

**SUMMARY STATEMENT OF EVIDENCE OF CHRISTOPHER JAMES SCRAFTON ON
BEHALF OF WATERCARE SERVICES LIMITED (SUMBITTER NO. 423 / FURTHER
SUBMITTER NO. 1176)**

PLANNING

1. INFRASTRUCTURE IN IDENTIFIED AREAS

1.1 I generally support the intent of Identified Areas to provide additional statutory protection to areas of recognised value, however I also consider that the spatial extent scheduled as Identified Areas is extensive and as such, the associated provisions relevant to infrastructure provision should be drafted to reflect this.

2. AMENDMENTS TO THE OBJECTIVES AND POLICIES

2.1 In particular, I consider that the objectives and policies of the PWDP should be drafted in a manner that:

- a) Does not inappropriately hinder the provision of essential infrastructure such as that associated with water and wastewater services;
- b) Recognises the functional and operational needs of water and wastewater infrastructure; and
- c) Recognises the importance of infrastructure to well-functioning communities.

2.2 In my view amendments to the PWDP should include:

- a) Specific guidance making it clear that the relevant objectives and policies of Chapters 2, 3 and 7 are to be applied in addition to the objectives and policies contained in Chapter 6.
- a) An additional policy within Chapter 6 enabling infrastructure within Identified Areas where first, there is a demonstrated functional and/or operational need, and then that any adverse effects on the values of the Identified Area be avoided, mitigated and remedied to the greatest extent practicable; and
- b) Additional policy support for the functional and operational needs of infrastructure within the policy framework for each of the Identified Areas.

2.3 I provide recommended amendments at Appendix 2 to my primary statement of evidence.

3. ACTIVITY STATUS OF INFRASTRUCTURE ACTIVITIES

- 3.1 Chapter 14 of the PWDP identifies water treatment plants, wastewater treatment plants and above ground reservoirs within Identified Areas (and a number of zones for wastewater treatment plants) as non-complying activities. Given my concerns with the notified policy framework relevant to infrastructure within Identified Areas¹ and the likelihood that the development of infrastructure within Identified Areas is generally likely to result in adverse effects on the environment that are more than minor, I consider it likely that infrastructure within an Identified Area will generally struggle to pass the gateway tests of Section 104D of the RMA as the PWDP is currently drafted.
- 3.2 Having regard to the NPS-UD, RPS, and the requirement to give effect to National Policy Statements and the RPS in accordance with sections 75(3)(a) and (c) of the RMA, I consider it inappropriate to identify regionally significant infrastructure as a non-complying activity within Identified Areas within the PWDP. As such, I recommend that water treatment plants, wastewater treatment plants and above ground reservoirs within Identified Areas be identified as Discretionary Activities.
- 3.3 Ms Burns on behalf of the Director-General of Conservation² supports a non-complying activity status for infrastructure within Identified Areas noting that *...non-complying activity status allows for consideration of a full suite of effects and provides additional triggers on any consent application of this nature³*.
- 3.4 In my view, the only difference between a discretionary and non-complying activity status from a resource consent perspective is the gateway tests in section 104D that are applied to a non-complying activity. Apart from the gateway tests in section 104D, the “full suite” of effects and other considerations set out in section 104 of the RMA apply to both discretionary and non-complying activities.
- 3.5 Ms Burn also considers that: *Allowing a less stringent activity status would...be inconsistent with national and regional policy direction⁴*.
- 3.6 I am unclear which specific national and regional policy direction Ms Burn is referring to but note that I discuss the relevant national and regional policy direction for regionally significant infrastructure at paragraphs 8.4 – 8.8 of my primary statement of evidence noting policy support for the provision of infrastructure to support growth within the National Policy Statement for Urban Development (NPS:UD), RPS and the PWDP. In particular, I note that:

¹ Paras 6.1 – 6.4, Statement of Primary Evidence of Christopher James Scrafton on behalf of Watercare

³ Para 7.10 Evidence of Maggie Rose Burns for the Director-General of Conservation.

⁴ Para 7.10 Evidence of Maggie Rose Burns for the Director-General of Conservation.

- a) Water treatment plants, wastewater treatment plants and above ground reservoirs all constitute regionally significant infrastructure as defined in the Waikato Regional Policy Statement (RPS) and there is a clear policy direction in the RPS to have particular regard to the benefits that can be gained from regionally significant infrastructure⁵.
- b) The National Policy Statement on Urban Development Capacity 2020 (NPS-UD), which came into force on 20 August 2020 requires⁶ that Council provide sufficient development capacity⁷. I note that Council providing sufficient development capacity in the short term is contingent on there being adequate development infrastructure⁸ in place. I consider that this policy framework can only be achieved by means of obtaining consent for the necessary water and wastewater infrastructure to service the required development capacity.
- c) The objectives of the Plan (particularly in terms of enabling growth and associated integrated infrastructure provision⁹) can be achieved by a Discretionary activity status and that this would constitute a more efficient and effective approach than a Non-Complying activity status in terms of section 32(1)(b)(ii) of the RMA.
- d) National and regional policy direction supporting protection of recognised values generally:
 - i. Needs to be considered in the whole with competing policy direction seeking to enable infrastructure provision and growth, for example in the National Policy Statement on Urban Development, 2020 (NPS:UD)¹⁰; and
 - ii. Recognise the need for infrastructure within the policy framework requiring protection of recognised values, subject to certain tests being met. For example, the recognition of “specified infrastructure” and associated policy in the National Policy Statement: Freshwater Management, 2020 (NPS:FM)¹¹.

3.7 Having regard to the above, I recommend that water treatment plants, wastewater treatment plants and above ground reservoirs within Identified Areas be identified as Discretionary Activities within the PWDP.

⁵ Policy 6.6, Waikato Regional Policy Statement

⁶ Policy 3.2(1) of the NPS-UD.

⁷ Development Capacity in the NPS-UD 2020 means the capacity of land to be developed for housing or for business use, based on: the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and the provision of adequate development infrastructure to support the development of land for housing or business use

⁸ Development Infrastructure in the NPS:UD 2020 means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government

Act 2002): network infrastructure for water supply, wastewater, or stormwater land transport (as defined in section 5 of the Land Transport Management Act 2003)

⁹ Objectives and Policies in Chapter 4.1 of the PWDP.

¹⁰ For example, section 3.2 of the National Policy Statement on Urban Development, 2020

¹¹ For example, section 3.2.2 of the National Policy Statement for Freshwater Management, 2020