

**BEFORE THE COMMISSIONERS
AT DUNEDIN**

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

AND

IN THE MATTER of Proposed Otago Regional Policy
Statement – Non-Freshwater - Energy,
infrastructure and Transport

**ORAL STATEMENT FOR ENERGY, INFRASTRUCTURE AND TRANSPORT
CHAPTER OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT**

LYNETTE WHARFE FOR HORTICULTURE NEW ZEALAND

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INTRODUCTION

1. This statement is a summary of my Evidence in Chief (EIC) dated 23 November 2022 and Rebuttal statement dated 14 December 2022 in relation to Energy, Infrastructure and Transport section of the non-freshwater parts of the proposed Otago Regional Policy Statement (**pORPS**).
2. The relevant part of my EIC is at para 209 -277 and addresses:
 - (a) Nationally significant infrastructure and regionally significant infrastructure;
 - (b) The National Grid;
 - (c) Renewable electricity generation;
 - (d) Electricity distribution;
 - (e) NZECP34:2001 Electrical code of practices for electrical safe distances; and
 - (f) Consideration of highly productive land in the policy framework for infrastructure and energy.
3. Relevant parts of my rebuttal evidence are:
 - (a) Ainsley McLeod for Transpower regarding National Grid Para 46-58
 - (b) Megan Justice for Aurora Energy Ltd, Network Waitaki and PowerNet Ltd regarding Electricity Distribution Networks Para 59- 75
 - (c) Craig Barr for Queenstown Lakes District Council re regionally significant infrastructure Para 76-79
4. Responses and changes that I sought in my EIC as set out in Appendix 1 are:
 - Retain EN-INF-O4
 - Retain EIT-INF-O5
 - Amend EIT-INF-P15

Recognise and provide for the efficient and effective operation of nationally significant infrastructure and regionally significant infrastructure by:

a) *Ensuring that sensitive activities that may give rise to reverse sensitivity effects are avoided to the extent reasonably possible*

b) *Ensuring that activities do not compromise the functional or operational needs of nationally significant infrastructure and regionally significant infrastructure,*

- Delete all references to 'electricity transmission' and replace with 'National Grid' including EIT-INF-P16.
- Retain EIT-INF-M2
- Amend EIT-EN-O2 (1)

The generation capacity of renewable electricity generation activities in Otago:

1. *Is recognised and provided for, and if practicable maximised within limits*

- Retain EIT-EN-P1
- Retain EIT-EN-P2 as in the s42A Report.
- Retain EIT-EN-P7 as in the s42A Report.
- Include provisions for electricity distribution as set out in evidence of Mr Langman:
 - a) *Inclusion of EIT-EN-P10 Providing for electricity distribution;*
 - b) *Inclusion of a method in EIT-EN-M2 (5C) to map significant electricity distribution infrastructure in district plans and where necessary provide controls to ensure that the SEDI is not compromised; and*
 - c) *Inclusion of a definition for significant electricity distribution infrastructure.*
 - d) *Inclusion of a method in EIT-EN-M2 (5D) to refer to NZECP34:2001 Electrical code of Practice for Electrical Safe distances*
- Include reference to highly productive land be added to the following policies:
 - a. EIT-INF-P13 (1);
 - b. EIT-INF-P16 (5); and
 - c. EIT-EN-P4.

5. Submissions on the chapter highlight tensions that exist between different activities that interface with energy, infrastructure and transport and a range of expectations.
6. The pORPS is fundamental to how such tensions will be addressed in regional and district plans by providing the overall framework for how such activities will co-exist.

POLICY FRAMEWORK FOR ENERGY AND INFRASTRUCTURE

Architecture of the Plan

7. In these hearings there has been some discussion about the architecture of the provisions for Energy and Infrastructure - whether they should be in one location or separated into specific activities.
8. The generators seek bespoke provisions because of the NPSREG and that the renewable generation facilities are in a set location.
9. Both the National Grid and electricity distribution lines are linear so the question is whether they should be provided for in the same policy framework.
10. In my opinion, the National Grid should be separate so that the NPSET can be explicitly given effect to without blurring the lines with other infrastructure. An example of this mixed approach is EIT-INF-P15 which I discuss below.
11. I support the separate provisions for electricity distribution lines that Mr Langman included in the supplementary s42A Report.
12. Such an approach enables a clear focus on those lines and the need to adequately provide for them in the pORPS.

Definition of regionally significant infrastructure

13. In my rebuttal evidence (65) I address the issue of infrastructure that seeks to be included as regionally significant infrastructure. I understand the reasons why such status is sought to ensure that there is a consenting pathway for those activities.
14. I consider that the resolution does not lie in including more activities in the definition of regionally significant infrastructure, but rather addressing the underlying issue of providing a pathway for such activities.

15. To that extent I support changes that Ms Justice has sought to specifically provide for electricity distribution activities, particularly Significant Electricity Distribution Infrastructure (SEDI) through an effects management regime.

National Grid or Electricity transmission

16. In my EIC I sought that all references to electricity transmission be amended to National Grid as it is the commonly used term, is clear and avoids potential confusion with electricity distribution.
17. I note that there remain a mix of terminology, especially in EIT-INF-P16, which does not provide clarity in the policy framework.

