

**BEFORE THE HEARING COMMISSIONERS
IN WAIKATO DISTRICT**

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of the Proposed Waikato District Plan (Stage 1) Hearing 22 Infrastructure
and Energy

**SUMMARY STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND**

15 October 2020

1. My Evidence in Chief (EIC) addressed the submissions and further submissions made by Horticulture NZ (HortNZ) relating to infrastructure, assessed the s42A Report recommendations and either supported the recommendations or sought alternative changes.
2. My EIC addressed matters in the following s42A Reports:
 - a. Ch 6 Infrastructure and Energy Objectives and Policies – s42A Report D13
 - b. Ch 14 Infrastructure and Energy Overall – s42A Report D0
 - c. Ch 14 Infrastructure and Energy – Introduction s42A Report D1
 - d. Ch 14 General Infrastructure – s42A Report D3
 - e. Ch 14 National Grid - s42A Report D4
 - f. Ch 14 Electrical Distribution – s42A Report D5
 - g. Ch 14 Transportation – s42A Report D12
3. I address key matters from this evidence in the summary below where I do not support the s42A recommendations.
4. Attached as Appendix 1 I include a strikethrough of the changes sought from the s42A Report recommended amendments.
5. My Rebuttal Statement (RS) supported in part and opposed in part evidence of Ms Whitney and Mr Campbell for Transpower.
6. Rebuttal statements by the following addressed matters in my EIC:
 - a. Mr Miryala on behalf of Counties Power in rebuttal has opposed changes I have sought to the definition of minor upgrading.
 - b. Ms Whitney for Transpower has supported in part and opposed in part changes I have sought regarding the National Grid
 - c. Mr Matthews for Genesis Energy has opposed changes I seek to Objective 6.1.6 and Policy 6.1.7 regarding reverse sensitivity
7. The Rebuttal statement by Mr Mackie for Council does not comment on matters arising from my EIC.
8. Policy 6.1.2 Development operation and maintenance (EIC 5.13-5.20)
I do not support the addition of 'the need to access infrastructure' to Policy 6.1.2 as sought by First Gas. In some situations access to infrastructure is across private land and such access should be through the relationship between the landowner and the infrastructure provider. It is not something that the district plan should regulate. Therefore I seek the deletion of 'the need to access infrastructure' from Policy 6.1.2.
9. Policy 6.1.4 Infrastructure benefits (EIC 5.21 – 5.28)
In my EIC I sought that clause iv) 'Managing adverse effects on the environment' be deleted from Policy 6.1.4 as I did not consider that it was a 'benefit' in the manner that the other clauses in Policy 6.1.4 are, so appears to be inconsistent with the intent of the policy.
10. Objective 6.1.6 and Policy 6.1.7 Reverse sensitivity (EIC 5.29 – 5.54)
Objective 6.1.6 and Policy 6.1.7 apply generically to all infrastructure and therefore need to be appropriate to apply across the range of situations that will emerge across the district. In my EIC I express a concern that the provisions in 6.1.6 and 6.1.7 are being driven by the need to give effect to the NPSET for the National Grid. Given that Policy 6.2.6 applies specifically to reverse sensitivity and the National Grid, I consider that the NPSET should not be used as the driver for 6.1.6 and 6.1.7, but rather in 6.2.6. Therefore I seek changes to 6.1.6 and 6.1.7 based on direction in the Regional Policy Statement (RPS.), specifically Objective 3.12 regarding the built environment and Policy 6.6. Significant infrastructure and energy resources.

Mr Matthews has opposed my EIC and considers that I have not considered all relevant provisions in the RPS to reach my position. He specifically identifies Policy 4.4. Regionally significant industry and

primary production, Method 4.4.1, Method 6.1.2 Built environment - Reverse sensitivity and Policy 6.16 Built Environment for Future Proof Area. Part of Mr Matthews concern appears to arise from the contention that Huntly Power Station is both regionally significant infrastructure and regionally significant industry and so he seeks to apply RPS provisions that relate to both in respect of the infrastructure provisions (6. Built environment which includes infrastructure and 4.4 Regionally significant industry.)

There are specific provisions in the plan for Huntly Power Station and if there is a need to provide for it as both regionally significant infrastructure and regionally significant industry then such an approach would be appropriate. But the need to provide specifically for Huntly Power Station should not drive the consideration of reverse sensitivity on all other infrastructure in the district, in much the same way that I consider that the NPSET should be the driving factor. Mr Matthews also refers to specific RPS policies regarding the Future Proof areas. If they need to be separated as requiring different consideration that would also be appropriate. But such policies should not drive the generic policy framework in the district plan.

