

**Before the Joint Freshwater Hearing Panel and Part 1 Schedule 1  
Hearing Panel Appointed by Wellington Regional Council  
to Hear Submissions on Proposed Change 1 to the Natural Resources  
Plan for the Wellington Region (PC1)**

**Hearing Stream 1**

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

And: **Submissions and Further Submissions  
Lodged on PC1**

**by Meridian Energy Limited**

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

**HEARING STREAM 1**

**OVERARCHING**

**17 October 2024**

## 1. Introduction

- 1.1. 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 40 years.
- 1.2. 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 or evidence presented in the Council's section 42A reports and technical evidence. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court 2023 Practice Note. 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.
- 1.3. My planning experience has included the compilation of resource consent applications, assessment of the environmental effects of a variety of projects, community consultation and the drafting and implementation of resource management plan provisions. That experience has been gained in a number of roles including as a staff planner for local authorities, policy analyst with the Ministry for the Environment and, since 1992, as a consultant planner working on contract for a variety of clients including private developers, territorial authorities, regional and unitary councils and central government departments. I have assisted local authorities with the preparation of district and regional plans and regional policy statement provisions under the Resource Management Act 1991 (the RMA) and with plan changes and variations. I am a qualified RMA decision-maker (with chairperson endorsement) under the 'Making Good Decisions' programme and have heard and determined a number of proposed Plan changes.

## 2. My Role

- 2.1 I assisted Meridian in preparing the company's submission and further submissions on the NRP during 2015 and 2016, presented evidence to the NRP hearings and assisted Meridian in resolving its appeals (by consent order) through mediation between 2019 and 2022. Based on this and previous work undertaken for Meridian Energy Limited (*'Meridian'*), I have a broad understanding of the renewable energy generation sector generally, of the imperatives that drive the generation industry and of the realities that confront an energy generator in operating and developing wind farms under the RMA.
- 2.2 Meridian did not lodge a first-round submission on PC1. I assisted Meridian in the preparation of its further submissions on PC1. I have been asked by Meridian to consider the recommendations of the Council's section 42A reports for Hearing Stream 1 in relation to those further submissions. I am authorised by Meridian to present this statement of evidence to the Hearings Panels.

### 3. Context

3.1 Meridian operates two wind farms and a single wind turbine in Wellington City:

- (a) West Wind (along the Makara coast, comprising 62 turbines generating up to 142.6 MW of electricity, commissioned in 2009);
- (b) Mill Creek (Ohariu Valley, comprising 26 turbines generating up to 59.8 MW of electricity, commissioned in 2014); and
- (c) The Brooklyn Turbine (a single Enercon E44 turbine with 0.9 MW generation capacity first installed in 1993 and upgraded in 2016).

3.2 Meridian also operates the following wind farms elsewhere in New Zealand:

- (a) Te Uku Wind farm (28 wind turbines on land near the western coast of the Waikato District);
- (b) Te Apiti (55 turbines on the lower Ruahine Ranges, Manawatu Gorge);
- (c) White Hill (29 turbines in Southland); and
- (d) Harapaki Wind farm (41 turbines on the Maungaharuru Range in Hawkes Bay).

3.3 Meridian is also currently engaged in resource consent processes to secure consent for a 20-turbine wind farm at Mt Munro, approximately five kilometres south of Eketāhuna (Wairarapa) which is located partly within Wellington Region. Meridian is also currently consenting the Ruakākā Energy Park in Northland which combines a 100-megawatt battery energy storage system (**BESS**), currently under construction, and a proposed 120-megawatt solar farm.

3.4 Meridian's further submissions on PC1 focus on the proposed amendments to the Natural Resources Plan (*NRP*) that have the potential to affect its renewable electricity generation assets in the Wellington Region or which may impede the role of renewable electricity generation in assisting the Wellington Region and New Zealand to transition to an economy less reliant on fossil fuels, as intended by current Government policy direction.

### 4. Scope of Evidence

4.1 The s. 42A report prepared by Mary O'Callahan makes few recommendations, acknowledging that submitters' requests for amendment to specific PC1 provisions will be addressed in future topic-specific hearings. Most of Meridian's further submission points relate to specific requested amendments that will be addressed at future Hearing Streams. Meridian's interest in Hearing Stream 1, and this statement of evidence, is confined to two matters:

- (a) Its further submissions on submission points requesting the withdrawal of PC1;
- (b) PC1's proposal to delete the applicability of some region-wide NRP provisions in the two Whaitua under consideration in PC1 and, in particular, the proposal to delete the applicability of Objectives O2 and O6.

