

Under the Resource Management Act 1991 (**RMA**)
In the matter of The Otago Regional Council Proposed Otago Regional Policy Statement 2021 (excluding parts determined to be a freshwater planning instrument)

Submission by Dunedin City Council

Hearing Statement of James Taylor for Dunedin City Council
16 March 2023

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1. QUALIFICATIONS AND EXPERIENCE

1.1 My full name is James Taylor. My Planning qualifications and 18 years' experience delivering infrastructure projects, including the last 7 in Otago, are as set out in my primary brief of evidence dated 23 November 2022.

2. CODE OF CONDUCT

2.1 I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses (2023), and I agree to comply with it. I confirm that the issues addressed in this summary statement are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. SCOPE OF STATEMENT

3.1 In this Hearing Statement I address paragraphs 59-85 of my primary evidence on how the proposed Energy, Infrastructure and Transport Topic have the potential to impact on Dunedin City Council Lifeline Utility Infrastructure activities:

- (a) Non-renewable energy generation (EIT-EN-P5);
- (b) Locating and managing the effects of Infrastructure (EIT-INF-P13); and
- (c) The Definition of Regionally Significant Infrastructure with respect to the roading network.

3.2 Additionally, I also seek leave to briefly address three other parts of my primary evidence on the Air and Land and Freshwater Domain and the Hazard and Risk Topic that are particularly relevant to Dunedin City Council Lifeline Utilities and therefore directly related to the Energy, Infrastructure and Transport topic. These are:

- (a) Air Discharges from Infrastructure Activities (Policies AIR-P3-P5 and AIR-E1);
- (b) Provision within the Soil and Land domain for municipal wastewater discharge to land (Objectives LF- LS-O11, O11A and O12 and Policy LF-LS-P17); and
- (c) Provision within the Hazard and Risk topic for wastewater discharges to land from new Lifeline Utilities (HAZ-CL-P15)

4. NON-RENEWABLE ENERGY GENERATION

4.1 Dunedin City Council Lifeline Utility Infrastructure assets such as wastewater and water network pump stations and wastewater and water treatment plants require electricity to

function. The larger and more critical plants have permanent wired in diesel generators others have provision for connection to portable generators.

- 4.2 An unqualified avoidance policy could prevent community resilience through back up power generation, both for DCC Lifeline Infrastructure, but also for other community facilities such as marae.
- 4.3 I therefore recommend the following changes to EIT-EN-P5 - Non-renewable energy generation.

Providing for non-renewable energy generation where it is necessary for the resilience of Lifeline Utilities while facilitating the replacement of non-renewable energy sources in energy generation and avoiding the development of non-renewable energy generation activities in Otago that feed into the electricity distribution network.

5. DEFINITION OF REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 5.1 The settlement pattern of Coastal Otago includes multiple small communities that are dependent on access via local or relatively lower classification order roads. The ongoing use and development and occasional realignment of these roads is essential in providing access for emergency vehicles and providing community connectivity. The roads are defined in the pORPS as Lifeline Utilities, however this has no benefit within the Infrastructure location policies.
- 5.2 Therefore, I propose the following amendment to the definition of Regionally Significant Infrastructure:

Regionally significant infrastructure means:

(1) roads which provide a lifeline connection for a community OR all road categories of the One Network Framework except for the categories 'local urban' and 'rural'... roads classified as being of regional importance in accordance with the One Network Framework ...

6. LOCATING AND MANAGING THE EFFECTS OF INFRASTRUCTURE

- 6.1 A large portion of coastal Otago within Dunedin City is classified under the 2GP as being part of an Outstanding or Significant Natural Landscape (refer **Figure 1** below). Policy EIT-INF-P13(2) requires adverse effects on values that contribute to the area's outstanding nature or significance resulting from infrastructure that has a functional and operational need but not fitting the definition of Regionally Significantly Infrastructure to be avoided.

