

**IN THE MATTER**

of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER**

of the Proposed Otago Regional Policy Statement  
2021 (Non-freshwater parts) ("**PORPS**")

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**EVIDENCE OF CHRISTOPHER MARK HORNE FOR  
CHORUS NEW ZEALAND LTD, VODAFONE NEW ZEALAND LTD AND SPARK  
NEW ZEALAND TRADING LTD**

**PART 2 SRMR SIGNIFICANT RESOURCE MANAGEMENT ISSUES FOR THE  
REGION**

**23 NOVEMBER 2022**

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## **1. INTRODUCTION**

1.1 My full name is Christopher Mark Horne. I am a resource management consultant and director of the resource and environmental management consulting company, Incite (Auckland) Limited.

1.2 My relevant experience and qualifications, and statement on the *Code of Conduct for Expert Witnesses 2014* contained in the Environment Court Practice Note, are set out in my statement of evidence in relation to Part 3 Energy, Infrastructure and Transport ("**EIT**"), also dated 23 November 2022.

## **2. SCOPE AND STRUCTURE OF EVIDENCE**

2.1 In accordance with the First Minute and Directions of the Hearing Commissioners<sup>1</sup> I have prepared my evidence on the PORPS on a chapter-by-chapter basis.

2.2 Because a significant proportion of the Telecommunications Submitters' submission points relate to the EIT chapter, I have provided a general overview of the overall submissions approach and my relevant experience and qualifications in that statement.

2.3 This statement of evidence only relates to the request for a new Significant Resource Management Issue within Part 2, Significant Resource Management Issues for the Region ("**SRMR**").

## **3. EXECUTIVE SUMMARY (SRMR MATTERS)**

3.1 A number of infrastructure submitters including the Telecommunication Submitters have sought that an infrastructure specific issue be included in the SRMR chapter of the PORPS to properly recognise the role infrastructure plays in sustainable management of the Otago region. In particular, the role infrastructure plays in supporting people and communities and the need to carefully consider how the effects of infrastructure can be properly managed in sensitive environments valued by the community.

3.2 The reporting planner does not support the addition of a specific issue relating to infrastructure and considers it to be an industry issue that does not warrant a dedicated issue statement for the region.<sup>2</sup> She does however recommend

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<sup>1</sup> Dated 3 October 2022.

<sup>2</sup> S42A Report at [550-551].

some changes to existing natural hazard issue SRMR-I1 to make better re-ignition of the role infrastructure will play in responding to natural hazard events.<sup>3</sup>

3.3 In my opinion, an infrastructure specific SRMR issue is entirely appropriate and will better support the EIT Infrastructure provisions in the PORPS.

3.4 The wording of a SRMR for infrastructure has been discussed between various submitters as part of the pre-hearing meetings. I support the inclusion of provisional wording for an infrastructure specific SRMR as discussed between submitters as part of the pre-application discussions and recommend such wording be adopted by the Hearing Commissioners. However, the specific framing of the SRMR may be further developed by other parties through the hearings process, and I acknowledge that modified or alternative wording may also be appropriate.

#### **4. PROPOSED NEW SIGNIFICANT RESOURCE MANAGEMENT ISSUE**

##### **Telecommunications Submitters' Submission**

4.1 The Telecommunications Submitters' submission outlines how the SRMR chapter of the PORPS is deficient in giving effect to the RMA in regard to providing proper recognition of the need to operate, maintain, develop, and upgrade infrastructure in the Otago Region. This includes telecommunications networks. Telecommunications networks are important physical resources that support the well-being of people and communities.

4.2 In some situations, telecommunications infrastructure may need to be located in valued natural environments due to functional and operational need requirements. It is not always possible to avoid these environments. The need for infrastructure and its particular functional and operational requirements needs to be weighed against protecting the values of these natural resources.

4.3 Given this, the Telecommunications Submitters sought that a new Significant Resource Management Issue be included in the PORPS to address the need to operate, maintain and develop infrastructure. The proposed drafting in the Telecommunications Submitters' submission was as follows:

The operation, maintenance, upgrade and development of infrastructure is essential to enabling people and communities to provide for their social, cultural and economic well-being and necessary to support safe, responsive and resilient

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<sup>3</sup> Supplementary evidence of Jacqueline Todd, 11 October 2022 at [10-14].

communities. Infrastructure are often also lifeline utilities and must be able to function to the fullest possible extent in emergencies.

#### **s42A Report**

4.4 The analysis of submissions seeking new Significant Resource Management Issues is included at paragraphs 550-551 of Chapter 5 in the s42A report. The reporting planner recommends at paragraph 552 that the submissions seeking to add new Significant Resource Management Issues, including that of the Telecommunications Submitters, be rejected. The reporting planner gives the following reasons for this recommendation:<sup>4</sup>

- (a) The existing issue statements were workshopped and widely consulted on, including public consultation and reference group workshops. As such it is not appropriate to add further issues when they have not been through the same consultation process as the issues already identified; and
- (b) The most requested issue statements deal with industry specific concerns that do not warrant a dedicated issues statement in the PORPS. The requested language is solutions focused rather than issue focused. Additionally, the key issues associated with the requested issue statements are addressed through one or more existing issues statements.

