

**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**

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

**HEARING STREAM 8 – COASTAL ENVIRONMENT, NATURAL
CHARACTER, PUBLIC ACCESS AND NATURAL FEATURES
AND LANDSCAPES**

12 April 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 expert evidence. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court 2023 Practice Note (**Code**). While 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 prepared this statement of evidence in accordance with the Code. 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 qualifications and resource management experience are set out in my statement of evidence to Hearing Stream 1 dated 3 February 2023.
- 1.4. I assisted Meridian in providing feedback on the Council's Draft District Plan and participated in meetings with Sherilyn Hinton (planning adviser to the Council). I assisted Meridian with the preparation of its original (first-round) submission and further submissions on the proposed Wellington City District Plan ('PDP'). I was asked by Meridian to consider the analysis and recommendations of the Council's section 42A reports for Hearing Stream 8 that pertain to Meridian's submission and further submissions. I am authorised by Meridian to present this statement of evidence to the Panel.

2. Context and Purpose of Meridian's Submissions

- 2.1 In my evidence to Hearing Stream 1, I explained that Meridian's feedback on the Draft PDP and submissions on the PDP focused on:
 - (a) recognising the existence of the company's two existing wind farms in Wellington City; and on
 - (b) enabling the use and development of those generation assets to optimise their generation capacity; and
 - (c) the submissions also sought recognition of the single Brooklyn wind turbine and provisions to support its continued existence.
- 2.2 In my February 2023 statement of evidence I reflected on the Council's own net zero carbon emissions ambitions (set out in *Te Atakura First to Zero 2022 Update* and the importance of district plan settings that actively enable new and expanded renewable electricity generation in appropriate locations, to help facilitate this City's and the nation's emissions targets goals. This outcome is supported in the recommendations of the Hearing Panel from Hearing Stream 1, recently adopted by Council.
- 2.3 Although the 2023 change of Government has introduced some uncertainty about the future of national policy settings in relation to climate change adaptation and emissions reduction targets, the signals confirm a government commitment to recognising the benefits of shifting

the economy towards a greater reliance on renewable electricity generation and enabling an increase in renewable electricity generation. Upgrading of existing generation assets will be an important component of that increase in renewable electricity generation. Generation from the upgrading of existing wind farm assets can be achieved with generally low or modest environmental impact, compared to the establishment of new assets.

2.4 The reality the PDP must confront is that Meridian's two wind farms and Brooklyn turbine are established parts of the landscape of this City. They contribute to the modified character of parts of the coastal environment of the City or form the backdrop to the coastal landscape. They have modified ridgelines and hilltops. There are significant local and national benefits derived from the existing wind farms and from potential future additional generation capacity that could be achieved by upgrading those wind farms. The task for the PDP is to reconcile the tensions that exist between these local/national benefits and aspirations for protection and restoration of natural character in the City's coastal environment.

2.5 The Hearing Panel's Hearing Stream 1 recommendations on the broader strategic issues raised in Meridian's submissions assist and address some of the issues raised in Meridian's Draft PDP feedback and PDP submissions. The outcomes supported in Hearing Stream 1 also require follow-through in other chapters of the PDP, including the provisions for the coastal environment and natural character. This statement of evidence acknowledges the amendments proposed by reporting officers that assist with the reconciliation of high-level issues. It also highlights provisions that do not fully reconcile the high-level tensions between recognising and providing for renewable electricity generation (including future upgrading) and coastal landscape and natural character values.

3. Scope of Evidence

3.1 In this statement of evidence I address the topics:

- (a) 'Coastal Environment', 'Natural Character' and 'Public Access' (section 42A report prepared by Jamie Sirl dated 27 March 2024);
- (b) 'Natural Features and Landscapes', 'SCHED10', and 'SCHED11' (section 42A report prepared by Hannah van Haren-Giles dated 27 March 2024).

4. Information Relied On

4.1 In preparing this statement of evidence I have read:

- (a) the statement of evidence of Clive Anstey dated 26 March 2024;
- (b) the section 42A reports prepared by Jamie Sirl and Hannah van Haren-Giles (both dated 27 March 2024);
- (c) the Appendix 'B' series of appendices detailing amendments recommended by Mr Sirl and Ms van Haren-Giles to the provisions considered in Hearing Stream 8;
- (d) the s. 32 Evaluation Report Part 2 (Renewable Electricity Generation);
- (e) the s. 32 Evaluation Report Part 2 (Coastal Environment);
- (f) the s. 32 Evaluation Report Part 2 (Natural Character and Public Access);

- (g) the s. 32 Evaluation Report Part 2 (Natural Features and Landscapes (including Ridgelines and Hilltops Overlay));
- (h) the submissions and further submissions referenced in the following sections of this evidence.

5. Plan Structure: Applicability of Topic Chapter Rules

Meridian Submission Points:	228.80, 228.81, 228.98, 228.99
Further Submissions:	None
S. 42A References:	s. 42A Coastal Environment: Section 4.6 Paragraphs 131 and 139 to 141 s. 42A Natural Features & Landscapes Section 3.2.4 Paragraphs 80 to 87

5.1 Meridian’s submission supported the framework of the PDP and the grouping together of the objectives, policies, rules and standards applicable to renewable electricity generation (**REG**) in the REG Chapter. Meridian has accepted, throughout the development of the draft PDP, that the objectives and policies of district-wide chapters such as CE (coastal environment) and NFL (natural features and landscapes) will apply to applications for REG. However, the rules applicable to REG should be self-contained in the REG chapter in my opinion. I understood, from my participation in the draft phase of the PDP, that this was the intention. It is a little ambiguous however in the PDP. In his s. 42A report, Mr Sirl refers to the explanatory note at the beginning of the CE chapter which states:

Provisions relating to renewable electricity generation within the coastal environment are located in the REG chapter

5.2 This statement is accurate (the REG chapter does contain provisions (objectives, policies and rules) for REG in the coastal environment). However, the statement does not definitively clarify that those are the only rules that apply to REG.

5.3 Mr Sirl also refers to the following note at the beginning of the REG chapter which attempts to provide some plan navigation clarification:

The provisions within this chapter apply on a City-wide basis and are specific to renewable electricity generation activities. As such, the rules in the Zone chapters, and the rules in the Infrastructure, Noise, Earthworks and Overlay chapters, do not apply to renewable electricity generation activities unless specifically stated within a renewable electricity generation rule or standard.

5.4 The statement clarifies that the rules in (only) the Zone chapters, infrastructure, noise, earthworks and overlay chapters do not apply to REG. Meridian requested the insertion of a similar note at the beginning of the CE, INF-CE, INF-ECO, INF-NFL, and NFL chapters (which aren’t referenced in the above statement) to make it clear that the rules of those chapters do not apply to REG. There is potential for undesirable rule conflict if plan readers or the consent authority apply the rules of these chapters in addition to the rules of the REG chapter. The issue is not disagreement about the fact that the REG chapter rules are self-contained. Mr Sirl appears to agree that all of the

applicable rules for REG should be contained in the REG chapter. The difference of opinion is that Mr Sirl considers the PDP currently achieves this, and I consider it does not (because only some district-wide chapters are named in the note referred to above). The issue is not about *whether* the REG chapter should be self-contained, but about *how* the PDP achieves this.

5.5 The REG rules require discretionary activity or restricted discretionary activity consent for new REG activities where these occur in an outstanding natural feature or landscape or in high coastal natural character areas or within a coastal margin (e.g. investigation activities (REG-R2.3), small scale (REG-R3.3), community scale (REG-R4.3), large scale (REG-R6)).

