

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 –
SRMR issue for infrastructure

**EVIDENCE OF CRAIG ALAN BARR ON BEHALF OF QUEENSTOWN LAKES
DISTRICT COUNCIL (138)**

**RESPONSE TO JOINT WITNESS STATEMENT ON SRMR ISSUE FOR
INFRASTRUCTURE**

21 APRIL 2023

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1. INTRODUCTION

- 1.1 My name is Craig Barr. I am a planning consultant engaged by the Queenstown Lakes District Council (**QLDC**) to prepare evidence in chief on the Energy and Infrastructure portions of the Energy, Infrastructure and Transport chapter of the Otago Regional Council's Proposed Regional Policy Statement (**pRPS**).
- 1.2 My qualifications and experience are set out in my statement of evidence in chief dated 23 November 2022.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying upon the evidence of another person.

2. PURPOSE AND STRUCTURE OF EVIDENCE

- 2.1 The purpose of my evidence is to respond to the Joint Witness Statement dated 22 March 2023 (**JWS**) that provides proposed drafting for a Significant Resource Management Issue for Infrastructure (**SRMR-IX**).¹

3. Proposed SRMR-IX

- 3.1 Section 2.1 of the JWS contains four bullet point statements, three of which relate to substantive matters associated with the preparation of the recommended SRMR-IX statement.
- 3.2 I agree that there can be a dedicated section for infrastructure in the pRPS's SRMR section, and that infrastructure can be referred to generally, with more detailed objectives and policies distinguishing between Regionally Significant Infrastructure (**RSI**) or Nationally Significant Infrastructure (**NSI**). However, I do not agree with the JWS² where the reason for referring to only infrastructure generally is because this is defined in the RPS and section 2 of the RMA, while

¹ Minute 8 from the Panel dated 20 February 2023 provided for the ability for any submitter to respond to wording advanced by infrastructure providers/rural industry submitters following their caucusing by 21 April 2023.

² JWS section 2.1 second bullet point.

the scope of RSI is yet to be determined. RSI was notified as a defined term in the pRPS, and the participants to the JWS will also likely have a view as to what forms the definition of RSI. Equally, NSI is defined in the National Planning Standards and also included in the pRPS. I consider that SRMR-IX would benefit from distinguishing between various forms of infrastructure in the pRPS.

3.3 The JWS states³:

The purpose of an infrastructure issue is to acknowledge that because of functional needs and operational needs, it may not be possible to avoid sensitive environments in both rural and urban contexts, and it was important at an issue level to acknowledge this. Means to resolve any apparent conflicts between provision of infrastructure and protecting the values and attributes of sensitive environments by the community can be addressed via the objectives and policies.

3.4 While I acknowledge that this agreed matter may have been drafted in a purposefully efficient manner, I consider that there needs to be greater acknowledgement that infrastructure, and in particular RSI and NSI, that the concepts of functional needs or operational needs engage where it is unpracticable to locate outside of a sensitive environment. When identifying what is unpracticable, factors such as alternative site and/or route selection, coupled with the nature of the infrastructure may be important factors which determine what is practicable (or unpracticable) and can engage with the concepts of functional needs and operational needs as defined in the pRPS.

3.5 I consider that some parts of proposed SRMR-IX too readily contemplate that all infrastructure will have location and functional constraints with no other practicable option but to locate within a sensitive environment, without first considering alternatives and whether it is practicable to avoid adverse effects.

3.6 Therefore, despite the JWS stating that means to resolve apparent conflicts between provision of infrastructure and protecting the values and attributes of sensitive environments can be addressed via the objectives and policies, in my view the SRMR-IX statement in places, risks predetermining that any infrastructure has a legitimate location constraint and/or functional need.

³ JWS section 2.1 third bullet point.

- 3.7 I consider that the most appropriate frame of reference for the SRMR-IX is that it needs to be more of a values neutral statement, and the drafting identified in the JWS goes too far in terms of accepting that any infrastructure would locate within a sensitive environment.
- 3.8 I recommend several amendments to the SRMR-IX statement which I consider redirects SRMR-IX to be more neutral, and balances better with the existing references to infrastructure in the eleven other SRMR statements in the pRPS. **Appendix A** contains a marked-up version of SRMR-IX with a brief explanation why I prefer the amendments to the JWS version.



