

**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: Open Space Zones**

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

**DATED 29 May 2024**

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## 1.0 SUMMARY

- 1.1 My evidence focusses on the Open Space zone provisions of the Proposed Te Tai o Poutini Plan (**pTTPP**) relevant to the renewable electricity generation (**REG**) operations of Manawa Energy Ltd (**Manawa**) across the West Coast Region, and renewable electricity generation generally.
- 1.2 Manawa (submitter ID number **S438**) made a limited number of submission points on this topic. The primary concerns raised were insufficient recognition of existing renewable electricity generation activities with the Open Space zones, and the relationship between these provisions and those in the EIT chapter.
- 1.3 Renewable energy is a matter of national significance, and the pTTPP is required to:
- 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
  - 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.
- 1.4 Overall, I consider that these concerns can be easily addressed by incorporation of the changes sought by Manawa in the submission.

## 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 As a procedural matter, I note that two of Manawa's submission points relating to this topic report (S438.128 and S438.134) do not appear to have been addressed in the s42A report. These points both relate to the overview sections in the chapter. I will address the relief sought in these submission points later in my evidence.

### 3.0 NATIONAL AND REGIONAL DIRECTION

3.1 The submission points from Manawa in relation to the Open Space provisions were based on a concern that the provisions as notified did not recognise priorities given to REG activities in higher order documents. In particular:

a) **NPS REG:** the key provisions of the NPS REG are contained in **Appendix Two** of my evidence. In general, the policy direction is on the recognition and provision for renewable electricity generation activities to be reconciled together with protection of other values.

b) **West Coast Regional Policy Statement:** Section 6, Objective 1 which states '*Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure*'.

c) **Part II RMA:** Section 7(j) requires particular regard to be had to the benefits to be derived from the use and development of renewable energy.

3.2 I also refer to the strategic objectives established for the pTTPP (for which I provided evidence dated 26 September 2023). These strategic objectives (particularly the Connections and Resilience objectives) recognise the need to provide for infrastructure and the importance of ensuring that the West Coast / Te Tai o Poutini is resilient. In this regard it is important to recognise that Manawa's existing assets generate electricity which can be distributed along the West Coast / Te Tai o Poutini thereby supporting resilience. Ensuring the continued operation of these schemes is important to the self-sufficiency of the West Coast / Te Tai o Poutini.

3.3 I consider that it is appropriate that the Open Space Zone provisions should reflect these policy directions as far as possible and ensure that REG activities are appropriately provided for in the zone.

### 4.0 CONTEXT

4.1 As outlined in the s42A report on this topic, Manawa has had discussions with Ms Easton (the author of that report) relating to aspects of its submission. One of the matters discussed was the extent to which Manawa schemes are located within the Open Space

zones, and the ownership of land relating to those schemes. I wish to briefly clarify this matter for the Panel.

4.2 Manawa operate four hydro-electricity schemes on Te Tai Poutini / West Coast. Parts of each of these schemes are located within the various Open Space Zones, as outlined in the table below. I have included some images roughly outlining the extent of this zoning in relation to scheme components as **Appendix One** of my evidence.

Scheme	Extent of Scheme located within Open Space Zone	Ownership
<b>Wahapo HEPS</b>	Power station, tailrace and associated assets zoned Natural Open Space zone.  Intake, canal, head pond and associated assets zoned Open Space zone.	Crown land (Westland National Park).  Easement in favour of Manawa for the scheme over Crown land.
<b>Dillmans/ Duffers/ Kumara HEPS</b>	Intakes, canals, head ponds, power stations, penstocks, tailrace and associated assets zoned Open Space zone.  [General Rural zone also applies to sections of the scheme]	Crown land (including Kawaka Forest, Okuku Scenic Reserve, Dillmanstown conservation area).  Manawa Energy owns the land containing the Loopline and Kumara reservoirs and holds easements over Crown land for the scheme.
<b>Arnold HEPS</b>	Tunnel / penstocks zoned Open Space.  [General Rural Zone covers the dam, intake, pipe bridge power station, and the tailrace canal]	Crown land (Arnold River reserve).  Manawa Energy owns the land containing the dam, intake and power station and holds easements over Crown land for the scheme.
<b>Kaniere Forks and McKays Creek HEPS</b>	Canal sections, accesses, tail race and associated assets zoned Open Space zone.  [General Rural zone covers the intake, sections of canal, power stations]	Crown land (including Lake Kaniere scenic reserve, Kaniere Forks reserve)  Manawa Energy owns the land containing the power stations and holds easements over Crown land for the scheme.