I am particularly concerned about the use of the word 'protected' in Objective 6.1.6 and 'avoid' in 6.1.7 as these were not words used in the relevant RPS provisions and the implications of such words. Therefore I sought to reword the objective and policy to still provide that potential for reverse sensitivity is considered within the framework anticipated in the RPS. In particular Method 6.1.2 seeks to discourage new sensitive activities locating near existing and planned land uses and 6A o) seeks that new development not result in incompatible adjacent land uses including those that may result in reverse sensitivity effects. This principle would apply to both new infrastructure and other new developments near infrastructure so should not be used as a basis for 'protection' of infrastructure. Therefore I maintain the position that Objective 6.1.6 and Policy 6.1.7 should be amended to be more consistent with the RPS and be appropriate to apply to all infrastructure in the district.

11. Policy 6.1.8 Infrastructure in the community and identified areas (EIC 5.55-5.59)

In my EIC I sought that 'land use' be added to Policy 6.1.8 along with the 'qualities and characteristics of the surrounding environment and community wellbeing'. I consider that land use is an important consideration for infrastructure to take into account as it contributes to the qualities and characteristics of the environment in which infrastructure is located.

12. Policy 6.1.12 Co-location of compatible facilities (EIC5.67 – 5.71)

In my EIC I support a minor change to Policy 6.1.12 to include specific reference to reverse sensitivity as it is particularly relevant where co-location is being considered.

13. Policy 6.1.17 Regionally significant infrastructure (EIC 5.2 – 5.7)

I support that addition of a specific policy for regionally significant infrastructure but am concerned with the recommended wording and sought an amendment consistent with the RPS to protect the value and long terms benefits of regionally significant infrastructure.

14. National Grid provisions and the gas network

First Gas has sought that the gas network be included in the specific objectives and policies for the National Grid thereby seeking status as a nationally significant infrastructure. The provisions for the National Grid are to give effect to the NPSET and it is not appropriate that the gas network is added in the manner sought. I support the s42A Report recommendations in this matter.

15. Objective 6.2.1 National Grid (EIC 5.78- 5.93)

The s42A Report is recommending that Objective 6.2.1 is amended to: The national significance of the National Grid is recognised and protected, **and provided for**. I do not support that recommendation as it is inconsistent with the NPSET and sought that 'and protected' be deleted.

Ms Whitney (Rebuttal Para 16) has opposed the change I seek, though she acknowledges that the NPSET does not include the word 'protected'. It is disappointing that Transpower do not support the change I have sought as it is consistent with the approach in other plans which I have been involved

with for HNZ regarding the National Grid. For instance a specific example is the Otago Regional Policy Statement where there is recognition that the NPSET sought that the National Grid be 'recognised and provided for' so the word 'protect' was deleted. This has also been the approach in a number of district plans and so I support the change to Objective 6.2.1 as sought in my EIC.

16. Policy 6.2.5 Environmental effects (EIC 5.106-5.113)

In my EIC I sought that Policy 6.2.5 vi) be amended so that the list of specific matters are not exclusive so that Policy 4 of the NPSET can be given effect to, which does not limit the activities to which it applies. Ms Whitney does not support the change as it would broaden the 'seek to avoid' policy in the rural environment. It is acknowledged that Policy 4 seeks to avoid remedy or mitigate effects. In that respect it would be more appropriate that Policy 6.2.5 is amended by adding: and avoid, remedy or mitigate adverse effects on other areas.

17. Policy 6.2.6 Reverse sensitivity (EIC 5.114-5.118)

In my EIC I supported a revised Policy 6.2.6 that, while not substantially different from that proposed, more clearly articulates how reverse sensitivity near the National Grid is to be managed. It does not change the overall intent to give effect to the NPSET, but rather to make it clearer in the district plan. Ms Whitney does not support the revised wording but does not provide specific reasons.

18. National Grid rules 14.4 (EIC 9.1-9.46)

In my EIC I set out a range of changes that I sought to the provisions for the National Grid Yard. In particular I seek to ensure that there is consistency with NZECP34:2001 where appropriate as has been accepted in other district plans in respect to provisions within the National Grid Yard. I attached to my EIC an extract from the Western Bay of Plenty District Plan as an example.

Some changes I sought have been supported by Ms Whitney. The outstanding issues related to earthworks and what should be provided for as a permitted activity. I retain the view that NZECP provides a sufficient threshold for earthworks in the National Grid Yard. I also note Ms Whitney's comments regarding reticulation and storage of water for irrigation purposes by a network utility operator and that Transpower is only concerned about 'large scale projects'. If that is the case then the provisions should be amended to not capture all such irrigation projects which are not 'large scale' - however that may be defined.

The changes I support to the National Grid Yard rules are set out in the attached strikethrough.