5.6 For example, standard CE-S1 sets a limit of 50m² indigenous vegetation removal within the coastal environment. There is no need to apply this standard because the effects of indigenous vegetation removal can be considered through the consent process via the REG chapter. Similarly, standard CE-S2 sets a maximum height for new buildings and structures within the coastal environment of 5m above ground level. The default rule for non-compliance requires consent as a restricted discretionary activity, with discretion over effects on coastal natural character. The 5m height standard is an inappropriate 'permitted baseline' for REG structures and, again, the effects of REG structures can be considered through the consent process via the REG chapter. If a REG proponent chose to pursue activities such as earthworks or vegetation removal separately (i.e. not as part of a REG proposal) the rules and standards of the non-REG chapters would naturally apply (as they would to any non-REG proposal). However, all proposals involving buildings, earthworks, and vegetation removal for the purpose of REG in identified areas of significance in the coastal environment are covered already by the rules of the REG chapter. The note Meridian requested for insertion in the other district-wide chapters would eliminate any confusion.

5.7 It is immaterial, in my opinion, whether the clarification is provided in the REG chapter or in the individual other district-wide chapters. However, as proposed by Meridian, the note provides important clarification and needs to be inserted somewhere. The requested relief places it at the beginning of the non-REG district-wide chapters that are not named in the REG chapter note. In the absence of any alternative suggestion in the s. 42A report, my opinion, is that the relief requested by Meridian remains appropriate.

5.8 For the CE chapter, this requires insertion of the following note into the chapter introduction:

The rules applicable to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character, are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter CE Coastal Environment do not apply to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character in the coastal environment.

5.9 Ms van Haren-Giles takes a slightly different approach, in her s. 42A report on Chapter NFL, and recommends the insertion at the beginning of the NFL chapter of the following note:

Renewable Electricity Generation – Policies and Rules relating to renewable electricity generation in Outstanding Natural Features and Landscapes, Special Amenity Landscapes, and Ridgelines and Hilltops are located in the Renewable Electricity Generation Chapter.

5.10 Ms van Haren-Giles agrees (paragraph 82) that the consistent approach of the PDP is that the REG chapter contains the relevant provisions for REG activities as applicable to each overlay or environmental issue. The point of Meridian's submission is not just that the provisions applicable to REG are to be found in the REG chapter, it is that the *rules* of the other district-wide chapters *do not apply* to REG (because the relevant rules are already in the REG chapter). In this respect, Ms van Haren-Giles' proposed note addresses only part of the issue. The thing that remains unsaid, but needs to be said in my opinion, is that the rules of the other district-wide chapters do not apply to REG (acknowledging that the objectives and policies of those other chapters will apply to applications for consent for REG activities). The note proposed by Meridian achieves this and is to be preferred, in my opinion, to the note proposed by Ms van Haren-Giles:

The rules applicable to renewable electricity generation activities (including in Outstanding Natural Features and Landscapes and Special Amenity Landscapes) are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter NFL Natural Features and Landscapes do not apply to renewable electricity generation activities.

6. Topic: Chapter CE Coastal Environment: Introduction

Meridian Submission Points:	228.96, 228.97
Further Submissions:	None
S. 42A References:	s. 42A Coastal Environment: Section 4.6 Paragraphs 130, 137, 138, 142, 143

6.1 Meridian's submission observed that the description of Wellington's south coast, in the introduction to Chapter CE, does not acknowledge the existing lawfully established built development that has modified the natural character of the landscape. In particular, Meridian sought acknowledgement of the presence of the West Wind and Mill Creek wind farms. This point is important because the description of natural character and visual values underlies the policy response proposed in the PDP. Mr Sirl agrees in principle and has proposed amended descriptive text, abbreviating the wording requested by Meridian¹:

'Wellington City's coastline extends for over 100 ~~kilometers~~ kilometres. The western and southern parts of this coastline are largely undeveloped. Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. Parts of the rural environment above the coastal escarpments have been modified by development. At the same time ~~†~~The urban areas of the coastal environment have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with residential and commercial development having modified the natural character throughout this area. There has also been development of large scale infrastructure within the coastal environment, such as turbines, quarrying, roads and other built facilities.'

6.2 I agree that Mr Sirl's suggested amendments capture the key points raised by Meridian's submission.

¹ Paragraph 142, page 27, of the s. 42A report on Coastal Environment, Natural Character and Public Access

6.3 In paragraph 138 of the s. 42A report, Mr Sirl refers to Mercury Energy. The submission points referenced there are Meridian's (not Mercury Energy's).

7. Topic: Chapter CE Objective CE-O1

Meridian Submission Points:	228.100, 228.101, 228.102
Meridian Further Submissions:	FS.101.152, 101.153 opposing S351.197 and S351.198 by GWRC FS101.154 opposing S377.221 by WCC ERG
S. 42A References:	s. 42A Coastal Environment: Section 4.8 Paragraphs 152 to 167

7.1 Meridian's submission requested acknowledgement of the presence of its wind farms in the landscape, the important benefits they bring, and the fact that the natural character of parts of the coastal environment has been modified (including by the presence of wind turbines).

7.2 Meridian requested the following amendment to Objective CE-O1:

CE-O1 Coastal environment

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced, recognising the presence of existing renewable electricity generation activities and the importance of the renewable electricity generation resource in the coastal environment.

7.3 Meridian's submission points in relation to the benefits of REG to the City and nation and the importance of enabling the establishment, operation, maintenance and upgrading of REG have been adopted by amendments to Objective SCA-O1 recommended by the Hearing Panel (and recently adopted by the Council²):

~~SCA-O1 Infrastructure is established, operated, maintained, and upgraded The social, economic, cultural and environmental benefits of infrastructure are recognised by enabling its establishment, operation, maintenance and upgrading in Wellington City so that:~~

~~1. The social, economic, cultural, and environmental benefits of this infrastructure are recognised;~~

~~2. 1. The City is able to function safely, efficiently and effectively;~~

~~3. 2. The infrastructure network is resilient in the long term;~~

~~4. 3. Infrastructure, including renewable electricity generation facilities, contributes to the transition away from dependence on fossil fuels; and~~

² Pages 713 and 714 of the report to the Environment and Infrastructure Committee dated 14 March 2024

~~5.4.~~ Future growth and development is enabled supported and can be sufficiently serviced.

7.4 In my opinion, this amendment together with the amendment to the description of natural character in the coastal environment proposed by Mr Sirl (discussed earlier in section 6 of my statement of evidence) goes some way to addressing the concerns raised in Meridian's submission. Mr Anstey's recommended amendments more directly reference the 2016 Boffa Miskell 'Coastal Natural Character Assessment'³. It is notable that, for the sections of coastal environment from the Porirua City boundary to Sinclair Head (including Makara), the assessment illustrations identify the Mill Creek and West Wind turbines and the text acknowledges their presence and the modification of natural character that has occurred. Meridian's submission point is seeking that this acknowledgement is similarly included in the PDP policy framework for natural character. It would, in my opinion, provide a more complete policy context, consistent with the Boffa Miskell assessment on which it is based. I support the amendment sought by Meridian but also accept that the turbines are not visible in all parts of the coastal environment. For that reason, I suggest a refinement to Meridian's request by inserting the words 'where relevant'.

7.5 I agree with Mr Sirl's reasoning in relation to the inappropriateness of requested amendments to Objective CE-O1 made by other submitters and support his proposed wording amendment to include rehabilitation as an outcome. The combination of Mr Sirl's and Meridian's requested amendment would read as follows:

CE-O1 Coastal environment

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored, rehabilitated, or enhanced, recognising where relevant the presence of existing renewable electricity generation activities and the importance of the renewable electricity generation resource in the coastal environment.