4.3 This table and the images in **Appendix One** illustrate that both the zoning and ownership of the land on which the Manawa schemes are located is mixed. Components of the various schemes are located within the Open Space zone, and this is Crown land (held for various conservation purposes). Where the schemes are on Crown land Manawa

holds easements for the use of the land for hydroelectric generation purposes. There are also parts of the schemes on freehold land held by Manawa, as well as other freehold parcels, and these sections are Rural General zoning.

- 4.4 I understand from discussions with Ms Easton that the approach to zoning has been to apply the Open Space zone to Crown land and the General Rural zone to freehold land. This leads to an irregular zoning pattern based on ownership. In contrast, the Manawa schemes do not follow cadastral (i.e. property) boundaries and therefore cross over these two zones and between land under different ownership.
- 4.5 I do not consider that the ownership of land is the primary issue of concern here (albeit this may have been used in drafting the Plan as the basis for the delineation of the boundaries of the various open space zones). The issue of concern is the recognition of these activities that are located within what is now being identified as Open Space zone. The Manawa HEP schemes are long established<sup>1</sup>, legitimate land uses within the respective Open Space zones. These schemes play a vital contribution to the resilience of the West Coast. These are recognised in the pTTPP as both as regionally significant infrastructure and lifeline utilities.
- 4.6 Manawa is not seeking that the zoning applying to these schemes is altered from Open Space, but I do consider it important that the existence and role of these Schemes is recognised within the various Open Space zones. By not clearly recognising these activities it could imply that the areas zoned Open Space are pristine unmodified natural environments or open spaces available for public use.
- 4.7 Ms Easton acknowledges that the pTTPP is structured such that the provisions relating to REG activities are contained in the EIT chapter – subject to the various applicable overlays<sup>2</sup>. I support this approach subject to my specific and detailed comments made at earlier hearings. In this regard I note that the rules relating to the Open Space zone will not be applicable to REG activities. However, the overview, objectives and policies of the Open Space zone provide context and may be considered if resource consents are required to be obtained under the provisions of the EIT chapter or the various overlay rules (dependent on the specific status of the activity). In this way it is important that the overview and policy level of the Open Space zone provisions recognises these existing uses.

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<sup>1</sup> Some of the components of these schemes go back to the early 1900's and the majority have been in place for close to 100 years. The schemes were commissioned in 1911 (Kaniere Forks), 1928 (Dillmans), 1931 (McKays Creek), 1932 (Arnold) and 1960 (Wahapo).

<sup>2</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones, p 39, paragraph 118 (in relation to **S438.132**).

## 5.0 PART 3, AREA SPECIFIC MATTERS – ZONES – OPEN SPACE AND RECREATION ZONES

### Overview (S438.128 and S438.134)

5.1 As outlined earlier, Manawa made two submission points seeking the addition of wording to be inserted in the overview sections to acknowledge the existence of renewable electricity generation facilities within the Open Space and Recreation zones generally and in the Open Space zone specifically. These submission points do not appear to have been addressed in the s42A report<sup>3</sup>.

5.2 Submission point 438.128 sought the following addition to the overview of the OSRZ section:

Overview, paragraph 1: *There are a range of open spaces in the West Coast/Te Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.***

And submission point 438.134 sought the following addition to the overview of the OSZ section:

Overview, paragraph 3: *These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values. **Additionally, a number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast, and are recognised as regionally significant assets.***

5.3 Manawa requested the inclusion of this wording at the overview level on the basis of comments made earlier in my evidence. I consider that including such recognition of existing assets is necessary to set the context of what the Open Space zones contain. I

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<sup>3</sup> The Overview for the chapter was discussed in the s42A report and Ms Easton has made a number of recommendations to alter the wording as notified in relation to matters raised by other submitters.

also consider that this recognition is important given the comments made by some other submitters seeking to tighten the provisions within the zone. I request that these submission points are addressed by the Panel, and that the wording sought is included.

