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## BRIEF OF EVIDENCE OF MARCUS HAYDEN LANGMAN ENERGY INFRASTRUCTURE AND TRANSPORT

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### Qualifications and Experience

- 1 My full name is Marcus Hayden Langman. I am an independent planning consultant engaged by the Otago Regional Council (**ORC**). I hold a Bachelor of Resource Studies from Lincoln University (1998). I have 21 years' experience in planning, of which 19 have been in New Zealand. For the past 8 years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in Canterbury, Otago and the Auckland Region. I am the lead author for a number of the proposed chapters for the district plan review processes for Waimakariri and Waitaki District Councils.
- 2 In relation to the Otago Region, I have assisted ORC with initial drafting of the Energy, Infrastructure and Transport chapter (**EIT Chapter**), and also reviewed the s 32 report and s 42A report, notified version (**NV**) and recommended version<sup>1</sup> (**RV**) of the EIT Chapter.
- 3 I have assisted Queenstown Lakes District Council (**QLDC**) with rezoning requests in the Wakatipu Basin as part of the proposed district plan (**PDP**) review. I was the s 42A report officer, and further assisted QLDC as an expert in the Environment Court on a number of the rezoning requests. I also assisted with mediation and settling of the PDP Indigenous Vegetation and Biodiversity provisions.
- 4 I assisted the Hearing Panel as part of the Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).
- 5 I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, decision-drafting, plan-drafting

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<sup>1</sup> Version recommended by the s 42A report author

and reviewing. I have been engaged by a number of district councils on subdivision and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for the Kaikōura District Council.

- 6 Prior to becoming a consultant, I was a Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement 2013 (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan (**LURP**), having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes. I was also the project manager for, and provided planning input into, the Canterbury Regional Landscape Study Review 2010 (prepared by Boffa Miskell).
- 7 I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
- 8 I have appeared in the Environment Court as an expert planning witness, including in appeals on the proposed Queenstown Lakes District Plan as an expert witness for QLDC, and the Partially Operative Otago Regional Policy Statement (**PORPS19**) on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities.

### **Code of Conduct**

- 9 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement 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.

### **Scope of Evidence**

- 10 I attended all of the pre-hearing meetings about the EIT chapter. My evidence addresses changes to that chapter arising from pre-hearing meetings with submitters following the close of submissions. I also address minor changes and corrections as part of my evidence.
- 11 The following sets out the key to the text changes in my supplementary evidence:

### Key to proposed amendments

Appearance	Explanation
Black text	Text as notified.
Black text with <u>underlining</u> or <del>strikethrough</del>	Amendments recommended in section 42A report.
Red text with <u>underlining</u> or <del>strikethrough</del>	Additional amendments recommended in supplementary evidence where there has been no previous amendment to the 'as notified' provision text.
Black text with <u>red underlining</u>	Text that was recommended to be deleted in s42A report but now recommended to be retained ("un-deleted") by supplementary evidence.
Red <del>strikethrough</del> with <u>black underlining</u>	Text that was recommended to be inserted in s42A report (black underline) but now recommended to be deleted by supplementary evidence (red <del>strikethrough</del> ).

- 12 After reviewing this chapter I came to the conclusion it would be better arranged if its provisions began with the general (i.e. infrastructure) and then proceeded to the more specific (i.e. energy and transport). As a result of this review, the structure of the chapter has changed significantly, while maintaining the content of the notified version (except to the extent it is modified by this evidence).
- 13 While all matters that submitters sought were carefully considered for inclusion, I considered that some of those matters needed to be supported by evidence presented through the hearing process. That will enable due consideration of the matters presented and response through the ORC's right of reply.

### Updates

#### *Restructuring the order of the chapters and inclusion of electricity generation in the Energy chapter*

- 14 The format of the s 42A version of the chapter followed the specific order of the National Planning Standards, addressing Energy, then Infrastructure, then Transport. This is a mandatory chapter in the National Planning Standards. Local authorities must add sections or sub-sections in chapters where appropriate,

however, if sections or sub-sections are included, there is no direction for them to be in any particular order within the chapter.