8. Topic: Chapter CE Objective CE-O2

Meridian Submission Points:	228.103, 228.104
Meridian Further Submissions:	FS.101.156 opposing S351.200 by GWRC FS101.155 opposing S345.295 by Forest and Bird
S. 42A References:	s. 42A Coastal Environment: Section 4.8 Paragraphs 170 to 177

8.1 Meridian's submission requested amendment to ensure the objective focuses on the identified characteristics and values of the identified areas of high coastal natural character. The amendment Meridian sought was:

³ 'Wellington City and Hutt City Coastal Natural Character Assessment' prepared for Greater Wellington Regional Council, Wellington City Council and Hutt City Council by Boffa Miskell Limited (2016)

CE-O2 High coastal natural character areas

The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development occurring within the mapped high coastal natural character areas.

8.2 I accept Mr Sirl's reasoning that no amendment is required to achieve the outcome Meridian sought because:

- (a) The expression 'Coastal Natural Character Areas' is defined in the PDP as '*an area of very high or high coastal natural character identified in SCHED12 – High Coastal Natural Character Areas*'; and
- (b) Mr Anstey has recommended a new appendix (APPX – Coastal Environment: Natural Character) that directly references the Boffa Miskell 2016 assessment report which more clearly articulates the particular characteristics and values of the individual coastal environment landscape units and Mr Sirl recommends that APPX is explicitly referenced in SCHED12 – High Coastal Natural Character.

8.3 For these reasons, I am satisfied that the areas that have high or very high natural character in the coastal environment will be identified in the PDP with precision and that the characteristics and values that qualify them as having high or very high natural character will be identified in detail (by reference to the Boffa Miskell 2016 report). Accordingly, I do not propose any further amendment to Objective CE-O2.

9. Topic: Chapter CE Policy CE-P1

Meridian Further Submission:	FS.101.17 opposing S351.204 by GWRC
S. 42A References:	s. 42A Coastal Environment: Section 4.9
	Paragraphs 121 to 124, 193 to 201

9.1 Meridian's further submission opposed a request by GWRC that 'area scale natural character ratings' be included in the PDP. The identification of areas of high and very high natural character in the coastal environment was based on the 2016 Boffa Miskell assessment. Mr Anstey and Mr Sirl agree that it is not necessary to replicate that assessment in the PDP. Their preference is to directly reference the Boffa Miskell assessment report and insert the assessment methodology as a new APPX. I agree that is an efficient approach and support Mr Sirl's recommendation in this respect. I also support Mr Sirl's proposed addition to Policy CE-P1 that SCHED12 identifies the 'key' values. This is the expression used in the Boffa Miskell report and I agree it is appropriate to adopt that expression:

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

1. Identify and map the landward extent of the coastal environment.
2. Identify and map areas of very high and high natural character within the coastal environment and list the identified key values in SCHED 12 – High Coastal Natural Character Areas.

10. Topic: Chapter CE Policy CE-P2

Meridian Submission Points:	228.105, 228.106
Meridian Further Submissions:	FS.101.158 opposing S345.303 by Forst and Bird FS101.159 opposing S377.231 by WCC ERG
S. 42A References:	s. 42A Coastal Environment: Section 4.9 Paragraphs 204 to 219

10.1 Meridian's submission requested insertion into Policy CE-P2 of the following:

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; or
2. Is necessary to enable the use, development, maintenance and upgrading of regionally significant infrastructure (including the repowering of existing wind farms by replacing and upgrading existing turbines and their support structures identified on the Plan Maps and associated electricity transmission facilities); and
3. Does not establish new urban sprawl along the coastline;

10.2 Mr Sirl does not consider this amendment is necessary but agrees with Forest and Bird that the policy should be more directive in giving effect to NZCPS Policy 13 (avoiding significant adverse effects on natural character and avoiding, remedying or mitigating other adverse effects on natural character). I agree with his proposed addition of clause 3 addressing this matter:

1. Consolidates existing urban areas; ~~and~~
2. Does not establish new urban sprawl along the coastline; and
3. Avoids any significant adverse effects on the natural character of the coastal environment and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment.

10.3 As proposed by Mr Sirl, Policy CE-P2 would reflect the protectionist imperatives of the NZCPS but is silent on the NZCPS policies that provide for development and the imperatives that derive from the NPS-REG. In this respect, the proposed wording fails to acknowledge or reconcile the competing higher order directions and does not provide the policy 'follow-through' I spoke about in the introduction to this statement of evidence. The policy framework is not binary. It is not the case that only NZCPS considerations should apply, or that NZCPS protection policy outcomes exclude other NPS outcomes. I agree that Mr Sirl's proposed additional clause 3 is appropriate but I consider it should sit alongside the relevant NPS-REG consideration as requested by Meridian. I am not saying that the NZCPS consideration is subservient to REG interests – only that they both warrant consideration (consistent with the key finding from the 'Port Otago Decision' discussed later in this statement of evidence). Both are required to be given effect in the PDP. I would further amend Mr Sirl's suggested wording as follows (which maintains the direction of the NZCPS):

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

- (a) Consolidates existing urban areas; ~~and~~
- (b) Does not establish new urban sprawl along the coastline; ~~and~~
- (c) Is necessary to enable the use, development, maintenance and upgrading of regionally significant infrastructure (including the repowering of existing wind farms by replacing and upgrading existing turbines and their support structures identified on the Plan Maps and associated electricity transmission facilities); and
- (d) Avoids any significant adverse effects on the natural character of the coastal environment and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment.**

11. Topic: Chapter CE Policy CE-P5

Meridian Submission Points:	228.107, 228.108
Meridian Further Submissions:	FS101.160 opposing S345.307 by Forest and Bird FS101.161 opposing S351.208 by GWRC
S. 42A References:	s. 42A Coastal Environment: Section 4.9 Paragraphs 235 to 249

11.1 Meridian's submission requested amendments to Policy CE-P5 to recognise the functional and operational needs of REG and to explicitly provide for the upgrading, repowering or replacement of REG generation assets. On re-reading the submission point, it appears that some of the amendments requested have not been accurately highlighted. However, the intention is clear. The submission requested that the expression 'Only allow use and development' be replaced by 'Provide for use and development' in the named circumstances. Policy CE-P5 is seeking to limit the circumstances in which development in high and very high natural character areas in the coastal environment can proceed. In this way, Policy CE-P5 is an important policy in terms of acknowledging and reconciling the higher order direction I have discussed earlier in this statement of evidence. Currently and as proposed by Mr Sirl, Policy CE-P5 does not confront the reality of the presence of existing REG generation assets in parts of the coastal environment (or their location close to or in the backdrop of the coastal environment). Nor does it confront the benefits that could be derived by upgrading those assets or give any weight to relevant NPS-REG policies, including:

- (a) NPS-REG Policy C1 (have particular regard to the need to locate REG activity where the REG resource is available and to logistical or technical practicalities associated with developing, upgrading, operating or maintaining REG activity and the location of existing structures);
- (b) NPS-REG Policy E3 (district plans shall include objectives, policies and methods to provide for the development, operation, maintenance and upgrading of existing wind REG activities to the extent applicable to the district).

11.2 As proposed by Mr Sirl, Policy CE-P5 presents the protection approach of the NZCPS but not the equally valid outcomes sought by the NPS-REG. Meridian's wind farms are in or closely adjacent to the coastal environment and to areas of high and very high natural character in the coastal environment as identified by this PDP. It is highly relevant to consider and contemplate the benefits of these generation assets in setting the framework for use and development in the coastal environment, including as may affect natural character in the coastal environment.

