

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

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

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

Hearing Stream 3

**Statement of Evidence of Christine Anne Foster
Called by Meridian Energy Limited**

Dated 22 August 2017

INTRODUCTION

- 1 My name is Christine Anne Foster. I am a Planning Consultant and sole director of CF Consulting Services Limited' based in Wellington. I hold a Bachelor of Regional Planning and have worked as a resource management planner in New Zealand for over 35 years. I confirm that my qualifications and experience are as stated in my statement of evidence to Hearing Stream 1 dated 05 May 2017.
- 2 This statement of evidence is within my area of expertise as a resource management planner, except where I state that I rely on the evidence of others. I have read the Code of Conduct for Expert Witnesses set out in the 2014 Environment Court Practice Note (and, in particular section 7 in relation to an expert's duty to the Court). Whilst this hearing is not a hearing before the Court, I am aware of the obligations imposed on expert witnesses by the Code and agree to comply with the Code of Conduct. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 3 I assisted Meridian to prepare its original (first-round) submission and further submissions on the proposed Natural Resources Plan ('PNRP'). I was asked by Meridian to consider the analysis and recommendations of the officers' reports that pertain to the decisions requested in Meridian's submission and further submissions. I am authorised by Meridian to present this statement of evidence to the Panel.

EXECUTIVE SUMMARY

- 4 This statement of evidence concentrates on the issues of primary interest to Meridian, which can be summarised as relating to:
 - (a) Objective O19
 - (b) Objective O38
 - (c) Policy P25
 - (d) Policy P49
 - (e) Rules R140 and R146.

OBJECTIVE O19 (NATURAL PROCESSES)

S.42A Report by Yvonne Legarth Paragraphs 277-281 and 303: Meridian Submission S82/010

- 5 Meridian opposed the wording of Objective O19 in the absence of clarity about what 'interference' means. The reporting officer accepts that the expression 'interference' is problematic and proposes alternative wording (below):

Objective O19:

~~The interference from use and development on natural n~~Natural processes, ~~is minimised. managed to ensure that~~ including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.

- 6 I support the proposed amended wording. I have conferred with Meridian and I understand Meridian accepts the proposed amendment.

OBJECTIVE O38 (SPECIAL AMENITY LANDSCAPES)

S.42A Report by Yvonne Legarth Paragraphs 504-533: Meridian Submission S82/011

- 7 Objective O38 is that: '*Identified special amenity landscape values are maintained or enhanced*'.
- 8 My opinion is that Objective O38 isn't necessary, doesn't drive any actual policy or methods and is not the most appropriate way to achieve the purpose of the RMA or to implement the higher order RPS.
- 9 Regional Policy Statement (**RPS**) Objective 18 states the region's 'special amenity landscapes' will be identified. RPS Policy 27 does not *require* that the PNRP must identify these. It makes it optional. The proposed Natural Resources Plan (**PNRP**) does not itself do what RPS Objective 18 asks. The PNRP does not identify 'special amenity landscapes'.
- 10 PNRP Policy P49 is the only policy that refers to 'special amenity landscapes'. It addresses the landscape values of the coastal marine area adjoining terrestrial areas that may, in future, be identified in district plans as 'special amenity landscapes'. It is not the PNRP that does the identifying. These will be identified in district plans. For those situations, Objective O38 will not add any additional value when considering proposals compared with RPS Objective 18 (the maintain/enhance wording is the same).
- 11 In this respect, Objective O38 doesn't perhaps do any harm. However, it promises more than the PNRP actually delivers. The only policy that appears to support Objective O38 is Policy P49 and it is specific to 'special amenity landscapes' that are identified in district plans. If it is the intention that this narrowed scope is the only landscape context addressed by the PNRP, then perhaps Objective O38 should be amended to reflect that position. That is, if only areas of the c.m.a.

adjoining special amenity landscapes identified in district plans have PNRP policy (and no methods or rules), then perhaps Objective O38 should be confined to the c.m.a. adjoining special amenity landscapes in district plans. My opinion is that Objective O38 adds no value beyond that.

