

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

ENV-2024-WLG-001

UNDER the Resource Management Act 1991

IN THE MATTER the direct referral of applications for resource consents by
under section 87G of the Act for the Mt Munro Wind Farm

BY **MERIDIAN ENERGY LIMITED**
Applicant

STATEMENT OF EVIDENCE OF KERRY PEARCE

**ON BEHALF OF MANAWATŪ-WHANGANUI REGIONAL COUNCIL, GREATER
WELLINGTON REGIONAL COUNCIL, TARARUA DISTRICT COUNCIL, AND
MASTERTON DISTRICT COUNCIL**

EROSION AND SEDIMENT CONTROL


Dated: 23 August 2024




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STATEMENT OF EVIDENCE OF KERRY PEARCE

A. INTRODUCTION

- [1] My name is Kerry Stewart Pearce. I am Director of Environmental Land Management Limited, which is subcontracted to Bryant Environmental Solutions Limited. I have been in that position since May 2005.
- [2] I prepared a report on the application required by s 87F of the Resource Management Act 1991 (**RMA**) on behalf of Manawatū-Whanganui Regional Council (**Horizons**) and Wellington Regional Council (**WRC**) Tararua District Council (**TDC**), and Masterton District Council (**MDC**) (the **Consent Authorities**) dated 15 March 2024 (**s 87F Report**).
- [3] In my s 87F Report, I reviewed the application from Meridian Energy Limited (the **Applicant** or **Meridian**) for resource consent applications lodged with Horizons and WRC. for the Mt Munro Wind Farm (**Mt Munro Project** or **Project**) in relation to erosion and sediment control (**ESC**). The s 87F Report provided recommendations to improve or further clarify aspects of the resource consent applications, including with regard to conditions, should the Court be minded to grant resource consents.
- [4] I confirm I have the qualifications and experience set out at paragraphs 5-8 of my s 87F Report.
- [5] On 2 August 2024, I participated in expert conferencing on ESC, resulting in a joint witness statement dated 2 August 2024 (the **ESC JWS**). I confirm the contents of the ESC JWS.

B. CODE OF CONDUCT

- [6] I repeat the confirmation provided in my s 87F Report that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my areas of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

C. SCOPE OF EVIDENCE

[7] My statement will cover the following:

- (a) The extent to which issues identified in my s 87F Report have been resolved through mediation, Meridian evidence, and expert conferencing; and
- (b) Conditions.

[8] In addition to the material that was reviewed for my s 87F Report, I have reviewed the following:

- (a) Statement of Evidence of Graeme Ridley (Erosion and Sediment Control) on behalf of Meridian Energy Limited, 24 May 2024;
- (b) The proposed changes to conditions filed with Mr Anderson's evidence (the **Meridian conditions**);
- (c) Evidence of Janet McIlraith (s 274 party) dated 10 July 2024;
- (d) Evidence of Robin Olliver (s 274 party) dated 10 July 2024;
- (e) Evidence of Hastwell/Mt Munro Protection Society Inc. (s 274 party) dated 10 July 2024;
- (f) Evidence (Social Impact Report) of John Maxwell (s 274 party) dated 10 July 2024;
- (g) Joint Statement of Planning Experts dated 9 August 2024 (**Planning JWS**); and
- (h) The proposed consent conditions attached to the evidence of Damien McGahan on behalf of the Consent Authorities (the **August Proposed Conditions**).

D. OUTSTANDING ISSUES

- [9] My s 87F Report recognised the Applicant's undertakings to provide 'best practice' ESC tools for earthwork sites, and required these undertakings to be secured through conditions, along with flocculation of all sediment control devices. As part of my review, I required the imposition of performance standards, along with a robust management and monitoring regime to ensure 'best practice' is adopted and the relevant standards met.
- [10] Following mediation, expert conferencing and review of the Meridian evidence, other than the monitoring of ESC devices, which I discuss below, all matters identified in my s 87F Report appear to have been resolved. As I have consistently noted, consent conditions will be critical in achieving the outcomes anticipated by the s 87F Report, the ESC JWS, and Meridian evidence.
- [11] I note that the ESC JWS identified Mr Ridley's preference for the reference to 'overland flow paths' to be deleted from ES5(c)(i).¹ I suggested, as part of considering alternative solutions, that another approach may to define 'overland flow paths'. On further consideration of potential definitions for overland flow path, I am content for the reference to 'overland flow paths' to be deleted from this condition.

Monitoring of ESC Devices

- [12] As outlined in my s87F Report,² to provide certainty that the ESC measures are working effectively in reducing the sediment discharge and avoiding unanticipated effects on the receiving environment, I considered that a consent condition imposing a discharge standard or target is necessary, along with clear processes to be followed should it not be met.³ This has now been provided for in the consent conditions (including a clarity standard), however, there remains disagreement as to the extent of monitoring.

¹ ESC JWS, at page 5, item 12. See Condition ES4(c)(i) in August Proposed Conditions.

² Section 87F Report – Kerry Pearce (ESC), 15 March 2024, from [48].

³ Section 87F Report – Kerry Pearce (ESC), 15 March 2024, at [51].

- [13] The Applicant is proposing to manually monitor discharges from sediment retention ponds. As recorded in the ESC JWS, Mr Ridley considers this an adequate response.⁴ However, I am of the view that all devices must be monitored to a standard to ensure that all sediment controls are operating effectively and minimising the potential environmental impacts.
- [14] Where ESC devices result in a point source discharge, as is the case with Decanting Earth Bunds and Sediment Retention Ponds, then these devices should also form part of the monitoring regime. I do not consider it sufficient to just monitor sediment retention ponds. As I note, above I would expect all devices with a point source discharge should be monitored (including, Decanting Earth Bunds). Otherwise, the effectiveness of some key devices is unknown, particularly when considering the standards in conditions.
- [15] I note that this monitoring approach is standard practice for larger Projects I have been involved with, including most recently the Otaki-Levin Highway Project, where a condition was agreed for monitoring of all ESC structures.
- [16] I therefore recommend that the conditions are amended to make clear which structures are intended to be monitored and how – that is, all erosion and sediment control structures must be monitored in respect of compliance with the standards set out in the conditions. The erosion and sediment control structures should be defined, and for simplicity purposes, it could be by reference to any device which results in a point source discharge. This will as a minimum include Sediment Retention Ponds and Decanting Earth Bunds. In my opinion, monitoring should be for the purpose of assessing compliance with relevant standards and requirements in the conditions, and occur through weekly inspections and also prior to, and following a trigger rainfall event, as identified in the Construction Water Management Plan.

⁴ ESC JWS, at page 3, item 3.

E. RESPONSE TO SECTION 274 PARTY EVIDENCE

- [17] I have reviewed the section 274 party evidence and note there are no new issues that need to be addressed in relation to ESC.

F. CONDITIONS

- [18] The Planning JWS records the planning experts' agreement to the recommended changes outlined in Annexure B of the ESC JWS.⁵ The planners have also provided responses to the queries raised in the ESC JWS, and I am comfortable with these.⁶ I have since reviewed the August Proposed Conditions, which reflect the recommendations I have made above. I am therefore satisfied with the proposed changes.

G. CONCLUSION

- [19] Other than the amendment to conditions I have sought above; I am satisfied that the matters raised through my review of the resource consent application have been addressed by the Applicant.

23 August 2024

Kerry Pearce

⁵ Planning JWS, page 11, item 8.

⁶ Planning JWS, pages 11-12, item 8.