11.3 Meridian's submission point does not seek to disregard the direction of the NZCPS. It adopts the 'avoid significant adverse effects and avoid, remedy, mitigate other effects' approach of NZCPS Policy 13. The submission point explicitly adds the word 'and' after clause 1 to make it clear that the 'avoid significant adverse effects' takes precedence over the other listed considerations. But what the submission does is include consideration of functional and operational need (consistent with NPS-REG Policy C1) and consideration of upgrading (consistent with NPS-REG Policy E3). The request relates specifically to REG assets (acknowledging the assets that already exist in this environment) rather than to infrastructure or regionally significant infrastructure more generally. The contest of higher order direction is between natural character values and the practicalities and benefits of REG in this coastal environment. The amendments Meridian seeks do not conflict with the NZCPS or favour REG contrary to the outcomes sought by the NZCPS. They represent an opportunity to follow through on the policy outcomes sought by the Strategic Direction chapter. I can support the opening words 'Only allow' if the additional clauses Meridian requested are included as I suggest below.

11.4 Mr Sirl agrees that the word 'practicable' is preferable to 'practical' as noted in Meridian's submission. Meridian requested deletion of clause (f) (the requirement to incorporate only indigenous restoration or rehabilitation planting to mitigate adverse effects). That was because the wording does not contemplate other forms of mitigation. I agree with Mr Sirl's suggestion that the wording should be amended to embrace a broader range of mitigation measures (including but not exclusively planting with indigenous vegetation). I also agree with Mr Sirl that broadening Policy CE-P5 to capture all areas of the coastal environment as requested by Forest and Bird. Effects on natural character in areas outside those identified as having high and very high natural character would be addressed by the addition Mr Sirl proposes to Policy CE-P2 addressing natural character generally. I note that the approach he proposes in both policies is the same and consistent with NZCPS Policy 13 (i.e. 'avoid significant and avoid, remedy or mitigate other adverse effects').

11.5 I support a combination of Mr Sirl's recommended amendments with the additions requested by Meridian highlighted with yellow shading as follows:

Policy CE-P5 Use and development in high coastal natural character areas

Only allow use and development in high coastal natural character areas in the coastal environment where:

1. Any significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated; **and**

2. It can be demonstrated that:
 - a. The particular values and characteristics of the high coastal natural character areas including but not limited to the key values as identified in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects maintains the identified values and the design and development integrates with the existing landform and dominant character of the area, recognising the functional and operational needs of renewable electricity generation activities;
 - c. The duration and nature of adverse effects are limited;
 - d. There is a functional or operational need for the activity to locate in the area;
 - e. The use and development will upgrade, repower or replace existing renewable electricity generation assets and enable more effective use of natural resources for renewable electricity generation;
 - f. There are no reasonably ~~practical~~-practicable alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and
 - g. Restoration or rehabilitation measures, including, where practicable planting of indigenous vegetation species will be incorporated to mitigate any adverse effects on natural character.

12. Topic: Chapter CE Policy CE-P7

Meridian Further Submissions:	FS101.162 opposing S345.309 by Forest and Bird
S. 42A References:	s. 42A Coastal Environment: Section 4.9 Paragraphs 260 to 266

12.1 Mr Sirl agrees with Meridian in opposing the submission point of Forest and Bird that sought the addition of a clause (e) to limit use and development to situations where natural character (regardless of significance) would be retained. In my opinion, this request does not reflect the higher order direction of the NZCPS. I agree with Mr Sirl that his proposed amendments to Policies CE-P1 and CE-P2 together with Policy CE-P5 give effect to the relevant NZCPS policy direction. I also support Mr Sirl’s amendment to clause (d) to broaden the scope of mitigation measures to include and not require exclusively the planting of indigenous species. I support Mr Sirl’s proposed amendments to Policy CE-P7:

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~and the~~ Evans Bay Marine Recreation Area, and the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ the Evans Bay Marine Recreation Area, or the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Where:

1. Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and
2. It can be demonstrated that:
 - a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate the natural character of the area and do not limit or prevent public access to, along or adjacent to the coast and waterbodies;
 - b. There is a functional or operational need for the activity to locate within the coastal or riparian margin;
 - c. There are no reasonably practical alternative locations that are outside of the coastal or riparian margins or are less vulnerable to change; and
 - d. Restoration or rehabilitation measures, including, where appropriate planting of indigenous species will be incorporated to mitigate any adverse effects on natural character.

13. Topic: Chapter CE Policy CE-P8

Meridian Submission Points:	228.107, 228.110
Meridian Further Submissions:	FS101.163 opposing S345.310 by Forest and Bird FS101.164 opposing S351.209 by GWRC
S. 42A References:	s. 42A Coastal Environment: Section 4.9 Paragraphs 268 to 285

13.1 Meridian’s submission requested that removal of vegetation necessary to enable the operation, maintenance, repair or upgrading of regionally significant infrastructure be added to the list of vegetation removal contemplated in Policy CE-P8. Mr Sirl agrees in principle, and has proposed narrowing the provision compared to the wording Meridian proposed. In my opinion, this is another important opportunity to ensure the policy framework follows through on the commitment to existing and increased REG given in the Strategic Direction chapter.

13.2 Mr Sirl proposes adding clause (b): ‘Is necessary for the safe and efficient operation, maintenance and repair of public accessways or infrastructure’. Meridian’s request relates to regionally significant infrastructure (which is defined in the RPS as including REG activities). Mr Sirl has broadened that to all infrastructure. I take no issue with that. Meridian’s submission intentionally included ‘upgrading’, consistent with NPS-REG Policies C1 (the need to locate where the REG resource is available) and E3 (district plans shall include objectives and policies to provide for REG including upgrading of REG). Meridian’s submission point would be addressed by inserting the following, amended, version of clause (d):

CE-P8 Vegetation removal in the coastal environment

Manage the removal of vegetation in the coastal environment as follows:

1. Allow for the removal of vegetation in the coastal environment

- a. outside of areas of very high or high coastal natural character; and
 - b. outside coastal and riparian margins;
2. Allow for the removal of exotic vegetation in the coastal environment within areas of very high or high coastal natural character or within coastal and riparian margins.
 3. Only allow for the removal of indigenous vegetation in the coastal environment within areas of very high or high coastal natural character or within coastal and riparian margins that:
 - a. Is of a scale that maintains the ~~identified values~~ existing natural character; or
 - b. Is necessary for the safe and efficient operation, maintenance and repair of public accessways, or infrastructure (including regionally significant infrastructure); or
 - c. Is necessary to enable the upgrading of regionally significant infrastructure; or
 - d. Is necessary to avoid an imminent threat to the safety of people, or significant damage to property.
 - e. ~~Is associated with ongoing maintenance of existing public accessways.~~

14. Topic: Chapter CE Policy CE-P10

Meridian Submission Points:	228.111
Meridian Further Submissions:	None
S. 42A References:	s. 42A Coastal Environment: Section 4.9 Paragraphs 296 to 305

14.1 Meridian’s submission requested deletion of Policy CE-P10 because it does not actually provide any guidance on what ‘inappropriate activities’ are considered to be. Mr Sirl agrees but has retained the policy, including some extra commas that do not provide any greater meaning. Mr Sirl poses the question ‘*What assistance does CE-P10 provide to an applicant or processing planner*’ but does not answer the question. The answer, in my opinion, is CE-P10 adds no substantive assistance for an applicant, s. 42A report author or for a consent decision maker. Policy CE-P10 does not raise any new issues that are not already addressed by the other CE policies. In my view, Policy CE-P10 could be deleted without leaving any gap whatsoever in the PDP policy framework.

