems and Biodiversity chapters). Ms Easton does not accept this amendment and I remain of the view that cross referencing can be of assistance to users of the plan.

Rule NFL – R3 and Rule NFL – R9

7.44 In relation to natural hazard mitigation, the Manawa submission included points relating to consistent use of terminology for regionally significant infrastructure and electricity generation activities⁴⁶. The use of consistent terminology throughout the Plan has been raised a number of times in the Manawa submission and in my evidence.

7.45 Ms Easton has recommended these submission points be rejected⁴⁷. Ms Easton is now recommending considerable change to these two rules such that resource consent be required for all new natural hazard mitigation measures and the ability to use the permitted activity rule is greatly reduced. She states that other amendments she has proposed would provide for the upgrading of lawfully established mitigation structures by a statutory agency as a permitted activity.

7.46 I note that the definition of ‘natural hazard mitigation structure’ in the interpretation section of the pTTPP means:

any structure designed to prevent or mitigate natural hazards. It includes but is not limited to: sand fence; seawall; groyne; gabion and revetment; breakwater; stopbank; retaining wall; bund; weir; spillway; floodgate, stopbank, building of rock fall/boulder roll protection structures, the mechanical fixing of rocks in situ, the associated re-contouring of slopes and/or land. It excludes retaining walls not required for a hazard mitigation purpose.

7.47 The definition is not prefaced on the basis of the status of the person undertaking the activity and I consider that this limitation being applied within the rule is unreasonably restrictive. I agree that such a rule should not be overly permissive and enable a wide range of activities to be undertaken by any persons. Also, I agree that territorial and regional authorities have specific legislative responsibilities in this regard. However, other parties also establish, operate and maintain these structures and are providing for regionally significant infrastructure that needs to be protected from natural hazards. Manawa infrastructure falls within the definitions of both lifeline utility, and regionally significant infrastructure, and protection of this infrastructure from natural hazards is

⁴⁶ Submission points S438.093 and S438.098

⁴⁷ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 193-213, page 67-69; Appendix Two.

essential to protect substantial investment and to provide for resilience of the West Coast. In this regard, Manawa is not a statutory agency and would be left out of this provision which I consider unreasonable. In resolving this issue while still limiting the extent of the rule, I recommend that rule R3 include provision for natural hazard mitigation structures to protect regional significant infrastructure, as that would better recognise the importance of this infrastructure.

- 7.48 In relation to temporary energy activities, I note that this matter has been addressed and dealt with under the EIT chapter and no longer is relevant to these provisions.

Rule NFL – R4

- 7.49 Manawa supported the retention of this rule as notified⁴⁸. Ms Easton has recommended that this be accepted⁴⁹ and I acknowledge that support.

Rule NFL – R5

- 7.50 The Manawa submission sought the amendment of this rule to provide for ancillary earthworks and vegetation to be undertaken in association with alteration or additions to existing buildings and structures within an identified ONL⁵⁰. An associated amendment within the submission point sought changes to the conditions proposed such that the height limit in existing condition 1 apply to new buildings and structures; and the inclusion of an additional condition applying to existing buildings and structures greater than 5m in height (such that the maximum height does not exceed an additional 30% increase in total height).
- 7.51 Ms Easton has recommended that this submission point be rejected⁵¹.
- 7.52 In relation to the first matter, she considers that indigenous vegetation clearance is more appropriately dealt with in the ECO chapter, and that earthworks “*are already provided for in Rule NFL – R6 where these are ancillary to an energy activity.*”⁵² I will address this issue below in relation to rule R6.

⁴⁸ Submission point S438.094

⁴⁹ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 240, page 88; Appendix Two.

⁵⁰ Submission point S438.095

⁵¹ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 244, page 88; Appendix Two.

