

**Before the Waikato District Council Hearing Panel  
Hearing Submissions on the Proposed Waikato District Plan  
(Stage 1)**

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

**And: Submissions Lodged on the Proposed Waikato District Plan  
by Meridian Energy Limited**

**Statement of Evidence of Christine Anne Foster**

**Called by Meridian Energy Limited**

**Dated 8 September 2020**

## Introduction

- 1 My name is Christine Anne Foster. I am a Planning Consultant and sole director of CF Consulting Services Limited, based in Wellington. I hold a Bachelor of Regional Planning and have worked as a resource management planner in New Zealand for over 35 years.
- 2 This statement of evidence is within my area of expertise as a resource management planner. I have read the Code of Conduct for Expert Witnesses set out in the 2014 Environment Court Practice Note (and, in particular section 7 in relation to an expert's duty to the Court). Whilst this hearing is not a hearing before the Court, I agree to comply with the Code of Conduct. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 3 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 councils and central government departments. I have assisted local authorities with the preparation of district and regional plans 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.
- 4 Based on previous work undertaken for Meridian Energy Limited (*'Meridian'*) and the Wind Energy Association, including appearing as a witness at Environment Court hearings, 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.

## My Role

- 5 I assisted Meridian to prepare its original (first-round) submission and further submissions on the proposed Plan ('PDP'). I was asked by Meridian to consider the analysis and recommendations of the officers' reports that pertain to the decisions requested in Meridian's first-round submission and further submissions. I am authorised by Meridian to present this statement of evidence to the Panel.

## Context

- 6 Meridian operates the Te Uku wind farm, located south of Raglan. Te Uku wind farm comprises 28 turbines and has a generation capacity of 64.4 megawatts of renewable electricity. Meridian also has numerous electricity generation assets throughout the country and participates in the development of district and regional plans elsewhere. Meridian's interest is to ensure that Plan provisions are broadly consistent, give particular regard to the benefits derived from the use and development of renewable energy as required by section 7 (j) of the RMA and that they give full effect to the National Policy Statement for Electricity Generation 2011 ('NPS-REG'). Meridian provided feedback on the draft PDP in 2018, largely supportive of the proposed Plan structure and content.
- 7 Meridian's submission and further submissions on the PDP are confined to provisions that enable or affect renewable electricity generation, and largely support the framework of objectives, policies and rules proposed for infrastructure in Chapters 6 and 14. Given the location of the Te Uku wind farm within the Rural Zone, Meridian's submission and further submissions also address the Rural Zone provisions in Chapters 5 and 22.

## Meridian's Submission Points – Relief Requested

1. Meridian has two submission points under consideration at Hearing #18 (Rural Zone):

<b>Submission Point S580.10</b> <b>Request relates to:</b> <b>Rule 22.3.7.2 P1 (a)</b>	Insert into Rule 22.3.7.2 P1 (a) a minimum setback from lawfully established and authorised large-scale wind farms (including those that have current consent but are not yet constructed) for 'sensitive land uses' as follows:  <i>'(a) Any building for a sensitive land use must be set back a minimum of:</i> <i>(i).....</i> <i><b>(x) <u>the distance necessary to ensure wind turbine noise from any authorised or lawfully established large-scale wind farm</u></b></i>
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	<p><b><u>does not exceed 40 dBA measured at the sensitive land use in accordance with NZS6808:2010.</u></b></p>
	<p><b>Reason for requested relief:</b></p> <p>The proposed DP includes a definition of ‘sensitive land use’: <i>‘means an education facility including a childcare facility, waananga and koohanga reo, a residential activity, papakainga building, rest home, retirement village, travellers’ accommodation, home stay, health facility or hospital’.</i></p> <p>Proposed Rule 22.3.7.2 P1 (a) lists setback distances for ‘sensitive land uses’ from:</p> <ul style="list-style-type: none"> <li>- railway corridor (5m)</li> <li>- national route or regional arterial road (15m)</li> <li>- Waikato expressway (35m)</li> <li>- Aggregate extraction area (250m)</li> <li>- A site containing an intensive farming activity (300m)</li> <li>- Municipal wastewater treatment oxidation ponds (300m).</li> </ul> <p>Non-compliance triggers a discretionary activity application. Exactly the same reverse sensitivity noise issues arise for lawfully established large-scale wind farms and they equally warrant the protection of a minimum setback distance. Inclusion of a specific setback distance for large-scale wind farms is necessary to give effect to proposed Plan Objective 6.1.6 and Policy 6.1.7 addressing reverse sensitivity. The minimum setback could be specified by reference to the relevant standard (NZS6808:2010) as suggested or as a minimum distance proxy to protect against adverse reverse sensitivity effects.</p>
<p><b>Submission point S580.11</b></p> <p><b>Request relates to Rule 22.3.7.4 P1</b></p>	<p>Insert into Rule 22.3.7.4 P1 a minimum setback from lawfully established and authorised large-scale wind farms (including those that have current consent but are not yet constructed) for ‘noise-sensitive activities as follows:</p> <p><i>‘(a) Construction of, or addition, or alteration to a building containing a noise-sensitive activity must comply with Appendix I (Acoustic Insulation) within Any building for a sensitive land use must be set back a minimum of:</i></p> <p><i>(i).....</i></p> <p><b><u>(b) Construction of, or addition, or alteration to a building containing a noise-sensitive activity is permitted provided the building is set back from any authorised or lawfully established large-scale wind farm by a distance necessary to ensure wind turbine noise does not exceed 40 dBA measured at the noise-sensitive activity in accordance with NZS6808:2010.</u></b></p>

