

Before the Hearing Panel – Proposed Waikato District Plan

Under The Resource Management Act 1991 (the Act)

In the matter of Proposed Waikato District Plan
- Hearing 22: Infrastructure

Between Waikato District Council

Local Authority

And Transpower New Zealand Limited

Submitter S576 and Further Submitter FS1350

Statement of Rebuttal evidence of Pauline Mary Whitney

Dated 6 October 2020

EXECUTIVE SUMMARY

- 1 This statement of rebuttal evidence responds to evidence filed on behalf of other submitter parties in respect of the Proposed Waikato District Plan (“PWDP”) Hearing 22 – Infrastructure.
- 2 The rebuttal addresses evidence and relief sought from three parties, as summarised below:
 - 2.1 Evidence by Matthew Lindenberg on behalf of Housing New Zealand Corporation. I disagree with the relief sought to amend the width of the National Grid Subdivision Corridor from a ‘default’ uniform defined width to a ‘variable width corridor’ on the basis such an approach is inefficient and not warranted in the context of the Waikato district.
 - 2.2 Evidence by Carolyn McAlley for and on behalf of Heritage New Zealand Ltd seeking removal of the words “where practicable” from Policy 6.2.5(a)(v). My preference is the wording be retained as the removal of the words means the policy lacks differentiation or guidance as to when avoidance is required.
 - 2.3 Evidence by Lynette Wharfe for Horticulture New Zealand seeking a number of amendments, some of which I support but the majority of which I oppose on the basis the relief does not give effect to the National Policy Statement on Electricity Transmission 2008.

INTRODUCTION

- 3 My full name is Pauline Whitney
- 4 I am a Senior Planner and Senior Principal of Boffa Miskell Ltd. I have the qualifications and experience set out in my statement of evidence on Hearing 22: Infrastructure (Primary Evidence).
- 5 I repeat the confirmation that I provided in my Primary Evidence that I have read, and note that while this is a district plan hearing, I agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014).
- 6 This statement of rebuttal evidence should be read together with my Primary Evidence. The earlier statement of evidence set out the foundation for my approach

in terms of the relief Transpower seeks in respect of the PWDP, and the need to give effect to the National Policy Statement on Electricity Transmission (NPSET). I do not repeat that material here.

RESPONSES TO EVIDENCE

- 7 My response to the evidence and relief sought from the three parties outlined in paragraph 2 is outlined below:

Housing New Zealand Corporation

- 8 The evidence¹ lodged on behalf of Transpower New Zealand Ltd (“Transpower”) outlines the National Grid corridor management approach, an approach that I support. The National Grid Subdivision Corridor (as amended by the S42A Report) is defined in the PWDP as

Means the area measured either side of the centre line of any above-ground electricity transmission line as follows:

(a) 14m for the 110kV national grid lines on single poles;

(b) 32m for 110kV national grid lines on towers; and

(c) 37m for the 220kV transmission lines.

The National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower.

The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

- 9 The evidence of Matthew Lindenberg on behalf of Housing New Zealand Corporation seeks deletion of the defined 14-37m National Grid Subdivision Corridor overlay and replacement with a variable width corridor, reflecting the approach adopted in the Auckland Unitary Plan. I understand Mr Lindenberg accepts the National Grid (10m or 12m) Yard provisions in the PWDP.
- 10 For the reasons below, I disagree with the relief sought:
- 10.1 The technical basis and rationale for the defined width of the proposed National Grid Subdivision Corridor is provided in the rebuttal evidence

¹ Evidence of Dougall Campbell, Andrew Renton, and Pauline Whitney

of Mr Renton. The defined width is based on a technical assessment.

