

BEFORE THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy Statement 2021

**LEGAL SUBMISSIONS ON BEHALF OF QUEENSTOWN LAKES
DISTRICT COUNCIL (138)**

WEEK 5 – ENERGY, INFRASTRUCTURE AND TRANSPORT

16 MARCH 2023

PO Box 323 QUEENSTOWN 9348
Tel +64 3 379 7622
Fax +64 3 379 2467

WYNN WILLIAMS

Solicitor: Alice Balme / Jake Robertson
(alice.balme@wynnwilliams.co.nz)
(jake.robertson@wynnwilliams.co.nz)

MAY IT PLEASE THE PANEL:

Introduction

- 1 These legal submissions are filed on behalf of Queenstown Lakes District Council (**QLDC**) to support its submission on the EIT – Energy, Infrastructure and Transport Chapter of the Otago Regional Council's Proposed Regional Policy Statement (**pRPS**).
- 2 The purpose of these legal submissions is to:
 - (a) provide context for QLDC's submission on the EIT chapter; and
 - (b) introduce QLDC's witnesses, who are presenting evidence on the EIT chapter; Craig Barr (Infrastructure) and Vicki Jones (Transport).

Context for QLDC's submission on the EIT Chapter

- 3 QLDC's submission seeks amendments to a number of EIT provisions, and in particular provisions relating to infrastructure and transport.
- 4 QLDC has a particular interest in the EIT Chapter as this chapter addresses matters that are highly relevant to the resource management issues the Queenstown Lakes District is facing. While several of these issues were addressed in QLDC's opening legal submissions (and will not be repeated in these submissions), QLDC wishes to reiterate that the District is experiencing significant pressure from urban growth, and it is challenging for the infrastructure network to keep up with this growth.
- 5 This issue is recognised in the Strategic Direction chapter of QLDC's Proposed District Plan (**PDP**) at:

Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes; and

Strategic Objective 3.2.1.9: Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.
- 6 The rapid rate of resident and visitor growth has also made it difficult for development to occur in a manner that is integrated with transport and infrastructure services (i.e. EIT matters). This pace of growth has been

challenging for infrastructure investment planning and puts substantial pressure on the safe and efficient operation of the transport network.

7 With this issue in mind, QLDC has addressed EIT matters in its own PDP through:

(a) **Chapter 3 and 6: Strategic Chapters.** These chapters address matters including Regionally Significant Infrastructure and landscapes. The provisions are largely resolved, where the Environment Court has issued a number of interim decisions with respect to these chapters and a series of consent order documents have been filed. These chapters address infrastructure matters including:

- (i) Strategic objectives for infrastructure; and
- (ii) Locating infrastructure with respect to landscapes and features.

(b) **Chapter 30: Energy and Utilities.** This chapter recognises the strategic importance of Energy and Utilities and that a coordinated approach is required. The provisions of this chapter have been resolved by consent order. Chapter 30 addresses matters including:

- (i) Growth and development being supported by utilities; and
- (ii) The viability and efficiency of utilities.

(c) **Chapter 29: Transport.** A number of submitters on the pRPS sought the same or similar relief on appeal against QLDC's PDP as is being progressed in Wayfare's submission to the pRPS. All appeals against this chapter have been resolved by consent orders issued by the Environment Court.¹ Chapter 29 addresses transport matters including:

- (i) The role of shared passenger transport;
- (ii) High Traffic Generating Activities; and
- (iii) Enhancing the uptake of public transport.

8 QLDC's witnesses, Craig Barr and Vicki Jones are available to answer any questions on these PDP provisions if the Panel has any questions.

¹ QAC Ltd & Others v QLDC – Topic 28 Transport – Consent Order dated 23 October 2020; and [2022] NZEnvC 264

Giving effect to EIT provisions in QLDC's PDP

- 9 QLDC's PDP provisions have resolved a number of issues raised by submitters that are now being considered by the Panel in the context of the pRPS. For example:
- (a) High Traffic Generating Activities: through consent order, parties reached agreement on the application of a High Traffic Generating Activity regime. While submitters sought varied relief, the agreed provisions result in a regime that is not only restricted to urban areas.²
 - (b) Shared passenger transport: submitters sought relief on the role of shared and commercially owned transport. The resolved provisions recognise that shared passenger transport can complement active and public transport to achieve an efficient transport network in a manner that clearly distinguishes it from public transport.³
- 10 Vicki Jones will highlight these issues further when presenting her evidence.
- 11 QLDC appreciates that its PDP will need to give effect to the Otago Regional Policy Statement, once it is operative (under s 73 RMA). Nonetheless, QLDC submits that the pRPS provisions should not be unnecessarily confined. QLDC highlights that s 59 RMA states:

59 Purpose of regional policy statements

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

- 12 QLDC submits that the regional policy statement is to set a framework that District Councils are to give effect through District Plans in the context of their own district. Therefore, it is important that the pRPS provisions are drafted in such a way that they can be given effect to by *all* District Councils, with varied contexts in mind, including the Queenstown Lakes District.

² QLDC PDP Chapter 29 at 29.4.11.

³ QLDC PDP Chapter 29 at 29.2.1.7.

Experts appearing on behalf of QLDC

- 13 Two experts appear in support of QLDC's submission on the EIT chapters.
- 14 Craig Barr will present evidence on infrastructure. Craig Barr will highlight the main points of his evidence and rebuttal evidence including:
- (a) whether QLDC landfill should be recognised as Regionally Significant Infrastructure; and
 - (b) locating infrastructure with respect to highly valued Natural Features and Landscapes.
- 15 Vicki Jones will present evidence on transport. Vicki Jones will highlight the main points in her evidence including:
- (a) High Traffic Generating Activities; and
 - (b) the role of shared passenger transport.

Dated this 16th day of March 2023



.....
K H Woods / J G Robertson

Counsel for Queenstown Lakes District Council