- 15 Aspects of both the transport and energy sections are directly infrastructure-related (though not entirely – there are aspects of both which relate to efficiency and promotion of energy conservation). A number of submissions seek to exempt particular types of infrastructure from the provisions of NV INF-P13, particularly renewable electricity generation (**REG**) and the National Grid.<sup>2</sup>
- 16 While both the s 32 report<sup>3</sup> and the s 42A report directly address matters such as renewable electricity generation, electricity transmission, and the roading and transport networks as subsets of infrastructure, it became apparent to me that the chapter could be significantly improved by setting out the provisions related to infrastructure generally first, followed by the energy and transport sub-chapters. This re-ordering puts the key provisions relating to all infrastructure first, followed by the more specific provisions later in the chapter. An amended version of the chapter is provided at **Appendix 1** including the changes, retaining the original numbering for ease of reference and identification, and updated numbering as a result of re-ordering the provisions.

*Transferring electricity transmission to the Energy section*

- 17 The electricity transmission and distribution companies consider that better alignment could be achieved by including the electricity distribution and transmission activities in the EIT-EN – Energy sub-chapter (alongside renewable electricity generation), rather than the EIT-INF – Infrastructure section. I agree that both distribution and transmission are solely associated with energy. I recommend that the following provisions are transferred to the Energy section of the Chapter:

17.1 EIT-INF-O6 – Long term planning for electricity transmission infrastructure,

17.2 EIT-INF-P16 – Providing for electricity transmission and the National Grid, and

17.3 EIT-INF-M5(2) and (3) to EIT-EN-M2(5A) and (5B).

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<sup>2</sup> 00311.047 Trustpower, 00314.038 Transpower

<sup>3</sup> S32 Report para 130

- 18 Consequential changes have been made to EIT-EN-E1 and EIT-EN-PR1 to reflect the additional policy content in EIT-EN and incorporate matters related to transmission and electricity distribution, in a similarly descriptive manner to REG.
- 19 I consider that such changes can be undertaken, as having minor effect, under Clause 16(2). That is because the provisions that relate electricity transmission and distribution can be ‘ringfenced’ and the transfer of those provisions is simply a structural change that does not change the meaning or effect of the provisions. It is important to note that the relevant provisions of the EIT-INF – Infrastructure section still apply, and the movement of the provisions does not result in standalone provisions for electricity distribution and transmission in the EIT-EN – Energy section.
- 20 For clarity and consistency with the approach for REG activities, a new clause (1) has been inserted into EIT-INF-P16 to refer to EIT-INF-P13 as it relates to electricity transmission and the National Grid. This does not have any impact on the policy direction as EIT-INF-P13 always applied to the National Grid as it falls within the definition of nationally significant infrastructure. As such, the change can be undertaken under Clause 16(2) of Schedule 1.
- 21 A change is also included in EIT-INF-O6 to recognise that the objective also applies to electricity distribution infrastructure.<sup>4</sup> The change to amend EIT-EN-O7 better reflects the top-down policy approach and provides an umbrella objective for electricity distribution activities, as sought by Aurora Energy. The change is considered to better achieve the purpose of the Act by providing for objective-level recognition of electricity distribution infrastructure, enabling people and communities to provide for the economic, social and cultural wellbeing, and providing for a more effective policy framework.

#### *Re-ordering of EIT-EN provisions*

- 22 I recommend that the objectives and policies in the EIT-EN section are re-ordered so that the provisions traverse the more general matters/topics first, followed by the more specific provisions for renewable electricity generation, and then electricity transmission and distribution. Such changes in the order can be undertaken under Clause 16(2) of Schedule 1. There is no change in meaning nor effect.