4.2 In the following statement, I have adopted the abbreviations used by Ms O’Callahan for the two Whaitua that are the subject of PC1: Te Awarua-o-Porirua (**TAoP**) and Te Whanganui-a-Tara (**TWT**).

## 5. Information Relied on

5.1 In preparing this statement of evidence, I have read and considered:

- (a) Publicly notified PC1;
- (b) The Te Awarua-o-Porirua Implementation Programme (2019) and Te Whanganui-a-Tara Implementation Programme (2021);
- (c) The Te Awarua-o-Porirua Whaitua Implementation Programme Ngāti Toa Rangatira Statement;
- (d) Te Mahere Wai o Te Kāhui Taiao (A Mana Whenua Whaitua implementation plan to return mana to our freshwater bodies) prepared for GWRC;
- (e) The section 32 report accompanying the publicly notified PC1;
- (f) The further submissions referenced later in this statement of evidence and the published summary of submissions and addenda (identifying errors and amendments to the published summary of submissions);
- (g) The Regional Policy Statement for the Wellington Region including the Council’s decisions on submissions on and decisions version of RPS Change 1 publicly notified on 4 October 2024;
- (h) The section 42A Hearing Report for Hearing Stream 1 prepared by Mary O’Callahan dated 3 October 2024.

## 6. Requests for withdrawal of PC1:

6.1 Multiple submissions requested withdrawal of PC1 (for various reasons). Meridian’s further submissions supported in part many of these submission points. I list in Attachment 1 to this statement the specific submission points supported in part by Meridian. The reason for Meridian’s support for these requests was stated in its further submission as follows:

*‘Meridian is concerned that proposed PC1 has been promulgated without consultation with all providers of regionally significant infrastructure and without proper consideration of the particular operational and functional needs of regionally significant infrastructure, including Meridian’s lawfully established renewable electricity generation wind farms. Proposed PC1 raises potentially significant adverse operational impacts for regionally significant infrastructure, including renewable electricity generation activities, that conflict with the National Policy Statements for Renewable Electricity Generation and Electricity Generation. Proposed PC1 also overrides or upends, without reasonable cause, provisions in the operative NRP for regionally significant infrastructure that were settled by agreement (including the agreement of GWRC) only recently through mediation of appeals on the NRP. Meridian considers that the particular issues of conflict raised in the following submission are capable of resolution by providing appropriate exclusions or exemptions for regionally significant infrastructure (and particularly for lawfully established existing*

*regionally significant infrastructure). These exclusion or exemption provisions are necessary in order for the region's urban and rural communities to function effectively and efficiently, and to enable achievement of the nation's objectives relating to adaptation to climate change. These objectives include enabling increased electricity generation from renewable sources.'*

6.2 Meridian's further submission requested that, either, the submission points be allowed (and PC1 withdrawn) or, as alternative relief, the amendments to PC1 detailed in Meridian's topic-specific further submission points (or such further or other relief as will achieve the outcome sought by the submission points).

6.3 The s. 42A report recommends rejecting all submissions that sought the withdrawal of PC1. In paragraphs 106 to 109, Ms O'Callahan explains part of the reason for this recommendation:

*'106. Sixty-seven submitters have sought the withdrawal of PC1 based on a lack of consultation and other related issues. As set out in section 3.1 and the section 32 report, the foundation of PC1 is the two whitua processes completed for TAO P and TWT. Those processes were community planning processes, involving the appointment of a Committee comprising elected members, iwi/hapū, and community representatives. Part B of the section 32 report provides a summary of the community planning process for each whitua. In addition, there was wider public engagement carried out during the whitua processes, including conducting a range of community engagement events throughout its duration to inform community values, as well as views on issues and solutions. These are documented in section 3.6.1 and 3.6.2 of the section 32 report.*

