

Queenstown Lakes District Council
Proposed Queenstown Lakes District Plan

3 March 2016

Via email: dphearings@qldc.govt.nz

Attention: Julia Chalmers (District Plan Administrator)

Dear Julia

Transpower New Zealand Limited - Letter to be tabled for Proposed Queenstown Lakes District Plan Hearing Stream 1A: Chapters 1 (Introduction) and 5 (Tangata Whenua)

Transpower New Zealand Limited (Transpower) has opted not to attend the hearing set between 7-9 March 2016, regarding Chapters 1 (Introduction) and 5 (Tangata Whenua) of the Proposed Queenstown Lakes District Plan (Proposed Plan). We request that this letter be tabled for the Hearing Panel's consideration in lieu of Transpower's attendance.

The planner's report for Chapters 1 and 5 of the Proposed Plan has been received. This report is correct in its summary of Transpower's relevant submission points 805.1, 805.2, 805.3 and 805.39, as set out on page 4 of the Chapter 1 report and pages 3 and 4 of the Chapter 5 report. Transpower's responses to the planner's recommendations on these submission points are set out below.

Chapter 1 - Introduction

Comments on recommendations for Submission point 805.1

Transpower's submission seeks that Section 1.3 (Cross Boundary Issues) be amended to include an additional bullet point to direct Council decision-makers to apply a consistent and coordinated approach to provisions when infrastructure is proposed across regional or district boundaries.

Although the planner's report acknowledges the importance of infrastructure projects that may span district or regional boundaries, the planner does not consider the proposed bullet point to be necessary or more efficient than the notified text. In addition, the planner's report states that the provisions are not restricted to any specific activity and the inclusion of one type (i.e. infrastructure) may be perceived as biased.

The National Grid traverses both district and regional boundaries all around the country. Within the Queenstown Lakes District, the Frankton-Cromwell 110kV transmission line crosses between the districts of Queenstown Lakes and Central Otago.

Transpower considers that the proposed bullet point would provide greater clarity and direction to Council decision-makers to apply a consistent and coordinated approach to provisions when regionally and nationally significant infrastructure, such as the National Grid, is proposed across regional or district boundaries. Transpower considers that there is no issue of perceived bias as other activities generally do not cross regional or district boundaries.

Nevertheless the proposed bullet point could be amended to refer to 'regionally significant infrastructure', a term that is acknowledged and recognised in other chapters of the Proposed Plan, such as Chapter 3 (Strategic Direction) and Chapter 30 (Energy and Utilities). This would also give effect to Policy 3.5.1 of the

proposed Otago RPS which aims to recognise the national and regional significance of specific infrastructure. In addition, the preamble to the NPSET acknowledges that one of the challenges to the management of the National Grid under the RMA is that the National Grid “is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities”. The NPSET therefore provides direction to Councils to ensure consistent and coordinated approaches are developed for the National Grid.

Recommendation to the Panel on Submission point 805.1

To ensure effect is given to the proposed Otago Regional Policy Statement and the NPSET, and having regard to Transpower’s submission and the planner’s report recommendation, Transpower support acknowledging cross boundary issues for regionally significant infrastructure in Section 1.3. Transpower seek the following bullet points be included within Section 1.3:

“If regionally significant infrastructure is proposed across regional or district boundaries, Council will apply a consistent and coordinated approach to decision-making.”

Comments on recommendations for Submission point 805.2

Transpower’s submission on Section 1.6.11 (National and Regional Rules) seeks the inclusion of a statement stating that the District Plan must give effect to National Policy Statements and similarly, a District Plan cannot contain rules that could duplicate or conflict with regulations in a National Environmental Standard. Transpower’s submission also suggested that an explanatory diagram could be inserted to show the relationship between the District Plan and other RMA plans and policy documents.

The planner’s report recommends accepting Transpower’s text amendment in full as the planner considers that the text will add clarity to the paragraph. The planner recommended rejecting the explanatory diagram.

Transpower supports the planner’s recommendation to accept the text but reject the explanatory diagram. The additional text will provide clarity to users of the plan, including decision-makers.

