

**BEFORE THE HEARING COMMISSIONERS
AT GREATER WELLINGTON REGIONAL COUNCIL**

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

AND

IN THE MATTER of the Proposed Natural Resources Plan
for the Wellington Region

Hearing Stream One:
Overall policy framework of the
proposed plan,
Beneficial use and development,

**STATEMENT OF SUPPLEMENTARY EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
13 JUNE 2017**

1. QUALIFICATIONS AND EXPERIENCE

1. My name is Lynette Pearl Wharfe, my qualifications and experience is set out in my Evidence-in-Chief for Hearing Stream One dated 5 May 2017.

2. SCOPE OF SUPPLEMENTARY EVIDENCE

- 2.1 This evidence provides supplementary evidence on matters that have arisen or been identified by the Hearing Panel during the first weeks of hearings on submissions in Hearing Stream One.
- 2.2 My Evidence-in-Chief focussed on the matters raised in the submission of HortNZ.
- 2.3 However HortNZ also made a number of further submissions which are addressed in Hearing Stream One.
- 2.4 Generally I concurred with the s42A recommendations relating to the further submissions but as a consequence of evidence by the submitters and questions from the Panel I seek the opportunity to respond on a number of specific matters.
- 2.5 Issues addressed are:
 - (a) Regionally significant infrastructure
 - (b) Policy P5 - Minimise
 - (c) The NPSFM and setting interim limits
 - (d) Definition of reverse sensitivity

3. REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 3.1 HortNZ made further submissions opposing submissions made by PowerCo (29/60) and Wellington Electricity Lines Ltd (126/15, 126/16, 126/17) that sought changes to the definition and provisions relating to regionally significant infrastructure to include local electricity distribution as regionally significant infrastructure.
- 3.2 The s42A Report rejects the submissions.
- 3.3 The Hearing Panel has issued Minute 5 dated 9 June 2017 that includes matters relating to regionally significant

infrastructure as a result issues raised by infrastructure providers on the definition of regionally significant infrastructure.

- 3.4 The matter of what comprised regionally significant infrastructure was canvassed during the RPS hearings and resulted in the definition that is included in the RPS.
- 3.5 The s42A Report refers to the evidence prepared for Proposed Plan Change 16 in Porirua District Plan (Nov 2014) which sets out the process to determine what is regarded as regionally significant infrastructure.
- 3.6 The decisions focused on the significant benefits that infrastructure would bring to the region and made a differentiation between different forms of infrastructure. Local electricity distribution infrastructure is not specifically included as regionally significant infrastructure.
- 3.7 I am concerned that an approach is now being considered to amend a definition in the PNRP which is based on the RPS definition that has been through a full Schedule 1 process.
- 3.8 The PNRP has to give effect to the RPS so amending the definition in the PNRP would have the effect of widening the scope of what the RPS anticipated.
- 3.9 While the submitters have raised a range of philosophical reasons why the definition should be amended I consider the focus should be on how the definition will be applied in the PNRP and the limitations that the RPS definition presents in the context of implementing the PNRP on local electricity distribution.
- 3.10 Generally the approach of local electricity distribution companies is to seek recognition as regionally significant infrastructure in the RPS so that district plans have to give effect to the objectives and policies in the district plans as it is generally the land use activities which are the greatest relevance to local electricity distribution.
- 3.11 Mr Denton has provided supplementary responses dated 26 May 2017 regarding beneficial use and development, including regionally significant infrastructure.
- 3.12 He identifies that the jurisdiction of the PNRP is generally not on land based activities which are of greatest relevance to networks.

