

**Before the Wellington Regional Council Hearing Panel  
Hearing Submissions on the Proposed Natural Resources Plan**

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In the matter of: **the Resource Management Act 1991**

And: **Submissions Lodged by Meridian  
Energy Limited on the Proposed Natural  
Resources Plan**

**Notes summarising the pre-circulated statement of  
Evidence of Christine Anne Foster  
Called by Meridian Energy Limited**

**For Hearing Stream 1  
6 June 2017**

- 1 My name is Christine Anne Foster. I have the qualifications and experience stated in my pre-circulated statement of evidence and reaffirm my commitment to abide the Code of Conduct for Expert Witnesses.
- 2 These notes summarise the key points from my statement of evidence dated 5 May 2017 that was circulated prior to commencement of Hearing Stream 1. I have read the supplementary statements presented by Ms Emily Greenberg and Mr Paul Denton (his 'Report Overview') to the Masterton Sessions of Hearing Stream 1. I have also read the supplementary responses of GWRC's legal advisers and GWRC officers dated 23 May and 26 May 2017 and the Panel's Minutes #3 and #4.
- 3 Mr Denton's recommendation, after considering my statement and the statements of other witnesses, is that no changes should be made to the provisions of the publicly notified proposed Natural Resources Plan. Mr Denton's 'Report Overview' and supplementary responses do not appear to explicitly address the requests made by Meridian's submission or the recommended wording changes proposed in my statement of evidence. The statements provide no basis for understanding the reasons why those suggestions are considered by him to be non-viable. They are, in my opinion, within the scope of submissions. They are not opposed by other submitters and they address the issues explained in the submission and in the evidence of myself and Mr Botha.
- 4 On that basis, I confirm my recommendations to you set out in my written statement of evidence relating to regionally significant infrastructure and renewable energy generation activities. In broad terms, the proposed Plan takes an appropriate approach to these regionally and nationally significant activities. It recognises the beneficial effects of regionally significant infrastructure and renewable generation activities; it seeks to recognise in some situations the particular functional needs and operational requirements of these activities; and, once established, it seeks to protect them from adverse reverse sensitivity effects. That approach accords, broadly, with the higher order statutory documents (the NPS – REG and the RPS). The

concerns I have raised, and the recommendations I have made, attempt to:

4.1 Achieve full consistency with the higher order documents, by amendments to the definitions<sup>1</sup> of:

- 'regionally significant infrastructure' (by referring to the definition in the Electricity Industry Act 2010),
- 'renewable energy generation activities' (by including necessary ancillary activities ); and
- 'upgrade'; (by providing for enhancements and re-powering).

4.2 Ensure that the Plan's objectives and policies are consistent with and support each other (top-down and bottom-up) and are consistent with higher order documents.

5 On this last point of policy consistency:

Functional Need and Operational Requirements:

6 One of the points I raised was in relation to the policy recognition of functional need and operational requirements of regionally significant infrastructure (including renewable energy generation activities (paragraphs 38 to 43 of my 05.05.17 written statement). I was asked by the Panel at the Masterton Hearing session why the acknowledgement in Policy P12 of 'operational requirements' and the 'need for renewable energy generation activities to locate where the resources exist' are not sufficient to address the concerns raised in Meridian's submission.

7 The particular concern I raise is that Policy P4 sets out a definition that requires reduction of adverse effects of activities to the 'smallest amount practicable'. It also includes in (e) a requirement to design activities so that the scale or footprint of the activity 'is as small as practicable'. The expression 'minimise' is used in multiple protective

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<sup>1</sup> Paragraphs 10 to 37 of my 05.05.17 written statement

policies: for example P19 (Māori values), P26 (natural processes), P31 (aquatic ecosystem health and mahinga kai), P52 (air), P67 (discharges), P73 & P79 (stormwater from development sites), P126 (de-watering), P134 (public open space and visual amenity from the coastal marine area). These policies pertain to activities that are central to the construction, operation and upgrading of renewable energy generation activities. In my opinion, there is a strong protective flavour to these (and other) policies and Policy P12 does not directly balance the 'minimise' imperative in Policy P4.

- 8 Policy P12 requires decision makers to 'have regard to' operational requirements and locational constraints. Policy P4 is a strong requirement (reduce to the smallest extent practicable) and it is a required outcome, not just something to have regard to. In my opinion, for the Plan to give full effect to the higher order statutory documents, Policy P4 needs to include active recognition of the functional need and operational requirements of renewable energy generation activities (as a form of regionally significant infrastructure).
- 9 For example, the NPS-REG requires decision makers to 'have particular regard to' the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities (Policy C1). Policy E3 also requires regional plans to include objectives, policies and methods to 'provide for the development, operation, maintenance and upgrading of new and existing wind energy generation activities to the extent applicable to the region'. Objective 9 (d) of the RPS requires that the region's energy needs are met in ways that maximise the use of renewable energy resources. This objective requires, in my view, an active response to potential impediments.
- 10 It is my view that, in combination, these higher order policies warrant a more active response in the regional plan than is provided by proposed Policy P12. My opinion is that this is most directly and effectively achieved within the wording of Policy P4 so that 'giving particular regard' to the particular constraints affecting renewable energy generation is a requirement whenever the imperative to 'minimise' is exercised.

### Reverse Sensitivity

- 11 A second point of policy consistency I raised is in relation to managing reverse sensitivity effects (paragraphs 44 to 49 of my 05.05.17 written statement). The issue is with Objective O13 which pertains only to the coastal marine area. My view is that the potential for reverse sensitivity effects exists in other environments (for example, in activities within the beds of lakes and rivers, discharges to and use of water). These include activities that are typically components of the development and use of renewable energy generation activities. Examples include river crossings, culverts, discharges of stormwater from construction activities and access tracks to water bodies.
- 12 There are also activities within other (non-c.m.a.) environments that are central to other forms of regionally significant infrastructure (e.g. discharges to and uses of water, diversion of water, placement of structures on the beds of rivers). The highly confined scope of Objective O13 denies the opportunity for consideration of reverse sensitivity effects in these wider environments. For renewable energy generation, the exclusivity of Objective O13 is not supported by the NPS – REG Policy D which applies in all environments (not just the coastal marine area).
- 13 Policy P14 is the 'reverse sensitivity' policy that flows from Objective O13. It is not restricted to the coastal marine area but applies in all environments. As currently proposed, the all-environments scope of Policy P14 is not supported by a corresponding Plan objective. The solution is sensible, and consistent with the higher order documents, and that is to delete the reference in Objective O13 to 'the coastal marine area'.
- 14 Meridian's submission also requested the deletion of the word 'new' in Objective O13. The higher order documents require the protection of established renewable energy generation activities (as a form of regionally significant infrastructure) from any incompatible activities (new as well as changed). Meridian's submission also requested a similar amendment to Policy P14 (protection from any incompatible development, not just 'new'). I reaffirm my view that those

amendments are consistent with the intention of the higher order documents.

Requests for Complete Avoidance Policy Approach

- 15 In relation to paragraphs 50 to 53 of my 05.05.17 written statement, I confirm my support for the officers' recommendations to reject submissions that seek the complete avoidance of all adverse effects.
- 16 I am available to answer any questions from the Panel.

Christine Foster

6 June 2017