- 12 There is no PNRP schedule of identified 'special amenity landscapes' within the GWRC jurisdiction. There is no method proposing to identify them in future. And there are no rules triggered for 'special amenity landscapes'.
- 13 The table in Appendix E to the s. 42A report states (p. 4) that Objective O38 is supported by '*Policy P48: Natural features and landscapes and special amenity landscapes.*' However, that is not correct. Policy P48 does not refer to 'special amenity landscapes' (let alone *identified* 'special amenity landscapes'). It is explicitly about outstanding natural features and landscapes and natural features and landscapes. The expression 'special amenity landscapes' is a defined expression in the RPS, as distinct from 'natural features and landscapes'. The two cannot be conflated.
- 14 A word search of the PNRP confirms that the only policy that stems directly from Objective O38 is Policy P49. This fact is also confirmed in the s. 42A Appendix E table. There are no other policies or rules or methods that rely on Objective O38. All of the policies and methods referenced there stem directly from other objectives. None other than P49 refers to 'identified special amenity landscapes'. The officer's report does not explain whether work is planned to identify special amenity landscapes within the GWRC c.m.a., rivers and lake bed jurisdiction at some future time.
- 15 By contrast, proposed PNRP Method M24 clearly states that GWRC will work with city and district councils to identify outstanding natural features and landscapes and areas with high outstanding/high natural character in the coastal environment. There is no similar method or commitment for 'special amenity landscapes'. It appears that GWRC intends to rely on district plans to identify 'special amenity landscapes'. If that is the case, I do not consider that Objective O38, as currently worded, is appropriate or necessary or the most appropriate way to achieve the purpose of the RMA.
- 16 If the intention of Objective O38 is to provide a 'hook' in case GWRC identifies specific special amenity landscapes within the c.m.a., rivers and lakes in future, then the PNRP provisions are incomplete. That is because there is no policy or method by which this is to be achieved. If there is no commitment to identifying 'special amenity landscapes' within GWRC's c.m.a., rivers and lake bed jurisdiction during the life of this plan, Objective O38 does no more than RPS Objective 18 and is unnecessary.
- 17 My conclusion is that Objective O38 could be excised from the PNRP without upsetting the policy framework.

POLICY P25 (NATURAL CHARACTER)

S.42A Report by Yvonne Legarth Paragraphs 152-161 and 222-260: Meridian Further Submissions FS32/041, FS32/042, FS32/043, FS32/044

- 18 I note the clarification provided in paragraph 222 of the reporting officer's report that Policy P25 specifically applies to areas of outstanding natural character that are located within the coastal marine area.
- 19 In response to the various requests of other submitters, the reporting officer recommends some amendments to Policy P25, including deletion of sub-clause (d) and insertion of new sub-clauses (d) to (f). I have conferred with Meridian and understand that the company has no opposition to the proposed amendments. I note that Policy P25 has to be read alongside Policy P12. Together with sub-clauses (a) to (e) of Policy P12 (as currently worded), the proposed wording of Policy P25 appropriately provides for the particular locational constraints of renewable energy generation activities, to the extent that these may be relevant in the coastal marine environment.

POLICY P49 (SPECIAL AMENITY LANDSCAPES – CMA)

S.42A Report by Yvonne Legarth Paragraphs 388 - 416: Meridian Submission S82/021

- 20 Meridian's submission opposed Policy P49. I refer to my earlier comments (paragraphs 7 to 17) about Objective O38. The reporting officer recommends some amendments to Policy P49. I have no issues to raise with the suggested wording, noting that Policy P49 applies only in the coastal marine area.

RULE R140 (DE-WATERING)

S.42A Report by Paula Hammond Paragraphs 724-744: Meridian Submission S82/032

- 21 Meridian's submission supported the wording of Rule R140 as publicly notified and requested its retention. In response to the submissions of others, the reporting officer recommends some amendments to the wording of PNRP Rule R140. I have conferred with Meridian and understand that the company has no opposition to the recommended wording of Rule R140.

RULE R146 (GEOTECHNICAL INVESTIGATION BORES)

**S.42A Report by Dr Douglas Mzila and Paula Hammond
Paragraph 706:
Meridian Submission S82/032**

- 22 Meridian's submission supported the wording of Rule R146 as publicly notified and requested its retention. In response to the submissions of others, the reporting officer notes (in paragraph 706) that there is a technical omission from Rule R146:

Rule R146 includes the associated discharge of water or contaminants for the drilling of the bore, however, there are no conditions on the rule to ensure that the effects of the discharge are managed. To be consistent with other rules in section 5.6, I recommend an additional condition be added to Rule R146 so that the discharge must comply with the conditions of Rule R42, a permitted activity that deals with minor discharges.

- 23 I have conferred with Meridian and understand that the company has no opposition to the recommended amended wording of Rule R146.



Christine Foster
22 August 2017