Craig Alan Barr
21 April 2023

SRMR-IX – JWS 22 March

Underline and strike through are recommended amendments

Section	Text	Comment
<p>Heading SRMR-IX</p>	<p>The social, economic and cultural well-being of people and communities, and their health and safety, relies on infrastructure. However, infrastructure operation and development can conflict with the achievement of some environmental objectives.</p> <p><u>Otago’s social, economic and cultural well-being relies on infrastructure which may need to locate within sensitive environments, and can be compromised by incompatible activities.</u></p>	<p>The recommended amendments better align with the more succinct drafting style of the pRPS’s eleven existing SRMR headings.</p> <p>The reference to a conflict with the achievement of environmental objectives is not appropriate because the issue should refer to the environment itself rather than objectives of the pRPS.</p> <p>Because of the relatively long supporting statements in the pRPS SRMR framework I consider that the heading of the issue can be more succinct, more values neutral and general, and the remaining statements can provide greater elaboration.</p>
<p>Context</p>	<p>Otago’s infrastructure provides communication, electricity generation and conveyance, transportation including airports, as well as the provision of essential services such as water supply and wastewater management. Much of this infrastructure is classified as lifeline utility infrastructure, which needs to be able to function during emergencies and recover quickly following major events including natural disasters and identified as nationally significant infrastructure or regionally significant infrastructure.</p> <p>Infrastructure has a number of challenges for example:</p>	<p>RSI and NSI are relevant and should be included, while lifeline utility infrastructure is relevant to the pRPS as it relates to hazards management (i.e pRPS Policy HAZ-NH-P8) If the reference to lifeline utility infrastructure is to be included then it should refer to the relevant legislation, (Civil Defence Emergency Management Act 2002).</p>

<ul style="list-style-type: none"> • demographic change and economic growth – infrastructure must remain fit for purpose to serve a growing and changing population and economy; • improving infrastructure quality – such as reducing carbon emissions, providing safe drinking water, and lifting environmental quality, as well as adapting to new technologies; • adapting to climate change – such as recognising the role of renewable electricity in reducing fossil fuel use and responding to national greenhouse gas emission reduction targets; • responding to natural hazards – providing resilience including through rebuilding, strengthening or relocating existing infrastructure; • responsibility to operate, maintain and renew infrastructure – ongoing costs and replacement of aging infrastructure and ensuring safety and resilience; and • cost pressures - infrastructure investment is long term and involves large up-front costs to develop and upgrade, and funding often needs to be planned years in advance meaning that certainty is important to investment. <p><u>There are obligations for infrastructure to be designed and operated in a way that better meets</u> is significant pressure on many infrastructure providers to meet national emission reduction targets and associated strategies or plans. For example:</p> <ul style="list-style-type: none"> • For the transport sector, there is a focus on reducing reliance on cars and supporting people to walk, cycle and use public transport; rapidly adopt low-emission vehicles; and begin work to decarbonise heavy transport and freight. • For the electricity sector, there is a need to develop considerable new renewable electricity generation capacity throughout New Zealand, and then to transmit and distribute that <u>convey</u> electricity to <u>consumers</u> end users; reduce reliance on fossil fuels and exposure to volatile global fuel markets; and reduce emissions and energy use. <p>National policy statements provide directions for enabling the development and operation of infrastructure and the protection of infrastructure from the effects of other activities (NPSREG, NPSET, NPSUD); and the protection of sensitive environments and natural resources (NZCPS, NPSFM, NPSHPL). Tensions between these directions need to be resolved to enable appropriate ongoing</p>	<p>I recommend amending the first paragraph to refer to RSI and NSI, as well as lifeline utility infrastructure.</p> <p>Amendments are recommended to refer to infrastructure as a resource, rather than the provider of the infrastructure. Amendments are also recommended to make the statement more neutral in terms of the resource management matter at issue.</p> <p>The paragraph in relation to National Policy Statements is misleading in that it identifies only the enabling or protective elements and ignores the environmental protection elements also contained in those National</p>
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	<p>provision of infrastructure for social, economic and cultural wellbeing and the health and safety of communities.</p>	<p>Policy Statements, and reads as though the only elements to protect are in the NZCPS, NPSFM or NPSHPL – whereas the overarching resource management issue is to achieve the pRPS and Part 2 of the RMA, including section 6. I recommend this paragraph is deleted.</p>
<p>Impact Snapshot Environmental</p>	<p>Infrastructure providers have a huge role to play in enabling net-zero carbon emissions through development of renewable electricity generation and reducing carbon emissions. Infrastructure can also support work from home solutions reducing demand for travel (e.g., providing quality broadband connections).</p> <p>Infrastructure can have adverse effects on the environment, which needs to be appropriately managed. However, infrastructure operation, maintenance, upgrading and development is frequently limited by functional needs and operational needs that impose locational and design constraints and can limit the extent to which it is feasible to avoid or mitigate some adverse effects on the environment.</p> <p><u>Infrastructure can have adverse effects which need to be appropriately managed to avoid, remedy or mitigate the adverse effects from upgrades to existing infrastructure or new infrastructure, and to consider alternative ways of avoiding mitigating or remediating those adverse effects.</u></p> <p><u>In some circumstances due to the functional needs or operational needs of infrastructure, in particular nationally significant infrastructure and regionally significant infrastructure, there may not be any practicable alternatives to locate other than within a sensitive environment.</u></p> <p>There are sensitive environments that are vulnerable to change from infrastructure development and growth. In some instances, it may be unavoidable to locate infrastructure in these areas.</p>	<p>The first paragraph lacks context because it is not an environmental impact snapshot, it is more of a context statement in relation to climate change. In addition, the first sentence is relevant only to renewable energy and the second part is only relevant for internet and telecommunications. The statement jumps from a macro scale aspect to a micro scale aspect, neither of which are relevant to this heading section. I recommend the first paragraph is deleted, or moved to the context section.</p> <p>The second paragraph reads as a conciliatory statement that adverse effects at an unquantified scale are predetermined due to functional needs and operational needs. I consider that the concept of infrastructure locating within a sensitive environment due to functional need or operational needs is relevant where practicable alternatives have been considered. I consider that the existing SRMR-IX too readily contemplates any infrastructure locating within a sensitive environment.</p>