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<sup>4</sup> 00315.045 Aurora Energy Limited

*Consideration of standalone provisions managing the effects of REG infrastructure and electricity transmission and distribution infrastructure*

- 23 I have carefully considered whether the chapter needs to address separately the management of the effects of REG infrastructure and of electricity transmission and distribution infrastructure through standalone provisions (“carve out” provisions). Both are infrastructure activities (in accordance with the definition of infrastructure as set out in s 2 of the RMA), with REG and the National Grid also qualifying as “*nationally significant infrastructure*” as defined in the RV, and electricity sub-transmission infrastructure being included in the definition of “*regionally significant infrastructure*”.
- 24 In my opinion, there needs to be a clear justification for treating this type of infrastructure differently from other regionally or nationally significant infrastructure, to the extent that EIT-INF-P13 (which sets out the management approach for other infrastructure) should not apply. In my opinion, it is not simply enough that both types of infrastructure are covered by National Policy Statement for Renewable Electricity Generation (**NPSREG**) and National Policy Statement for Electricity Transmission (**NPSET**), as those National Policy Statements do not require such an approach. Although some of the effects of infrastructure are covered by the respective NPSs, neither NPS manages the effects of infrastructure on significant indigenous biodiversity, for example.
- 25 In my view, there is a need to provide an appropriate framework for all infrastructure that properly recognises those provisions in s 6 (such as recognising and providing for the *protection* of significant indigenous natural areas<sup>5</sup>), which has a different test from other parts of s 6, such as those relating to outstanding natural features and landscapes (**ONF/L**) which is to ensure that ONF/Ls are protected from *inappropriate* subdivision, use and development. Determining what is *inappropriate* requires a balancing of values which can weight the importance of regionally or nationally significant infrastructure, while *protection* is more of a bottom-line which decision-makers must recognise and provide for. Similarly, there are provisions related to freshwater in the National Policy Statement for Freshwater Management (**NPS-FM**) which provide more of a bottom-line approach to the management of freshwater resources.
- 26 If standalone provisions for REG or electricity transmission enable a situation where the protection of significant indigenous biodiversity is not achieved, for

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<sup>5</sup> Significant indigenous vegetation and significant habitats of indigenous fauna

example, it would be contrary to the purpose of the Act and the matters of national importance that are provided for in s 6. Nor would it be appropriate not to give effect to the NPSFM or National Environmental Standards for Freshwater (**NESF**), which must be given effect to. In my view, there would need to be a clear situation where the NPSET or NPSREG make a specific direction, regarding a particular resource, which is in *conflict* with the other national instruments, before an alternative approach to management of the resource is justified. I do not consider that this is a situation that the NPSs anticipate, as they are also required to recognise and provide for the matters of national importance.

27 The structure of EIT-INF-P13 provides that in the first instance, locating within areas of significance (as set out in (a) to (h) of that provision) is avoided. However, the policy also recognises that some infrastructure has operational or functional needs to locate within those environments (clause (2) of the policy). In those circumstances, the management of regionally and nationally significant infrastructure activities must give effect to:

27.1 the NPS-FM and the NESF; and

27.2 recognise and provide for:

27.2.1 the protection of significant natural areas; and

27.2.2 the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (collectively wāhi tūpuna).

28 In relation to the other matters set out in sub-clauses (a) to (h), where the test is one of “appropriateness” or a similar evaluative process, the policy seeks to “minimise” adverse effects as they relate to that resource, which recognises that there may be residual adverse effects, but that they are reduced as far as practicable, and that this will be weighed against the benefits of the infrastructure.

29 I do not consider that carve-out provisions that provide a different approach to management of significant natural areas, those provisions that provide a bottom-line approach for freshwater resources, or management of wāhi tūpuna, would provide for these classes of infrastructure in a manner that recognises and provides for matters of national importance. Nor would they give effect to the relevant national policy statements and environmental standards. I recommend that the provisions of EIT-INF-P13 continue to apply to these classes of infrastructure.

