

SUMMARY OF EVIDENCE OF SANDRA MCINTYRE – ENERGY, INFRASTRUCTURE AND TRANSPORT

1. My evidence on the EIT chapter is set out at paragraphs [115] to [133] of my evidence-in-chief and the following paragraphs in my rebuttal evidence:

- Rebuttal of Ainsley McLeod (Transpower) at [10] to [12];
- Rebuttal of Elizabeth Soal (Waitaki Irrigators) and Keith Frenz (Dunedin City Council) at [29] to [32]; and
- Rebuttal of Stephanie Styles (Manawa Energy), Claire Hunter (Contact Energy), and Susan Ruston (Meridian Energy) at [33] to [38].

My recommended amendments are set out on pages 36 to 41 of Appendix 1 to my evidence-in-chief.

2. A key focus of my evidence is the question of how the benefits of infrastructure should be weighed against its adverse effects on other values. I do not consider that a “one size fits all” approach to management of the adverse effects of infrastructure, as sought by some infrastructure providers, is appropriate. Rather:

- Where the PORPS includes specific outcomes and policy approaches for particular domains or values, the approach for managing infrastructure should recognise and reflect these. This is particularly the case for management of effects on the life-supporting capacity of the environment and on section 6 RMA matters. I have recommended amendments to EIT-INF-P13 and EIT-INF-P13A to address this in respect to wāhi tūpuna and to outstanding natural features and landscapes through linkages to the relevant chapters.¹
- The distinction between nationally/ regionally significant infrastructure and other infrastructure is important when considering whether requirements to avoid adverse effects should be relaxed in recognition of functional and operational needs. Not all infrastructure merits being given equal priority.

3. As discussed at [118] to [119] of my evidence-in-chief and [36] to [38] of my rebuttal evidence, I consider that an approach reflecting these distinctions is consistent with national direction relating to provision for infrastructure. Conversely, I consider that some aspects of the provisions sought by the electricity generators, including their proposed policy EIT-EN-P1, could be in conflict with the NPSFM.

¹ See pp. 39-40 of my Appendix 1.

4. There are some amendments recommended in the section 42A report or supplementary evidence that I consider provide for an inappropriate prioritisation of infrastructure over management of its adverse effects:

- EIT-EN-P10 providing for electricity distribution infrastructure duplicates a policy in the Partially Operative Regional Policy Statement 2019 and does not reflect the effects management approach in EIT-INF-P13.² I recommend an amendment to EIT-INF-P10 to align it with EIT-INF-P13;³
- The proposed amendment of EIT-INF-P15 broadens the scope of this policy beyond addressing reverse sensitivity effects on infrastructure to require avoidance of activities that could foreclose opportunity for future development of infrastructure. I consider this is highly uncertain and could impose inappropriate constraints on other activities.⁴ The additional amendments proposed by Ainsley McLeod would exacerbate this, particularly with respect to use of Native Reserves and Māori land.⁵

5. My evidence also highlights a gap in the EIT chapter regarding consideration of the effects of climate change when infrastructure is being developed and upgraded.⁶ This is a concern discussed by Brendan Flack in his evidence, and I have recommended amendments to EIT-INF-P12 and EIT-INF-P14 to address it.⁷

A note on changes to the NPSFM and NESF provisions for specified infrastructure

6. In my rebuttal evidence I disagree with Elizabeth Soal that community-scale irrigation and stockwater infrastructure should be included in the definition of regionally significant infrastructure. I note that since preparing my evidence, water storage infrastructure has been included in the category of specified infrastructure in the NPSFM and National Environmental Standards for Freshwater. I have considered whether this affects my position and have concluded that the categories of specified infrastructure and regionally significant infrastructure cannot be equated:

² See my evidence-in-chief at [125]

³ See Appendix 1, p. 37

⁴ See evidence-in-chief at [127]

⁵ See rebuttal evidence at [10] to [12]

⁶ Evidence-in-chief at [128]

⁷ Appendix 1, pp. 39 and 40

- “Regionally significant infrastructure” is included in the definition of “specified infrastructure” as a subset of this. Specified infrastructure is therefore by definition a broader category.
- The category of community-scale irrigation and stockwater infrastructure is significantly broader than the category of water storage infrastructure – for example it would include a wide range of water races and other conveyance infrastructure.
- While specified infrastructure may be exempted from the requirement to avoid loss of extent of natural inland wetlands and to protect their values, this exemption is subject to a test of whether the regional council is satisfied that the specified infrastructure will provide significant national or regional benefits. There is no presumption that it will always meet the test of regional significance.
- The provisions for specified infrastructure are tailored to management of effects on natural inland wetlands, whereas the PORPS approach for regionally significant infrastructure applies to a much broader range of effects.

Sandra McIntyre