

Before an Independent Hearings Panel
appointed by the Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to the
proposed Waimakariri District Plan, Variation 1 and
Variation 2

and: Hearing Stream 7A – Ecosystems and Indigenous
Biodiversity

and: **MainPower New Zealand Limited**
Submitter 249

Statement of evidence of Melanie Foote

Dated: 9 September 2024

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STATEMENT OF EVIDENCE OF MELANIE FOOTE

INTRODUCTION

- 1 My full name is Melanie Karen Foote and I am a Principal Consultant at Resource Management Group Limited in Christchurch.
- 2 I have over 20 years' experience as a planner for local authorities and consultancies in Queenstown, United Kingdom and Christchurch. I hold 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 am familiar with the submission made by MainPower New Zealand Limited (submitter number DPR-0249) (*MainPower*) on 26 November 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 Ecosystems and Indigenous Biodiversity Chapter, Section 42A report and appendices of Shelley Milosavljevic for Waimakariri District Council, dated 16 August 2024.
- 5 Terms and coding used in my evidence include:
 - 5.1 MainPower – MainPower New Zealand Limited.
 - 5.2 WDC – Waimakariri District Council.
 - 5.3 PDP – Proposed Waimakariri District Plan.
 - 5.4 WDP – Waimakariri District Plan.
 - 5.5 RMA – Resource Management Act.
 - 5.6 EI chapter – Energy and Infrastructure chapter of the PDP.

CODE OF CONDUCT

- 6 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 the Environment Court Practice Note 2023. I have complied with it in preparing my evidence on technical matters. I confirm that the technical matters on which I give evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

SUMMARY OF MAINPOWER'S SUBMISSION POINTS

- 7 This brief of evidence relates to the submissions and further submissions made by MainPower on the Ecosystems and Indigenous Biodiversity chapters of the PDP. It records MainPower's agreement with WDC's position on all MainPowers submission points.

Plan Structure

- 8 MainPower sought appropriate hyperlinks from the EI Chapter to the relevant Ecosystems and Biodiversity rules. Ms Milosavljevic states that the only applicable rule for EI activities in the ECO chapter is ECO-R2.¹ I agree with the assessment of Ms Milosavljevic and the recommended amendments to provide cross referencing and hyperlinking².

Proposed New Policies

- 9 MainPower sought to insert two new policies to support small scale indigenous clearance activities provided for under ECO-R1. Ms Milosavljevic has stated that ECO-R1 is not applicable to EI activities. Therefore, I no longer propose the two new policies as I consider adequate coverage is provided under EI-P5.

ECO-P2

- 10 MainPower sought that ECO-P2 be adopted as notified. Ms Milosavljevic has recommended amendments³ to this policy and I agree with the proposed amendments.

ECO-P5

- 11 MainPower sought that ECO-P5 be adopted as notified. Ms Milosavljevic has recommended amendments to this policy⁴ and I agree with the proposed amendments.

ECO-P7

- 12 MainPower supported this policy in principal but noted there needed to be an acknowledgement of the need to maintain, repair or upgrade existing infrastructure or for operational or functional requirements for new infrastructure. I agree with the recommendation of Ms Milosavljevic to add wording to exclude infrastructure from ECO-P7 where managed by EI-P5. I agree with this approach and the recommended wording proposed⁵.

¹ s.42A report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, paragraph 631-633, pages 131-132

² S.42A Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August, paragraph 631-637

³ s.42A Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, pages 8-9

⁴ s.42A Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, pages 9-10

⁵ s.42a Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, pages 10-11.

ECO-R1

- 13 MainPower supported this rule but had concerns about the reference to unmapped SNA's and that there was no provision for trimming/removal of indigenous vegetation as a permitted activity when required for maintenance, repair, upgrade or the operation of critical infrastructure. Ms Milosavljevic has stated that this rule is not relevant to EI activities⁶ and therefore the relief sought is no longer required. I agree with the recommended amendments of Ms Milosavljevic⁷.

ECO-R2

- 14 MainPower supported this rule but had concerns around the uncertainty relating to unmapped SNA's and sought those references to unmapped SNA's be deleted. Further Clauses 3 and 8 were considered overly complex and MainPower proposed to simplify these to enable the removal of indigenous vegetation as a permitted activity. I agree with the recommended amendments to remove the reference to 'unmapped SNA's and the addition of new clause 'k'⁸.

ECO-MD1

- 15 MainPower supported this matter of discretion however sought an additional clause to recognise the technical or operational need for critical infrastructure to clear indigenous vegetation. Ms Milosavljevic has proposed an additional clause addressing this and I agree with the proposed wording⁹.

Conclusion

- 16 The provisions, as amended, all support the sustainable management of MainPower's network and obligations as a Lifeline Utility Operator. I consider that the relevant sections of the PDP considered as part of my evidence would achieve the purpose and principles of the RMA.

Dated 9 September 2024



Melanie Karen Foote

⁶ s.42A report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, paragraphs 631 -633, page 131

⁷ s.42A report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, paragraph 633, pages 131 and 132.

⁸ s.42A Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, pages 14 and 15.

⁹ s.42A Report of Ms Milosavljevic for Waimakariri District Council, dated 16 August 2024, page 20