

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Proposed District Plan

**REBUTTAL EVIDENCE OF CRAIG ALAN BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

Planning: Chapter 30 Variation

12 June 2020

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1. INTRODUCTION

1.1 My full name is Craig Alan Barr. My qualifications and experience are set out in my statement of evidence in chief dated 18 March 2020.

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 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 on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:

(a) Mr Andrew Maclennan on behalf of Otago Regional Council (**3342**).

2.2 I also confirm that I have read the following statements of evidence and consider that no response is needed:

(a) Mr Ben Mackey on behalf of Otago Regional Council (**3342**);
and

(b) Ms Melissa Brook on behalf of Queenstown Airport Corporation (**3316**);

2.3 My evidence has the following attachments:

(a) **Appendix A:** Recommended revised variation text to Chapter 30 Energy and Utilities.

3. ANDREW MACLENNAN FOR OTAGO REGIONAL COUNCIL (3342)

- 3.1 Mr MacLennan has filed evidence in relation to natural hazard mitigation works and structures. Mr MacLennan states at paragraphs [21-23] that Policy 30.2.9.4 should be amended to better acknowledge that in his view no residual risk from natural hazards is possible. Mr MacLennan seeks the following amendments to Policy 30.2.9.4:

Encourage natural hazard mitigation structures and works that result in ~~no or~~ low residual risk from natural hazards.

- 3.2 I understand that Policy 30.2.9.4 was most likely drafted to be consistent with and give effect to Policy 4.1.6 of the Partially Operative Regional Policy Statement for Otago 2019 (**PORPS**), which refers to minimising natural hazard to people, communities, property and other aspects of the environment by enabling activities that result in no or low residual risk from natural hazard. PORPS Policy 4.1.6 is:

Policy 4.1.6 Minimising increase in natural hazard risk

Minimise natural hazard risk to people, communities, property and other aspects of the environment by:

- a) *Avoiding activities that result in significant risk from natural hazard;*
 - b) *Enabling activities that result in no or low residual risk from natural hazard;*
 - c) *Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years;*
 - d) *Encouraging the location of infrastructure away from areas of hazard risk where practicable;*
 - e) *Minimising any other risk from natural hazard.*
- 3.3 Notwithstanding this, I agree with Mr MacLennan's reasoning and requested amendments to Policy 30.2.9.4. I consider that while an activity generating 'no' residual risk is likely to result in a better outcome than a 'low' residual risk (if possible at all), by removing the reference to 'no residual risk' from Policy 30.2.9.4, the policy still gives effect to

Policy 4.1.6 of the PORPS, which provides the option of achieving both 'no or low' residual risk from natural hazards.

- 3.4** A recommended revised suite of provisions is attached at **Appendix A**.



Craig Alan Barr

12 June 2020

ENERGY AND UTILITIES 30

Variation to Energy and Utilities Chapter 30

Key:

Black underline or ~~strike through~~ text reflect the notified variation.

Section 42A 18/03/2020 recommended changes to notified provisions are shown in red underline text for additions and ~~red strike through~~ text for deletions.

Rebuttal 12/06/2020 recommended changes to notified provisions are shown in green underline text for additions and ~~green strike through~~ text for deletions.

[text in square brackets and italics is for information purposes only]

30 Energy and Utilities

Purpose

30.1.1 Energy *[Not subject to this variation]*

30.1.2 Utilities

[Add the following text after the third paragraph]

Utilities are also required for the purpose of the protection of the community from natural hazards. The provisions in this Chapter address structures and works required for the purpose of natural hazard mitigation, while Chapter 28 (Natural Hazards) focuses on the consequences of subdivision, use and development on, and the natural hazard risk to, those activities.

30.2 Objectives and Policies

Utilities

[Add the following objective and five policies]

30.2.9 Objective – Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment.

Policies

30.2.9.1 Enable the repair and maintenance of natural hazard mitigation structures, facilities, and plant required for the protection of the community.

30.2.9.2 Provide for natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community while:

- a. seeking to avoid significant adverse effects;
- b. where there is no reasonable alternative and avoidance of significant adverse effects is not practicable, remedying or mitigating adverse effects; and
- c. minimising other adverse effects.

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30.2.9.3 Minimise the displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works.

Commented [CB1]: 3342, 3383.

30.2.9.4 Encourage natural hazard mitigation structures and works that result in no or low residual risk from natural hazards.

