

Hearing Opening Statement

Hearing 22: Infrastructure and Energy

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Introduction

1. Good morning Chair and Commissioners. My name is Trevor Mackie and I am the s42A reporting planner for the Infrastructure and Energy topic. I am also the author of rebuttal evidence relating to those provisions. My qualifications and experience are set out in the s42A report at page 3 Part A. I also confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report.
2. The topic of Infrastructure and Energy received 1316 original submission points and 1301 further submission points. Many were from infrastructure providers, but there were also submissions from community and public interest groups, iwi, affected landowners, government agencies, Waikato Regional Council, land developers, industry, Federated Farmers and Horticulture NZ, and a substantial submission from Waikato District Council on errors and omissions.
3. Many submitters supported parts or all of the proposed objectives, policies and rules for infrastructure and energy. However, there were also many requests for detailed changes to the provisions. The s42A report sections D0 to D13 are set out to work sequentially through the PWDP Chapter 14 and Chapter 6 provisions, and other consequentially affected Chapters such as Chapter 13 Definitions. The focus of my opening statement will be on providing an overview of the key matters which remain points of contention relating to these infrastructure and energy provisions.
4. I do not repeat the detail of my recommendations or repeat information included in my s42A report or rebuttal, except to summarise the areas of change that were recommended in that report.

Summary of s42a Recommendations For Amendment

Principal amendments recommended to Chapter 14 Infrastructure and Energy are as follows:

5. Stand-alone infrastructure provisions: The Introduction to Chapter 14 recognises that objectives and policies of Chapter 2 Taangata Whenua, Chapter 3 Natural Environment and Chapter 7 Historic Heritage will apply to infrastructure activities within Identified Areas. Other clarifications are provided for the Infrastructure and Energy provisions to stand alone and override the provisions of the underlying Zones, and for specific infrastructure-type provisions to prevail over general rules.
6. Farming is not infrastructure: Clarification that rural land uses, such as farming activities, are generally not 'infrastructure' when they are on-farm services and do not have a group or public infrastructure purpose.
7. Practical minor upgrading: 'Minor upgrading of existing infrastructure' sets out amended parameters for each type of infrastructure, to allow the practical day-to-day minor upgrading required. This includes adjustments to allowances for poles, pipe sizes, antennas, ancillary equipment and alterations to structures.

8. Identified Areas: The Identified Areas are defined and the infrastructure rules, including activity classifications, are amended so that infrastructure activities in Identified Areas have an appropriate activity cascade. That will enable infrastructure activities to meet their functional and operational needs while protecting Identified Area values.
9. Water supply: Water supply servicing requirements are amended to require a fire-fighting supply of water and to allow flexibility in rain harvesting.
10. Land transport network: References to 'road network' are generally amended to 'land transport network' to recognise the networks include other modes such as rail, and off-road walking and cycling, and to ensure those have the same enabling policy treatment in the PWDP.
11. National Grid: National Grid provisions are amended to give effect to the NPSET, and to correct an error that had transposed the National Grid Yard and National Grid Subdivision Corridor rules.
12. Huntly Power Station: Enabling electricity generation activities within the Huntly Power Station site in the Industrial Zone Heavy as an industrial activity.
13. Amateur radio configuration: Rationalisation of amateur radio configurations, including supporting structures and their dimensions.
14. Waikato Regional Policy Statement: Amendments to give effect to the Waikato Regional Policy Statement, in relation to stormwater management and flood protection infrastructure.
15. Waikato Regional Policy Statement: Amendments to give effect to the Waikato Regional Policy Statement, in relation to transportation.
16. Transportation and noise-sensitive activities: Introduction of vibration, acoustic insulation and ventilation requirements for noise-sensitive activities adjacent to the rail corridor and State Highways.
17. Rail level crossings: Introduction of level crossing sightline protection rule, controlling visibility around level crossings to reduce the risk of collisions.
18. General: There are also many amendments recommended which are relatively minor, being: correction, re-numbering, clarification, updating of information, reference to guidance documents, definitions, relocation of some rules into Zone chapters, and ensuring a full activity cascade is provided for all activities (without a complete activity cascade many infrastructure activities would otherwise default to non-complying activity status).