⁵² Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 244, page 88

- 7.53 Ms Easton does not support the changes proposed to the clauses within the rule on the basis of the potential visual effects of the increase in height⁵³. She has rejected the request and instead has recommended introducing further restrictions on the maximum area of any addition and limiting upgrades to network utility operators.
- 7.54 I note that a number of assets owned and operated by Manawa are located within areas identified as Outstanding Natural Landscapes and some of these existing structures are of a significant scale, e.g. dams, canals and power stations. Undertaking work on a regular basis to these structures is essential to their ongoing operation, and upgrades to enable efficiency and deal with matters such as dam safety also need to be undertaken at times. I consider that limiting the scale of additions and alterations to a maximum height of 5m (and now also limiting the area under other recommended changes) is unreasonably limiting on existing activities and especially on activities that are regionally significant infrastructure and essential to resilience.
- 7.55 This issue further reinforces my point earlier that the lack of recognition of the existing activities within ONFL areas is a flaw in the plan and that this recognition is a necessary basis against which assessment of change should be set. I consider 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, nor does it recognise the scale of the landscape areas within which they are located. I consider that this is a critical oversight of the Plan, and does not give effect to the provisions of the NPSREG (in particular the functional or operational need of infrastructure to locate where the renewable energy resource is available; having regard to the location of existing structures and infrastructure). Further, I consider that this limitation in height does not appropriately reflect the approach to such taken in the ENG and INF chapters of the Plan.
- 7.56 In my opinion, limiting works to network utility operators is similarly unreasonably limiting. Many network utilities are not deemed to be of national significance, but REG activities are by way of the NPSREG. The rule essentially provides a pathway for infrastructure that is not nationally (or potentially even regionally) significant, that is more enabling than nationally significant infrastructure. This is inappropriate in my view. To resolve this issue, I recommend that either the chapeau to the rule be amended to refer to Renewable Electricity Generation Activities, Electricity Transmission Activities and Regionally Significant Infrastructure, and that proposed clause 3 be amended to remove reference to network utility operators. Or, as an

⁵³ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 244, page 88

alternative, an additional clause could be added to relate specifically to REG activities and provide for realistic alterations and additions.

- 7.57 In further support for resolution of this issue, I note that Mr Bentley comments that *“Many of the ONLs are very large, and some contain a level of development within them that may appear very small. Therefore, there may be capacity for some change to be considered at a project/ consent level, where the level of adverse effects could be considered very low/ appropriate.”*. Requiring onerous consents for change to existing activities within these large ONL areas does not appear to me to be reasonable or necessary.

Rule NFL – R6

- 7.58 Proposed Rule 6 applies to earthworks within an identified ONFL. The submission by Manawa sought that this be amended to reflect terminology used elsewhere in the Plan, and to otherwise clarify that the additional volumetric and cut and depth restrictions relate to activities other than those referred to in the second clause⁵⁴.
- 7.59 Ms Easton has recommended that this submission be rejected⁵⁵.
- 7.60 In relation to rule R5 discussed above, Ms Easton commented that earthworks *“are already provided for in Rule NFL – R6 where these are ancillary to an energy activity.”*⁵⁶ However Ms Easton then goes on in her assessment of rule R6 to recommend clause 2.b. be deleted outright on the basis that the change *“could effectively allow the construction of a major energy generation activity in an ONFL without resource consent. I do not support this as I consider that the rule was specifically targeting transmission and distribution activities, and that replacing this with renewable energy generation could lead to adverse effects on ONFL without appropriate assessment and management.”* These two comments appear to be contradictory.
- 7.61 Ms Easton has also recommended other changes to this rule (as a result of other submissions) which would limit application of this rule to an infrastructure activity undertaken by a network utility operator⁵⁷.

⁵⁴ Submission point S438.096

⁵⁵ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 254, page 89; Appendix Two. Note: this submission is incorrectly coded in the s42A report as S428.096).

⁵⁶ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 244, page 88

⁵⁷ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 263, page 91; Appendix Two.