### **Objectives (S438.129)**

- 5.4 Manawa made two points in relation to the objectives for this chapter. Firstly, it sought that the order of the objectives be rearranged such that objective 2 comes first to set out the types and uses of open space areas. Ms Easton has recommended that this be accepted<sup>4</sup> and that is acknowledged.
- 5.5 Secondly, Manawa sought amendments to the wording of Objective 1 on the basis that the wording as notified is very difficult to interpret consistently and apply to specific proposals. Manawa also considers that it does not recognise that there needs to be opportunities for new activities to establish, where they are beneficial, where this may not be consistent with the existing surrounding environment.
- 5.6 Ms Easton recommends that this second part of the submission point be rejected<sup>5</sup>, on the basis that privately owned Manawa land is not zoned for Open Space purposes. As outlined earlier, Manawa is concerned about the zoning that applies to its schemes not to the zoning applied to its freehold land. In this way it is relevant to ensure that the objective clearly sets out the direction for the use of Open Space land so that all parties are clear on what is intended. I do not consider it sufficiently directive to use terminology such as “*not conflict with the functions and values of the particular open space*” when such functions and values are not identified in the pTTPP. There is no certainty in what is intended to be achieved or how existing infrastructure fits into such a context.
- 5.7 I am also concerned about the potential inclusion of a third-party document in an objective – as is recommended by Ms Easton<sup>6</sup> in response to a request by DOC. I do not consider this to be appropriate as there is no definition in the pTTPP of an ‘Open Space Management Plan’ and therefore no certainty provided to an applicant as to the content or purpose of such a plan. This is particularly so if any such ‘plan’ has been prepared in accordance with other legislation<sup>7</sup> which contains different priorities from those in the Resource Management Act 1991 (upon which the pTTPP has been prepared). Further such documents could be amended without any due consideration of

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<sup>4</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer’s Report, Open Space and Recreation Zones p 22, paragraph 80.

<sup>5</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer’s Report, Open Space and Recreation Zones p 22, paragraph 81.

<sup>6</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer’s Report, Open Space and Recreation Zones p 22, paragraph 81 – in relation to S602.182.

<sup>7</sup> Such as the National Parks Act, the Reserves Act, the Conservation Act.



district plan matters and could contain direction for inappropriate activities. I consider that cross referencing to unknown external documents is inappropriate and is not in accordance with the principles of good plan drafting. I recommend that this objective be reworded to be clear on what the anticipated outcome for Open Space zones is and to remove reference to unknown external, non-RMA documents.

## **Policies**

### Policy P2 (S438.130), Policy P9 (S438.132) and Policy P13 (438.133)

- 5.8 The Manawa submission points on these three policies sought to provide for regionally significant infrastructure that is established within the Open Space zones, and also recognise the functional and operational needs of such to establish in such a location.
- 5.9 Ms Easton has recommended that the submission lodged in relation to P9 be accepted in part<sup>8</sup>. Ms Easton has recommended the inclusion of '*establishment and operation of renewable electricity generation*' in the list of activities considered to be compatible with open spaces values, rather than reference to regionally significant infrastructure as sought in the submission. For Manawa's purposes this different terminology provides for their concerns and this recommendation is acknowledged.
- 5.10 Ms Easton has not however accepted the requested wording in relation to Policy 2<sup>9</sup>. I acknowledge that Manawa framed the submission point in relation to recognition of regionally significant infrastructure, as opposed to solely renewable electricity generation. Ms Easton has picked up on this difference and stated that '*while there may be instances where a resource consent may be granted for RSI within an open space zone, this is not the purpose of the zones and open spaces need to be managed within the wider legislative frameworks (ie Reserves Act, Conservation Act) and legal classification of these lands under these Acts*'<sup>10</sup>.
- 5.11 I accept that the definition of RSI includes a number of activities, and I appreciate Ms Easton's concern that there could be issues with some types of regionally significant infrastructure. However, the issue of interest to Manawa is the recognition of the existing renewable electricity generation activities in the zone and I consider that an appropriate alternative would be to amend the policy to:

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<sup>8</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones p 39, paragraph 118.

<sup>9</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones p 37, paragraph 101.

<sup>10</sup> Ms Easton supports the further submission of DOC (FS122.036) on this basis.

*Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions, **renewable electricity generation activities**, and ancillary activities to support these, where this fits with the purpose of the open space and its classification under any relevant Act **or where an activity has a functional or operational need for such a location**.*

5.12 I consider that this is within the scope of the submission lodged by Manawa, would address the general concerns outlined in this evidence, and is also consistent with Ms Easton's acceptance and acknowledgement of REG in open spaces zones (as evidence in her recommendation to accept S438.130 above).

5.13 Ms Easton has not addressed the second part of the relief sought in relation to Policy P2. I consider that inclusion of reference to 'functional and operational need for such a location' (as outlined above) is consistent with the provisions of higher order documents such as the NPS REG Policies C1 and E2; the NPS IB provisions applicable to specified infrastructure, and the provisions of the WCRPS (in particular Section 6 policies as outlined below):

*2. Provide for the development, operation, maintenance and upgrading of new and existing RSI including renewable electricity generation activities and National Grid infrastructure.*

*3. When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

*6. Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment'.*

5.14 On this basis I recommend that recognition of the existing REG activities and their functional and operational need to locate within the Open Space zones is appropriate to be included in Policy P2.

- 5.15 Manawa requested recognition of regionally significant infrastructure within Policy P13 in a similar way to that sought in P9. Ms Easton has recommended this be rejected<sup>11</sup> because such activities are not ancillary to the functions of the zone and the policy is intended to set up permitted and restricted discretionary activities. I understand Ms Easton's position here and consider that it is not necessary to provide such recognition in policy P13 if it is included in policy P9 as requested and recommended.

Policy P3 (S438.131)

- 5.16 Manawa sought that the wording of Policy 3 (which relates to the design of buildings and structures within open space zones) be amended to include the words 'where practicable'. Ms Easton has recommended that this be rejected<sup>12</sup>, on the basis that '*The policy sets out the expectation in terms of character and amenity for the zone, and that the buildings and structures should fit with the purpose (e.g. as set out in the Conservation Act or Reserves Act) of the open space*'. She also notes the use of the word 'should' in this policy ("*Buildings and structures should be designed and sited to be compatible...*") and considers that this provides for circumstances where effects may be minor or less than minor to still be accommodated for within the policy.
- 5.17 I remain concerned that the wording of the policy is directive towards a simplistic outcome that does not recognise the existing uses and activities within the zone. I do not consider that the use of the word 'should' in this policy provides the level of assurance required by Manawa to undertake their activities and I anticipate that this could be used to direct unreasonable expectations of outcomes for Manawa in the future. I consider that the words 'where practicable' provide recognition that there are other matters which require consideration in the siting and design of buildings within Open Space zones. I recommend that this wording be included in the policy to recognise that not all activities in the zone are open space in nature nor is it necessary or appropriate to require the same character for all such buildings.

Open Space Rules (S438.135)

- 5.18 I have earlier discussed the applicability of the Open Space zone rules to REG activities and note the general agreement of council officers with the approach to containing all relevant rules in the EIT chapter. Manawa lodged a submission point seeking that a note be included at the commencement of the rule section clarifying that the rules in this section do not apply to renewable electricity generation activities. Ms Easton has

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<sup>11</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones p 37, paragraph 135.

<sup>12</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones p 38, paragraph 103.

recommended that this be accepted in part<sup>13</sup>, on the basis that this is helpful for Plan users. However, she considers that this should be part of a wider statement explaining the relationship within the EIT chapters. I am happy to accept the wording she has proposed. I note that the use of the term 'energy activities' has discussed in earlier hearings, and recommendations have been made to remove the use of this term from the Plan. I request that any decisions made by the Panel in this respect are applied consistently.



## **6.0 CONCLUSION**

6.1 As outlined in my evidence on other chapters, I consider that there is a necessity to ensure integration across the plan in the application of provisions that deal with renewable electricity generation activities as a matter of national significance. I reiterate the relief sought by Manawa in its submission. I consider that the changes proposed are consistent with the enabling provisions of higher level documents and the strategic directions provisions of the pTTPP.

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<sup>13</sup> S42A Officer report (Te Tai o Poutini Plan, Section 42A Officer's Report, Open Space and Recreation Zones p68, paragraph 185.

