

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Queenstown Lakes District
Plan

**STATEMENT OF EVIDENCE BY MEGAN JUSTICE
ON BEHALF OF POWERNET LIMITED
(26 FEBRUARY 2016)**

1. INTRODUCTION

- 1.1 My name is Megan Justice. I hold a Masters degree in Regional and Resource Planning from Otago University, obtained in 1999 and I am a full member of the New Zealand Planning Institute. I am a senior Environmental Consultant with the firm Mitchell Partnerships Limited, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Tauranga and Dunedin. I have been employed as an Environmental Consultant for fourteen years and have been employed by Department of Conservation as a Permissions Advisor for 1 year.
- 1.2 My experience includes consultancy resource management work and in recent years, I have focused on providing consultancy advice with respect to resource consents, policy advice on regional and district plans, plan changes, designations and environmental effects assessments. This includes extensive experience with large-scale projects involving inputs from multidisciplinary teams.
- 1.3 Recent projects in which I have been involved with are set out in **Appendix A** to this evidence.
- 1.4 I have been engaged by PowerNet Limited ("**PowerNet**") to provide advice in relation to the Proposed Queenstown Lakes District Plan ("**Proposed Plan**"). My firm assisted in the preparation of PowerNet's submission on the Proposed Plan. In preparing this evidence I have reviewed the summary of submissions on the Proposed Plan, the further submissions made on PowerNet's submission and the section 42A reports provided by the Council in relation to this matter.
- 1.5 Whilst I accept that this is not an Environment Court hearing, I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express here.

2. SCOPE OF EVIDENCE AND BACKGROUND

- 2.1 This brief of evidence relates to the submissions and further submissions made on the provisions contained in the Proposed Plan that impact upon PowerNet's functions of providing the distribution of electricity to the Queenstown Lakes District community. PowerNet's submission provided a summary of its activities in the District.
- 2.2 In brief, PowerNet is an electricity network management company, first established to develop, manage and maintain their electricity network assets such as lines, poles, cables, substations and other equipment, in a cost-effective way. PowerNet is the equivalent of the fifth largest network company in New Zealand, delivering electricity to around 67,000 consumers, which includes Queenstown Lakes District customers.
- 2.3 PowerNet is a network utility operator. Network utility operators are defined in the Resource Management Act 1991 ("the Act") and specifically include electricity operators or electricity distributors for the purpose of line function services.
- 2.4 In the Queenstown Lakes District, PowerNet operates an underground cable network at 33kV, 22kV and 400V, a Zone Substation and local switchgear and distribution transformers at Frankton.
- 2.5 Around Kingston PowerNet operates overhead 11kV and 400V lines and cables, switchgear and distribution transformers.
- 2.6 Given the population growth and increasing demand for electricity in the District, future upgrading and expansion of these networks is likely.
- 2.7 Network utility operators are often constrained in the selection of sites on which they locate, particularly when they are part of a regional distribution network. It is important to recognise these locational constraints as well as the positive effects of utilities in considering the overall impact of the environmental effects of network utilities.
- 2.8 At a strategic level, infrastructure providers warrant appropriate recognition in District Plans due to the significant role they play in contributing to the social and economic wellbeing of the community. This includes policy recognition that the functional and operational constraints of infrastructure will often dictate location, and that sometimes

a balance is required between achieving environmental outcomes and providing for the ongoing operation and development of such infrastructure.

3. SUBMISSIONS

CHAPTER 3 – STRATEGIC DIRECTIONS

- 3.1 PowerNet’s submission and further submission on Objective 3.2.1.5 sought the inclusion of a reference to “electricity infrastructure” and supported the inclusion of a new definition of “Regionally Significant Infrastructure”. The Chapter 3 section 42A report recommends that Objective 3.2.1.5 (now numbered 3.2.1.7 in the revised proposal attached to the section 42A report, and herein numbered 3.2.1.7) be amended as follows:

Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District’s regionally significant infrastructure, including designated airports, key roading and communication technology networks.

- 3.2 A definition of “Regionally Significant Infrastructure” is also recommended as follows:

Regionally significant infrastructure means:

- a) Renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by a electricity operator; and*
- b) Electricity transmission infrastructure; and*
- c) Telecommunication and radio communication facilities; and*
- d) Roads classified as being of national or regional importance; and*
- e) Designated airports.*

- 3.3 PowerNet supports in part amended Objective 3.2.1.7 and supports the new definition of “Regionally Significant Infrastructure”. However PowerNet considers that the amendments to Objective 3.2.1.7 should include explicit reference to “electricity” given other infrastructure is specifically mentioned in this objective. I therefore recommend the amendment of the objective as proposed in the section 42A report with an addition as follows in underlined text:

Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's regionally significant infrastructure, including designated airports, key roading, electricity and communication technology networks.