- 7.62 In essence, the recommended deletion of clause 2.b. means that there is no longer any provision for any permitted earthworks associated with a REG activity. There is also no longer any cross reference to the rules within the ENG section of the plan that provide for such activities. Further, Manawa would not be covered by this rule despite being regionally significant infrastructure and nationally significant, as they are not a network utility operator by definition.
- 7.63 I do not consider that such restriction is appropriate or necessary, and I do not consider that this would give effect to the NPSREG and other higher order documents that seek to ensure enablement of REG activities. The rule as notified limits earthworks to those ‘ancillary’ to these specified activities and thus there is no ability for this rule to allow “*construction of a major energy generation activity without consent*” as Ms Easton states. This rule simply applies to earthworks and not to activities more widely.
- 7.64 Further Ms Easton states that she considers this rule to be specific to transmission and distribution (despite this not being stipulated in the rule). This does not appear to recognise that the scope of activities which could be undertaken by a network utility operator for transmission and distribution is extremely wide. For example, this would cover the activities undertaken by Transpower, Westpower and Buller Electricity that cover substantial distances across the Region and which do not all have national significance.
- 7.65 Further I note that the definition of ‘energy activities’ is very wide and encompasses some activities that are nationally significant (REG and transmission), some activities that are regionally significant (distribution) and a range of other activities. In giving preference to some energy activities over others, it is important in my opinion to be clear about why such preference has been granted. I consider that nationally significant activities should be considered first. I also note that this approach has been discussed at length in regard to the ENG section of the EIT chapter, with generation, transmission and distribution identified as the aspects of ‘energy activities’ that should have priority.
- 7.66 I consider it essential that earthworks associated with REG activities be provided for, at least to some degree, and I recommend that clause 2.b. be reinstated in an amended form as follows:

b. An Electricity Transmission or Distribution activity, or Renewable Electricity Generation activity, in accordance with the Permitted Activity standards in Energy Rule ENG - R4, ⁵⁸

An alternative approach, if the scale of potential effect was of concern to the Panel, would be to insert an additional clause for these regionally significant infrastructure activities that limits the permitted scale of earthworks, but is not as limiting as that applied to all general earthworks across the region.

Rule NFL – R8

- 7.67 The Manawa submission⁵⁹ sought that an amendment is made to clause 5 to provide for small buildings up to 100m² in area. This would align with other activities and improve consistency within the Plan as well as giving effect to the NPSREG.
- 7.68 Ms Easton recommended that this is accept in part, but that the provision should be limited to one small scale REG activity per site within the permitted activity standard⁶⁰. No associated explanation is provided to explain why this should be an appropriate limit.
- 7.69 I consider that it is impractical and unreasonable to link this activity to an allotment given the nature of land ownership and the scale of land holdings associated with REG activities. In the case of landowners with multiple small titles this could mean numerous buildings, however in the case of Manawa where large titles are held this would enable only one building in a very large area. This does not appropriately deal with potential effects and penalises owners of large land holdings. Numerous small buildings associated with a hydroelectric power scheme that stretches over many kilometres are unlikely in my opinion to risk significant adverse effects on an ONL. Further, I consider that this further emphasises the inconsistencies between Plan provisions. I recommend that this wording be replaced with that set out in the Manawa submission.

⁵⁸ In this regard I note the amendments to the ENG section and that there may need to be amendment to the rule that is referenced rather than ENG-R4 once that section is determined.

⁵⁹ Submission point S438.097

⁶⁰ Te Tai o Poutini Plan, Section 42A Officer's Report, Landscape and Natural Features, L Easton, paragraph 275, page 92; Appendix Two.

