

**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 Character and Margins
of Waterbodies and Activities on the
Surface of Water**

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

DATED 21 February 2024

1.0 RESPONSE TO HEARINGS PANEL QUESTIONS

- 1.1 In the hearing on 20th February regarding the Natural Character and Margins of Waterbodies and Activities on the Surface of Water Topic, the Hearings Panel requested that I provide an annotated set of provisions setting out my recommended amendments to provisions.
- 1.2 I note that the audio quality at times made it difficult to hear the Panel, and it was unclear if the request was just in relation to policies P1 and P2 and rule R1, or if this request related to all of the provisions that my evidence addressed. To assist the Panel I set out below my recommended text amendments, using the reporting officer's recommended changes as the base:

[Text amendments are shown as underlined for inserts or new text and ~~strike through~~ for deletions. Text amendments shown in black are from the reporting officer's recommendations in the s42A report¹, and those shown in red are my recommendations.]

NC – O1

To preserve the natural character of lakes, rivers and wetlands and their margins while ~~providing for~~ allowing appropriate subdivision, use and development where adverse effects can be ~~avoided or mitigated~~ appropriately managed in accordance with the effects management hierarchy.

NC – O3

~~To provide for a~~Activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands are provided for in such a way that the impacts while ensuring adverse effects on natural character are minimised.

NC – P1

Minimise Avoid, remedy or mitigate the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, development and land use ~~is of a form and scale that maintains~~ protects the elements, patterns and processes that contribute to ~~their~~ the identified natural character attributes, and maintains or enhances public access.

NC – P2

~~Provide for~~ Allow ~~indigenous vegetation removal and~~ earthworks within riparian margins of lakes, rivers and wetlands where:

~~1. This is located outside of a significant natural area, and~~

~~2. s~~Significant adverse effects on natural character are ~~minimised~~ avoided, remedied or mitigated as far as practicable; and:

¹ As noted in the Hearing, some of the text amendments in the content of the s42A report differ from those in Appendix 1 attached to the s42A report. I have used those in the s42A report for this supplementary statement.

- a. It is for the purpose of natural hazard mitigation; or
- b. It is for the maintenance, repair, upgrade and extension of network utilities, ~~energy activities~~ and regionally significant infrastructure including the national grid; or
- c. It is for the establishment, operation, maintenance or upgrading of renewable ~~energy electricity generation structures activities~~ or infrastructure here this has a functional or operational need to be located in a riparian margin; or
- d. It is for Poutini Ngāi Tahu ~~cultural purposes~~ Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- e. It is for the repair and maintenance of legally established structures; or
- f. The activity has a functional or operational need to be located adjoining a waterbody.

NC – P3

Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these:

- a. Have a functional need or operational need for their location; and
- b. They are of a form and scale that will not adversely ~~effect~~ affect the identified natural character of the riparian area.

NC - R1 ~~Indigenous Vegetation Clearance and Earthworks~~ within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four and for:
 - a. Fence lines; or
 - b. Maintenance, operation, minor upgrade and repair of existing network utilities, ~~critical~~ regionally significant infrastructure or renewable electricity generation ~~renewable energy generation~~ activities; or
 - c. New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or
 - d. Connections to wastewater, stormwater and reticulated network utility systems and underground energy and infrastructure connections; or
 - e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
 - f. Maintenance and repair of lawfully established structures; or ...
2. ~~The amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin;~~ For activities other than those provided for in clause 1 above, the ~~The~~ amount of earthworks is not greater than 20m³ per 200m length of Riparian Margin; and
2. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody; and
3. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the ~~clearance and~~ earthworks are not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Advice Note:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. Also refer to rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters....

Activity Status where compliance not achieved:

Restricted Discretionary.

NC – R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

1. Where the buildings and structures have a functional or operational need to locate in the riparian margin and are:
 - a. Network utilities, including energy renewable electricity generation activities and regionally significant infrastructure; ...
 - f. Renewable energy electricity generation facilities ~~where these have a functional or operational need to locate within the riparian margin~~; or

NC – R34 ~~Indigenous Vegetation Clearance and Earthworks within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Standards~~²

Activity Status Restricted Discretionary

Matters of Discretion:

- a) The location of any earthworks and indigenous vegetation clearance;
- b) Volume and area of earthworks and indigenous vegetation clearance;
- c) The effects on potential or existing public access to the riparian margin;
- d) Effects on habitats of any threatened or protected flora or fauna species;
- e) Effects on recreational values of public land;
- f) Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; and
- g) Landscape and visual effects.

Advice Note:

1. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF
2. The NES – Freshwater has extensive regulation around works that can be undertaken in or near any natural wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

² I note that the content of this rule was not within the s42A report so I have taken this base text from Appendix 1 attached to the s42A report.