*Inclusion of provisions related to electricity distribution and Significant Electricity Distribution Infrastructure*

- 30 The Partially Operative Otago Regional Policy Statement 2019 (**PORPS 2019**) includes provision for activities related to electricity distribution (including Significant Electricity Distribution Infrastructure (**SEDI**)), which were not included in the proposed ORPS. A number of submitters have sought retention of those provisions,<sup>6</sup> or inclusion of SEDI in the definition of regionally significant infrastructure.<sup>7</sup>
- 31 I understand that the provisions related to SEDI have been important in the current district plan reviews underway or nearly completed, and that the provisions in the PORPS 2019 Policy 4.4.5 have been widely agreed by stakeholders. Taking this into account, and given the gap of provisions relating to the management of electricity distribution activities in the NV, I consider that amendments are required given the importance of these activities.
- 32 I recommend that a new policy be included as EIT-EN-P10, which replicates the provisions in the PORPS 2019. That policy is set out below:

**EIT-EN-P10 – Providing for electricity distribution**

Recognise and provide for electricity distribution infrastructure, by all of the following:

- (1) recognising the functional needs of electricity distribution activities;
- (2) restricting the establishment of activities that may result in reverse sensitivity effects;
- (3) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;
- (4) minimising adverse effects of new and upgraded electricity distribution infrastructure on existing land uses;
- (5) identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.

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<sup>6</sup> 00315.058 Aurora Energy, 00320.026 Network Waitaki and 00511.026 PowerNet

<sup>7</sup> 00315.053 Aurora Energy

- 33 Alongside this, I also propose a definition for SEDI which slightly modifies the definition in the PORPS 2019 by directing that this class of infrastructure needs to be identified in district plans, but using the same criteria in the PORPS 2019. The recommended definition is set out below:

**Significant electricity distribution infrastructure**

Means electricity infrastructure identified in a district plan which supplies:

- a) essential public services (such as hospitals and lifeline facilities);
- b) other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;
- c) 700 or more consumers; or
- d) communities that are isolated and which do not have an alternative supply in the event the line or cable is compromised and where the assets are difficult to replace in the event of failure.

- 34 Provision is also made more generally for electricity distribution activities as a result of the amendments to the policy, and to address activities that could result in reverse sensitivity effects on electricity distribution. This is reflected in new method EIT-EN-M2(5C) which requires mapping of SEDI. Also added is EIT-EN-M2(5D), which takes into account the NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003 (prepared under the Electricity Act 1992). The wording is specific to ensure that additional controls are put in place only where necessary, taking into account matters such as swing distances and land stability, that are addressed and controlled by the code of practice. The new methods are set out below:

(5C) map significant electricity distribution infrastructure and, where necessary, providing controls on activities to ensure that the functional needs of the significant electricity distribution infrastructure are not compromised,

(5D) where necessary, establishing controls for buildings, structures and other activities adjacent to electricity infrastructure, to ensure the functional needs of that infrastructure are not compromised based on NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003 (prepared under the Electricity Act 1992),

35 I consider that the inclusion of these provisions clearly sets out a management framework for all electricity transmission and distribution activities, which works in parallel with those provisions in the EIT-INF section, in particular EIT-INF-P13. The recommended changes provide for the management of SEDI activities, and will reduce costs associated with developing appropriate provisions as part of district plan development, as well as providing for a regionally consistent approach across territorial authority boundaries. The provision of the framework is both efficient and effective due to reduced costs in plan development.

*Provision for minor upgrades*

36 DCC sought changes to the policies and methods to clearly distinguish between new infrastructure and upgrades to existing infrastructure.<sup>8</sup> Waka Kotahi sought clarification of the terms “develop, upgrade and substantial upgrade”.<sup>9</sup> As an outcome of the pre-hearing discussions, I have considered how “minor upgrades” could be provided for.

37 The general approach of the EIT chapter is to class infrastructure and activities associated with it into two streams. Firstly, the chapter provides for operation and maintenance of infrastructure. Secondly, the chapter provides for upgrades to existing, and development of new infrastructure. This recognises that upgrades to infrastructure can range in terms of their effects, with upgrades having little effect (for example replacement of a more efficient turbine, straightening a road and widening for safety purposes, or replacement of pylon structures with monopoles), through to wider effects (increase the operating range of hydro-electricity lakes, straightening a road through a significant natural area, or increasing the height or scale of transmission infrastructure).