	<p><i>The proposed Plan includes a definition of ‘noise-sensitive activity’:</i></p> <p><i>‘buildings used for residential activities, including boarding establishments, rest homes, retirement villages, papakainga housing development, in-house aged care facilities, travellers’ accommodation, and other buildings used for residential accommodation but excluding camping grounds; marae and marae complex; hospital; teaching areas and sleeping rooms in an education facility.’</i></p> <p>Proposed Rule 22.3.7.4 P1 (a) requires these to have acoustic insulation if located within the Airport Noise Outer Control Boundary, 350m of the Huntly Power Station site boundary or the Waikato Gun Club Noise Control Boundary Non-compliance triggers a discretionary activity application. Exactly the same reverse sensitivity noise issues arise for lawfully established large-scale wind farms and they equally warrant the protection of a minimum setback distance. Inclusion of a specific setback distance for large-scale wind farms is necessary to give effect to proposed Plan Objective 6.1.6 and Policy 6.1.7 addressing reverse sensitivity. The minimum setback could be specified by reference to the relevant standard (NZS6808:2010) as suggested or as a minimum distance proxy to protect against adverse reverse sensitivity effects.</p>
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## Section 42A Report

2. The above requests are addressed in the section 42A report for Hearing 18 (Rural) at:
  - paragraphs 306 to 308 (addressing Rule 22.3.7.2 P1 (a) and submission point S580.10); and
  - paragraphs 676 to 679 (addressing Rule 22.37.4 P1 and submission point S580.11).
  
3. The reporting officer recommends no amendments to the rules, in response to the submission points, but agrees in principle<sup>1</sup> that *‘strategic infrastructure such as large-scale windfarms should be able to continue to operate with the risk of reverse sensitivity being appropriately managed. The principle of achieving such management through the use of setbacks is therefore supportable in principle’*. The reporting officer invited Meridian to put forward further information, by way of a section 32AA assessment, to allow the Panel to evaluate the costs and benefits of the requested relief. The reporting officer also invited Meridian to clarify whether a measured distance would be required and why the basis of the suggested noise setback was proposed as 40 dBA and not 55 dBA.

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<sup>1</sup> Paragraph 307 of the section 42A report of Jonathan Cleave (25 August 2020)

4. I agree that a rule that describes a setback in words and requires 'back-calculation' is potentially problematic. The conditions of consent for the Te Uku wind farm set the limit for operational turbine noise as follows:

### **Operational Noise (Turbines)**

- 5.3 The wind turbines shall be designed, constructed, operated and maintained so that within the notional boundary of any rural dwelling existing at the date of issue of consent, the sound level from the wind turbine generators shall not exceed the background sound level  $L_{95}$  by more than 5 dBA, or a level of 40 dBA  $L_{95}$ , whichever is the greater.
- 5.4 The measurement and assessment of noise effects from the wind turbines is to be conducted in accordance with NZ Standard NZS6808:1998 "Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators".
5. The reason for proposing a setback based on the 40dBA contour lies in the condition imposed for Te Uku. I include in Attachment A to this statement of evidence the full set of the Te Uku conditions of consent.
6. The Te Uku consent conditions also require the preparation of a Noise Management Plan<sup>2</sup>. The relevant noise management plan, prepared by Nevil Hegley in 2010) is contained in Attachment B to this statement of evidence. It includes an assessment of operational turbine noise for the Te Uku wind farm which estimates that no existing dwelling in the surrounding environment would (at that time) experience turbine noise in excess of 32 dBA  $L_{10}$ . The noise management plan also includes a noise contour for the predicted 40dBA sound power level (relevant for the consent condition). This is shown as the red line on the plan in Appendix D (page 27) of the Noise Management Plan. The red contour line shown there is based on Mr Hegley's 2007 assessment, undertaken for the application hearing, of the 40 dBA contour which is shown on Figures 13 and 15 of the assessment report contained in Attachment C to this statement of evidence.
7. Adoption of this contour, on the PDP maps as suggested by the reporting officer, would provide the necessary certainty for a permitted activity rule and is evidence-based. Alternatively, a minimum setback distance could be derived from the 40dBA contour. The better approach is arguably, though, to show the 40 dBA contour as a line on the PDP maps and to prescribe in the rules that the setback limit is the 40 dBA contour as mapped, for example as follows:

#### **Rule 22.3.7.2 Building setback – sensitive land use P1 (a):**

*'(a) Any building for a sensitive land use must be set back a minimum of:*

*(i).....*

***(x) the distance necessary to ensure that building is not located closer to any wind turbine within the Te Uku wind farm than the 40 dBA noise contour shown on the planning maps.'***

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<sup>2</sup> Condition 5.8

#### Rule 22.3.7.4 Building – Noise Sensitive Activities P1

*(a) Construction of, or addition, or alteration to a building containing a noise-sensitive activity must comply with Appendix I (Acoustic Insulation) within:*

***(b) Construction of, or addition, or alteration to a building containing a noise-sensitive activity is permitted provided the building is not located any closer to any wind turbine within the Te Uku wind farm than the 40 dBA noise contour shown on the planning maps.***

#### Section 32AA Considerations

8. Section 32AA(1) requires a further evaluation<sup>3</sup> where changes are proposed to the proposal under consideration. This evaluation must be undertaken in accordance with section 32(1) to (4) and must be undertaken at a level of detail that corresponds to the scale and significance of the proposed changes.
9. The relevant considerations in section 32(1) to (4) are:
  - 32(1)(a): the evaluation report must examine the extent to which the objectives of the proposed changes are the most appropriate way to achieve the purpose of the RMA (*in this case, Meridian is not proposing any changes to the relevant objectives, and indeed supports the wording of relevant Objective 6.1.6<sup>4</sup>, and accepts that this objective as the most appropriate way to achieve the RMA purpose*);
  - 32(1)(b): the evaluation report must examine whether the proposed provisions are the most appropriate way to achieve the objectives by reference to other reasonably practicable options and assessing the efficiency and effectiveness of the proposed changes in achieving the objective;
  - 32(2)(a): the assessment must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from implementation of the proposed changes, including opportunities for economic growth that are anticipated and employment;
  - 32(1)(c): the evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementation of the proposed changes;
  - 32(2)(b): if practicable, the assessment must quantify the benefits and costs identified;
  - 32(2)(c): the assessment must assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed changes;
  - 32(4): applies where the proposed changes will impose a greater or lesser restriction on an activity to which a national environmental standard applies.
10. In addition, the evaluation should consider whether the proposed changes will better assist the Council to exercise its section 31 functions and better give effect to any relevant higher order

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<sup>3</sup> Further to the evaluation required under section 32.

