

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Proposed Canterbury Air Regional Plan (pCARP)

**BETWEEN** **ORION NEW ZEALAND LIMITED AND MAINPOWER NEW ZEALAND LIMITED**  
The Lines Companies

**AND** **CANTERBURY REGIONAL COUNCIL**  
Local Authority

**STATEMENT OF EVIDENCE OF MELANIE FOOTE  
ON BEHALF OF ORION NEW ZEALAND LIMITED AND  
MAINPOWER NEW ZEALAND LIMITED**

**PLANNING**

Dated the 18<sup>th</sup> day of September 2015

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## INTRODUCTION

1. My name is Melanie Karen Foote.
2. I am a Consultant Planner with Resource Management Group Ltd (RMG), an urban and environmental planning consultancy, based in Christchurch. I hold the qualifications of a Bachelor of Resource Studies and a Post Graduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute.
3. I have over 14 years' experience as a planner working in local authorities and private consultancies within New Zealand and in the United Kingdom. Over this time I have prepared and processed a variety of resource consents, plan changes, notice of requirements, as well as preparation of, and submission on plan changes, and the associated preparation and presentation of evidence at hearings.
4. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014 and I agree to comply with it. My experience as an expert is set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## EXECUTIVE SUMMARY/SCOPE OF EVIDENCE

5. My evidence addresses the submissions of Orion New Zealand Limited and MainPower New Zealand Limited (the Lines Companies) to the pCARP. Separate submissions were lodged however due to similarity of the submissions a joint case is being made.
6. The key issues of contention which I will address are:
  - (a) The definition of '*Emergency Electricity Generation*' and the need to include as part of the definition constraints on the network along with meteorological conditions and natural disaster events.

- (b) The Lines Companies sought a new policy around ensuring a resilient regional local electricity network.
- (c) The Lines Companies sought an exemption under Rule 7.14 for consented activities applying to renew their consent with no increase in PM<sub>10</sub> as per the NESAQ.
- (d) The Lines Companies sought that an exemption be provided under Rule 7.26 with regard to the setback from sensitive activities during emergency electricity generation.

7. In preparing my evidence I have reviewed:

- the relevant provisions of the pCARP;
- the relevant national documents and statutory provisions of the Resource Management Act 1991 (RMA);
- the relevant provisions of the Canterbury Regional Policy Statement, (CRPS)
- the Resource Management (National environmental Standards for Air Quality) Regulations 2004. (NESAQ)
- the National Policy Statement on Electricity Transmission 2008, (NPSET)
- the section 32 report;
- the Lines Companies original submissions and further submissions;
- the further submissions on the Lines Companies original submission;
- the Section 42a report from the Canterbury Regional Council on the pCARP

8. In my evidence I have also relied upon the evidence of Mr Godfrey, Orion's Energy Projects Manager.

## PLANNING AND STATUTORY CONSIDERATIONS

9. I am sure that the Commissioners have received evidence and legal submissions on the statutory framework of the pCARP and the context in which it should be considered. For that reason, I do not provide a detailed discussion on those matters.
10. I will comment, however that in my view the Lines Companies are of local and regional importance. Electricity plays a key role in the maintenance and enhancement of the Region's social and economic wellbeing. Electricity supply is lifeline utility as defined by the Civil Defence and Emergency Management Act. The Lines Companies have duties under Section 60<sup>1</sup> of this Act regarding the provision of services during an emergency. Notwithstanding those duties, the maintenance of supply outside of emergency periods is also a critical issue for the community.

### Canterbury Regional Policy Statement (2013)

11. The CRPS provides the framework for resource management in Canterbury. Chapter 5 of the CRPS sets out the framework for land use and infrastructure across the Region, and it also sets out specific provisions for areas which lie outside of Greater Christchurch. Greater Chapter 5 refers to the area outside of Greater Christchurch as the 'wider region'. Provisions specific to Greater Christchurch are contained within Chapter 6, and these focus on the recovery and rebuild of that area.