38 I consider that minor upgrades, as a subset of upgrades and development of infrastructure, can be provided in a manner that is enabling. To do so is efficient, and provides a pathway for minor upgrades that might otherwise be subject to the same consenting requirements as development of new infrastructure. However, I consider that the opportunity to do so is best directed to the development of district plans or regional plans. That ensures that an appropriate tailored response is provided, depending on the needs of the infrastructure providers, at a local level. Some aspects that fall within the definition of minor

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<sup>8</sup> 00139.164 DCC

<sup>9</sup> 00305.043 Waka Kotahi

upgrades may then be included in those plans as permitted or controlled activities.

- 39 To this extent, I recommend that changes are made to the chapter to direct district and regional plans to identify activities that qualify as minor upgrades. This results in changes to EIT-EN-M4(3) (NV EIT-EN-M1(3)), EIT-EN-M5(3) (NV EIT-EN-M2), as they relate to REG and electricity transmission; and EIT-INF-M1(1) (NV EIT-INF-M4(1)) and EIT-INF-M2(3) (NV EIT-INF-M5(5)).

*Commercial Port Activities definition to include the wharf at Ravensbourne*

- 40 Ravensdown sought recognition of Ravensbourne as part of the definition of Commercial Port Activities.<sup>10</sup> This matter was addressed in the s 42A report, and was rejected because the wharf is solely used by Ravensdown and in the way it was sought to be included, would result in all of the activities at the wharf being a “Commercial Port Activity”.<sup>11</sup> An alternative approach is proposed that recognises the wharf component of the infrastructure, without inadvertently covering the activities of Ravensdown. The recommended amended definition is set out below:

**Commercial port activity**

*means commercial shipping operations associated with the Otago Harbour ~~Harber~~ and the activities carried out at the ports at Port Chalmers and Dunedin (including the wharf at Ravensbourne),<sup>12</sup> which include:*

- (a) Operation of commercial ships in Otago Harbour ~~Harber~~ ;*
- (b) Loading and unloading of goods and passengers carried by sea (except for loading and unloading of passengers at Ravensbourne); <sup>13</sup>*
- (c) Facilities for the storage of goods carried by sea (except at Ravensbourne);*
- (d) Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports’ operation or administration (except at Ravensbourne); <sup>14</sup>*

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<sup>10</sup> 00121.004 Ravensdown

<sup>11</sup> S42A report at para 469-472

<sup>12</sup> 00121.004 Ravensdown

<sup>13</sup> 00121.004 Ravensdown

<sup>14</sup> 00121.004 Ravensdown

- (e) *Structures, facilities and pipelines for fuel storage, and refuelling of ships;*
- (f) *Provision, maintenance and development of shipping channels and swing basins;*
- (g) *Disposal of dredged materials at AQAQ, Heyward Point, Aramoana and Shelly Beach referred to at MAP2 ;*
- (h) *Installation and maintenance of beacons and markers for navigation safety; and*
- (i) *Provision and maintenance of the mole at Aramoana.*

41 I consider the proposed changes provide clarity as to the assets at Ravensbourne are considered to be part of the commercial port activities in Otago Harbour.

*EIT-INF-P13(2) "Possible" or "demonstrably practicable"*

42 A number of infrastructure providers opposed the wording of EIT-INF-P13 which in effect provides that location of infrastructure in certain important areas is to be avoided, unless it is not possible because of operational or functional needs of the infrastructure. Their key concern is that it is always "possible" to avoid locating within those areas by not undertaking development of the infrastructure. This matter was addressed in the submissions of the New Zealand Infrastructure Commission and Queenstown Airport.<sup>15</sup>

43 Having considered the concerns about this wording, I recommend changing to "if it is not demonstrably practicable ~~possible~~ to avoid locating...". It provides a high test to be met before infrastructure locates within one of these areas, but enables an evaluative process to take place (which should include assessment of the route, method or site selection process).

