

**Craig Barr for QLDC – Summary of Evidence, 9 September 2016**

**Energy and Utilities Chapter 30 – Hearing Stream 5**

1. Energy and Utilities are important to the wellbeing of the District however, their effects on the environment need to be managed. To the extent practicable all the rules for these have been located in the Energy and Utilities Chapter. I have recommended a number of changes to the Energy and Utilities chapter and identified areas where modifications could improve the direction of the chapter. In particular, I consider that the objectives and policies relating to energy could be improved. However, I do not believe there is scope to make these improvements.

**Electricity Transmission**

2. Having reviewed the evidence filed by Transpower,<sup>1</sup> Aurora<sup>2</sup> and Powernet,<sup>3</sup> I accept that further modifications could be made, in particular to the rules relating to and the definition of Minor Upgrading to provide greater certainty.
3. I agree with the request of Transpower that Rule 30.4.10 should include activities as well as buildings and structures within the National Grid Yard.
4. I wish to hear the presentation of the following submissions before I confirm my agreement to them. These include:
  - (a) the request of Aurora to provide direct protection for the 11kV distribution line from Wanaka to Makarora;
  - (b) the request of Aurora to increase the setback provided for the corridor at redraft Rule 31.5.10 to 32 metres, along with a restricted discretionary activity status, rather than the current recommendation of 10 metres and a non-complying Status;
  - (c) the request by Transpower for a 45 metre setback of activities from the Frankton Substation; and
  - (d) the evidence of Aurora and Powernet, which opposes controlled activity status for the placement of new lines.

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<sup>1</sup> Submitter #805  
<sup>2</sup> Submitter #635.  
<sup>3</sup> Submitter #251.

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## Lines on Roads

5. The issue raised by Aurora and Powernet in relation to the activity status for the placement of new lines could have arisen because the Operative District Plan (**ODP**) provides for lines within legal roads as a permitted activity, but the Proposed District Plan (**PDP**) provides either a controlled or discretionary activity status.
6. Under the ODP the rules pertaining to lines refer to activities in zones<sup>4</sup>. The default rule<sup>5</sup> for activities, not otherwise specified, was permitted as formed legal roads are not zoned in the ODP, lines are permitted and no consent is required. The PDP rules regulate activities on a district wide basis and generally do not specify that activities need to be located within a zone.<sup>6</sup> In this chapter in the PDP the default rule for activities not specified is discretionary<sup>7</sup>. Accordingly, new 'sub transmission' lines on roads is a controlled activity.
7. I consider the location of lines (whether underground or over ground) within formed legal roads to generally be appropriate and acknowledge that this is an established practice in the District. Accordingly, while I have not yet taken a view as to the appropriate default activity status for utilities, buildings, structures and earthworks generally, in my view, a permitted activity status for new lines on roads would be appropriate. However, I have not yet formed a view as to the most appropriate manner to provide for this.
8. This matter was not raised by Aurora or Powernet in their submissions. However, Powernet did seek for the default activity status for lines to be permitted. Accordingly, I consider that there is scope within the submission of Powernet to provide for a permitted activity status for lines on roads.

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<sup>4</sup> ODP Section 17 Utilities - Rule 17.2.3.2.i, 17.2.3.3.i(a).

<sup>5</sup> ODP Section 17: Utilities – Rule 17.2.3.1.

<sup>6</sup> PDP Chapter 30: Energy and Utilities Rule 30.4.11.

<sup>7</sup> PDP Chapter 30: Energy and Utilities Rule 30.4.8.

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## Telecommunications

9. I consider the evidence presented by Mr McCullum-Clark on behalf of Vodafone,<sup>8</sup> Spark<sup>9</sup> and Chorus<sup>10</sup> helpful and I agree that additional modifications can be made to the provisions relating to telecommunications to provide both clarity and further enablement. In particular, I generally agree with Mr McCullum-Clark's suggested modifications to Rule 30.4.14 pertaining to telecommunication and radio masts, and the modifications to Redraft Rule 30.4.19 to simplify and increase the area of antennae. However, I am wary of supporting components of the draft National Environmental Standards for Telecommunication Facilities (**NESTF**) as the Council must observe the NESTF as it is at the time that a decision is made on the PDP. I also consider that it is not onerous for masts to be finished in a recessive colour in all rural locations, not just Outstanding Natural Features and Landscapes.

## Other Submissions

10. Queenstown Park Limited (**QPL**)<sup>11</sup> has requested that the provisions on public transport in the Energy and Utilities chapter include references to gondolas. I maintain that, as there is no provision for a gondola structure in any other part of the PDP, it is not appropriate for gondolas to be considered utilities. QPL has requested provision for a gondola through a rezoning submission that has not yet been heard. If the submission is recommended to be accepted then the Panel will have the opportunity to consider whether provision for the gondola as a utility is also appropriate at that stage. I also note that QPL has not submitted any planning or technical evidence on the Energy and Utilities chapter to support its position.
11. I generally agree with the intent of the submission of the New Zealand Transport Agency (**NZTA**).<sup>12</sup> However I am reluctant to include specific transport related components into the definition of utility because this means that any person creating such a structure could deem themselves a utility provider. I consider that the NZTA have addressed their own issue by noting

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<sup>8</sup> Submitter #179.

<sup>9</sup> Submitter #191

<sup>10</sup> Submitter #781.

<sup>11</sup> Submitter #806.

<sup>12</sup> Submitter #714.

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that the definition of utility includes them by virtue of including anything described as a Network Utility Operator under section 166 of the RMA.

12. I maintain my position, set out in the Strategic Directions (01B) and Rural (2) hearings, that I do not support the qualifier 'where practicable' within a policy framework because this weakens the maintenance and protection of environmental values where these are necessary to be maintained and protected.

### **Drafting Issues**

13. Some helpful suggestions have been made in evidence by submitters to improve the drafting and clarity of the Energy and Utilities chapter. This includes the evidence of Mr McCullum-Clark, as to whether the definition of Building as notified is applicable to utilities, and on the relationship between the Energy and Utilities chapter and other chapters. However, I wish to hear the presentation of the relevant submissions before I recommend that these be accepted. For example, I consider that Rule 30.3.3.2 provides certainty as to the overall activity status of a land use. I agree that Rules 30.3.1 and 30.3.3.3 appear to be in conflict as to whether the Energy and utilities rules prevail over other provisions. The identification of these matters by Mr McCullum-Clark will inform any additional recommendations in the Council's reply.