Commented [CB2]: 3342

30.2.9.5 Recognise that natural hazard mitigation structures and works may have a functional need to locate within sensitive areas, with the potential for adverse effects on the values of those sensitive areas, including:

- a. Significant Natural Areas, including other areas that meet the criteria for significance in Policy 33.2.1.8;
- b. heritage features, heritage precincts, heritage overlay areas and protected trees;
- c. overlays and zones with special character areas including the Queenstown, Wānaka and Arrowtown town centres and the Arrowtown Residential Historic Management Zone;
- d. Outstanding Natural Landscapes and Outstanding Natural Features;
- e. Rural Character Landscapes and other amenity landscapes;
- f. lakes, rivers and their margins;
- g. Wāhi tūpuna; and
- h. Open Space and Recreation Zones.

30.3 Other Provisions and Rules

30.3.1 *[Not subject to this variation]*

30.3.2 *[Not subject to this variation]*

30.3.3 Interpreting and Applying the Rules

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules unless any of the exceptions set out in Rule 30.3.3.3 apply.

30.3.3.2 *[Not subject to this variation]*

30.3.3.3 The rules contained in this Chapter prevail take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.
- c. Protected Trees.
- d. Indigenous Vegetation and Biodiversity.
- e. 35 Temporary Activities and Relocated Buildings;
- f. 36 Noise
- g. 39 Wāhi Tūpuna.

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30.3.3.3a Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of Roads or the Transport Network. These activities are managed by Chapter 27 Subdivision and Development and Chapter 29 Transport.

30.3.3.3b Airports and approach control services are defined as utilities. However the rules in this Chapter do not apply to Airport Activities within the Airport Zone (Chapter 17). Airport Activities within the Airport Zone are managed in Chapter 17.

30.4 Energy Rules *[Not subject to this variation]*

30.5 Utility Rules

30.5.1	General Utility Activities	Activity Status
<u>30.5.1.3</u>	<u>Underground pipes and incidental structures and equipment for transmitting and distributing gas.</u>	P
<u>30.5.1.4</u>	<u>Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.</u>	P
<u>30.5.1.5</u>	<u>Water and irrigation races, drains, channels and underground pipes for water and irrigation.</u>	P
<u>30.5.1.6</u>	<u>Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.</u>	P
<u>30.5.1.7</u>	<u>Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.</u>	P
<u>30.5.1.8</u>	<u>Underground pipes and incidental structures and equipment for the conveyance of stormwater.</u>	P
<u>30.5.1.9</u>	<u>Water, wastewater and stormwater pump stations.</u>	P
<u>30.5.1.10</u>	<u>Stormwater detention/retention ponds or stormwater wetlands.</u> <u>Control is reserved to:</u> a. <u>effects on the use of open space;</u> b. <u>provision of safe access for maintenance;</u> c. <u>effects on health and safety;</u> d. <u>landscaping.</u>	C
<u>30.5.1.12</u>	<u>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</u> <u>Discretion is restricted to:</u> a. <u>functional needs of the utility;</u> b. <u>visual effects;</u>	RD

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30.5.1	General Utility Activities	Activity Status
	<p>c. <u>Location, limited to the operation and function of the site, existing activities and effects on amenity values;</u></p> <p>d. <u>odour effects.</u></p>	
<u>30.5.1.Z</u>	<p><u>Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports, as identified in Figures 1 and Figures 3.</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Bird strike effects on aircraft operations at Queenstown or Wanaka Airports;</u></p> <p><u>Advice Note:</u></p> <p><u>The Aircraft Approach and Protection Measures Figures 1 and Figures 3 are located in the Planning Maps.</u></p>	RD
<u>30.5.1.13</u>	<p><u>Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.1.e.</u></p>	D

Commented [CB3]: 3316

Variation to Chapter 2 Definitions:

Regionally Significant Infrastructure	<p>Means:</p> <p>a. <i>[existing text not subject to this variation]</i></p> <p>...</p> <p>g. ...; and</p> <p>h. <u>municipal infrastructure.</u></p>
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Municipal infrastructure	<p>Means infrastructure owned and operated by the Council for:</p> <p>a) <u>Conveyance of untreated water from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment;</u></p>
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	<p><u>b) Treatment of wastewater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment;</u></p> <p><u>c) Treatment of stormwater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment.</u></p> <p><u>For the purposes of the definition of Municipal infrastructure, urban environment means:</u></p> <ul style="list-style-type: none">I. <u>All land zoned within Part Three – Urban Environment, comprising Chapters 7 to 17 inclusive and Chapter 44 (Coneburn Industrial Zone).</u>II. <u>Any Open Space and Recreation Zone located within an Urban Growth Boundary identified on the Plan maps.</u>III. <u>Jacks Point Zone Chapter 41.</u>
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