44 I consider the recommended change better achieves EIT-INF-O4 and EIT-INF-O5 by enabling infrastructure, which has benefits which enable people and communities to provide for their social, cultural and economic well-being, while maintaining environmental limits and minimising adverse effects on the environment. This will reduce costs for infrastructure providers by increasing investment certainty, and clearly outlines that the providers are able to demonstrate that infrastructure cannot practicably be located in an area outside of those resources listed. The change does not impact the bottom-line

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<sup>15</sup> 00321.057 New Zealand Infrastructure Commission, 00313.020 Queenstown Airport

approaches set out in EIT-INF-P13(2) in relation to significant natural areas, natural wetlands, outstanding waterbodies, and the management of wāhi tupuna, and therefore accords with the provisions of s 6 and gives effect to the NPSFM and NPSET. As such, effects on these important resources and relationships will be maintained.

#### *Telecommunication and radiocommunication networks*

- 45 The definition of regionally significant infrastructure included a reference to telecommunications and radiocommunications facilities in the notified version, which was amended to refer to those respectively defined in the Telecommunications Act 2001 and Radiocommunications Act 1989 in response to a submission by Forest and Bird.<sup>16</sup> The telecommunications companies prefer that the word “networks” are used,<sup>17</sup> rather than just facilities to recognise that it is the whole of the network, not just the facilities themselves, which are the important component of this type of infrastructure. I agree with the reasoning of the telecommunications companies and recommend that the change is made.

#### *Consideration of the use of the use of the word “energy” and “electricity” in EIT-EN*

- 46 Following the pre-hearing discussions, I considered whether the words in the EIT-EN – Energy sub-chapter properly referenced “energy” or electricity. This is particularly important because renewable energy can come in many forms, not just electricity. The NPS-REG relates only to renewable electricity generation, as opposed to renewable energy generation. Renewable energy can come directly from solar hot water, or ground-sourced heat pumps or geothermal heating, for example.
- 47 I reviewed the chapter to ensure that the correct terminology is used. I recommend the word “generation” be removed from EIT-EN-O3 (NV EIT-EN-O1) so that the objective recognises the wider application of renewable energy and to avoid confusion with the term “renewable electricity generation”. The recommended amendment is set out below:

*Otago’s communities and economy are supported by ~~renewable energy generation~~ renewable energy generation<sup>18</sup> within the region that is safe, secure, and resilient.*

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<sup>16</sup> 00230.11 Royal Forest and Bird Protection Society

<sup>17</sup> 00310.002 Chorus, Spark and Vodafone

<sup>18</sup> Clause 16(2), Schedule 1, RMA.

48 EIT-EN-O2 is intentionally targeted at renewable electricity generation, and no change is recommended.

49 It is my opinion that the drafting for EIT-EN-O2A could be improved without changing the scope of the provision as outlined in the title, which is targeted at greenhouse gas emissions and renewable energy targets. The provision intentionally targets renewable energy, rather than electricity. The recommended change is set out below:

~~Otago's renewable energy generation~~ Renewable energy in Otago supports the overall reduction in New Zealand greenhouse gas emissions and achieving the national target for emissions reduction.<sup>19</sup>

50 The remaining references to “energy” in the chapter are intentional and relevant to the context. No further changes are recommended.

#### *Recognition of safe and efficient transport infrastructure*

51 Waka Kotahi seek to refocus EIT-TRAN-P18 on contribution to social, cultural and economic wellbeing, through a redrafting of the policy.<sup>20</sup> Discussions with Waka Kotahi narrowed the issue down to recognising that safety and efficiency are key aspects of transport infrastructure, and while these are features of the relevant objective (EIT-TRAN-O7) these aspects of the objective are not reflected in the policy.