	<p>Incompatible activities in close proximity to infrastructure can have <u>both</u> direct adverse effects and reverse sensitivity effects on the operation, maintenance, upgrade and development of infrastructure.</p>	<p>I recommend amending this section so it refers to the functional need or operational need of infrastructure to locate in sensitive environment. These are defined terms in the pRPS, and the statement should also refer to these matters being engaged when practicable alternatives locations are not available.</p>
<p>Economic</p>	<p>Infrastructure supports economic growth and development <u>and is essential for a well-functioning urban environment and for primary production.</u> Within Otago, and particularly for the larger towns and cities and international tourism destinations like Queenstown, well-functioning infrastructure is essential. Efficient and effective transport infrastructure including airports, communications, water, wastewater and stormwater, as well as resilient electricity generation and conveyance, is critical to support tourism and <u>not only the Otago region but national economic well-being.</u> the wider economic success of the region.</p> <p>Inter-regional links such as transport, electricity and communication networks traversing or originating from the Otago Region also supports the economy of other regions and New Zealand generally.</p> <p>Electricity generation, transmission and distribution networks are critical to the economic wellbeing of people, industry, and communities. Impacts on electricity assets and networks arising from natural hazards, climate change and incompatible activities may compromise the ability to operate, maintain or develop the networks; increase the risk of network faults; or reduced supply not meeting demand.</p> <p>There has been, and is likely to continue to be, significant changes in the way our Otago's communities work and live, with <u>many more people</u> now working remotely or from home. Reliable and efficient infrastructure is essential to supporting these changes.</p>	<p>The references to infrastructure supporting identified towns is out of context because of the importance of infrastructure to the entire region. Likewise the reference to infrastructure supporting tourism is out of context and lacks a regional focus.</p> <p>I recommend amending this section so it is more consistent with the pRPS 'Description of the region' section.</p>

	Failing to proactively manage incompatible activities in proximity to the infrastructure and a lack of integrated management and long-term strategic planning for land-use activities can impact negatively on the ability for providers infrastructure to provide secure and reliable services.	
Social	<p>There is a community expectation that day to day infrastructure will be provided at all times. The ability to access reliable infrastructure networks is part of our way of life. When these services are not available <u>Reduced services through limited infrastructure can</u> there are direct impacts on the health and wellbeing of families and communities, such as schools closing access to education, lack of healthcare, reduced access to recreation, an inability to communicate with others and disruptions to supply networks for basic goods and services such as drinking water and food supply. There is a community expectation that day to day infrastructure will be provided at all times.</p> <p>Infrastructure needs to be safe. Roads for example need to be fit for purpose to avoid serious injury or loss of life.</p>	This section is recommended to be amended to more neutral. The sentence about roads being fit for purpose to avoid serious injury or loss of life is out of context.