15. Topic: Chapter NFL Objective NFL-O3

Meridian Submission Points:	228.82, 228.83
Meridian Further Submissions:	None
S. 42A References:	S. 42A Report NFL: Paragraphs 143 to 153

15.1 Meridian’s submission requested amendment of Objective NFL-O3 to more accurately reflect the fact that some ridgelines and hilltops are occupied by or visually affected by the presence of existing lawfully established wind turbines. Ms van Haren-Giles does not consider

that Objective NFL-O3 is the place to address the reality of REG. Her recommendation is that the REG and INF-NFL chapters are the place to do this. I disagree.

15.2 I consider the objective relating to ridgelines and hilltops is precisely the place to confront and attempt to reconcile the competing interests of maintaining the landscape values of the identified ridgelines and hilltops and the existence and benefits of REG. There are existing wind turbines lawfully established within identified ridgeline and hilltop overlays. They are real. They contribute to the existing landscape. It is artificial in my view to ignore the turbines in Objective NFL-O3. This is another opportunity to follow through on the commitment to recognising and providing for REG expressed in the Strategic Direction chapter. Ignoring the reality of the existence of turbines in some parts of the ridgelines and hilltops overlay fails to recognise or provide for existing REG where that exists within or affects identified ridgelines and hilltops, in my opinion.

15.3 I support the amendment proposed by Meridian together with the editorial amendment proposed by Ms van Haren-Giles:

NFL-O3 Ridgelines and Hilltops

The **natural green landscape** backdrop **and continuity of open space** provided by identified ridgelines and hilltops is maintained and **enhanced, where practicable, enhanced recognising the existence of and the functional and operational needs of regionally significant infrastructure**.

16. Topic: Chapter NFL Policy NFL-P2

Meridian Submission Points:	228.84, 228.85
Meridian Further Submissions:	FS101.143 opposing S345.232 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 160 to 171

16.1 Meridian's submission requested amendment of Policy NFL-P2 to acknowledge the presence of its wind turbines. As worded, Policy NFL-P2 requires that all activities must be compliant with the underlying Zone provisions (which would limit the height of buildings without recognising the existing height of lawfully established wind turbines). This is also at odds with the framework of the PDP which specifies the rules and standards for REG in the REG chapter (not in the Zone chapter).

16.2 Ms van Haren-Giles does not agree with Meridian's submission point. Part of her reasoning is (paragraph 164) is that the provisions of the NFL chapter are not relevant to REG because the REG provisions are all contained in the REG chapter. If that is the case, I have misunderstood the framework of the PDP. As I read the PDP, the objectives and policies of the district-wide CE and NFL chapters are relevant when considering applications for consent for REG activities. My understanding is based on the following words at the beginning of the REG chapter:

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide chapters also contain provisions that may be relevant for [renewable electricity generation activities](#), including:

- **[Strategic Direction](#)** – The Strategic Direction Chapter contains objectives for a range of key strategic issues and significant resource management issues for the City and provides district-wide strategic considerations to guide decision making at a strategic level.
- **[Infrastructure](#)** – The Infrastructure Chapter (including the infrastructure sub-chapters) contains policies and rules relating to the [maintenance and repair](#), removal, [upgrading](#) and development of network utilities, including the electricity transmission and distribution network, necessary to support the operation of renewable electricity generation facilities.
- **Historical and Cultural Values** – Many areas and sites have identified historical and cultural values, including [archaeological sites](#). The values of these areas and sites are described in the [Historic Heritage Chapter](#), [Notable Trees Chapter](#), [Sites and Areas of Significance to Māori Chapter](#) and the [Viewshafts Chapter](#), and the associated maps, appendices and schedules.
- **Natural Environment Values** – Some areas and sites have identified natural environment values. The values of these areas and sites are described in the [Ecosystems and Indigenous Biodiversity Chapter](#), [Natural Character Chapter](#), and the [Natural Features and Landscapes Chapter](#), and the associated maps, appendices and schedules.
- **[Coastal Environment](#)** – The Coastal Environment Chapter and the associated maps, appendices and schedules identify the inland extent of the [coastal environment](#) and areas with high or very high coastal natural character value.

16.3 For this reason, the wording of the NFL chapter policies is relevant and important for REG activities. If the wording is not amended as Meridian requested, or similar, my concern is that the policy ‘bar’ will be set unreasonably high and be applied as an obstacle to future upgrading of existing REG assets in these ridgeline and hilltop overlay areas. I support the amendment requested by Meridian and have refined the wording slightly to highlight the issue of needing to locate where the wind resource occurs (which is the focus of NPS-REG Policy C1 and gives better effect to the Decisions Version of Objective SCA-O1 set out in paragraph 7.3 of this statement of evidence). Replacing the ‘and’ at the end of clause (1) with ‘or’ is important because the rules for the underlying Zone chapter are not relevant for REG (the rules for REG are contained in the REG chapter and not in Zone chapters):

NFL-P2 Use and development within ridgeline and hilltops

Enable use and development within identified ridgelines and hilltops where:

1. The activity is compliant with the underlying zone provisions; **and or**
2. **Adverse effects on the visual amenity and landscape values of the identified Ridgelines and Hilltops are avoided, remedied or mitigated, recognising the existence of and the functional and operational needs of regionally significant**

infrastructure and the requirement for wind generation activities to locate where the resource is available. There is a functional or operational need to locate within the ridgeline and hilltop area; and

3. Any adverse effects on the visual amenity and landscape values can be mitigated.

17. Topic: Chapter NFL Policy NFL-P3

Meridian Submission Points:	228.86, 228.87
Meridian Further Submissions:	FS101.144 opposing S345.233 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 176 and 183 to 185

17.1 Meridian’s submission requested amendment of Policy NFL-P3 to acknowledge the presence of the Brooklyn wind turbine. Ms van Haren-Giles considers the level of specificity Meridian included in its submission request is not necessary or appropriate to the broader application of the policy. That rather depends on one’s interest in the policy. Meridian is interested in the detailed application of the policy as it pertains to the Brooklyn turbine. That turbine is lawfully established within an identified special amenity landscape.

17.2 As worded, Policy NFL-P3 requires any (all) adverse effects on identified values to be avoided, remedied or mitigated. It is difficult to completely avoid, remedy or mitigate the visual effects of a wind turbine. Ms van Haren-Giles has also proposed amending the opening verb of Policy NFL-P3 by changing ‘provide for’ to ‘only allow for’ use and development in the listed circumstances. Applying the policy, as proposed by Ms van Haren-Giles, to future work on the turbine could unnecessarily limit operations.

17.3 Meridian’s requested wording responds directly to NPS-REG Policy C1 (have particular regard to technical practicalities associated with developing, upgrading, operating or maintaining REG). This NPS-REG direction does not appear to have been considered. ‘Technical practicalities’ is ‘old’ language for what is now referred to as ‘functional needs’ and ‘operational needs’ under the National Planning Standards. Meridian’s request does not cut across the other requirement of Policy NFL-P3 that the scale of the activity must maintain the identified landscape values and characteristics of the overlay.