<sup>4</sup> Meridian's submission point 580.14 to be considered at Hearing # 22

planning instrument. In this respect, the National Policy Statement for Renewable Electricity Generation (2011) and the Regional Policy Statements objectives and policies. Of particular relevance are:

- NPS-REG Policy D**      ***Managing reverse sensitivity effects on renewable electricity generation activities***
- Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.*
- RPS Objective 3.5**      ***Energy:*** *Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:*
- ...
- d) *recognises and provides for the national significance of **electricity transmission and renewable electricity generation** activities;*
  - e) *recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;*
- ....
- g) *addresses adverse effects on natural and physical resources;*
  - h) *recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and*
  - i) *recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.*
- RPS Policy 3.12**      ***Built Environment:*** *Development of the **built environment** (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:*
- ...
- e) *recognising and protecting the value and long-term benefits of **regionally significant infrastructure**;*
- ...
- g) *minimising land use conflicts, including minimising potential for reverse sensitivity;*
- ...
- i) *providing for the development, operation, maintenance and upgrading of new and existing transmission and renewable electricity generation activities including small and community scale generation;*



## RPS Policy 6.6

### **Significant infrastructure and energy resources**

Management of the built environment ensures particular regard is given to:

- a) *that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;*
- b) *the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of **renewable electricity generation**, electricity transmission, and municipal water supply; and*
- c) *the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.*

### **RPS Implementation Methods 6.6.1 Plan provisions**

*Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:*

...

*e) provides for renewable energy by having particular regard to:*

- (i) the increasing requirement for electricity generation from renewable sources such as geothermal, **fresh water**, wind, solar, biomass and marine, and the need to maintain generation from existing renewable electricity generation activities;*
- (ii) the need for electricity generation to locate where the energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network;*
- (iii) the logistical or technical practicalities associate with developing, upgrading, operating or maintaining renewable electricity generation, electricity transmission activities;*
- (iv) any residual environmental effects of renewable electricity generation activities which cannot be avoided, remedied or mitigated can be offset or compensated to benefit the affected community or the region; and*
- (v) the benefits of renewable electricity generation activities including maintaining or increasing security of electricity of supply.*

*f) provides for infrastructure in a manner that:*

- (i) recognises that infrastructure development can adversely affect people and communities;*
- (ii) ...*
- (iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.*

11. The relevant objectives of the Proposed District Plan are, in my opinion:

**PDP Objective 5.3.1 Rural Character and Amenity**

*(a) Rural character and amenity are maintained.*

**PDP Objective 6.1.1 Development, operation and maintenance of infrastructure**

*(a) Infrastructure is developed, operated and maintained to benefit the social, economic, cultural and environmental wellbeing of the district.*

**PDP Objective 6.1.6 Reverse sensitivity**

*(a) Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.*

**Reasonably Practicable Options**

12. The proposed changes are geographically confined (the requested relief relates specifically to Meridian’s Te Uku wind farm and could be made specific to this wind farm if necessary). For the purposes of a section 32AA evaluation, it is reasonable in my opinion to consider just two alternative options: the proposed District Plan and Meridian’s proposed amendment. The scale of the proposed amendment warrants a qualitative comparative assessment (rather than absolute quantified costs and benefits) in my view.

**Section 32AA Evaluation**

13. I have summarised the relevant considerations in the table below, together with my conclusion for each matter:

<b>s. 32AA Evaluation Consideration:</b>	<b>Proposed Plan</b>	<b>Proposed Meridian Amendment</b>
<b>Effectiveness &amp; efficiency in achieving PDP Objective 5.3.1 (rural character and amenity are maintained):</b>	Policy provisions assist, but rules do not give effect to the policy intention	Follows through on the stated policy intention and provides certainty. Will be more effective and efficient in achieving Objective 5.3.1.
<b>Effectiveness &amp; efficiency in achieving PDP Objective 6.1.1 (infrastructure is maintained to benefit wellbeing):</b>	Policy provisions assist, but rules do not give effect to the policy intention	Follows through on the stated policy intention and provides certainty. Will be more effective and efficient in achieving Objective 5.3.1.
<b>Effectiveness &amp; efficiency in achieving PDP Objective 6.1.6 (infrastructure is protected from reverse sensitivity):</b>	Policy provisions assist, but rules do not give effect to the policy intention	Follows through on the stated policy intention and provides certainty. Will be more effective and efficient in achieving Objective 5.3.1.
<b>Environmental benefits:</b>	Fewer Plan restrictions on future development	Proposed standards will prevent adverse effects on amenity values (in limited situations) and avoid reverse sensitivity effects for regionally significant REG infrastructure