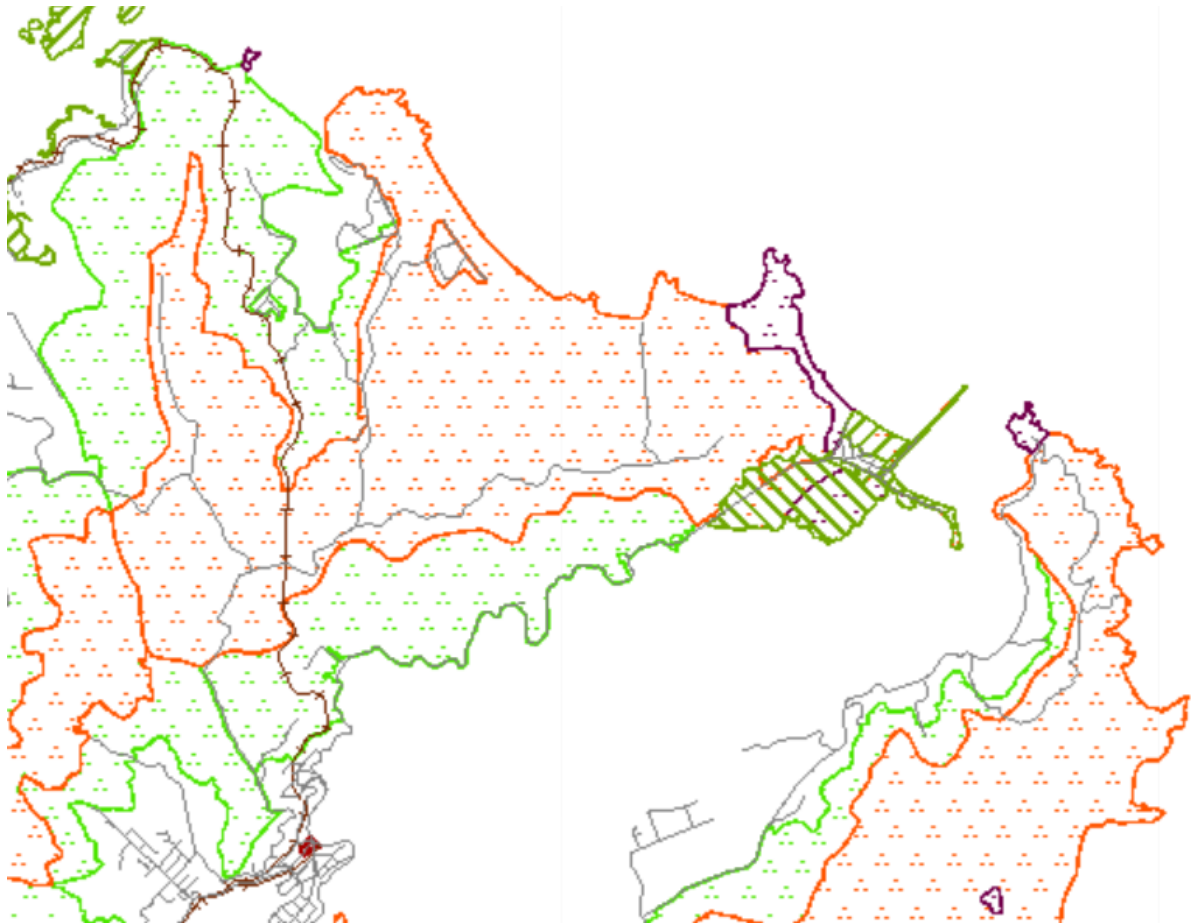


Figure 1: 2GP Outstanding and Significant Natural Landscape Overlay's north of Dunedin

- 6.2 Regardless of the decision relating to the definition of Regionally Significant Infrastructure, DCC will likely require infrastructure that may not meet the Regionally Significant Infrastructure definition to be rebuilt to modern standards, and where there is a functional or operational need, possibly realigned (i.e., roads following slips etc). Where this infrastructure is not classified as Regionally Significant Infrastructure, avoiding adverse effects on elements such as the landscape in areas adjacent to and around the areas shown in Figure 1 such as Pūrākaunui, Long Beach and Aromoana will not always be possible. Therefore, an avoidance policy will not provide for the wellbeing of the community. In my opinion, provision of an effects management hierarchy in relating to locating infrastructure is more appropriate.
- 6.3 Therefore, I propose EIT-INF-P13 be amended as follows

...

(2) if it is not possible to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows:

~~(a) for nationally significant infrastructure or regionally significant infrastructure:~~

- (i) in significant natural areas, in accordance with ECO-P4,
- (ii) in natural wetlands, in accordance with the relevant provisions in the NESF,
- (iii) in outstanding water bodies, in accordance with LF-FW-P12,
- (iii) (a) in relation to wāhi tūpuna, in accordance with HCV-WT-P2
- (iv) in other areas listed in EIT-INF-P13 (1) above, minimise the adverse effects of the infrastructure on the values that contribute to the area’s importance,

~~(b) for all infrastructure that is not nationally significant infrastructure or regionally significant infrastructure, avoid adverse effects on the values that contribute to the area’s outstanding nature or significance.~~

7. AIR DISCHARGES FROM INFRASTRUCTURE ACTIVITIES

Provision for Air Discharges

7.1 Providing for air discharges from Lifeline Utilities and Regionally Significant Infrastructure such as from back up diesel generators and wastewater treatment processes is essential in providing for many values including te mana o te wai and the overall wellbeing of the community, the pORPS has not delivered this.