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#### <sup>1</sup> *60 Duties of lifeline utilities*

- *Every lifeline utility must—*
  - *(a) ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency;*
  - *(b) make available to the Director in writing, on request, its plan for functioning during and after an emergency;*
  - *(c) participate in the development of the national civil defence emergency management strategy and civil defence emergency management plans;*
  - *(d) provide, free of charge, any technical advice to any Civil Defence Emergency Management Group or the Director that may be reasonably required by that Group or the Director;*
  - *(e) ensure that any information that is disclosed to the lifeline utility is used by the lifeline utility, or disclosed to another person, only for the purposes of this Act.*

12. The CRPS provides a definition for 'regionally significant infrastructure', and this includes the "electricity distribution network". Regionally significant infrastructure, therefore, includes the Lines Companies electricity distribution network.
13. Policy 5.3.9 (for the wider region beyond Great Christchurch) which provides for the operation, maintenance and expansion of existing regionally significant infrastructure, and the development of new regionally significant infrastructure, while:
  - (a) *Recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;*
  - (b) *Avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment;*
14. Objective 6.2.1 of Chapter 6 of the CRPS relates to Greater Christchurch, and promotes a framework to enable recovery, rebuild and development which, amongst other matters:
  - (9) *integrates strategic infrastructure and other infrastructure and services with land use development;*
  - (10) *achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;*
  - (11) *optimises use of existing infrastructure.*
15. This objective is implemented through Policy 6.3.5 which sets out that the recovery of Greater Christchurch will be assisted by the integration of land use development with infrastructure by, amongst other matters:

*(3) providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained.*

16. In my view this directs the Environment Canterbury, to include provisions in the pCARP which recognise the importance of infrastructure.
17. The Lines Companies own and operate electricity distributions networks from Kaikoura to the Rakaia River, which together service over 19,000 square kilometres. Primarily this involves the maintenance and development of the network with the objective of ensuring the safe, reliable, resilient and efficient supply of electricity to homes and businesses across the Region.
18. For clarity, the electricity distribution networks owned and operated by the Lines Companies facilitate the delivery of electricity from the National Transmission Grid, owned and operated by Transpower, to electricity retailers such as Contact or Meridian. With agreement from the Lines Companies, the electricity retailers utilise the electricity distribution networks to deliver electricity to their customers.

## **THE ISSUES OF CONTENTION**

19. Specific changes were sought to the pCARP by the Lines Companies as part of the original submissions and each will be addressed in turn.
20. Submission point one is with regard to the definition of “*Emergency Electricity Generation*”. The wording of the definition as notified does not recognise that there are constraints on the network during emergency events. For example after the Canterbury Earthquakes although grid electricity supply was available to some areas it was desirable for operators of generators in such areas to generate their own electricity as this effectively allowed increased power supply to other areas. As a result more households had power than would have otherwise been the case. The electricity network is interconnected meaning that power supply can be shifted from one area to another if desired. As such the lines companies seek than the definition allows for this. Although electricity

supply may be available to a site, it may be desirable from a community perspective for generators to be run if there are network constraints elsewhere.

21. Further the definition also needs to recognise meteorological conditions and natural disaster events which can significantly reduce network capacity.
22. The Lines Companies seek that the definition of 'Emergency Electricity Generation' be amended as follows:

*Means the use of internal combustion generators to generate electricity at times when national grid electricity supply is not available due to a failure of either the national grid or the local distribution network, or when there is a constraint on either the national grid or local distribution network, or where network generation capacity is significantly reduced due to meteorological conditions and a national electricity savings campaign has been implemented or a natural disaster. This definition applies to the generation of electricity used on site, and not distributed via the grid.*