**APPENDIX ONE – APPROXIMATE EXTENT OF MANAWA SCHEMES LOCATED WITHIN THE OPEN SPACE ZONES<sup>14</sup>**

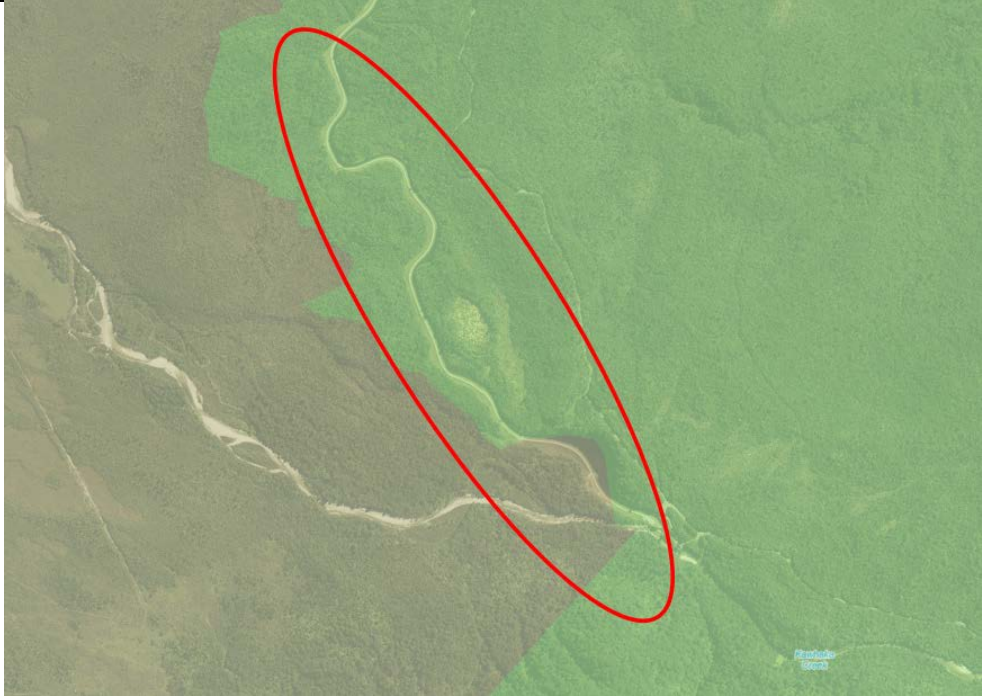
<b>Manawa Schemes subject to OS zoning /Extent of zoning</b>
<p><b>Wahapo:</b> Power station, tailrace, and penstocks zoned Open Space Natural zone. Canal, head pond and intake zoned Open Space zone.</p>

<p><b>Dillmans/ Duffers/ Kumara:</b> Portions of the scheme are located in the Open Space Zone: tailrace to Taramakau River, penstocks, canals and races, Duffers power station and Kawaka intake. (Snips show only parts of the scheme)</p>


<sup>14</sup> This information is for general purposes only. It is intended to provide a guide for the Panel and should not be further used unless fully verified.