19. Definition Minor upgrading(EIC 6.1-6.11, 8.1-8.3)

In my EIC I set out reasons why I support an addition to the definition of minor upgrading where there is to be an increase in voltage which may have an adverse effect on a landowner over whose property a line traverses.

Mr Miryala for Counties Power Ltd opposes my evidence and sets out a range of mechanism under other legislation that a power company needs to comply. However none of those mechanisms provide for the effect on a landowner that I have described in my EIC. It is a matter that the district plan can adequately control to ensure that landowners are not adversely affected by an upgrade that will result in additional cost to the landowner. The most appropriate mechanism is that the power company is required to discuss the upgrade with the affected landowner and ensure that adverse effects do not ensue. Unless this is required in the district plan there is the potential for the landowner to be adversely affected.

Lynette Wharfe

15 October 2020

Appendix 1 Text Amendments – Lynette Wharfe for HortNZ – changes sought in purple

6.1.2 Policy - 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 sites;
 - (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.

6.1.4 Policy – Infrastructure benefits

- (a) Have regard to the benefits that infrastructure provides, including:
 - (i) Enabling enhancement of the quality of life and residential standard for people and communities;
 - (ii) Providing for public health and safety;
 - (iii) Enabling the functioning of business and growth and development;
 - (iv) Enabling the transportation of freight, goods and people;
 - (v) Enabling interaction and communication; and
 - (vi) Providing for lifeline utility services.

6.1.6 Objective – ~~Reverse sensitivity~~ Reverse sensitivity

(a) .

Manage activities to minimise the potential for incompatible activities and reverse sensitivity effects on infrastructure

6.1.7 Policy Reverse sensitivity

Manage the potential adverse effects of activities adjacent to infrastructure, including to reduce the potential for reverse sensitivity effects, by ensuring sensitive activities, and inappropriate subdivision, use and development do not occur in a location or form that significantly constrains the safe, effective and efficient operation, maintenance, upgrade and development of the infrastructure.

6.1.8 Objective – Infrastructure in the community and identified areas

Infrastructure takes into account the qualities, land use and characteristics of surrounding environments and community well-being.

6.1.12 Policy – Co-location of compatible facilities

Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved ~~or~~ and adverse effects, including reverse sensitivity effects, are ~~reduced-avoided, remedied or mitigated.~~

6.1.17 Policy- Regionally Significant Infrastructure

a. Have particular regard to the benefits that can be gained from the development and use of regionally significant infrastructure (as defined in the Waikato Regional Policy Statement 2016); and

b. Protect the value and long term benefits of regionally significant infrastructure

6.2.1 Objective – National Grid

The national significance of the National Grid is recognised, and provided for.

6.2.6 Policy – Reverse sensitivity and the National Grid

Provide for the National Grid by:

- a) Managing subdivision use and development to the extent reasonably possible to avoid reverse sensitivity effects on the National Grid and ensure that the functional needs of the National Grid are not compromised by:
 - i) Identifying the existing National Grid on Planning maps; and
 - ii) Establish the National Grid Yard where sensitive land uses and intensive farming activities, commercial greenhouses and milking/ dairy sheds will generally be avoided; and
 - iii) Establish the National Grid Subdivision Corridor for managing subdivision and subsequent land use near the National Grid
- b) Not allowing existing activities in the identified corridors to intensify in a way that increases their incompatibility with existing National Grid infrastructure.

6.2.5 Policy – Environmental effects

- (a) Manage the environmental effects of the development or upgrades (other than minor upgrades) of the National Grid, by:
 - (i) Recognising and providing for the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
 - (ii) Considering the extent to which any Avoiding, remedying or mitigating adverse effects through consideration of have been avoided, remedied or mitigated by the route, site and method selection;
 - (iii) Seeking to rReduce the existing adverse effects as part of any substantial upgrade;
 - (iv) Considering the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive land uses; and
 - (v) Within urban environments, aAddressing the adverse effects on any heritage values, cultural values,¹ outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.
 - vi) Within rural environments, seeking to avoid adverse effects on identified heritage values, cultural values, outstanding natural landscapes, areas of high natural character, areas of high recreation value and existing sensitive activities and avoid, remedy or mitigate effects on other areas.

Definition of minor upgrading

Add to definition

An increase in voltage of a line can only occur as minor upgrading if the line was constructed for the increased voltage, unless the NESETA Regulations apply.

¹ 559.63 Heritage NZPT

Amend 14.3.1.1 2) b) as follows:

The re-conductoring of lines with higher capacity if the line was previously designed to operate at the higher capacity

Amend 14.3.1.1 2) j)

The increase in voltage of electric lines up to 110kV if the line was previously designed to operate at the higher capacity