

Before the Independent Hearings Panel  
at Kaikoura

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to the proposed  
Natural Hazards Plan Change 3

*and:* **MainPower New Zealand Limited**  
*Submitter #16*

Statement of Evidence of John Scheele (Planning)

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Dated: 29 October 2021

## STATEMENT OF EVIDENCE OF JOHN SCHEELE

### INTRODUCTION

- 1 My name is John Scheele and I am a Senior Consultant Planner at Resource Management Group Limited Christchurch.
- 2 I have over 16 years' experience as a planner for local authorities and consultancies, based primarily within Christchurch. My experiences encompass the provision of planning advice for a wide variety of clients relating to land use developments, preparation of and processing (on behalf of various consent authorities) resource consents, as well as the preparation and lodgement of submissions on proposed plan changes. I hold a Bachelor of Environmental Management and Planning from Lincoln University (2005) and I am an associate member of the New Zealand Planning Institute.
- 3 I am familiar with the submission made by MainPower New Zealand Limited (submitter #16) dated 30 April 2021 and the planning issues discussed in that submission. I have been authorised by MainPower to provide evidence on its behalf.
- 4 The key documents I have used, or referred to, in forming my view while preparing this statement are:
  - 4.1 MainPower's submission – dated 30 April 2021
  - 4.2 Kaikoura District Council – Section 32 Report, Natural Hazards Plan Change 3 to the Kaikoura District Plan (March 2021); and
  - 4.3 Kaikoura District Council - Section 42A report and appendices of Kerry Andrews for Council, dated 9 July 2021;

### CODE OF CONDUCT

- 5 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the code of conduct for expert witnesses contained in part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. 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.

### SUMMARY OF EVIDENCE

- 6 The submission from MainPower is largely supportive of the Proposed Natural Hazards Plan Change 3 (PC3) as a whole. MainPower has, however, sought various amendments to the proposed definitions, objectives, policies and rules in order to clarify the provisions of PC3 and to fully recognise the role critical infrastructure (including essential lifeline services) provide to communities.
- 7 I have reviewed the s42A report of Ms Andrews and the recommendations within, noting all of MainPower's submission points have been accepted (at least in part) by the reporting officer. I support the position of Ms Andrews on those matters. Given this, my evidence addresses the remaining matter of disagreement; being the submission of MainPower that sought the inclusion of a new rule seeking permitted activity status for the continued operation, maintenance, repair and replacement of critical infrastructure within specified natural hazard overlays. I am of the view that the absence of a specific provision to allow for those activities results in uncertainty for MainPower and may inadvertently require unnecessary future resource consents. To address this matter, I have recommended an amendment to Rule 8.5.9 as this will provide certainty to MainPower and other plan users.

## SCOPE OF MY EVIDENCE

- 8 My evidence relates to the submissions made by MainPower. I note that all MainPower submission points have been adopted by Ms Andrews, with the exception of the introduction of a new rule seeking a permitted activity status for the operation, maintenance, repair or replacement of critical infrastructure located within the Landslide Debris Inundation Overlay, Fault Avoidance Overlay, or Fault Awareness Overlay as a permitted activity. For the purposes of brevity, my evidence is limited to this matter only.
- 9 For the avoidance of doubt, I agree with the recommendations of Ms Andrews contained within Council's s42A report in relation to the balance of MainPower's submissions.

## MAINPOWER NEW ZEALAND LIMITED

- 10 MainPower owns and operates the electricity distribution network in the North Canterbury and Kaikoura Regions. The network covers approximately 11,200 square kilometres (covering the Waimakariri, Hurunui and Kaikoura Districts) and distributes electricity from the national grid (owned and operated by Transpower) to service approximately 40,000 customers. MainPower plays a central role in the electricity industry, providing both essential support and lifeline services for the North Canterbury communities it serves.
- 11 Broadly, the electricity distribution network comprises underground cables, overhead lines, substations, transformers, kiosks, utility structures (poles/pylons, earth rods and associated buildings) and access tracks. MainPower is responsible for the establishment, operation, maintenance and upgrade of the electricity distribution network.