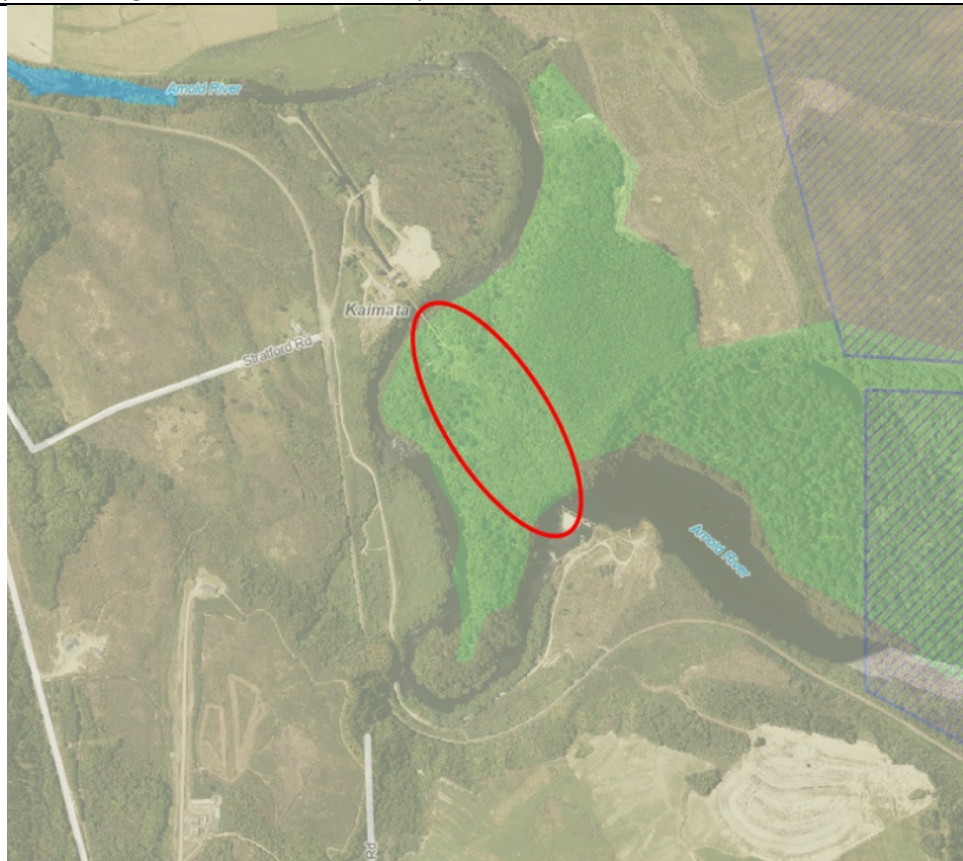
Manawa Schemes subject to OS zoning /Extent of zoning



**Manawa Schemes subject to OS zoning /Extent of zoning**

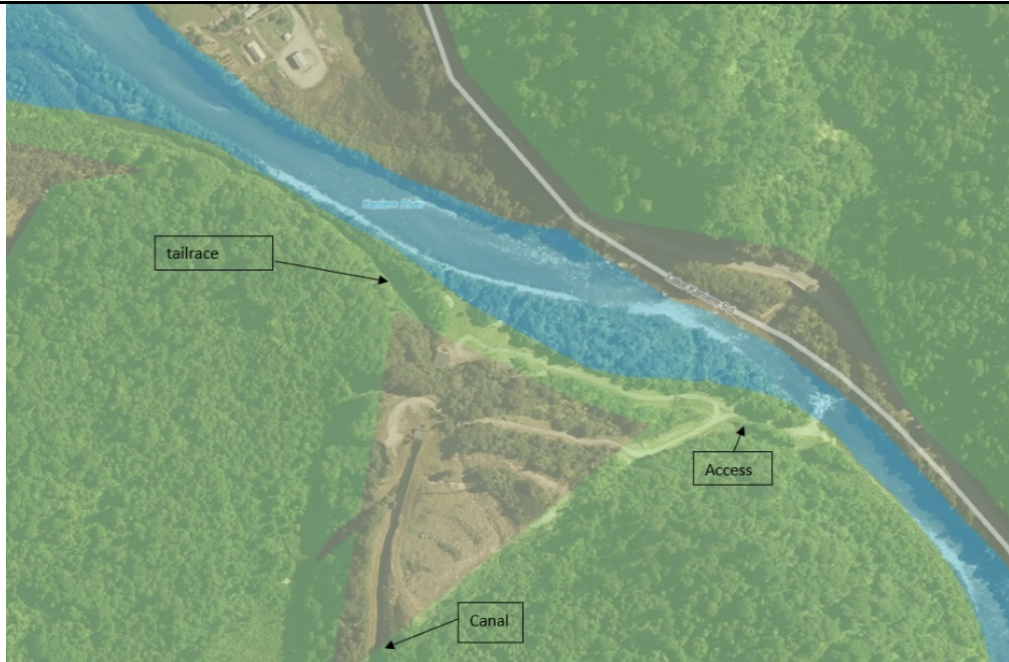


**Arnold:**  
Open Space zoning covers the tunnel and penstocks.



**Kaniere Forks and McKays Creek:**

Open Space zoning covers canal sections and penstocks, tail race and accesses. (Snips show only parts of the scheme).







## **APPENDIX TWO: 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.*