3.4 I consider that the amendment of Objective 3.2.1.7 as sought by PowerNet, and supported by Aurora in their further submissions, would assist to give effect to Policy 2 of the National Policy Statement on Electricity Transmission (“**NPSET**”).

3.5 PowerNet sought that two new policies be included in Chapter 3 to support the direction provided by Objective 3.2.1.7. The proposed new policies are as follows:

New Policy (3.2.1.5.1): Recognise that infrastructure makes an essential contribution to the prosperity and economic resilience of the District.

New Policy (3.2.1.5.2): Ensure that the efficient and effective operation of infrastructure is safeguarded and not compromised, now or in the future, by incompatible development.

3.6 The Chapter 3 section 42A report refers to new Policies with the above numbering, however the text of the policies is omitted from the revised chapter provisions, so it is unclear whether the section 42A author has supported these policies or not.

3.7 I consider that it is appropriate to incorporate the above policies into the Proposed Plan as they support the contribution of infrastructure to community well-being and seek to manage reverse sensitivity effects on infrastructure. Further, the proposed policies were supported by Aurora, Remarkables Park Limited and the New Zealand Transport Agency in their further submissions on the Proposed Plan.

3.8 In recognition of the need for the Strategic Directions chapter to include a wider objective and policy framework for infrastructure, PowerNet's submission sought the insertion of a new Goal, Objective and two associated Policies into Chapter 3. In my view, these provisions will provide greater recognition of the locational and operational requirements of infrastructure, while supporting the well-being of the community, and acknowledge that the adverse effects of this infrastructure must be avoided, remedied or mitigated.

3.9 PowerNet's proposed provisions were submitted as follows:

3.2.8 Goal – Providing for the ongoing operation and growth of regionally significant infrastructure.

Objective 3.2.8.1

Recognise that the functional or operational requirements of regionally or nationally significant infrastructure can necessitate a particular location.

Policy 3.2.8.1.1

Enable the continued operation, maintenance and upgrading of regionally and nationally significant infrastructure and associated activities.

Policy 3.2.8.1.2

Where practicable, mitigate the impacts of regionally and nationally significant infrastructure on outstanding natural landscapes and outstanding natural features.

3.10 The section 42A report indicates that these provisions are generally accepted, however the revised chapter does not make reference to them¹.

3.11 I consider that PowerNet's proposed provisions will support the efficient development, operation, maintenance and upgrading of regionally significant infrastructure. The provisions thereby recognise and provide for the ongoing positive contribution that infrastructure makes to the social and economic well-being of the community. I support the recognition of operational and functional constraints associated with infrastructure, including that mitigation of actual or potential effects should occur where this is practicable.

3.12 I note that my views on the proposed new goal, objective and policies above are consistent with the comments of the reporting officer who states that as notified, Chapter 3 does not sufficiently recognise and provide for infrastructure². Further, I note that these proposed provisions were supported by Aurora in its further submission on the proposed plan, and the provisions align with the provisions sought by Queenstown Airport Corporation in its submission on the Proposed Plan.

¹ Chapter 3 section 42A report, paragraph 12.40.

² Chapter 3 section 42A report, paragraphs 12.40 – 12.41.

3.13 However, Forest and Bird have opposed these provisions in its further submissions. They have stated that providing for growth, upgrading and expansion of regionally significant infrastructure can result in adverse impacts on indigenous biodiversity, life supporting capacity of ecosystems and landscapes which need to be avoided, remedied or mitigated generally and avoided in significant and outstanding landscapes and natural features. While I agree that infrastructure providers have a responsibility to avoid, remedy or mitigate adverse effects³, some recognition of the locational, functional and technical constraints that are inherent in ensuring the community is provided with reliable power supply, in my view, also needs to be recognised in the Strategic Directions chapter of the Proposed Plan. Policy 3.2.8.1.2 requires the appropriate consideration of adverse effects of infrastructure activities. Furthermore, I note that Section 6(b) of the Act, requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. This does not require the complete avoidance of adverse effects on outstanding natural features and landscapes. In my view, the proposed objective, and the policy suite provide a balanced framework for the consideration of infrastructure activities in sensitive environments.