<b>s. 32AA Evaluation Consideration:</b>	<b>Proposed Plan</b>	<b>Proposed Amendment</b>	<b>Meridian</b>
<b>Environmental costs:</b>	Potential for adverse effects on amenity values (in limited situations) and reverse sensitivity effects for regionally significant REG infrastructure	Additional regulatory restrictions (in limited situations)	
<b>Economic benefits:</b>	Neutral	Security of operating conditions for regionally significant REG	
<b>Economic costs:</b>	Neutral	Marginal additional cost of regulation (in limited circumstances)	
<b>Social benefits and costs:</b>	Potential disbenefits associated with potential adverse effects on amenity values (in limited situations)	Potential advantages in avoiding adverse effects on amenity values (in limited situations)	
<b>Cultural benefits and disbenefits for tangata whenua:</b>	Neutral	Neutral	
<b>Risks:</b>	Potential constraint on operation or upgrading of lawfully established regionally significant REG	Avoids constraint on operation of lawfully established regionally significant REG	
<b>Overall appropriateness in achieving Proposed Plan objectives:</b>	Less appropriate	More appropriate with only marginal cost associated with regulatory restriction	
<b>Assist in exercise of s. 31 functions?</b>	Yes	Yes and potentially better assist by avoiding land use conflicts	
<b>Giving effect to NPS-REG Policy D (manage activities to avoid reverse sensitivity):</b>	Partially (to the extent that the policy states this intention)	Better (by providing clear requirements to avoid reverse sensitivity for REG)	
<b>Giving effect to RPS Objective 3.5 (recognising and providing for REG):</b>	Partially (to the extent that the policy states this intention)	Better (by following through from policy into rule requirements in relation to avoiding reverse sensitivity effects on REG)	
<b>Giving effect to RPS Objective 3.12 (recognising and protecting the benefits of REG and minimising land use conflicts):</b>	Partially (to the extent that the policy states this intention)	Better (by specifying the means by which land use conflicts are to be avoided)	
<b>Giving effect to RPS Policy 6.6 and Implementation Method 6.6.1 (District Plans shall include provisions to give effect to Policy 6.6 and not result in adverse effects on the efficient operation of existing REG):</b>	Partially (to the extent that the policy states this intention)	Better (by removing the potential for adverse reverse sensitivity effects on efficient operation of REG)	

## Section 32AA Conclusion

14. The proposed standards I propose above would, in practice, apply in a relatively small part of the District. In an absolute sense, the proposed amendments will not have widespread (geographic) effect. The proposed amendments will not alter the fundamental structure of the PDP. Even though the effect of the proposed amendments is geographically confined, the proposed amendments are important in light of the significance given to the management of reverse sensitivity in the higher order planning documents. My conclusion, having considered the relevant matters, is that the proposed amendments would substantively improve the Plan's ability to give effect to the relevant higher order planning instruments (in relation to both maintaining amenity values and avoiding reverse sensitivity). The amendments are necessary, in my opinion, to properly give effect to those higher order obligations. Although the geographic area affected is small, Meridian's Proposed Amendment will effect more benefits than the Proposed Plan (in terms of superior amenity and reverse sensitivity management outcomes) and will do so at marginal cost. For these reasons, I conclude that Meridian's Proposed Amendment is a more appropriate way to achieve the Proposed Plan's objectives than the current proposed rules.

### Further Submission FS1258.78 – Rule 22.3.7.2

15. Meridian's further submission point FS1258.78 relates to submission point S680.680.230 by Federated Farmers NZ Ltd (support for retaining the setback from sensitive land uses provided the publicly notified definition of 'sensitive land use' is retained). Meridian's further submission point was neutral in terms of the relief sought by Federated Farmers of NZ Ltd to the extent that its own submission points (S580.10 and S580.11) sought to amend rule 22.3.7.2 as described above. The further submission point will be resolved by making the amendments to the rule discussed above.