Rule NFL – R10

- 7.70 The Manawa submission point on this rule⁶¹ again points out the need for consistent terminology throughout the pTTPP, and also seeks that this rule be widened in scope to provide for the upgrade, maintenance, operation and repair of REG activities, and regionally significant infrastructure (consistent with other provisions). Ms Easton supports these amendments⁶² and I acknowledge that support.
- 7.71 In addition, the Manawa submission point seeks to delete the term ‘landscape measures’ from the list of matters to which discretion is limited. Ms Easton opposes this deletion and considers it to be “*sufficiently different to the other matters to be included separately*”. Mr Bentley has addressed this matter and commented that the current wording is ambiguous and does not appropriately direct assessment of a proposal. I agree with that concern, and I consider that the wording at present is inadequate for a matter of discretion. It is not obvious what it is about landscape measures that is to be assessed and therefore it is not possible for users of the plan to understand what is sought, or for the three Council’s to apply it consistently. I recommend that it be either deleted or amended for clarity.
- 7.72 I also note my concern over the proposed change in activity status as recommended by Ms Easton in relation to submissions lodged by DOC (S602.097) and Forest and Bird (S560.507)⁶³. Ms Easton appears to base this recommendation on consistency with recommendations made on other parts of the plan; and that earthworks not sensitively designed and located can have more than minor effects on ONL and ONF values. I consider that controlled activity status is appropriate here when the activities to which the rule is limited are constrained in their nature. I consider altering the activity status of this rule places a further restriction on of REG activities (and therefore does not give effect to the NPSREG).
- 7.73 For example, the effect of this change in activity status is that whilst NFL - R1 provides for the maintenance of REG activities as a permitted activity, associated earthworks considered under NFL – R6 are so limited that they are likely to default to restricted discretionary activity. This does not appear reasonable given the direction to enable REG activity. I also note that this would give this aspect of a REG activity the same activity status as other activities (e.g. mineral extraction activities in the Buller Coalfield

⁶¹ Submission point S438.099

⁶² Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 296 page 102; Appendix Two.

⁶³ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 298 - 299 page 103; Appendix Two.

Zone and Mineral Extraction Zone (proposed Rule NFL – R10A⁶⁴) and this does not appear reasonable. This does not appropriately give effect to higher order documents or recognise the national significance of REG activities.

Rule NFL – R12

- 7.74 The Manawa submission point on this rule⁶⁵ again seeks to delete the matter of discretion ‘landscape measures’, and within this clause seeks recognition of ‘functional or operational needs’ as a matter of discretion. Ms Easton recommends this submission point be accepted in part / rejected⁶⁶.
- 7.75 For the reasons expressed above I consider that the term ‘landscape measures’ should be deleted or at least amended to provide clarity. I acknowledge Ms Easton’s support for the addition of ‘functional and optional needs’ in clause i.

Rule NFL – R14

- 7.76 The submission by Manawa seeks that this rule is retained as notified⁶⁷. Ms Easton recommends that this be accepted⁶⁸. I note that changes are proposed to this rule as a result of other submissions. I do not support the change in activity status proposed as set out above, and therefore endorse the original relief sought and the rule remaining as notified.

8.0 CONCLUSION

- 8.1 I consider there are a range of amendments necessary to the landscape chapter and its underlying technical assessment. These changes are necessary to ensure consistency, remove confusion and ensure consistent understanding and implementation of the provisions.
- 8.2 In particular I consider that there is a necessity to ensure integration across the plan in the application of provisions that deal with REG activities. I reiterate that I do not consider it appropriate to exempt REG activities from district wide provisions such as landscapes but that there needs to be consistency in the way the rules are applied. In giving effect

⁶⁴ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 294, page 102; Appendix Two.

⁶⁵ Submission point S438.100

⁶⁶ There are conflicting statements in Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 304, page 103 and Appendix Two.

⁶⁷ Submission point S438.101

⁶⁸ Te Tai o Poutini Plan, Section 42A Officer’s Report, Landscape and Natural Features, L Easton, paragraph 275, page 92; Appendix Two.

to higher order documents, enabling REG needs to be provided for throughout the plan and not only in the ENG chapter.

APPENDIX ONE: KEY POLICIES FROM THE NPSREG

The particular policies that are most relevant to the development of the pTTPP (emphasis added):

POLICY A

Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to: ...

POLICY B

Decision-makers shall have particular regard to the following matters:

a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and

b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and

c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

POLICY C1

Decision-makers shall have particular regard to the following matters:

a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;

b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;

c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid; ...

POLICY C2

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

POLICY D

Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

POLICY E2

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.