52 I recommend that EIT-TRAN-P18 is modified to reflect these aspects of the transport system and consider that in doing so the changes to the policy better achieve the EIT-TRAN-O7. I recommend the policy is amended as set out below:

*The transport system contributes to the social, cultural and economic well-being of the people and communities<sup>21</sup> of Otago through:*

- (1) *integration with land use activities and across transport modes, and*
- (2) *provision of transport infrastructure that enables safe and<sup>22</sup> efficient<sup>23</sup> service delivery in response to demand ~~as demand requires~~.<sup>24</sup>*

#### *Improvement to drafting of EIT-TRAN-P22 in relation to public transport*

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<sup>19</sup> 00318.024 Contact, 00311.031 Trustpower, 00311.039 Trustpower, 00321.040 Te Waihanganga

<sup>20</sup> 00305.046 Waka Kotahi

<sup>21</sup> 00239.134 Federated Farmers

<sup>22</sup> 00305.046 Waka Kotahi

<sup>23</sup> 00239.134 Federated Farmers

<sup>24</sup> 00305.046 Waka Kotahi

53 Following the pre-hearing meetings on the EIT-TRAN – Transport section, I reviewed the wording of EIT-TRAN-P20. Dunedin City Council seeks that the policy be redrafted so it is clearer how, and through what methods, the policy is to be implemented.<sup>25</sup> I recommend amendments to improve the wording of the policy, while also recognising that *promotion* of alternative forms of private vehicle transport could contribute to greater uptake of use of public transport by providing efficient transport options at public transport service destinations. An example of this might include the use of shared service electric scooters or bikes. Given that the RPS provides a framework for management of subdivision, use and development, it cannot direct provision of alternatives, only enable or promote them. The RPS will be taken into account as part of the development of Regional Transport Plans and Regional Public Transport Plan. I recommend the following amendments be made to EIT-TRAN-P22 to improve readability and remove redundant wording.

~~Plans and proposals for m~~*Maintenance and development of the transport system enhance enhances<sup>26</sup> the uptake of public transport by:*

- (1) ~~providing~~ promoting<sup>27</sup> safe and reliable alternatives to low occupancy<sup>28</sup> private vehicle ~~transport use~~,<sup>29</sup>
- (2) including measures to ensure pedestrian and cyclist safety and amenity, and
- (3) taking into consideration the accessibility needs of the community.

54 I consider the recommended changes provide greater clarity, and in doing so, better implement the transport objectives EIT-TRAN-O8 and EIT-TRAN-O9.

*Removal of redundant wording in EIT-TRAN-P23 and EIT-TRAN-M7*

55 EIT-TRAN-P23 refers to commercial port activities associated with the ports at Port Chalmers and Port Otago. However, that wording is redundant because “*commercial port activity*” is a defined term that applies to those ports. I recommend that the redundant wording be removed:

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<sup>25</sup> 00139.182 DCC

<sup>26</sup> 00305.048 Waka Kotahi

<sup>27</sup> 00139.182 DCC

<sup>28</sup> 00139.182 DCC

<sup>29</sup> 00139.182 DCC

*Recognise the national and regional significance of ~~the~~ commercial port activities associated with the ports at Port Chalmers and Dunedin (respectively)<sup>30</sup> by:*

*(1) within environmental limits as set out in Policies CE-P3 to CE-P12, providing for the efficient and safe operation of ~~these~~ the<sup>31</sup> ports and efficient connections with other transport modes,*

*(2) within the environmental limits set out in Policies CE-P3 to CE-P12, providing for the development of the ports' capacity for national and international shipping in and adjacent to existing port activities, and*

*(3) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of ~~these~~ the<sup>32</sup> ports, or their connections with other transport modes.*

#### *Methods in relation to transport in district plans*

56 Following the pre-hearing discussions, I reconsidered two matters in relation to the methods for the EIT-TRAN – Transport section. Firstly, Dunedin City Council seeks a definition of high trip generating activities in EIT-TRAN-M8(2) and clarity around where this would apply.<sup>33</sup> Wayfare and Trojan Holdings seek that the provision be limited to urban areas only.<sup>34</sup> Secondly, Waka Kotahi considered that EIT-TRAN-M8(3) should insert the word “transport” before “design standards” so that the method did not inadvertently pick up other infrastructure design standards.

