

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2021-CHC-

Under the Resource Management Act 1991 (the **Act**)

In the Matter of an appeal pursuant to Schedule 1 clause 14 of the Act.

Between **AURORA ENERGY LIMITED**

Appellant

And **QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL ON BEHALF OF AURORA ENERGY LIMITED

18 MAY 2021

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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NOTICE OF APPEAL ON BEHALF OF AURORA ENERGY LIMITED

To: The Registrar

Environment Court

Christchurch Registry

1. Aurora Energy Limited (**Aurora**), appeals against a decision of the Queenstown Lakes District Council on decisions on the submissions and further submissions to Stage 3 & 3b of the Proposed District Plan (Stage 3) review (**PDP Stage 3**).
2. Aurora made an original submission on PDP Stage 3 (OS3153).
3. Aurora is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Aurora received notice of the decisions on PDP Stage 3 on 1 April 2021.
5. The part of the decision Aurora is appealing is:
 - (a) Report 20.2: Chapter 39 Wāhi Tūpuna being a decision on rules relating to buildings in proximity to waterbodies, including an exemption for minor upgrading of Aurora's electricity distribution infrastructure.
 - (b) Report 20.4: Chapter 19A Three Parks and Related Variations to Chapters 9 imposed a building restriction area (**BRA**) for a limited duration in relation to an Aurora Energy Zone Substation located at 39 Ballantyne Road, Wanaka (**Wanaka Substation**)

Referred to as **Decision**.
6. The reasons for the appeal are:
 - (a) Aurora owns and operates electricity distribution infrastructure that supplies electricity to more than 90,000 homes in the Queenstown Lakes, Dunedin, and Central Otago Districts,

including other regionally significant infrastructure, lifeline utilities, essential or emergency services and a wide range of business.

- (b) Reliable electricity supply is critical to the health and wellbeing of the Queenstown Lakes District. Aurora's network delivers electricity from national grid exit points to 12 zone substations and onto local consumers. As a result, Aurora's electricity distribution network is an important physical resource that needs to be protected and managed in order to enable it to be operated efficiently and effectively for the benefit of the District.
- (c) Aurora has been approved by the Commerce Commission to invest \$383 million over the next three years to address safety and reliability issues on its network. This represents an approximate 20% increase in Aurora's work programme which is now progressing.
- (d) The Decision conflates the definition of building with the exemption for minor upgrading (except for additional support structures) by failing to consider that the rule does not capture any of Aurora's infrastructure (which forms part of a NUO System defined by the Building Act 2004). A perverse outcome is created in that a subset of minor upgrading is captured by the rule, despite new lines and support structures otherwise being permitted or controlled as set out in Rules 30.5.5.2-30.5.5.3. The Decision is not clear as to the desired outcome sought by controlling new support structures within the definition of minor upgrading but not new lines and support structures outside minor upgrading.
- (e) The Wanaka Substation has a functional and operational need to operate in this environment. Increased residential development in the area surrounding the Wanaka Substation is likely to introduce incompatible activities in close proximity to the substation that may give rise to reverse sensitivity effects. These effects will arise beyond 2024.

- (f) The Decision overstated the potential impact of the BRA on the underlying land and its ability to be utilised with the BRA in place.
 - (g) The Decision does not give effect to the Proposed Otago Regional Policy Statement because it does not provide protection for the Wanaka Substation for the life of the District Plan. .
7. Aurora seeks the relief outlined at **Appendix 1** of this notice, including any further, other or consequential relief to give effect to the corresponding relief sought in the submission.
8. The following documents are attached to this notice:
- (a) A list of names and addresses of persons to be served with a copy of this notice;
 - (b) Relief sought (**Appendix 1**);
 - (c) A copy of Aurora's original submission (**Appendix 2**);
 - (d) A copy of Report and Recommendations of Independent Commissioners Report 20.2: Chapter 39 Wāhi Tūpuna and Related Variations to Chapters 2, 12-16, 25-27, 29 and 30 (**Appendix 3**); and
 - (e) A copy of Report and Recommendations of Independent Commissioners, Report 20.4: Chapter 19A Three Parks and Related Variations to Chapters 9, 16, 25, 27 and 30 (**Appendix 4**).



B Irving / S R Peirce
Counsel for Aurora Energy Limited

DATED 18 May 2021

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List of names of persons to be served with this notice

Name	Address	Email Address
Queenstown Lakes District Council		dpappeals@qldc.govt.nz
Lesley and Jerry Burdon	Anderson Lloyd, Camp Street, Queenstown	maree.baker- galloway@al.nz / roisin.giles@al.nz
Federated Farmers of New Zealand	Kim Reilly PO Box 5242 Dunedin 9058	kreilly@fedfarm.org.nz
Transpower New Zealand Limited	Ainsley McLeod 8 Aikmans Road, Merivale, Christchurch 8014	ainsley@amconsulting.co.nz
Ballantyne Investments Limited	Neil Matchett PO Box 675 Wanaka 9305	satinmgmt@xtra.co.nz

Appendix 2: Aurora's Original Submission

Appendix 3: Report 20.2 (relevant excerpts p 1, 33-37)

Appendix 4: Report 20.4 (relevant excerpts p 1, 23-25)