

**Before the Hearing Panel Appointed by Wellington City Council
to Hear Submissions on the Proposed Wellington City District Plan**

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

And: **Submissions and Further Submissions
Lodged on the Proposed Wellington City
District Plan by Meridian Energy Limited**

**HEARING STREAM 9 – RENEWABLE ELECTRICITY
GENERATION AND INFRASTRUCTURE PROVISIONS**

**Supplementary Statement of Evidence of Christine Anne
Foster**

Responding to Hearings Panel Minute 51

20 June 2024

1. Introduction

1.1. This second supplementary statement of evidence responds to paragraph (3) of the Hearings Panel’s Minute 51 dated 17 June 2024. I prepared a statement of evidence for Hearing Stream 9, addressing submission points made by Meridian Energy Limited. My qualifications and evidence are as summarised in my statement of evidence to Hearing Stream 1 (dated 3 February 2023) and I reiterate my commitment to abide the Code of Conduct made in both statements of evidence.

2. Amendments Proposed by WIAL to the Infrastructure Chapter Introduction

2.1. I thank the Hearings Panel for the opportunity to clarify my opinion on the amendment to the introduction to the Infrastructure Chapter proposed by Ms O’Sullivan (for Wellington International Airport Limited¹) which Mr Anderson supported².

2.2. To recap: in paragraph 54 of my Statement of Evidence to Hearing Stream 9³, I supported Mr Anderson’s proposed wording clarifying that none of the provisions of the Infrastructure Chapter and Infrastructure sub chapters apply to renewable electricity generation activities. Mr Anderson’s proposed wording was, at that time (in red below):

‘Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of ‘infrastructure’, which includes airport and port facilities, and renewable electricity generation. Notwithstanding that, this Infrastructure Chapter (including the infrastructure sub chapters) does not apply to activities that fall under the definition of airport purposes or airport related activities (which are dealt with in the Airport Zone chapter), ~~or~~ the definition of port or operational port activities (which are dealt with in the Port Zone chapter), or the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter). Any infrastructure in the airport or port areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter.’

2.3. I continue to support the above wording. The REG Chapter is completely self-contained in that it contains all of the relevant objectives, policies, rules and standards necessary for the management of renewable electricity generation activities. The REG Chapter gives effect to the NPS-REG, NZCPS and other relevant higher order policy instruments. Evaluation of REG activities will not need to draw on broader policy considerations contained in, for example, the Infrastructure Chapter.

¹ Paragraph 41 of the Statement of Evidence of Kirsty O’Sullivan to Hearing Stream 9 dated 27 May 2024.

² Paragraph 59 of the Statement of Supplementary Planning Evidence of Thomas Anderson dated 4 June 2024.

³ Statement of Evidence of Christine Foster dated 27 May 2024.

- 2.4. In supporting Mr Anderson's wording, I had also suggested that the reference to the sub chapters should be expanded by listing them individually, but that is a separate matter to the issue raised in paragraph (3) of Minute 51 (which I have addressed in my earlier evidence).
- 2.5. Ms O'Sullivan's evidence⁴, for WIAL, is that airport activities will need to rely on the policy guidance provided in the Infrastructure Chapter. The Airport Zone provisions differ from the REG Chapter provisions in this respect. All of the relevant higher order policy considerations are given effect in the REG Chapter (recognition of the benefits of REG and management of the effects of REG activities, including effects on identified sensitive areas). By contrast, for the airport, some important policy support recognising the benefits and functional and operational needs of airport activities (within the broader definition of infrastructure) is only found in the Infrastructure Chapter.
- 2.6. The amendment proposed by Ms O'Sullivan and Mr Anderson is:

'Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of 'infrastructure', which includes airport and port facilities, and renewable electricity generation. Notwithstanding that, ~~this~~ the rules within the Infrastructure Chapter (including the infrastructure sub chapters) does not apply to activities that fall under the definition of airport activity purposes or airport related activities (and are located within which are dealt with in the Airport Zone chapter), or the definition of port or operational port activities (and are located within which are dealt with in the Port Zone chapter), or the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter). Any infrastructure in the airport or port areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter.'

- 2.7. The effect of the above amendments is to change the relationship between the REG and Infrastructure Chapters, making REG activities also subject to the objectives and policies of the Infrastructure Chapter and Infrastructure sub chapters. As I understood the earlier agreed evidence of all Council witnesses to Hearing Streams 8 and 9, this is not the intention. I do not support the further amendment proposed by Ms O'Sullivan and Mr Anderson as relates to REG because I do not think it is necessary (for the reasons explained above).
- 2.8. I have discussed the issue with Ms O'Sullivan and understand the need for the airport activities to be able to draw on the Infrastructure Chapter and sub chapters. In my opinion, the different circumstances of REG and airport activities can be addressed in the introductory text by splitting out the intention for REG and airport activities into separate sentences. The text should clarify the intention that the objectives and policies (but not rules) of the Infrastructure Chapters apply to airport activities within the Airport Zone and that none of

⁴ Paragraph 40 of the Statement of Evidence of Kirsty O'Sullivan to Hearing Stream 9 dated 27 May 2024.

the provisions of the Infrastructure Chapters apply to REG activities (as these are defined in the above text). Ms O'Sullivan has shared with me the following draft amendment (shown in green font) which I support:

Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of 'infrastructure', which includes airport and port facilities, and renewable electricity generation. Notwithstanding that, ~~this~~ the rules within the Infrastructure Chapter (including the infrastructure sub chapters) ~~does~~ es not apply to activities that fall under the definition of airport activity purposes or airport related activities (and are located within which are dealt with in the Airport Zone chapter), ~~or~~ or the definition of port or operational port activities (and are located within which are dealt with in the Port Zone chapter), ~~or the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter)~~. Any infrastructure in the airport or port zones areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter. The Infrastructure Chapter (including the infrastructure sub chapters) also does not apply to activities that fall within the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter).



Christine Foster
20 June 2024