### Meridian's Other Further Submission Points

16. The section 42A report also addresses Meridian's other further submission points pertaining to the Rural Zone provisions (FS1258.59 and FS1258.74):

- FS1258.59 supported submission point S576.11 by Transpower NZ Ltd (requesting the addition of a clause (c) to Policy 5.3.9);
- FS1258.74 supported submission point S680.68 by Federated Farmers NZ Ltd (requesting deletion of Policy 5.3.9).

### Policy 5.3.9

17. Meridian's further submission point FS1258.59 supported Transpower's request (S576.11) to add a clause (c) to Policy 5.3.9 thus:

#### *5.3.9 Policy - Non-rural activities*

- (a) Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.*
- (b) Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.*

*(c) Recognise that some activities require a rural location.*

18. Meridian supported the requested addition, acknowledging that, while Chapter 14 provides for infrastructure, it is appropriate to recognise in the Rural Chapter that some activities, including renewable electricity generation and electricity transmission, have particular requirements that mean they need to locate in the rural environment.
19. Meridian's further submission point FS1258.74 supported the request made by Federated Farmers NZ Ltd (submission point 680.68) to delete Policy 5.3.9, to the extent that the policy conflicts with the policies in Chapter 6.
20. Policy 5.3.9 is addressed in paragraphs 128 to 131 of the section 42A report. The reporting officer explains there that Policy 5.3.9 is intended to provide direction for activities that are broadly anticipated in the rural environment but which do not any activity-specific policies (such as community facilities (health and education facilities, child care facilities), recreation, rural tourism, conservation activities, boarding kennels). It is not explicit, but it appears that the intention is not to capture activities that are provided for separately in other chapters of the PDP. The policies for infrastructure, including renewable electricity generation and electricity transmission facilities, are provided for in the Infrastructure and Energy Chapter (6). The intention was apparently not to try and also capture those in Policy 5.3.9 as 'non-rural' activities. The officer's suggestion is to make this clearer in the title and content of Policy 5.3.9 by replacing the currently proposed text with the following:

**5.3.9 Policy – Non-rural activities**

- ~~(a) Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.~~
- ~~(b) Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.~~

**5.3.9 Policy – other anticipated activities in rural areas**

- (a) Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values and are consistent with managing urban growth through a consolidated urban form.
- (b) Activities subject to this policy include:
- (i) Community activities including child care, education, health, and spiritual activities;
  - (ii) Recreation activities that require a rural or extensive open space setting including equestrian and horse training centres, gun clubs and shooting ranges, golf courses, and walking and cycling trails;
  - (iii) Emergency Service facilities;
  - (iv) Conservation activities.
21. I agree that this clarification is helpful. However, the issue remains that large infrastructure and energy generation activities are anticipated to need to be located within the Rural Zone. It may be helpful to add some clarification that Policy 5.3.9 doesn't apply to infrastructure (either by specifying that in the title e.g. '**other anticipated activities in rural areas (excluding infrastructure provided for in Chapter 6)**' or in an advisory note). Chapter 6 Policy 6.1.2 (iii) acknowledges the functional and operational needs of infrastructure (which, by definition,

includes renewable electricity generation). 'Functional need' and 'operational need' are defined terms in the PDP, meaning:

**Functional need:** *Means for Chapter 14 Infrastructure and Energy, the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.*

**Operational need:** *Means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints*

22. Policy 6.1.2 is:

**Development, operation and maintenance**

(a) *Provide for the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure throughout the district by recognising:*

- (i) Functional and operational needs;*
- (ii) Location, route and design needs and constraints;*
- (iii) Locational constraints related to the need to access suitable resources or site;*
- (iv) The benefits of infrastructure to people and communities;*
- (v) The need to quickly restore disrupted services; and*
- (vi) Its role in servicing existing consented and planned development.*

23. I agree that, by clarifying that Policy 5.3.9 relates to only certain types of activity (excluding infrastructure), any potential confusion will be avoided.

Christine Foster

8 September 2020

**ATTACHMENT A**

**CONDITIONS OF CONSENT – TE UKU WIND FARM**

**ATTACHMENT**

**TE UKU WIND FARM NOISE MANAGEMENT PLAN**



**ATTACHMENT C**

**ASSESSMENT OF NOISE – TE UKU WIND FARM (2007)**

**(SEE FIGURES 13 AND 15 FOR MAPPED NOISE CONTOURS)**