#### **Council's supplementary evidence**

4.5 The reporting planner (Ms Todd) has also recently prepared supplementary evidence addressing the submission of the Telecommunications Submitters, Aurora Energy and Transpower who all seek a new Significant Resource Management Issue addressing infrastructure in the Region. Ms Todd has not changed her recommendation from the earlier s42A report regarding a specific issue relating to infrastructure and considers it to be an industry issue that does not warrant a dedicated issue statement for the region. She does however recommend some changes to existing natural hazard issue SRMR-I1 to better recognise the role infrastructure plays in responding to natural hazard events.<sup>5</sup>

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<sup>4</sup> Section 42A report at [552].

<sup>5</sup> Supplementary evidence of Jacqueline Todd, 11 October 2022 at [10-14].

## Planning Assessment

### *Purpose of significant resource management issues*

- 4.6 Pursuant to s62(1)(a) and (b) of the RMA, a regional policy statement must state the significant resource management issues for the region and the resource management issues of significance to iwi authorities in the region. A regional policy statement must also state the objectives sought to be achieved by the statement and the policies for those issues and objectives.<sup>6</sup>
- 4.7 Significant resource management issues sit at the forefront of the PORPS and the PORPS provisions are drafted to consider and respond to the identified issues in a joined-up manner. In particular, the SRMR chapter states that:

This RPS identifies the eleven most significant issues impacting the Otago region [...]

While the issues in this section are considered individually, this RPS considers and responds to them in a joined-up manner as part of a complex system with biophysical limits, inherent uncertainty, potentially irreversible and sometimes catastrophic impacts and interdependent behaviours.

- 4.8 As such, the significant resource management issues for the region flow down to influence the provisions of the policy statement, and the matters to be addressed in the objectives and policies.

### *Need for a new significant resource management issue addressing infrastructure*

- 4.9 To ensure that the PORPS provisions appropriately recognise the importance of essential infrastructure, such as the telecommunications network, I consider that there needs to be express recognition of the role infrastructure plays in the region in the SRMR chapter. In particular there needs to be express recognition of the role infrastructure plays in supporting people and communities to provide for their social, economic, and cultural well-being and for their health and safety, including within sensitive environments such as natural environments and heritage resources. Infrastructure also plays a critical role in supporting other identified significant resource management issues (eg responding to climate change and natural hazards and managing urban growth).

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<sup>6</sup> RMA, s62(1)(c) and (d).

- 4.10 The importance of infrastructure is already recognised through the inclusion of a specific infrastructure chapter (EIT chapter) in the PORPS. Provision of a separate chapter addressing energy, infrastructure and transport is also already mandated by the November 2019 National Planning Standards. However, the absence of clear recognition in the SRMR chapter of the importance of infrastructure is, in my view, unhelpful from a planning perspective.
- 4.11 In my view a Significant Resource Management Issue recognising the importance of infrastructure in the region will set the appropriate planning context for a set of objectives and provisions that properly consider and recognise infrastructure and its role in supporting good resource management outcomes for the region. I note that Paragraph 130 in section 4.3.7 of the s32 report which evaluates the objectives for EIT specifically states:
- The EIT chapter addresses key resource management issues for Otago related to energy, infrastructure and transport.
- 4.12 Accordingly, it appears that infrastructure has already been acknowledged as a key resource management issue for the region but is not recognised as such in the SRMR chapter of the PORPS.
- 4.13 As set out in my evidence on the EIT chapter (covered by Chapter 11 s42A report), infrastructure may need to be located within or traverse sensitive natural and urban environments due to operational and functional requirements. It is essential that this is recognised in the PORPS so there is a degree of recognition when it comes to weighing these considerations against the protection of the values and attributes of environments valued by the community. I also consider it appropriate that infrastructure providers avoid the most sensitive environments where they can, and where this is not practicable (for functional or operational reasons), that infrastructure providers minimise adverse effects.
- 4.14 While it is the objectives and policies relevant to infrastructure that are the most important provisions in the PORPS for guiding the lower order planning framework (rather than the issue statements themselves), the issue statements form part of the overall framework that influence the development of the provisions within the Regional Policy Statement.

*Response to s42A report*

- 4.15 The reporting planner appears to be concerned about scope when stating that the existing issue statements were workshopped and widely consulted on.

While the issues may have been workshopped and consulted on prior to notification of the PORPS, this does not preclude the addition of new significant resource management issues through the submissions process. In fact, given that this is a full regional policy statement review, it is entirely appropriate in my view that the list of issues included in the notified PORPS be tested and challenged as appropriate.