23. There is a misinterpretation by the planner in the S42a report with the following comment made: "*Orion and MainPower seek amendment to this definition to expand its meaning to apply to load shedding activity during times of reduced generation capacity. Load shedding is provided through the rules as an activity distinct from emergency generation and the suggested amendment would not be consistent with that approach...*". With respect the Lines companies are not seeking load shedding activities be included a part of the definition but rather simply to expand the definition to recognise constraints and meteorological conditions that require emergency generation only. Constraints on the network in the context of emergency generation include:
  - (a) Failure in the national grid or the Orion local network
  - (b) Meteorological conditions such as dry lakes
  - (c) Natural disasters
24. Submission point two sought a new policy be included to ensure that the electricity network is resilient and that the use of diesel generators in emergency situations is appropriate. Post-Earthquake there has been an



increased recognition of the importance of diesel generation, (in the absence of any other viable emergency generation and storage), and the importance of resiliency. The lines companies consider that diesel generation is an important component of increased resiliency in the electricity network. As noted by Mr Godfrey diesel generation is the only viable option currently available to generate power in emergency situations hence the need for specific policy support. Further Mr Godfrey notes there are no viable options to generate and store electricity during emergency situations.

25. The S42A report has omitted to give consideration to the proposed new policy regarding ensuring resiliency. Mr Godfrey notes the importance of diesel generation to ensure the electricity network is resilient therefore in my opinion is important to recognise this at the policy level.
  
26. Submission point three concerns Rule 7.14 which requires offsetting of emissions within Clean Air Zones. This rule attempts to implement the requirements of Regulation 17 of the National Environmental Standards for Air Quality (NESAQ). Orion has three concerns with this rule which are addressed in turn as follows:
  - 26.1 In practice the  $2.5\mu\text{g}/\text{m}^3$  threshold is very onerous and as such Orion's moderate to large generators may exceed this threshold. However Orion accepts that this threshold is appropriate as it reflects the NESAQ standard so I make no further comment on this.
  
  - 26.2 The Lines Companies second concern relates to the Clean Air Boundaries being bigger than the gazetted air shed boundaries. We note the Council Planner has recommended that 7.14 be deleted and replaced with a new rule as detailed in the S42A report. The Lines Companies are satisfied with the wording of the new rule as worded on page 13.11 of the Council Officers Report as this better reflects the NESAQ.
  
  - 26.3 The Lines Companies sought for an exemption for existing consented activities applying to renew their consent with no increase in discharge of  $\text{PM}_{10}$  as provided for by the NESAQ. We note this has not been

addressed in the Officers Section 42A report. The Lines companies maintain that there ought to be an exemptions in this regard to ensure that the rule is aligned with the NESAQ in this regard.

27. Submission point four relates to Rules 7.17 and 7.18. The Section 42A report recommends Rules 7.17 and 7.18 should be deleted and replaced with rules that better reflect the enabling intention of the Plan however no wording is proposed in the S42A Report. It would be helpful if the Council provided a draft of the replacement rules so they can reviewed.
28. Submission point five relates to Rule 7.26 and conditions 1 and 2 which limits mobile large scale internal combustion devices located within 50m of a sensitive activity to a duration of 48 hours or for up to 5 days if at least 50m from a sensitive activity.
29. The Lines Companies consider that in emergency electricity generation situation that these conditions are too restrictive. After the Canterbury earthquakes the Lines Companies installed many generators for extended periods close to sensitive activities to ensure electricity was restore and provided to customers. In such situations it would be completely impractical to apply for a resource consent as the diesel generation is required immediately and it would be impractical to apply for a resource consent.

## **CONCLUSION**

30. In conclusion, it is my view that the relief sought by the Lines Companies will provide for the statutory objectives of the pCARP, better reflect the CRPS's direction for regionally significant infrastructure, and more broadly the purpose of the RMA.
31. The evidence provided by Mr Godfrey demonstrates, I believe, the important and vital function and role that the Lines Companies play.

**Melanie Foote**

**18<sup>th</sup> September 2015**