EIT-INF-P15

18. In my EIC I sought a revised policy for reverse sensitivity EIT-INF-P15. I opposed the redrafting in the s42A Report as it applied the NPSET Policy 10 and 11 to all nationally significant infrastructure and regionally significant infrastructure even though there had been no s32 analysis as to the appropriateness of such an approach.
19. In addition, the inclusion of a 'protection' policy and use of 'avoid' is more stringent than the NPSET and then applied across all nationally significant infrastructure and regionally significant infrastructure.
20. In my rebuttal I opposed wording sought by Ms McLeod for EIT-INF-P15 which sought an absolute 'avoid'.
21. I do not consider that the NPSET Policy 10 provides for an absolute 'avoid', with the Auckland Council v Transpower case describing the policy as 'relatively prescriptive' – but not 'absolutely' prescriptive.
22. In rebuttal, Ms McIntyre for Kai Tahu also opposed Ms McLeod's wording. At para 11 Ms McIntyre states:

In addition, the proposed amendment to EIT-INF-P15 goes significantly beyond the potential effect of reverse sensitivity on the National Grid, because:

- (a) *EIT-INF-P15 applies to all nationally significant infrastructure and regionally significant infrastructure, not just the National Grid, and as such is not necessary to give effect to the NPSET; and*

- (b) *The wording Ms McLeod proposes in clause 1 broadens the scope beyond reverse sensitivity effects to require avoidance of activities generally that may give rise to adverse effects on such infrastructure. It is not clear what types of effects are anticipated by this provision.*

I consider that this amendment is inappropriately onerous, too broad in scope and is unnecessary to address Transpower's concerns.

23. I concur with Ms McIntyre and consider that the various amendments to the policy have sought to significantly strengthen the policy beyond the notified intent and so has become unworkable for other parties.
24. EIT-INF-P15 is critical as to how district plans will give effect to the RPS in district plans.
25. HortNZ has been a submitter on National Grid provisions in both Dunedin City and Central Otago District Plan and sought a policy framework that enables reasonable use of land in the vicinity of the National Grid while recognising the need for Transpower to operate the National Grid.
26. As outlined by Ms Roberts, HortNZ has established an agreed position with Transpower which is recognised in a Memorandum of Understanding between HortNZ and Transpower.
27. If the pORPS adopts the policy sought by Ms McLeod this would undermine the agreed position and lead to more stringent provisions in district plans, thereby limiting even further the use of rural land within the National Grid Yard.
28. This is particularly relevant in Central Otago where there is highly productive land that also needs to be provided for.
29. I note that Ms McLeod seeks that amendments to address two elements in Policy 10 of the NPSET – reverse sensitivity and direct effects.
30. The policy that I seek in my evidence addresses both elements:

Recognise and provide for the efficient and effective operation of nationally significant infrastructure and regionally significant infrastructure by:

a) *Ensuring that sensitive activities that may give rise to reverse sensitivity effects are avoided to the extent reasonably possible*

b) *Ensuring that activities do not compromise the functional or operational needs of nationally significant infrastructure and regionally significant infrastructure,*

31. Such a policy framework more closely aligns with Policy 10 of the NPSET.
32. My preference would be for the policy to only apply to the National Grid with other nationally significant infrastructure and regionally significant infrastructure separately provided for.

Renewable energy generation

33. I have sought changes to EIT-EN-O2 (1) regarding the objective for renewable electricity generation to better align with the NPSREG – to recognise and provide for the generation capacity of renewable electricity generation activities in Otago.
34. I have listened to the evidence of the generation companies and the need for their activities to be adequately provided for and to give effect to the NPSREG.
35. I consider that the change to the objective is aligned with the NPSREG and will not undermine the provisions that the generators seek to provide for generation activities.

Electricity distribution networks

36. Mr Langman has recommended that a new policy EIT-EN-P10 be included for electricity distribution networks, along with methods to support implementation of the policy and a definition for significant electricity distribution infrastructure (SEDI).
37. I support the inclusion of those provisions.
38. However I do not support inclusion of SEDI as regionally significant infrastructure.
39. But I do support the new effects management regime for electricity distribution infrastructure sought by Ms Justice.

40. I consider that such an approach retains the intent of the provisions in the Partially Operative ORPS which were agreed by the parties after extensive mediation and meetings.
41. It is important that there is a consenting pathway for electricity distribution infrastructure and what is sought by Ms Justice achieves that outcome.
42. I also support a 'carve out' or stand alone provisions for electricity distribution infrastructure as this provides a clear distinction from the National Grid provisions and neatly contains all relevant provisions for electricity distribution.
43. Therefore I do not support the inclusion of SEDI in other generic policies, but rather that all provisions are located in the standalone provisions.
44. This is the format used in the Partially Operative ORPS and I see no compelling reason to change from that structure.

Highly productive land

45. In my EIC I sought that reference to highly productive land be included in a number of policies which lists matters for consideration. These include:
 - (a) EIT-INF-P13 (1)
 - (b) EIT-INF-P16 (5)
 - (c) EIT-EN-P4
46. Such additions would ensure that highly productive land and the NPSHPL are considered in the context of these policies. This would assist in giving effect to the NPSHPL.

Lynette Wharfe
15 March 2023