## MAINPOWER'S SUBMISSIONS ON THE PROPOSED NATURAL HAZARDS PLAN CHANGE

- 12 MainPower made submissions on PC3, seeking amendments to the following:
- 12.1 **Definition** of Critical Infrastructure, Hazard Sensitive Building and Operational Need;
  - 12.2 **Objective** 8.2.2 Infrastructure;
  - 12.3 **Policy** 8.3.6 Operation, maintenance, replacement and repair of all infrastructure and **Policy** 8.3.8 Critical infrastructure; and
  - 12.4 **Rules** 8.5.8 and 8.5.9
- 13 MainPower's submissions do not oppose the principles of PC3, but rather sought rewording of relevant definitions, objectives, policies and rules in order to provide greater clarity and to highlight the significance and importance of critical infrastructure in meeting community needs.

## EVIDENCE

### Introduction of new permitted activity rule

- 14 Rule 8.5.9 relates to new infrastructure within the Urban Flood Assessment Overlay, Non-Urban Flood Assessment Overlay, Landslide Debris Inundation Overlay, Fault Avoidance Overlay and the Fault Awareness Overlay. In essence, the rule identifies any new infrastructure within those overlays as a restricted discretionary activity.
- 15 MainPower submitted on Rule 8.5.9 noting that the operation, maintenance, repair or replacement of infrastructure within the identified overlays is not specifically provided for. This raises uncertainty regarding

any potential consenting requirements relating to those activities. To address this matter, the MainPower submission sought the inclusion of an additional rule as a permitted activity.

- 16 Ms Andrews (at paragraphs 317-319) discusses MainPower’s submission. Ms Andrews notes that Policy 8.3.8 has been clarified to provide for the operation, maintenance and repair of critical infrastructure (following recommended amendments). Furthermore, as Rule 8.5.9 is silent regarding the operation, maintenance and repair of critical infrastructure, those activities are therefore permitted within the identified overlays and no additional rule is required.
- 17 I agree with Ms Andrew’s position in that the recommended changes to Policy 8.3.8 (as set out in paragraph 152 of the s.42 report) adequately addresses MainPower’s submission on that policy, and clarifies that the continued operation, maintenance, repair or replacement of existing critical infrastructure is anticipated. The policy, however, only becomes relevant once a resource consent has been sought.
- 18 The issue at the heart of MainPower’s submission is the ability to operate existing infrastructure and maintain, repair and replace that infrastructure within the identified overlays without the uncertainty or delays of requiring a resource consent. The absence of a rule, as suggested by Ms Andrews, does not provide the level of certainty required. In this regard, I note there are several other rules contained within PC3 identifying permitted activities, and I see no reason why this approach is unable (or should not be) adopted in this instance. It would also be consistent with the approach adopted for Rule 8.5.8.
- 19 As a result, I recommend amending Rule 8.5.9 as follows (new text added is **bold and underlined**).

<p>8.5.9 All zones within the:</p> <p>URBAN FLOOD ASSESSMENT OVERLAY; or</p> <p>NON-URBAN FLOOD ASSESSMENT OVERLAY; or</p> <p>LANDSLIDE DEBRIS INUNDATION OVERLAY; or FAULT AVOIDANCE OVERLAY; or</p> <p>FAULT AWARENESS OVERLAY</p>	<p><b><u>Operation, maintenance, repair, replacement of existing critical infrastructure.</u></b></p> <p>New critical infrastructure</p>	<p><b><u>Permitted</u></b></p> <p>Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent to which infrastructure exacerbates the natural hazard risk or transfers the risk to another site;</li> <li>2. The ability for flood water conveyance to be maintained;</li> <li>3. The extent to which there is a functional or operational requirement for the infrastructure to be located in the High Flood Hazard Overlay and there are no practical alternatives;</li> <li>4. The extent to which the location and design of the infrastructure address relevant</li> </ol>
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		natural hazard risk and appropriate measures that have been incorporated into the design to provide for the continued operation
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**CONCLUSION**

- 20 The provisions, as amended, support the sustainable management of MainPower's network and obligations as a Lifeline Utility Operator. Subject to the amendments sought to Rule 8.5.9, the matters raised in MainPower's submission will be adequately addressed and that PC3 would achieve the purpose of the RMA.

Dated: 29 October 2021



John Scheele