*107. At the plan change development stage, the Council took a targeted approach to consultation prior to notification. I understand the Council sought to build on the engagement undertaken in the whitua processes, rather than to revisit the recommendations made by the Whitua Committees for the plan change. I further understand the Council was mindful of the statutory requirement to implement national direction by 31 December 2024<sup>23</sup> applicable at that time. A draft plan change was therefore provided for comment to mana whenua partners, territorial authorities, the Minister for the Environment, Minister of Conservation and other relevant Ministers of the Crown. This limited consultation was in line with the 23 Section 80A(4)(b) of the RMA - it is noted that this timeframe has subsequently been extended out to 31 December 2027 because of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 requirements of Clauses 3(1) and 3(3) of Schedule 1 of the RMA. The feedback received at this stage is set out in the section 32 report, along with Officer's responses.*

*108. While I agree with some submitters that additional consultation and engagement could have been valuable, I do not agree this necessitates the withdrawal of PC1. The Council has met its statutory obligations for consultation and has drawn on earlier engagement through the whitua processes to inform the plan change. The formal submissions process is an opportunity for all interested parties, to share their views and seek changes. My understanding is the Council sees the submissions and hearings as a valuable process to make the plan change*

*better and respond to concerns raised by submitters. I concur with this sentiment and expect that changes will be recommended by reporting officers in response to submissions and updated information through the substantive hearing topics to come.*

*109. I recommend rejecting the submissions seeking withdrawal of PC1 based on lack of consultation and those seeking further consultation.'*

6.4 Ms O'Callahan is right: the time has now passed for any feedback on a draft plan change to have any benefit, and any drafting errors can be addressed through submissions alongside other substantive issues at the future topic-specific hearings. Meridian accepts this position.

6.5 However, the particular point that Meridian's further submissions sought to make was that some of the PC1 proposed amendments overturn core NRP provisions that had been confirmed only recently<sup>1</sup>, through Environment Court mediation and consent orders negotiated with appellants, including with Meridian and other operators of regionally significant infrastructure. Knowing this, and knowing that those appellants had active interests in these matters, GWRC proposed deletion or substantial change to settled provisions without any opportunity for discussion of the implications for regionally significant infrastructure.

6.6 I have worked as a planner in the Wellington Region for over 40 years. In my experience, GWRC has a long tradition of providing opportunities for discussion of draft plan provisions with its entire community, including stakeholders known to have interests in the subject matter of proposed changes. The process adopted for PC1 (and for RPS Change 1) departed from that sound practice. In my opinion, this has meant that the perhaps unintended implications for operators of regionally significant infrastructure (including Meridian) were not understood or addressed in the drafting of PC1.

6.7 Ms O'Callahan notes in paragraph 107 that GWRC was mindful of its statutory obligation to comply with the time frames required by s. 80A (4) (b) of the RMA. The requirement at that time was to publicly notify its freshwater planning instrument by 31 December 2024. My opinion is that the targeted engagement undertaken at the time would have benefited from being expanded to include operators of regionally significant infrastructure with known interests in the provisions that PC1 proposes to change. I expect that plan drafting efficiencies may have been achieved by doing so. However, that is a criticism of process that has now passed and these Hearing Panels have no ability to intervene. I accept Ms O'Callahan's point that this part of the process is now behind us.

6.8 The only point that I wish to raise to the Hearing Panel's attention is that, for all of the topic-specific decisions requested by Meridian's further submissions, the first position is that the proposal should be withdrawn, or (alternatively) that the suggested amendments set out in requested relief be adopted. This therefore provides a broad scope for amendments to

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<sup>1</sup> The NRP was made operative, after settling appeals, in June 2023. PC1 was publicly notified on 30 October 2023.

address the topic-specific matters raised by Meridian's further submission that will be addressed in future Hearing Streams.

## **7. Replacing Region-Wide NRP Provisions with Whaitua-Specific Provisions in the Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua:**

7.1 PC1 proposes that some NRP provisions that apply region-wide will no longer apply in the TWT and TAoP Whaitua and will be replaced by new Whaitua-specific provisions. Some of these replaced provisions are part of the suite of provisions settled through mediation and consent orders in 2023. Most of these will be addressed in future topic-specific hearings but Ms O'Callahan's report addresses two overarching objectives that Meridian made further submissions on: Objectives O2 and O6.

### **Objective O2:**

*The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.*

7.2 Meridian's further submissions put the view that Objective O2 remains relevant in all Whaitua (including TWT and TAoP). It did so in relation to four submission points<sup>2</sup>. I include in Attachment 2 the relevant extract (pages 15 and 16) of Meridian's further submissions. However, Meridian's further submission did not address the submission point by Woodridge (S255.017) that is discussed in the s. 42A report. Meridian's interest in Objective O2 does not appear to be acknowledged.