17.4 The reason Ms van Haren-Giles gives for the change from ‘provide for’ to ‘only allow for’ is that the rule that derives from Policy NFL-P3 is a restricted discretionary activity rule. That is, a rule that contemplates (provides for) an activity. That is not a reason to make the policy more restrictive. That also seems to be the wrong way to go about developing policy (starting with the rules and working upwards). The proposed amendment also fails to recognise the Brooklyn Turbine as part of the existing environment. I support the wording proposed by Meridian, absent the amendment to ‘only allow’ proposed by Ms van Haren-Giles:

NFL-P3 Use and development in special amenity landscapes outside the coastal environment

Provide for use and development within special amenity landscapes outside the coastal environment where:

1. **Necessary to support the functional and operational needs of the Brooklyn Turbine; or**
2. Any adverse effects on the identified values can be avoided, remedied or mitigated; and
3. The scale of the activity maintains the identified landscape values and characteristics.

18. Topic: Chapter NFL Policy NFL-P4

Meridian Further Submissions:	FS101.145 opposing S345.234 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 187 to 199

18.1 Meridian’s further submission opposed the request by Forest and Bird to change the chapeau of Policy NFL-P4 from being a ‘provide for’ policy to an ‘avoid’ policy. Mr Sirl has recommended that the chapeau of this policy should have a stronger directive, drawing on the avoidance directive of Policies 13 and 15 of the NZCPS. He recommends the following amendment:

NFL-P4 Use and development in special amenity landscapes within the coastal environment
Provide for Avoid use and development within special amenity landscapes within the coastal environment where, unless:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied, or mitigated; and
2. The activity maintains the identified landscape values and characteristics.

18.2 I do not agree that the NZCPS Policy 13 and 15 directions require the shift to avoidance of the activity that Mr Sirl recommends. NZCPS policy 13 is about the preservation of natural character in the coastal environment which is addressed already by other policies in the PDP. Policy NFL-P4 is about special amenity landscapes, as distinct from natural character.

18.3 NZCPS Policy 15 seeks to protect natural features and landscapes from inappropriate subdivision, use and development. Appropriate use and development is able to be provided for. Avoidance of all *activities* is not the starting position of NZCPS Policy 15. The analysis presented in the s. 42A report also omits to present the other NZCPS provisions that contemplate use and development in the coastal environment (for example Objective 6 and Policy 6 (1) (a):

NZCPS Objective 6 bullet point 2: *‘some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities’.*

NZCPS Objective 6 bullet point 3: ‘functionally some uses and developments can only be located on the coast or in the coastal marine area’.

NZCPS Objective 6 bullet point 4: ‘*the coastal environment contains renewable energy resources of significant value*’.

NZCPS Policy 6 (1) (a): ‘*recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricityare activities important to the social, economic and cultural well-being of people and communities*’

18.4 One of the key findings of the Supreme Court ‘Port Otago Decision’⁴ is that the ports policy of the NZCPS (Policy 9) is not subservient to the NZCPS policies that require adverse effects to be avoided in certain circumstances. Rather, Policy 9 and the avoidance policies are all directive and must all be considered. The decision also sets out three considerations to be applied where there is potential conflict between NZCPS policies in relation to a particular project. These are not directly relevant to PDP Policy NFL-P4 because the issue involves the appropriateness of use and development in a general sense, rather than a particular project. For the purposes of Policy NFL-P4, the key point is that the NZCPS avoidance policies do not override the other enabling NZCPS policies and do not mean that avoidance must always prevail over other considerations. In any event, the language of the NZCPS does not require that activities are to be avoided (the focus is on effects).

18.5 NZCPS Policy 15 (a) applies to outstanding natural features and landscapes, so is not relevant to PDP Policy NFL-P4. NZCPS Policy 15 (b) applies to other landscapes (which could include ‘special amenity landscapes’ in the coastal environment). Policy 15 (b) requires that *significant adverse effects* must be avoided and *other effects* must be avoided, remedied or mitigated.

18.6 The publicly notified wording of Policy NFL-P4 already does what NZCPS Policy 15 (b) directs in my view (i.e. it seeks to avoid significant adverse effects and avoid, remedy, mitigate other effects). In the language of NZCPS Policy 15, it is significant adverse *effects* that are to be avoided, not activities. The amendment promoted by Mr Sirl is not required by NZCPS Policy 15 and misconstrues the intention of Policy 15 (b) in my opinion. His proposed amendment shifts the emphasis from protection from inappropriate use and development to a more absolute protection policy which is not justified in my opinion. It is my view that the publicly notified wording of Policy NFL-P4 gives full effect to the relevant NZCPS policy (Policy 15). I do not support the amendment proposed by Mr Sirl. I consider the decisions version wording of Policy NFL-P4 should be retained.

⁴ Port Otago Limited v Environmental Defence Society Incorporated and Others (SC 6/2022 [2023] NZSC 112)

19. Topic: Chapter NFL Policy NFL-P5

Meridian Submission Points:	228.88, 228.89
Meridian Further Submissions:	FS101.146 opposing S345.235 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 202 to 211

19.1 Meridian’s submission requested deletion of the second clause of Policy NFL-P5. Ms van Haren-Giles does not recommend the deletion Meridian requested but has not given a reason why. Ms van Haren-Giles focuses on the phrase ‘only allow’. Meridian has not requested any change to that phrasing.

19.2 Section 6 (b) of the Act establishes an obligation to protect outstanding natural features and landscapes *from inappropriate subdivision, use and development*. Not an obligation to protect them from all development. Policy NFL-P5 concerns ONFL outside the coastal environment, so there are no additional obligations arising from the NZCPS. The wording of the second clause of Policy NFL-P5 goes further than s. 6 of the Act. There is no mandate in the Act for the absolute protection inherent in the wording of the second clause of Policy NFL-P5. In my opinion, no gap would be created in the PDP policy framework by deleting the second clause. The first clause does all that is necessary in relation to special amenity landscapes. The second clause unnecessarily duplicates the first. I support the amendment requested by Meridian:

NFL-P5 Use and development within outstanding natural features and landscapes outside the coastal environment

Only allow for use and development within outstanding natural features and landscapes outside the coastal environment where:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated ~~and~~
2. ~~The activity is designed to protect the identified landscape values and characteristics.~~

20. Topic: Chapter NFL Policy NFL-P6

Meridian Submission Points:	228.90, 228.91
Meridian Further Submissions:	FS101.147 opposing S345.236 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 213to 218

20.1 Meridian’s submission requested amendment of Policy NFL-P6 to reflect the NZCPS. The submission requested an ‘avoid significant and avoid, remedy, mitigate’ approach to adverse effects on outstanding natural features and landscapes in the coastal environment. Ms van Haren-Giles has correctly pointed out that NZCPS Policy 15 (a) requires an avoidance approach to all adverse effects on outstanding natural features and landscapes in the coastal environment. Ms van Haren-Giles recommends no change to Policy NFL-P6 and I take no issue with her recommendation.

21. Topic: Chapter PA Public Access Objective PA-O2 and Policy PA-P3

Meridian Submission Points:	228.92, 228.93, 228.94, 228.95
Meridian Further Submissions:	None
S. 42A References:	S. 42A Report Coastal Environment: Paragraphs 542 to 548

21.1 Meridian’s submission requested amendments to Objective PS-O2 and Policy PA-P3 to account for the security of regionally significant infrastructure in considering the circumstances under which public access may be restricted. In response, Mr Sirl has recommended amendments to Objective PA-O2 and Policy PA-P3 to address these matters. I agree that the content of Mr Sirl’s proposed Objective PA-O2 (b) and Policy PA-P3 (10) address Meridian’s concerns in full. The only suggestion I would make is editorial. In Objective PA-O2, I think the ‘and’ between clause (a) and (b) should be ‘or’, because the two listed set of circumstances are separate considerations:

PA-O2 Adverse effects of public access

Public access does not have a negative impact on: _____

- a. existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment; **and-or**
- b. public health and safety, particularly with respect to the security and safe operation and functioning of regionally significant infrastructure.