CHAPTER 6 - LANDSCAPES

3.14 The section 42A report relating to Chapter 6 proposes a new policy 6.3.1.12 as follows:

Regionally significant infrastructure shall be located to avoid degradation of the landscape, while acknowledging location constraints.

3.15 In my view, the above policy does not adequately recognise the technical, functional and locational constraints inherent in transmitting electricity from its source to the community. I also consider the use of the word “degradation” to be ambiguous, and as a result, it would be difficult to demonstrate compliance with this policy. On this basis, I do not consider this policy to be effective in recognising and providing for the constraints associated with providing regionally significant infrastructure.

3.16 PowerNet’s submission sought a new policy regarding the locational constraints associated with infrastructure to be included in the Objective 6.3.1 policy suite as follows:

³ To the extent that it is practicable and necessary to do so.

Infrastructure within the Outstanding Natural Landscape or Outstanding Natural Features or Rural Landscapes shall be acknowledged as appropriate development where there is a functional, technical or safety related requirement for that location.

- 3.17 I consider that the policy sought by PowerNet is specific about the criteria that would result in a categorisation of infrastructure as “appropriate”. Further, I note that this policy was supported by Queenstown Park Limited and the New Zealand Transport Authority in their further submissions.
- 3.18 I do however acknowledge that it is appropriate for infrastructure occupying sensitive locations due to functional, locational and/ or technical constraints to be located and designed, as far as reasonably practicable, to minimise or mitigate the potential for adverse effects on the particular landscape character and/or the visual amenity values inherent at the site. There are provisions in the Proposed Plan that address this. However, the proposed plan does not, in my view, provide a balanced consenting regime for infrastructure where it is required to locate within a sensitive environment.
- 3.19 I therefore consider that in order to be more enabling for infrastructure development within rural areas of the District, where there is a locational and functional requirement to do so, the policy I have set out at paragraph 3.16 above, or wording to similar affect, should replace policy 6.3.1.12 as set out in the section 42A report.

4. CONCLUSION

- 4.1 PowerNet is pleased to have an opportunity to be involved in the development of the Proposed Plan. Through this process PowerNet seeks to ensure that the networks it manages are protected from the potential adverse effects of other activities, and that the networks’ upgrading, maintenance and renewal are not unnecessarily impeded by inappropriate provisions in the Proposed Plan. The amendments sought by PowerNet on provisions contained in the Proposed Plan will assist PowerNet to deliver a robust and reliable power distribution network serving the Queenstown Lakes District.

M Justice

26 February 2016

APPENDIX A

Summary of Recent Project Experience

- Ryman Healthcare Limited – Submission and evidence preparation for the Proposed Replacement Christchurch City District Plan
- Ryman Healthcare Limited – Submissions and evidence preparation for the Proposed Auckland Unitary Plan
- Ryman Healthcare Limited – Halswell Retirement Village, Christchurch
- Ryman Healthcare Limited – New Retirement Village Christchurch
- Ryman Healthcare Limited – New Retirement Village, Auckland City
- Ryman Healthcare Limited – New Retirement Village, Rangiora
- Chorus – South Island Planning Manager, Fibre to the Node Rollout, ultrafast Broadband Rollout and Rural Broadband Initiative Rollout
- Ryman Healthcare Limited – New Retirement Village on Highgate, Dunedin
- Port Marlborough New Zealand Limited – Plan Change 21 Marina and Mooring Management Areas, Waikawa Bay
- Imagine Property Group Limited – Apartment Developments in Sumner, Christchurch
- Otago Regional Council – New Principal Premises, Birch St Dunedin
- Avalon Estate Limited – Winery Development, Queensberry
- Ravensdown Fertiliser Limited – Coastal and Air Discharge Consent Renewal
- Imagine Property Group Limited – Apartment Developments in Frankton
- New Zealand Transport Agency – Contract Consultant
- Orchard Road Holdings – Apartment Development in Wanaka
- Infinity Investment Group – Pegasus Town, Canterbury
- Infinity Investment Group – Riverside Stage 6 Variation
- Department of Corrections – New Corrections Facility, Milton, Otago
- Department of Child Youth and Family – Youth Justice Facilities, Upper North, Lower North and South and General Advice
- Telecom New Zealand Limited – Mobile Phone and Landline Infrastructure Developments, South Island
- Telecom New Zealand Limited – Policy Advice on District and Regional Plan Developments and Variations