Principal amendments recommended to Chapter 6 Infrastructure and Energy objectives and policies are as follows:

19. Well-being: The Objective is amended to recognise infrastructure provides benefits to more than the district (region and nation), for example, by strategic freight routes, nationally significant electricity transmission network and land transport network.
20. Access to infrastructure: Policy is amended to recognise the need to access infrastructure.
21. Technological advances: Policy is amended to better enable use of technological advances in infrastructure.
22. Adverse effects on infrastructure: The Objective and policy are amended to recognise reverse sensitivity is not the only adverse effect on infrastructure. Infrastructure needs enabling and protection to ensure construction, operation, maintenance, repair, replacement and upgrading are not compromised.

23. Infrastructure in Identified Areas: Policies are amended to ensure protection of specific Identified Area values.
24. Regionally significant infrastructure: Policy is added to recognise Regionally Significant Infrastructure, to give effect to Waikato Regional Policy Statement. However, the rules and resource consents will recognise different levels of importance already, and are not changed.
25. National Grid: Objective and policy are amended to better give effect to the NPSET.
26. Renewable energy: The Objective is amended from 'promotional' to 'aspirational', that is, to achieve renewable energy generation rather than only promote it, to more appropriately give effect to the NPSREG
27. Land transport network: Policy is amended to recognise the broader land transport network rather than only the road network. Policy is also amended to support introduction of rules on noise-sensitive activities locating adjacent to the rail corridor and State Highways.
28. Stormwater: Policy is amended to clarify low impact approach to stormwater management including at-source management and stormwater management plans, and to introduce management of contaminant run-off.
29. Transport: The Objective and policy are amended to recognise the strategic freight network, and economic well-being, growth and productivity to give effect to the Waikato Regional Policy Statement and the RLTP.

Principal amendments and confirmations recommended to Other parts of the PWDP are as follows:

30. Definitions for Minor infrastructure structure; minor upgrading of existing infrastructure; National Grid related; network utility operator; functional need and operational need; infrastructure; Regionally Significant Infrastructure; land transport network; road network activities and rail activities; limited access road; Energy Corridor; design speed (where not already addressed in Hearing 5).
31. Re-location of provisions from Chapter 14 Infrastructure and Energy into Zone Chapters, for the following matters: Construction or alteration of a building for a sensitive land use, in relation to electrical distribution and transmission lines that are not part of the National Grid; Impervious surface rules for stormwater management.
32. Amendment of the Zone subdivision – building platform and sensitive land use setback rules and PWDP Appendix I – Acoustic Insulation, to provide for vibration protection, acoustic insulation and ventilation of noise-sensitive activities in proximity to the rail corridor and State Highways.

Principal additional amendments and confirmations recommended in rebuttal evidence to resolve matters in contention are as follows:

33. Low-impact stormwater management – a matter of discretion is added.
34. Significant Natural Area vegetation management – a matter of discretion is added.
35. Regional flood protection infrastructure - policy recommendations are confirmed and rules provided.
36. National Grid and Identified Areas – relationship is confirmed and Subdivision Corridor breadth is confirmed.

37. Renewable energy generation recognition, and wind investigation facilities – policy and activity status are confirmed.
38. Huntly Power Station - coal transportation is allowed within the Energy Corridor, and electricity generation (stand-alone) infrastructure is addressed in addition to networks.
39. Amateur radio configuration – a definition is added.

Higher Order Policy Directions

RMA s6 Matters of national importance

40. Amendments were recommended in the s42A report to some objectives, policies and rules to recognise and provide for matters of national importance, in relation to infrastructure within Identified Areas.

National policy statements

41. Amendments were recommended in the s42A report to some objectives, policies and rules to better give effect to national policy statements, such as NZCPS, NPSET, NPSREG and NPSUD.

Waikato Regional Policy Statement

42. The Operative Waikato Regional Policy Statement (RPS) provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region's natural and physical resources will be achieved. The PWDP is required to give effect to the RPS. The RPS identifies providing for energy demand and managing the built environment as key issues for the Waikato Region.
43. Amendments were recommended in the s42A report to some objectives, policies and rules to better give effect to the Waikato Regional Policy Statement (RPS), particularly in relation to Identified Areas, Regionally Significant Infrastructure, Transportation, Stormwater management, and flood protection infrastructure.

