

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

BY **AURORA ENERGY LIMITED**
Submitter No. OS 635

HEARING STREAM **5 - District Wide - Chapters 30, 35
and 36**

**SYNOPSIS OF LEGAL SUBMISSIONS ON BEHALF OF
AURORA ENERGY LIMITED**

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DUNEDIN**

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Introduction

1. Aurora Energy Limited (“Aurora”) owns and operates an electricity distribution network within Dunedin, Central Otago and Queenstown Lakes Districts.
2. Under the Civil Defence Emergency Act Aurora’s network is a lifeline utility.
3. Through submissions Aurora sought a number of changes to the Proposed Plan to address some key issues. Those being:
 - (a) To seek greater recognition within the objective and policy framework of the critical importance of Aurora’s infrastructure.
 - (b) To ensure that technical and operational constraints would be considered in decision making;
 - (c) Enabling efficient operation of the network by providing for the maintenance and upgrading required to support the resilience and reliability of the network and supply of electricity where there is increasing demand.
 - (d) Protect existing infrastructure from reverse sensitivity.

Assessment of proposed provisions

4. *Long Bay-Okura Great Park Soc Inc v. North Shore CC* EnvC 078/08 provides a reasonably comprehensive summary of the requirements of a district plan. Including the evaluations required under section 32 and the broader matters in sections 72, 74 and 76.
5. The objectives must be the ‘most appropriate’ way to achieve the purpose of the Act, whilst the policies and methods that follow must efficiently and effectively implement the objectives¹.
6. Ultimately, the assessment under section 32 comes down to which option better meets the purpose of the Act².

¹ *St Heliers Capital Ltd v. Kapiti Coast DC* [2014] NZEnvC 52

² *TKC Holdings Ltd v. Western Bay of Plenty DC* [2015] NZEnvC 100.
BI-203625-2871-13-V1

Proposed Objectives and Policies

7. The notified objectives and policies within Chapter 30 provide inadequate recognition and support to protect Aurora's infrastructure and enable efficient management of it.
8. The distribution network must be recognised to implement the Regional Policy Statement.
9. The Proposed Regional Policy Statement it is a matter to which regard must be had under section 74(2)(a)(i) of the Act. This means that material consideration must be given to it.
10. There is a clear direction within the PRPS to protect distribution infrastructure and restrict the establishment of activities that may result in reverse sensitivity effects on distribution infrastructure³.
11. Equally, the failure to recognise and adequately provide for Aurora's distribution network cuts across some of the strategic directions within the Proposed Plan itself.

Critical Electricity Lines

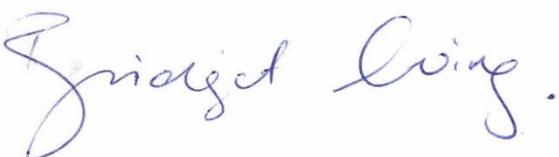
12. Aurora seeks protection of approximately 276km of its Queenstown Lakes network by identifying its Critical Electricity Lines on the District Plan Maps.
13. Identification is required to protect Aurora's critical infrastructure, reduce reverse sensitivity effects both for Aurora and for landowners with CEL's over their property.
14. Other methods available to protect Aurora's infrastructure are inadequate and inefficient.

National Policy Statement and National Environmental Standard: Electricity Transmission

15. The NPSET and associated regulations are of limited relevance in assessing Aurora's submissions because Aurora's network is not part of the transmission network.

³ *Clark v. Tasman DC* W004/95 (PT) supports the proposition that a PRPS consistent with the principles of the RMA should be given weight.

16. Aurora's assets, which are significant at a regional and local level are deserving of protection through the District Plan.



A handwritten signature in blue ink that reads "Bridget Irving." The signature is written in a cursive style.

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B Irving

Counsel for Aurora Energy Limited

Date: 5 September 2016