*Wording of new significant resource management issue*

4.16 A number of infrastructure providers have made submissions in regard to providing better recognition of infrastructure in the SRMR chapter of the PORPS. This has been explored between relevant submitters and Otago Regional Council representatives through the pre-hearing meetings held between the relevant of the s42A reports and the supplementary evidence statements. Provisional wording for an issue statement was discussed between the various submitters as part of these pre-hearing discussions. I support the proposed wording as set out in my recommendation below, although note that other wording of like effect may also be appropriate. Reasons why certain terminology is proposed is as follows:

- (a) *"Located"* precedes *"managed"*. This is because the priority in an effects management hierarchy should be, in the first instance, to select an appropriate location for infrastructure based on functional and operational needs (and avoid a sensitive location if practicable), with management of effects considered after location.
- (b) *"Will affect"* is terminology designed to provide a clear link between infrastructure and environmental outcomes.
- (c) *"Treasured environments"* is terminology already used in issue statement SRMR 14 in regard to natural resources. Its use in the proposed new issue statement for infrastructure would also cover important built environments such as historic heritage.
- (d) *"Thriving community"* encompasses both positive social and economic outcomes that infrastructure supports.

4.17 I have included some provisional explanatory text based on discussions with other submitters but given the wide interest in this provision I note that further drafting of this explanatory text could be undertaken collaboratively by the relevant parties if the Hearing Commissioners elect to adopt the issue statement itself.

### *Recommended Changes to SRMR-I1*

- 4.18 I have no particular concerns with recommended changes to SRMR-I1 in the supplementary evidence in regard to the natural hazard issue covered, particularly as the last paragraph of clause (b) recognises that where possible new infrastructure should be located in areas where it is less vulnerable to natural hazards. There will be situations where, due to functional needs and operational needs, infrastructure may need to locate in areas vulnerable to natural hazards as it may not be practicable to locate out of these areas to serve communities (eg lines networks serving a community on a flood plain). The issue statement appears to adequately capture this matter and accordingly it is not inconsistent with the outcomes the Telecommunications Submitters are seeking in regard to an infrastructure specific issue in relation to natural hazards. However, this only captures part of the infrastructure specific issue being sought by the Telecommunications Submitters, and misses other significant relevant matters such as the need to locate in sensitive natural and physical (eg heritage) environments to serve communities where required due to functional need and operational need.
- 4.19 In my opinion, even if these recommended changes to SRMR-I1 are adopted by the Hearing Commissioners, it does not remove the need for an infrastructure specific significant resource management issue.

### **Recommendation**

- 4.20 **Add** a new Significant Resource Management Issue as follows:

**SRMR-IX - Poorly located and managed infrastructure or inappropriate constraints on the ability to develop, operate, maintain, protect and upgrade infrastructure will affect Otago's ability to effectively prepare and respond to climate change and natural hazards, manage treasured environments, and support a resilient and thriving community.**

#### Statement

Infrastructure supply and development is essential to Otago's way of life; supporting resilient communities, public wellbeing and economic prosperity. Efficiently managed infrastructure has a critical role to play in responding to natural hazards and adapting to climate change by enabling communities to become less reliant on fossil fuels for heating and transport. There will, therefore, be a need for infrastructure providers to undertake significant development and upgrades to support the needs of growing communities into the future while balancing adverse environmental effects.

## Context

- The issue is 'poor management' of natural and physical resources, both in the sense that poor outcomes might result to the resources themselves in addition to the infrastructure – that is the key tension to address and why it deserves a dedicated resource management issue.
- The term 'poorly managed' has been used to identify a shared onus on infrastructure providers and the planning instruments to promulgate a planning outcome that both provides for the deployment of infrastructure while also managing adverse environmental effects. The 'poorly managed' aspect also lends support to policies which support proactive steps being taken by infrastructure providers to prioritise locating where they can adapt to natural hazards, climate change and sensitive areas.

## **Impact Snapshot**

### **Environmental**

- Infrastructure can have adverse effects on the environment which need to be appropriately managed. However, infrastructure development is limited by functional and operational needs which often dictate where it can be located.
- There are sensitive environments that are vulnerable to change from infrastructure development and growth. In some instances, it is unavoidable to locate in these areas but can be done in a sensitive manner.

### **Economic**

- With Otago, especially areas like Queenstown, being international tourism destinations, functional and up-to-date infrastructure is essential in enabling this. Efficient communication around the globe is critical to support the growth of tourism and wider economic success.
- There has been, and will continue to be, significant changes in the way our communities work and live. With many now working remotely or from home, quality and efficient infrastructure is essential to supporting this.

### **Social**

- There is a public assumption and expectation that there will be electricity, telecommunications and other

infrastructure that are consistently functional and continue to develop to meet increasing demands and expectations.

- Quality infrastructure enables living in more remote areas and reduces pressure on areas of intensification.
- Efficient infrastructure is now a basic human need that must be provided in all communities.

## **5. CONCLUSION**

5.1 In my opinion an infrastructure specific SRMR issue is entirely appropriate and will better support the EIT Infrastructure provisions in the PORPS.

5.2 I support provisional wording discussed between submitters as part of the pre-application discussions which I have recommended in this evidence, although I note that this may be further developed by other parties, and therefore modified or alternative wording may also be appropriate.

5.3 I have no concerns with changes recommended in the supplementary evidence of Ms Todd to SRMR-I1 in regard to natural hazards.

**Christopher Mark Horne**

**23 November 2022**