- 3.13 He also identifies that there are only two rules which apply to regionally significant infrastructure which demonstrates the extent of relevance of the PNRP to such infrastructure, with the main considerations being the relevant objectives and policies as part of resource consent applications.
- 3.14 It is not clear from the submitters what barriers they anticipate in seeking resource consents under the PNRP and why it is necessary for such infrastructure to be classed as regionally significant infrastructure.
- 3.15 Mr Denton also considers that there is a high risk to include a whole network as regionally significant infrastructure rather than significant aspects of it.
- 3.16 Mr Le Marquand has referred in his evidence of PowerCo to the Auckland Unitary Plan decisions which do not make a differentiation between infrastructure and regionally significant infrastructure, which has the benefit of avoiding debates as to what is regionally significant.
- 3.17 I also note that in the Christchurch Replacement District Plan process there was a differentiation for local electricity distribution lines which were considered of greater significance to the network, rather than providing for the whole network as regionally significant. However that is at the district plan level and it is appropriate that a discussion of significance occur at that level where the effects of constraints on affected land owners can also be considered as part of the plan process.
- 3.18 Amending the definition of regionally significant infrastructure will impact on, and affect a wide range of provisions in the plan and plan users, not just infrastructure providers. Therefore before amending the definition as sought there needs to be a robust Sec 32AA to determine if it would be the most efficient and efficient approach, taking into account the wider implications of such a change.
- 3.19 The PowerCo submission includes an alternative mechanism to provide for local electricity distribution lines should a change to the definition for regionally significant infrastructure not be made.
- 3.20 In my opinion this would be a more appropriate approach than amending the definition of regionally significant infrastructure so that it is inconsistent with the RPS.

4. POLICY P4 – MINIMISE

- 4.1 In my Evidence in Chief I addressed Policy P4 (Section 7) and raised concerns about the uncertainty in the Policy.
- 4.2 As a result of hearing evidence the Hearing Panel has now identified issues with Policy P4 in Minute 5 dated 9 June 2017.
- 4.3 Submitters have suggested that the policy be either deleted in its entirety or be substantially reworded.
- 4.4 Policy P4 is a critical policy as it has wide application within the PNRP.
- 4.5 The extent and nature of submissions on Policy P4 demonstrates the level of concern with the notified approach.
- 4.6 I would support a collaborative approach to considering changes to Policy P4 but such a process needs to have input from all affected submitters, not just infrastructure providers.

5. THE NPSFM AND SETTING LIMITS

- 5.1 The Hearing Panel in Minute 4 dated 30 May 2017 raised the matter of interim default framework under the NPSFM as a result of submissions by Fish and Game.
- 5.2 HortNZ made further submissions opposing the approach sought by Fish and Game as there are currently processes underway to develop limits under the NPSFM.
- 5.3 The legal response to the Hearing Panel date 8 June 2017 concludes that the PNRP provides a framework that meets the Council's obligations under higher order instruments.
- 5.4 As such I do not consider it is necessary for Council to include 'interim' limits in the PNRP.
- 5.5 The 'Clean Waters' Report recently released by the government on swimmability and proposed changes to the NPSFM includes maps of the quality for swimming, including for the Wellington Region. If the map had shown a high number of waterbodies in the region as 'poor' there could be justification for an interim limits in such cases.
- 5.6 The Ruamahanga River, which is graded as 'Fair' is currently part way through a Whaitua process which will result in limits

for that catchment. There would seem to be little to be gained to pre-empt that process by setting 'interim limits' in the PNRP.

- 5.7 The scientific work that underpins limits needs to be undertaken prior to setting a limit.
- 5.8 I do not support an arbitrary limit being set in the interim when such scientific work is currently being undertaken.

6. REVERSE SENSITIVITY

- 6.1 HortNZ made further submissions opposing changes sought to the definition of reverse sensitivity by NZTA (146/31).
- 6.2 The submission is addressed at Para 283 in the s42A Report.
- 6.3 The definition of reverse sensitivity is the same as in the RPS and was widely debated and canvassed through the Schedule 1 process and appeals on the RPS.
- 6.4 Therefore I do not consider it appropriate to amend the definition and provide uncertainty by having a different definition in the PNRP from the RPS.
- 6.5 I support the recommendation in the s42A Report to retain the definition as in the RPS.

7. CONCLUSION

- 7.1 This evidence supplements my Evidence in Chief dated 5 May 2017 and does not alter the opinions stated in that evidence.

Lynette Wharfe

12 May 2017