Recommendation to the Panel on Submission point 805.2

Accept the recommendation made in the planner’s report.

Comments on recommendations for Submission point 805.3

Transpower’s submission seeks the following amendments to Section 1.6.14 – Consultation:

“Special consultation procedures may apply to activities, which affect infrastructure or sites or values of significance to the tangata whenua. An applicant is advised to refer any consultation documents, national policy statements or Iwi Management Plans, which the Council may have available.”

The planner’s report rejected the amendments because this paragraph is inserted specifically to address consultation with Tangata Whenua. The planner states that Transpower’s proposed amendments would be a dilution of this and are not considered to be useful or efficient.

Transpower accepts that this particular paragraph is intended to specifically address consultation with Tagnata Whenua and thus accept the planner’s recommendation. However, the preceding paragraph refers to consultation with affected parties affected by a proposal and therefore Transpower considers that this paragraph is the appropriate place to insert the proposed wording. It is important for the Proposed Plan to

recognise the National Grid in this context as Policy 10 of the NPSET specifically directs decision-makers to avoid reverse sensitivity effects on the National Grid and ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. Transpower therefore does not consider that including an element in the paragraph that relates to nationally significant matters to be a dilution.

Recommendation to the Panel on Submission point 805.3

Transpower seeks the following revisions to Section 1.6.14:

“An applicant may need to undertake consultation with parties affected by the proposal, such as operators of regionally significant infrastructure. The level of consultation depends on the effects or impacts of the proposal. The process of consultation allows people to understand the proposal and, done properly, can reduce the time delays and costs of resource consents.”

Chapter 5 – Tangata Whenua

Comments on recommendations for Submission point 805.39

Transpower’s submission seeks to amend Policy 5.4.5.1 as follows:

“Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of inappropriate subdivision, use and development.”

The planner’s report rejected Transpower’s submission. The planner states that the intention of Policy 5.4.5.1 is to protect these important features from adverse effects of all development, regardless of whether it is considered appropriate or inappropriate, as appropriate development may still have adverse effects.

Transpower notes that page 4 of the planner’s report states that *“the definition of historic heritage in section 2 of the RMA such sites, and also their surroundings, are to be protected from inappropriate development. This accords with the need for Tangata Whenua to assist Council, and all users of the Plan, to identify the effects from different types of development that would impact non-tangible values.”*

Transpower agrees with the planner’s statement regarding Part 2 of the RMA and consider that Policy 5.4.5.1, as currently worded, is not consistent with section 6(f) of the RMA which aims to recognise and provide for *“the protection of historic heritage from inappropriate subdivision, use and development.”* The policy, as notified, does not allow for appropriate subdivision, use and development, such as an electricity substation or line, to be located within an area of historic heritage, or wāhi tūpuna.

Section 6 of the RMA allows a decision-maker to determine if an “appropriate” development, such as the National Grid, should be allowed within an area of historic heritage, or wāhi tūpuna. In addition, the policy is not consistent with the NPSET which states that decision-makers must recognise and provide for the National Grid, including its development, whilst having regard to the extent to which any adverse effects have been avoided, remedied or mitigated. The NPSET is a higher order document and Council must give effect to it within the District Plan.

The policy is also inconsistent with Chapter B3 of the Proposed Otago RPS, which acknowledges that some developments may need to be located in particular areas.

Transpower’s disagrees with the planner’s report as the report seems to be contradictory in that it acknowledges section 6 of the RMA and its purpose to protect historic heritage from inappropriate

subdivision, use and development, but goes on to reject Transpower's submission because the policy aims to protect wāhi tūpuna from all subdivision, development and use. The policy, as currently worded, is not consistent with the RMA, the NPSET or the proposed RPS. Instead it should enable a case by case assessment of effects.

Recommendation to the Panel on Submission point 805.39

In order to be consistent with the RMA, NPSET, proposed RPS and recent case law, Transpower seeks that its original relief sought in relation to Policy 5.4.5.1, to allow for appropriate development, such as the National Grid, be accepted.

Should you have any queries please do not hesitate to contact the undersigned.

Yours sincerely



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on behalf of

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