PA-P3 Restriction of public access

Only allow for the restriction of public access to, along or adjacent to the coast and waterbodies where the restriction is necessary to:

.....

~~10. Address other exceptional circumstances sufficient to justify the restriction; or 11-10~~ Provide for the safe and efficient operation of the Port and Airport Zone regionally significant infrastructure.

22. Topic: SCHED10

Meridian Submission Points:	228.123, 228.124
Further Submission Points:	FS101.186 supporting S345.413 and FS101.187 opposing in part S345.414 by Forest and Bird
S. 42A References:	S. 42A Report NFL: Paragraphs 324 to 326

22.1 Meridian's submission requested amendment of the SCHED10 site summary for Raukawa Cook Strait to acknowledge the visible presence of the existing wind turbines in the backdrop to the coastline which is identified as an outstanding natural feature and landscape. Meridian is not disputing the identification of this rugged coastline as an ONFL. Mr Anstey's response to the request is to highlight that the wind farms are not part of the mapped ONFL and therefore not part of the site summary. I acknowledge that the wind farm wind turbines are not located within the mapped area. Meridian's submission did not request inclusion of the wind farms as part of the ONFL. Meridian's submission requested acknowledgement of the wind turbines as part of the backdrop to the ONFL, recognising that the ONFL is not viewed in isolation, but within a wider landscape context. I accept Mr Anstey's point that the landscape backdrop or context is not described in the ONFL assessment undertaken by Boffa Miskell⁵ (only the features of the mapped ONFL itself). I note with interest that the photograph of Tongue Point in the Boffa Miskell assessment that illustrates part of the Raukawa Cook Strait ONFL features some of the wind turbines and illustrates Meridian's point about the landscape backdrop. A second part of Meridian's submission point requests inclusion in the PDP maps of a layer identifying the location of the West Wind and Mill Creek turbines. Inclusion of this mapped information layer will be useful in recognising the turbines as part of the existing environment.

22.2 Meridian's further submission (FS101.187) opposed in part a submission point by Forest and Bird (S345.414) requesting inclusion of a new Boom Rock/Pipinui Point Escarpment ONFL. S345.414 did not include any mapped detail. Meridian was unable to support the request without seeing the detail. In the event, Mr Anstey has clarified in his statement of evidence (paragraph 13) that, although Boom Rock/Pipinui Point Escarpment was identified as a separate ONFL in a 2017 technical report, it was treated as part of the Raukawa Cook Strait ONFL in the 2019 Boffa Miskell report. I understand that Meridian takes no issue with inclusion of Boom Rock/Pipinui Point Escarpment as an ONFL as proposed in SCHED10.

22.3 Meridian's further submission agreed with Forest and Bird that the descriptions of values in SCHED10 are not helpful in guiding the policy framework. Meridian requested that any changes to SCHED10 to overcome this criticism be circulated before being finalised for inclusion in the PDP. Mr Anstey agrees and recommends that the detail of values and characteristics from the 2019 Boffa Miskell report be included in SCHED10. Apart from the point discussed above about the wider landscape context, I understand Meridian takes no issue with importing the text from the 2019 report into SCHED10 for the Raukawa Cook Strait ONFL.

⁵ 'Wellington City Landscape Evaluation' Draft Technical Assessment prepared for Wellington City Council (June 2019) pages 21 to 23.

23. Topic: SCHED11 and SCHED12

Further Submission Points:	FS101.188 and FS101.190 opposing S142.30 and S142.31 by John Tiley FS101.189 and FS101.191 opposing S189.30 and S189.31 by Churton Park Community Association FS 101.192 to FS101.198 opposing S345.417, S345.418 and S345.419 by Forest and Bird and S351.351, S351.353, S351.354 and S351.355 by GWRC
S. 42A References:	S. 42A Report Coastal Environment: Paragraphs 113 to 128

- 23.1 Meridian's further submission opposed the requests of John Tiley and the Churton Park Community Association Mr Tiley's request to include in either SCHED11 (Special Amenity Landscapes) or SCHED12 (High Coastal Natural Character Areas) 18 identified ridgelines and hilltops. Meridian agrees with the reasons given by Mr Anstey and Ms van Haren-Giles that the 18 overlay areas are 'third tier' areas that do not qualify for inclusion in SCHED11 or SCHED12.
- 23.2 Meridian's further submission agreed with Forest and Bird and GWRC that the descriptions of values in SCHED12 are not helpful in guiding the policy framework. The further submission requested that any amendments to SCHED12 be made available before inclusion in the PDP. Mr Sirl has recommended inclusion of a new SCHEDXX which sets out the methodology for assessment of natural character in identifying the entries in SCHED12 (which references the source assessment report (the 2016 Boffa Miskell natural character assessment report). I support that approach.
- 23.3 Meridian's further submission also opposed GWRC's request to delete the reference to 'high' natural character from SCHED12. I agree with Mr Sirl's recommendation to make no change to the title of SCHED12.

24. Other Matters

- 24.1 Paragraph 306 of Mr Sirl's s. 42A report states that Meridian opposed Forest and Bird's submission point S345.329 on Rule CE-R1. Paragraph 311 of Mr Sirl's s. 42A report states that Meridian opposed Forest and Bird's submission points S345.330 and S345.331 on Rule CE-R2. Meridian did not make a further submission explicitly on either Rule CE-R1 or Rule CE-R2. Meridian's further submission opposed submission point S345.290 by Forest and Bird that sought to amend all CE rules to refer to all areas of natural character (instead of areas of high natural character as proposed by the PDP). Meridian opposed that request to the extent that it cut across the rules in the REG chapter. In paragraph 71 of his s. 42A report, Mr Sirl opposes the request to expand the rule protections from areas of high natural character to all areas of natural character (effectively, the entire coastal environment). I agree with Mr Sirl that to do so would unnecessarily constrain use and development particularly in areas that

are already modified by development. Mr Sirl recommends no change in response to S345.290 and I support that recommendation.

24.2 Meridian's further submission (FS101.149, FS101.150 and FS101.151) opposed a request by Forest and Bird that the PDP be amended to insert new policies to give effect to NZCPS Policies 11 and 13. I agree with Mr Sirl's assessment that these NZCPS policies are already given effect by other PDP policies (paragraphs 145 to 149 of the s. 42A Coastal Environment report).

24.3 Meridian made a further submission in response to submission point S345.213 by Forest and Bird which stated that the introduction to the NATC Chapter (Natural Character) is uncertain and that the scope of the chapter is unclear. Meridian's further submission point (FS101.138) neither supported nor opposed Forest and Bird's submission point but, noting no specific wording amendments had been proposed by Forest and Bird, requested the submission point be disallowed. Mr Sirl has proposed amendments to the introduction to the NATC Chapter, partly to respond to S345.213. I have considered the amendments Mr Sirl proposes and can confirm that I raise no issues with his proposed wording. I think the wording better clarifies the purpose of the chapter.

24.4 Four submissions (S47.2, S48.2, S84.2 and S276.36) requested that ridgeline protection as shown in the operative district plan not be removed. It wasn't entirely clear from the submissions what change the submitters sought and Meridian's further submission opposed the submissions out of an abundance of caution (FS101,.165 to 168). Ms van Haren-Giles clarifies in paragraph 105 of her s. 42A report on NFL that the PDP does not propose uplifting the protection in the operative district plan. No further action is required in relation to these submission and further submission points in my view.