2 The proposed solution to address this deficiency is to amend Policy AIR-P3 as follows:

“Allow discharges to air provided they; do not adversely affect human health, amenity values, mana whenua values, and the life supporting capacity of ecosystems **and minimise adverse effects on amenity values as far as practicable.**”

Avoiding Air Discharges

7.2 In many cases, a well located and managed offensive or objectional air discharge is the most appropriate and first priority solution for a complex infrastructure challenge that could result in improved social, environmental and cultural outcomes overall.

7.3 Additionally, as has also been outlined in the evidence of my colleague Mr Frentz, AIR-P4 may potentially conflict with the provisions of the NES-AQ and it is not otherwise necessary to repeat higher order policy.

7.4 Therefore, the proposed solution to address this issue is to delete AIR-P4.

Managing Certain Discharges

7.5 AIR-P5 does not acknowledge air discharges from Lifeline Utilities or Regionally Significant Infrastructure.

7.6 The proposed solution to address this issue is to amend AIR-P5 by inserting new clauses (6) and (7) as follows:

(6) Lifeline Utilities; and

(7) Regionally Significant Infrastructure

8. SOIL AND LAND

LF-LS-O11 - Soil

8.1 With respect to infrastructure location provisions, the architecture of EIT-INF-P13 as proposed is not suitable for dealing with locating infrastructure in areas where infrastructure may adversely affect soil values as avoidance is not appropriate as a first priority for managing the potential conflict between soil values and infrastructure location.

8.2 Soil resources in urban areas and areas required for infrastructure, such as municipal wastewater discharges to land, may not be able to be safeguarded or enhanced.

8.3 Therefore, to provide flexibility to enable urban and infrastructure expansion, as provided for in the NPS:UD, the NPS:HPL and the UFD chapter of this pORPS, flexibility needs to be provided. I therefore recommend the following amendment to LF-LS-O11:

*The life-supporting capacity of Otago’s soil resources is safeguarded or enhanced, now and for future generations **as far as practicable when consideration is given to the needs of current and future urban development and the operational needs of infrastructure.***

LF-LS-O11A - Highly productive land

8.4 With respect to the proposed LF-LS-O11A, its suitability in the context of my evidence is dependent on the definition of highly productive land. I presume that the definition of highly productive land is “as defined in the NPS:HPL”. On that understanding this means that land rezoned for an urban purpose would cease to be highly productive land, but it also means that there is a gap between this objective and the direction of the NPS:HPL with respect to infrastructure development. The NPS:HPL specifically defines certain

development that is not inappropriate in highly productive land. Therefore I recommend that Objective LF-LS-O11A be amended to refer to protection from inappropriate development, this could then rely upon the architecture of the NPS:HPL which defines what is inappropriate:

*The availability and productive capacity of highly productive land for agricultural and horticultural production is **protected from inappropriate development**. ~~maintained now and for future generations~~*

LF-LS-P17 – Soil values

8.5 To avoid potential impacts on infrastructure provision including the establishment of municipal wastewater discharges to land I recommend changes in the wording to enable urban development and infrastructure expansion, as provided for in the NPS:UD, the NPS:HPL and the UFD chapter to this pORPS, flexibility needs to be provided. I therefore recommend the following amendment to LF-LS-P17 Soil Values:

*Maintain the mauri, health and productive potential of soils by managing the use and development of **rural** land in a way that **to the extent practical** is suited to the natural soil characteristics and that sustains healthy:*

- (1) soil biological activity and biodiversity,*
- (2) soil structure, and*
- (3) soil fertility.*

9. NEW CONTAMINATED LAND

HAZ–CL–P15 – New contaminated land

9.1 In my experience, and depending on treatment process, wastewater discharged to land can contain trace metals that can build up in soil over time that could have ecotoxic properties and therefore result in new contaminated land. While municipal wastewater discharges to land are unlikely to have a significant effect on the environment in the course of normal operations, they do have the potential for a significant effect during an unlocking event after decades of operation.

9.2 Determining potential wastewater disposal solutions is a complex and multidimensional task looking at large ranges of technology, disposal methods and the relevant regulatory framework. When assessing a long list of wastewater disposal methods the pORPS on the one hand prefers wastewater to be disposed to land in LF-FW-P15(1) but also requires avoidance of new contaminated land where practical, this is a more restrictive

policy position than the NZCPS for coastal discharges for example and therefore in conflict with the overarching policy direction toward wastewater discharge to land.

9.3 Therefore, I propose the following amendments to HAZ-CL-P15 – New contaminated land:

With the exception of wastewater discharges to land, avoid the creation of new contaminated land or, where this is not practicable, **and for wastewater discharges to land,** minimise adverse effects on the environment and mana whenua values.



James Taylor

16 March 2023