PWDP Objectives

44. Objectives are required to be the most appropriate way to achieve the purpose of the Act (RMA s32). The policies and rules are required to be the most appropriate way to achieve the objectives.

Remaining Matters of Contention

45. There are several matters of contention remaining on the infrastructure and energy topic. These comprise some key matters addressed in my rebuttal evidence, some matters subject to submitters' evidence to which I recommend no further amendments, and other matters with which I (s42A) recommend not accepting the submissions and on which submitters have not provided evidence but may appear at the hearing.
46. The key matters that remain in contention, on which I have prepared rebuttal evidence, are:
 - a. Noise-sensitive activities and State Highway / rail [NZTA Waka Kotahi; KiwiRail; Kaainga Ora; Cindy and Tony Young and Parkmere Farms (Nicholas Grala)]. I support an amended

version of the NZTA / KiwiRail provisions, but NZTA and KiwiRail seek further controls and the other submitters oppose the provisions (Rebuttal pages 6 – 10).

- b. National Grid Subdivision Corridor [Transpower; Kaainga Ora]. I support the Transpower National Grid Subdivision Corridor provisions, but Kaainga Ora opposes their physical extent (Rebuttal paras 45 – 46).
 - c. Telecommunications provisions and Identified Areas [Spark; Vodafone; Chorus]. I support the Identified Area protections, but the telecommunications network utility operators seek amended or more permissive provisions (Rebuttal pages 29 – 32).
47. There are additional matters that remain in contention, which were covered in the s42A report, where submitter evidence is provided but I do not propose further amendments. Some of these submitter evidence statements re-state the original submissions. The additional matters include the following:
- a. NZTA seeks a requirement for Integrated Transport Assessments; and alignment of activity trip generation levels with the national 85th percentile report
 - b. FFNZ considers the allowances for permitted activity Minor Upgrading of Existing Infrastructure are too permissive
 - c. FFNZ considers the lines undergrounding policy should more explicitly exclude the Rural Zone
 - d. Ministry of Education seeks a new definition for childcare; reduced car parking minimum standards (or nil car parking minimum standards under the NPSUD); and school years clarified
 - e. FENZ seeks fire-fighting water supply to all new lots and new buildings, not only dwellings and workplace buildings
 - f. Watercare seeks a more robust policy framework, enabling infrastructure and with greater certainty of the relationship between infrastructure and Identified Areas; and that water and wastewater infrastructure activities within Identified Areas be discretionary rather than non-complying
 - g. Transpower seeks clarification of non-sensitive farming activities within the National Grid Yard; substations to be discretionary activities within Identified Areas; a new catch-all non-complying activity for buildings and structures not otherwise specified; and an advice note that Transpower will be an affected party
 - h. Genesis Energy seeks further policy amendments based on their original submission
 - i. Meridian Energy seeks further amendments to clarify large scale wind farm facility components; and to refer to a noise standard
 - j. Counties Power seeks further amendments to rules for overhead lines; restricted discretionary activity subdivision; switchroom permitted activity area; and earthworks
 - k. WEL Networks seeks a utility corridor rule; up to 10m pole re-location within Minor Upgrading of Existing Infrastructure; renewable electricity generation to be a permitted activity within the road
 - l. PowerCo seeks a revised definition of Minor Infrastructure Structure; electrical distribution support structures to be exempt from height-in-relation-to-boundary rules;

any building to comply with NZECP34:2001; and Policy 6.1.9 amended to apply to “significant adverse effects as far as reasonably practicable”

- m. Firstgas seeks a definition of ‘gas transmission network’; planning maps to show the above-ground gas stations
 - n. HortNZ seeks deletion of the electrical distribution setback rule (the rule has been relocated into the zone chapters)
48. The third group of matters in contention is where submitters do not agree with the recommendations in the s42A report, but have not provided evidence. Those submissions may be presented with supporting information at the hearing. I note that the hearing schedule includes submitters in this category, on topics of indicative trails, indicative roads, vehicle access sight and separation distances, and vehicle access and road widths.

Summary

49. This concludes my opening summary of the Infrastructure and Energy topic. I look forward to hearing evidence presented by submitters over the course of these two days of hearing, and welcome any questions that the Panel may have.