7.3 The s. 42A report recommends deleting the 'not applicable' icon from Objective O2 and retaining its application in all Whaitua. The report reasons in the first row of the table on page 52 that: *'This objective is broader than freshwater and not obviously contrary to PC1 as the language is less directive than the Te Mana o te Wai hierarchy of obligations in the NPS-FM, so I would be comfortable removing the icon such that it remains in place for these whaitua, albeit the specific amendment sought by the submitter is not clear. On this basis, I recommend accepting the submission in part through removal of the 'not applicable' icon from this objective.'*

7.4 I agree with the s. 42A report reasoning and support the recommendation to retain application of Objective O2 to all Whaitua. This is the outcome sought by Meridian's further submission points.

### **Objective O6**

*The social, economic, cultural and environmental benefits of taking and using water are recognised, when managing water.*

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<sup>2</sup> S101.018 (Wellington International Airport Limited), S151.031 (Wellington Water Ltd), S193.029 (Wairarapa Federated Farmers) and S285.012 (Civil Contractors NZ).

7.5 Meridian (FS47.136) supported in part Wellington Water Ltd (**WWL**) submission point S151.033) and supported Wairarapa Federated Farmers S193.031 that Objective O6 is equally relevant for the TWT and TAoP Whaitua as for the wider region. This objective has particular importance for regionally significant infrastructure (recognising the legitimacy of taking and using water).

7.6 The s. 42A report recommends rejecting WWL's request. Part of the reason may be that the WWL submission point requested retention *and amendment* of Objective O6, in a way that would have implications wider than the two PC1 Whaitua. I agree with Ms O'Callahan that the relief requested in PC1 submissions cannot give rise to changes to provisions in Whaitua other than TWT and TAoP. However, the support in Meridian's further submission point was for *retention* (not amendment) of Objective O6. The further submission point (see page 16 in Attachment 2 to this statement) explains that: *'The benefits described in Objective O6 should be recognised, regardless of location. The benefits described in Objective O2 include the benefits of regionally significant infrastructure. Decision requested: Allow S151.033 and retain Objective O6 as having application in both Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.'*

7.7 My view is that the reasoning Ms O'Callahan applies to Objective O2 applies equally to Objective O6. On this basis, it is my view that Objective O6 is important for the TWT and TAoP Whaitua and should remain applicable in these Whaitua as well as in the wider region.

## **8. Conclusion**

8.1 I will be available at the hearing if required to answer any questions about this statement.

**Christine Foster**  
**17 October 2024**



**ATTACHMENT 1: SUBMISSION POINTS REQUESTING WITHDRAWAL OF PCE THAT WERE SUPPORTED IN PART BY MERIDIAN:**

<b>Submission Point Reference:</b>	<b>Submitter:</b>	<b>Meridian Submission Point Number:</b>	<b>Further Submission Point Number:</b>
S94.001	Jo McGready	FS47.001	
S175.001	Tracy Simms	FS47.015	
S254.004	Best Farm and Others	FS47.044	
S219.002 S219.004 S210.005	Cuttriss Consultants	FS47.016 FS47.017 FS47.018	
S247.002 S247.004	Carrus Corporation	FS47.037 FS47.040	
S252.002 S252.004 S252.005	Thames Pacific	FS47.041 FS47.042 FS47.043	
S161.001	Gillies Group Management Ltd	FS47.002	
S165.001 S165.002	Pukerua Holdings Limited	FS47.003	
S169.041 S169.042 S169.043 S169.044 S169.045 S169.046 S169.048	Koru Homes NZ Ltd	FS47.005 FS47.006 FS47.007 FS47.008 FS47.009 FS47.010 FS47.012	
S173.001	Arakura Plains	FS47.014	
S241.001 S241.002 S241.003	Pukerua Property Group Ltd	FS47.030 FS47.031 FS47.032	
S243.033 S243.034	Land Matters Ltd	FS47.035 FS47.036	
S255.001	Woodridge Holdings Ltd	FS47.045	
S224.002	Terawhiti Farming Co. Ltd	FS47.020	
S229.002	Te Kamaru Station	FS47.025	

**ATTACHMENT 2: EXTRACT OF PAGES 15 and 16 OF MERIDIAN'S FURTHER SUBMISSION**