25. Conclusion

25.1 I include in Attachment 'A' to this statement of evidence a collation of the further amendments to the amendments proposed by the reporting officers that I support. I have highlighted any further amendments I propose in yellow. I will be available at the hearing to answer any questions the Hearing Panel may have about this statement.

Christine Foster
12 April 2024

APPENDIX 'A'

Amendments to PDP Provisions Proposed by Christine Foster (for Meridian Energy Limited)

Text amendments shown in red font underlined or ~~struck-out~~ represents amendments proposed by the s. 42A reports

Text amendments shown in red font highlighted **yellow** represents additional amendments proposed by Christine Foster

1. Insert into the introduction to the CE Coastal Environment chapter the following note:

The rules applicable to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character, are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter CE Coastal Environment do not apply to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character in the coastal environment.

2. Insert into the introduction to the NFL Natural Features and Landscapes chapter the following note:

The rules applicable to renewable electricity generation activities (including in Outstanding Natural Features and Landscapes and Special Amenity Landscapes) are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter NFL Natural Features and Landscapes do not apply to renewable electricity generation activities.

3. Amend the introduction to the CE Coastal Environment chapter as follows:

‘Wellington City’s coastline extends for over 100 ~~kilometers~~ kilometres. The western and southern parts of this coastline are largely undeveloped. Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. Parts of the rural environment above the coastal escarpments have been modified by development. At the same time ~~†~~The urban areas of the coastal environment have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with residential and commercial development having modified the natural character throughout this area. There has also been development of large scale infrastructure within the coastal environment, such as turbines, quarrying, roads and other built facilities.’

4. Amend Objective CE-O1 as follows:

CE-O1 Coastal environment

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored, rehabilitated, or enhanced, recognising where relevant the presence of existing renewable electricity generation activities and the importance of the renewable electricity generation resource in the coastal environment.

5. Amend Objective CE-O2 as follows:

CE-O2 High coastal natural character areas

The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development occurring within the mapped high coastal natural character areas.

6. Amend Policy CE-P1 as follows:

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

1. Identify and map the landward extent of the coastal environment.
2. Identify and map areas of very high and high natural character within the coastal environment and list the identified key values in SCHED 12 – High Coastal Natural Character Areas.

7. Amend Policy CE-P2 as follows:

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

- (a) Consolidates existing urban areas; ~~and~~
- (b) Does not establish new urban sprawl along the coastline; ~~and~~
- (c) Is necessary to enable the use, development, maintenance and upgrading of regionally significant infrastructure (including the repowering of existing wind farms by replacing and upgrading existing turbines and their support structures identified on the Plan Maps and associated electricity transmission facilities); and
- (d) **Avoids any significant adverse effects on the natural character of the coastal environment and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment.**

8. Amend Policy CE-P5 as follows:

Policy CE-P5 Use and development in high coastal natural character areas

Only allow use and development in high coastal natural character areas in the coastal environment where:

1. Any significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated; **and**
2. It can be demonstrated that:
 - a. The particular values and characteristics of the high coastal natural character areas including but not limited to the key values as identified in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects maintains the identified values and the design and development integrates with the existing landform and dominant character of the area, **recognising the functional and operational needs of renewable electricity generation activities;**
 - c. The duration and nature of adverse effects are limited;
 - d. There is a functional or operational need for the activity to locate in the area;

e. **The use and development will upgrade, repower or replace existing renewable electricity generation assets and enable more effective use of natural resources for renewable electricity generation;**

f. There are no reasonably ~~practical~~-practicable alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and

Restoration or rehabilitation measures, including, where practicable planting of indigenous vegetation species will be incorporated to mitigate any adverse effects on natural character.

9. Amend Policy CE-P7 as follows:

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~and the~~ Evans Bay Marine Recreation Area, and the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ the Evans Bay Marine Recreation Area, or the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Where:

1. Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and
2. It can be demonstrated that:
 - a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate the natural character of the area and do not limit or prevent public access to, along or adjacent to the coast and waterbodies;
 - b. There is a functional or operational need for the activity to locate within the coastal or riparian margin;
 - c. There are no reasonably practical alternative locations that are outside of the coastal or riparian margins or are less vulnerable to change; and

Restoration or rehabilitation measures, including, where appropriate planting of indigenous species will be incorporated to mitigate any adverse effects on natural character.

10. Amend Policy CE-P8 as follows:

CE-P8 Vegetation removal in the coastal environment

Manage the removal of vegetation in the coastal environment as follows:

1. Allow for the removal of vegetation in the coastal environment
 - a. outside of areas of very high or high coastal natural character; and
 - b. outside coastal and riparian margins;
2. Allow for the removal of exotic vegetation in the coastal environment within areas of very high or high coastal natural character or within coastal and riparian margins.

3. Only allow for the removal of indigenous vegetation in the coastal environment within areas of very high or high coastal natural character or within coastal and riparian margins that:
 - a. Is of a scale that maintains the identified values existing natural character; or
 - b. Is necessary for the safe and efficient operation, maintenance and repair of public accessways, or infrastructure (including regionally significant infrastructure); or
 - c. Is necessary to enable the upgrading of regionally significant infrastructure; or
 - d. Is necessary to avoid an imminent threat to the safety of people, or significant damage to property.
 - e. ~~Is associated with ongoing maintenance of existing public accessways.~~

11. Delete Policy CE-P10 in its entirety.

12. Amend Objective NFL-O3 as follows:

NFL-O3 Ridgelines and Hilltops

The natural green landscape backdrop and continuity of open space provided by identified ridgelines and hilltops is maintained and enhanced, where practicable, enhanced recognising the existence of and the functional and operational needs of regionally significant infrastructure.

13. Amend Policy NFL-P2 as follows:

NFL-P2 Use and development within ridgeline and hilltops

Enable use and development within identified ridgelines and hilltops where:

1. The activity is compliant with the underlying zone provisions; and or
2. Adverse effects on the visual amenity and landscape values of the identified Ridgelines and Hilltops are avoided, remedied or mitigated, recognising the existence of and the functional and operational needs of regionally significant infrastructure and the requirement for wind generation activities to locate where the resource is available. There is a functional or operational need to locate within the ridgeline and hilltop area; and

Any adverse effects on the visual amenity and landscape values can be mitigated

14. Retain the Decisions Version wording of Policy NFL-P4 as follows:

NFL-P4 Use and development in special amenity landscapes within the coastal environment

Provide for use and development within special amenity landscapes within the coastal environment where:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied, or mitigated; and
2. The activity maintains the identified landscape values and characteristics.

15. Amend Policy NFL-P5 as follows:

NFL-P5 Use and development within outstanding natural features and landscapes outside the coastal environment

Only allow for use and development within outstanding natural features and landscapes outside the coastal environment where:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated, ~~and~~
2. ~~The activity is designed to protect the identified landscape values and characteristics.~~

16. Amend Objective PA-O2 as follows:

PA-O2 Adverse effects of public access

Public access does not have a negative impact on:

- a. existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment; ~~and-or~~
- b. public health and safety, particularly with respect to the security and safe operation and functioning of regionally significant infrastructure.

17. Amend Policy PA-P3 as follows:

PA-P3 Restriction of public access

Only allow for the restriction of public access to, along or adjacent to the coast and waterbodies where the restriction is necessary to:

.....

~~10. Address other exceptional circumstances sufficient to justify the restriction; or 11-10 Provide for the safe and efficient operation of the Port and Airport Zone regionally significant infrastructure.~~