POLICY G

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.

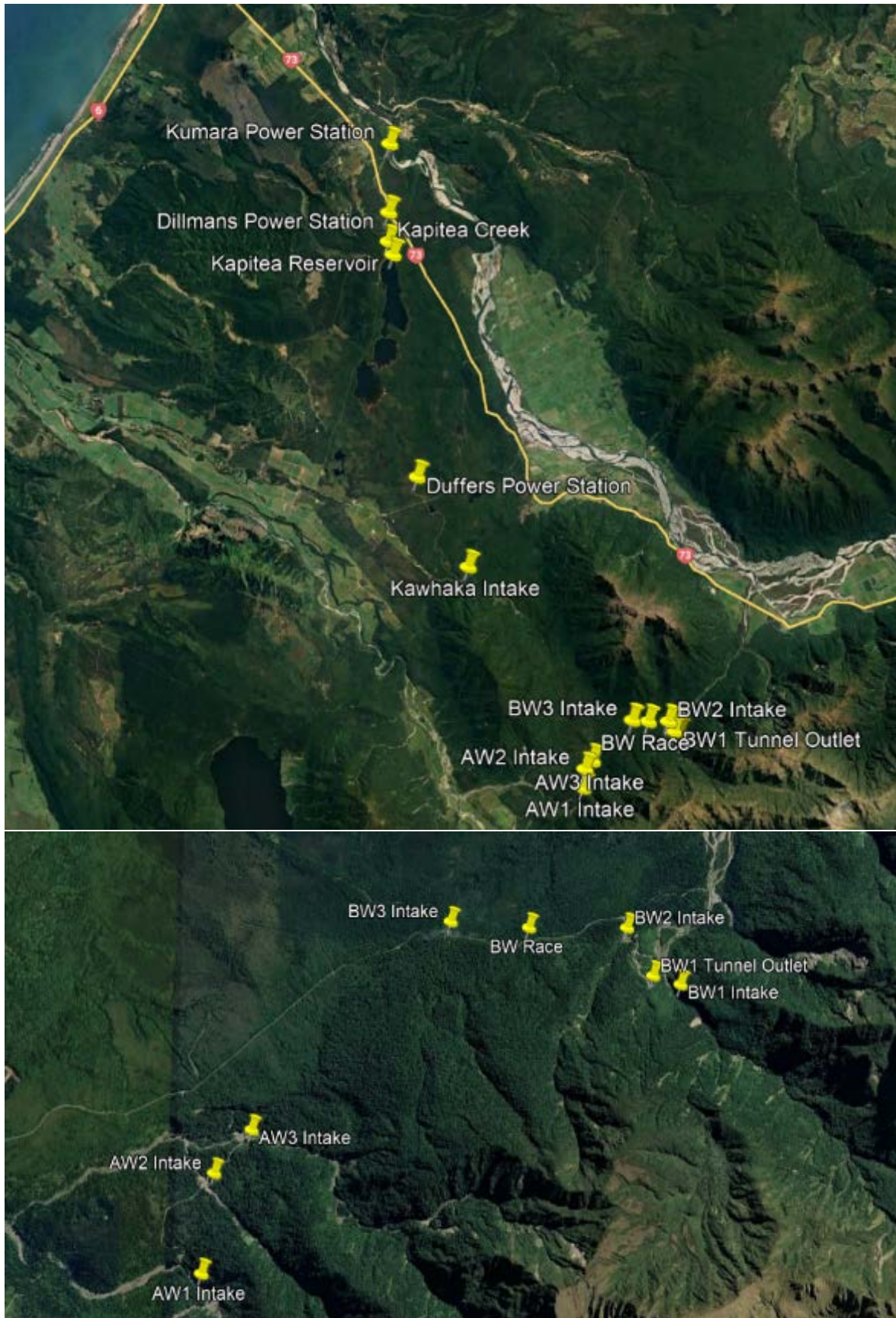
APPENDIX TWO: LOCATION OF MANAWA SCHEMES

General Scheme locations:



DILLMANS DUFFERS KUMARA SCHEME

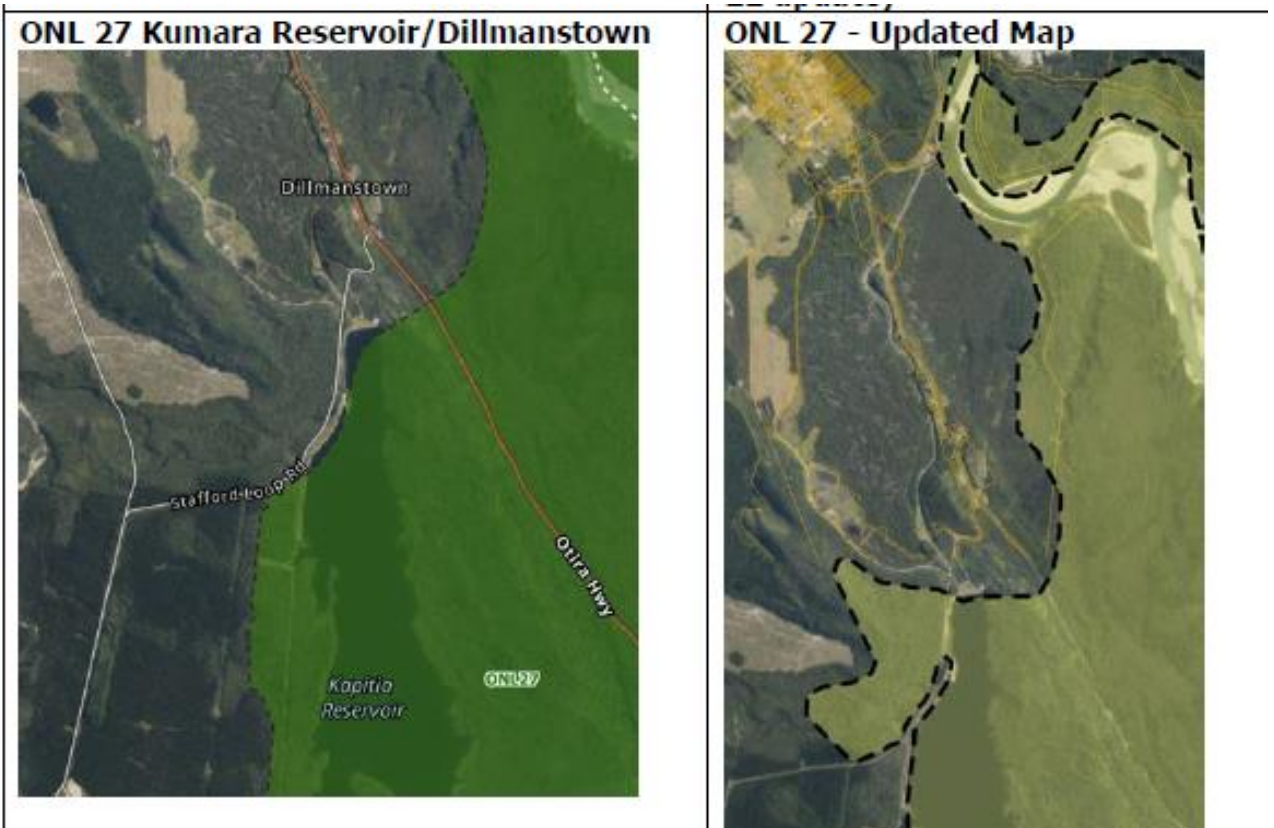
Scheme location and components:



ONL27 boundary location relative to scheme:



ONL27 boundary amendments as at January 2024



MCKAYS KANIERE SCHEME

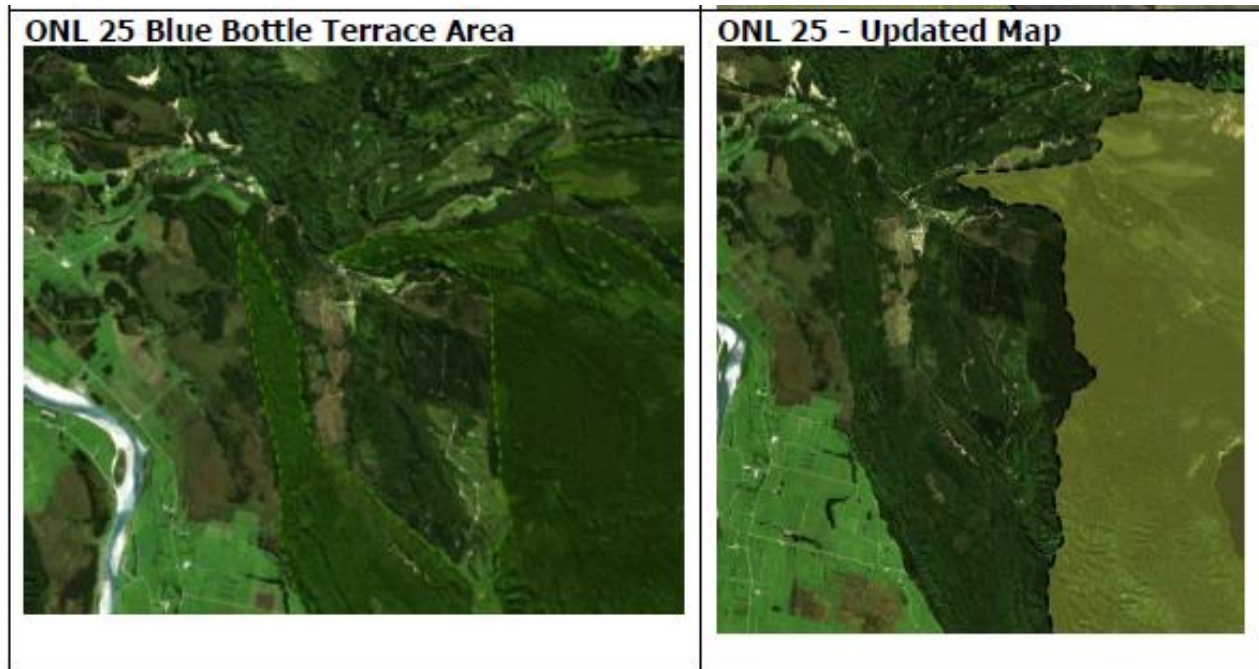
Scheme location and components:



ONL25 boundary location relative to scheme:



ONL25 boundary amendments as at January 2024



WAHAPO SCHEME

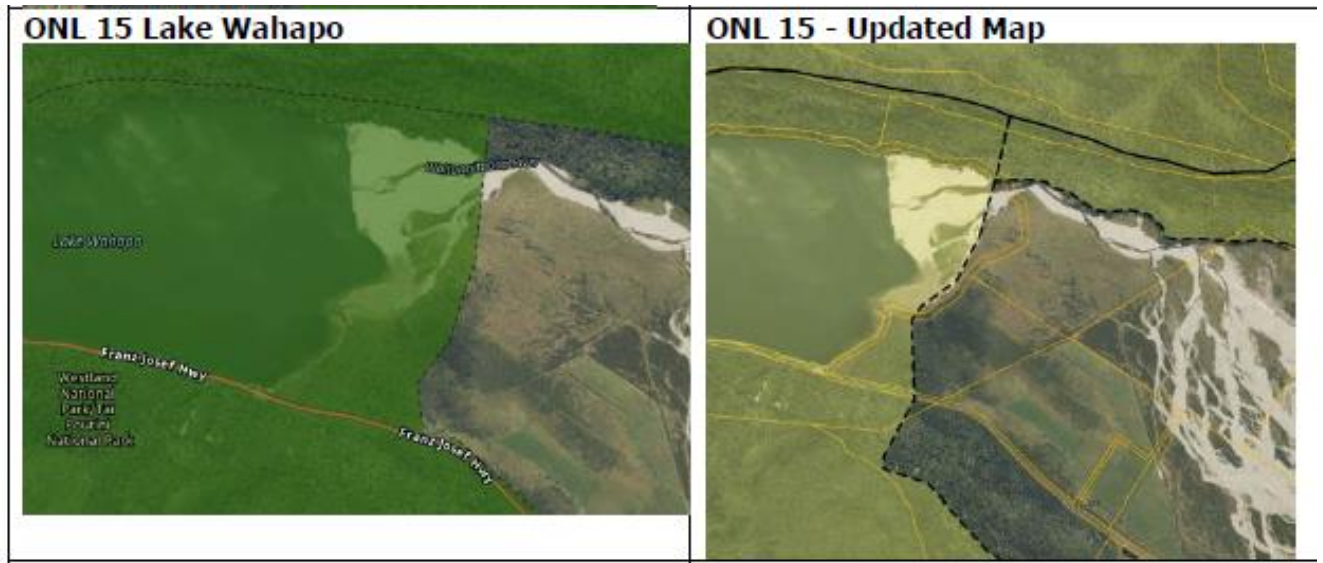
Scheme location and components:



ONL15/16 boundary location relative to scheme:



ONL15/16 boundary amendments as at January 2024



APPENDIX THREE: SECTION 32AA ANALYSIS

The following table sets out an analysis under s32AA of the Act, in relation to the changes I recommend to the pTTPP:

<p>The extent to which the objectives are the most appropriate way to achieve the purpose of this Act [s32(1)(a)]</p>
<p>The amended wording sought for the Landscape objective is considered a more appropriate way to achieve the purpose of the Act as it will align more closely to the RMA while providing clear direction in the approach to protecting ONFL areas. It will better address the resource management issue of protecting landscapes while not over reaching beyond the direction of higher order documents. It will better reflect best practice by using directive language and provide an appropriate level of certainty for users of the pTTPP.</p>
<p>Benefits and costs of the environmental, economic, social, and cultural effects anticipated [s32(2)(a)]</p>
<p>The benefits of amending the provisions as sought within the NFL section include:</p> <ul style="list-style-type: none"> • Greater clarity for all parties in understanding what the direction is for activities in ONFL areas, greater consistency in terminology, and removing duplication and contradiction in the provisions. • Greater certainty for REG asset owners and developers in the provision for existing and enablement of new REG activities within the region. • Greater clarity in how existing and new REG activities are to be treated when they are within an ONFL area. • Increased security of supply of electricity from renewable energy resources, assisting with reducing emissions and supporting national climate change responses. <p>The costs of amending the provisions as sought within the NFL section include:</p> <ul style="list-style-type: none"> • Potential that some REG development may be provided for that could have some adverse effects on the ONFL areas. • Potential for conflict between different parts of the community or environment in providing for REG activities.
<p>Given the nature of the provisions within the pTTPP, the changes to the wording of these provisions are unlikely to have significant impact on opportunities for economic growth or employment, however it is possible that the lack of certainty and overly restrictive approach may put off REG development and reduce economic growth and employment for REG activities in the region.</p>
<p>Whether the provisions in the proposal are the most appropriate way to achieve the objectives [s32(1)(b)]</p>
<p>I consider that the revised provisions are more appropriate to achieve the objective for Landscapes as they are efficient and effective. They are efficient in that the benefits outweigh the costs and provide improved clarity of understanding and for implementation. Effectiveness is demonstrated by ensuring they give effect to the objectives as well as the RMA and the NPSREG. The other options, the proposed provisions in the notified pTTPP or those recommended by Ms Easton, are less appropriate.</p>
<p>The risk of acting or not acting [s32(2)(c)]</p>
<p>I consider that there is a low risk of acting as there is a lot of knowledge of the issues relating to REG activities and the need to increase REG nationally. There is a high risk of not acting and retaining inappropriate and confusing provisions relating to this matter.</p>