57 In Otago, public transport is generally confined to urban areas so it makes practical sense to limit the requirements for high trip generating activities to urban areas only. As an example, it would not always be practicable for an activity such as a vineyard (potentially with restaurant and sales facilities) in a rural area to be integrated with public transport services and have pedestrian and cycle facilities. This would not stop territorial authorities from having rules in district plans to manage high trip generating activities for other reasons, such as their impact on the transport network, or other safety reasons. In relation to the second matter, I agree with Waka Kotahi that the intention is to limit the application of the method to subdivision and transport infrastructure design standards, and not other

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<sup>30</sup> Clause 16(2), Schedule 1, RMA

<sup>31</sup> Clause 16(2), Schedule 1, RMA

<sup>32</sup> Clause 16(2), Schedule 1, RMA

<sup>33</sup> 00139.187 Dunedin City Council

<sup>34</sup> 00411.067 Wayfare and 00206.053 Trojan

infrastructure design standards (such as wastewater for example). The recommended amendments are set out below.

(2) *require high trip generating activities in urban areas<sup>35</sup> to be integrated with public transport services and provide for safe pedestrian and cycling access,*

(3) *include subdivision and transport<sup>36</sup> infrastructure design standards that to<sup>37</sup>~~minimise private vehicle use,~~ facilitate the use of travel modes other than private vehicles.<sup>38</sup> enable public transport networks to operate, access for emergency services.<sup>39</sup> and recognise the accessibility needs of the community, including the mobility impaired, the elderly and children,*

...

58 I consider the amendments to the methods to be the most appropriate for implementing the objectives of the plan, and provide for clarity of expression.

## **Conclusion**

59 The re-structuring of the chapter is a response to views discussed in the pre-hearing meetings about providing a clearer relationship between the EIT-INF – Infrastructure, EIT-EN – Energy and EIT-TRAN – Transport sub-chapters. In my opinion, it provides a clearer and more logical sequence from the general, to the more specific provisions.

60 I consider that the amendments respond to issues raised by submitters regarding which provisions apply to different infrastructure activities. While some of the changes have been undertaken as having minor effect under clause 16(2), others have been in response to changes sought by submitters and agreed to for the reasons set out in this evidence.

61 Where relevant, I have noted where the amendments better implement the objectives of the RPS, or better give effect to the provisions of the relevant national policy statements or national environmental standards. In relation to changes to objectives, I have outlined where these better achieve the purpose of the RMA. I have noted where there are additional costs or benefits associated with those substantive amendments, having regard to efficiency and

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<sup>35</sup> Outcome #9 Pre-hearing mediation EIT-TRAN

<sup>36</sup> Outcome #10 Pre-hearing mediation EIT-TRAN

<sup>37</sup> Clause 16(2), Schedule 1, RMA

<sup>38</sup> 00139.187 DCC

<sup>39</sup> 00219.008 FENZ

effectiveness. I consider that the proposed amendments as set to be the most appropriate for achieving the purpose of the RMA, and accord with S32.

### **Consequential amendments**

- 62 Ms Boyd’s supplementary evidence on *Introduction and general themes* recommends an amendment to the term “limit” recommended to be defined in the pORPS through her previous section 42A report.<sup>40</sup> The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 63 Ms White’s supplementary evidence on UFD – Urban form and development recommends replacing “rural residential locations” with “rural lifestyle areas” in EIT-EN-M2(7).<sup>41</sup> The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.

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Marcus Hayden Langman

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11 October 2022

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<sup>40</sup> Brief of Supplementary Evidence of Felicity Ann Boyd. *Introduction and General Themes*. 11 October 2022.

<sup>41</sup> Brief of Supplementary Evidence of Elizabeth Jane White. *UFD – Urban form and development*. 11 October 2022.