- 10.2 The National Grid Subdivision Corridor does not in itself restrict/constrain or allow development. Rather it acts as a trigger for considering the effects on the National Grid and is therefore a process.
- 10.3 The subdivision of land within the defined National Grid Corridor width has the same Restricted Discretionary activity status² as subdivision in the underlying Village, Residential, Rural and Country Living zones (excluding boundary adjustments and cross lease which are controlled activities). As such, the activity status is no more onerous on individual landowners, rather it ensures specific consideration in the consenting process of the National Grid. It provides the opportunity for Transpower and the council to give effect to Policy 10 of the NPSET and manage the potential effects of a subdivision on the operation/maintenance and upgrading of the network including retaining access for the network. The matters of discretion are limited to effects on the National Grid. Examples of subdivision proposals supported by Transpower are provided in the primary evidence of Mr Campbell.
- 10.4 In terms of the relevance of the Auckland approach to the Waikato District, while I was not involved in the Auckland Unitary Plan (AUP), I understand the variable corridor width approach was a mediated outcome between Transpower and Auckland Council. Auckland is unique in terms of the higher population density, the extent of developed land traversed by existing National Grid transmission lines being approximately 150km (termed “underbuild”) and the pressure on further intensification of these underbuilt areas. While I appreciate the Waikato District is experiencing growth and is a Tier 1 urban environment under the National Policy Statement of Urban Development 2020 (NPS-UD), I would not anticipate the growth and intensification demand to be of a similar scale to that occurring in Auckland.
- 10.5 While I accept a ‘variable width corridor’ approach could be adopted, I see no evidence of any cost or efficiency benefits (given subdivision consent would still be required for a restricted discretionary activity

² Noting the activity status defaults to non-complying where a building platform is not available outside the National Grid Yard or access to support structures is not maintained.

under the underlying zoning rule) that would counter the costs imposed on Transpower of undertaking the technical work to determine the appropriate variable width of the network within the Waikato District.

10.6 I am not aware of any other examples in New Zealand where a 'variable width corridor' approach has been adopted. Again, in my opinion demonstrating the uniqueness of the Auckland regional context and AUP process.

11 In summary, in my opinion the approach sought by Mr Lindenberg is inefficient and not warranted in the context of the Waikato district. Based on the evidence of Mr Renton and Mr Campbell, the defined corridor width is an appropriate evidence based method in which to manage subdivision to give effect to Policy 10 of the NPSET and to manage the potential effect of a subdivision on the operation/maintenance and upgrading of the National Grid network.

Heritage New Zealand Ltd

12 The evidence by Carolyn McAlley for and on behalf of Heritage New Zealand Ltd seeks removal of the words "where practicable" from Policy 6.2.5(a)(v), as follows:

(v) Within urban environments, addressing the adverse effects on any heritage values, cultural values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects ~~where practicable~~.

13 While I am not opposed outright to the deletion of the words (subject to the clause being amended as sought in my Primary Evidence³) the removal of the words means the policy lacks differentiation or guidance as to when avoidance is required. On this basis my preference is the wording be retained.

Horticulture New Zealand

14 The evidence by Lynette Wharfe for Horticulture New Zealand seeks a number of

³ Amendment to Policy 6.2.5(a)(v) as sought in the Primary Evidence of Pauline Whitney. Changes recommended by the s42A Report are shown in red, and those sought in my Primary Evidence are shown as green text.

(v) ~~Within urban environments, a~~Addressing the adverse effects on any heritage values, ~~cultural values, outstanding natural landscapes, areas of high natural character,~~ town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.

amendments, some of which I support but the majority of which I oppose on the basis the relief does not give effect to the National Policy Statement on Electricity Transmission 2008.

15 Those parts of Ms Wharfe's evidence I support are as follows:

15.1 *Rule 14.4.1.2(2) c)⁴ - Deletion of the word 'existing' in relation to vehicle access.* The change is inconsequential and will ensure access (whether new or existing) is retained.

15.2 *Rule 14.4.1.2(3)⁵ - Insertion of reference to NZECP.* The addition is supported as compliance will negate the need for resource consent.

15.3 *Rule 14.4.1.2(1)(e)⁶ - Replacement of the reference to 'PSA' structures to 'Protective Canopies'.* I accept the replacement term as it would provide clarity and reflect industry terminology. I note the suggested reference in paragraph 95.4 of my Primary Evidence will also require updating to reflect the correct term.

15.4 *Rule 14.4.4.NC⁸ - Insertion of Hazardous Classes 1-4 (Hazardous Substances (Classification) Notice 2017) within the rule to provide clarity.* While I note the rule as proposed references hazardous substances with explosive or flammable intrinsic properties (which are those within Classes 1-4), I accept the addition would provide clarity.

16 Those parts of Ms Wharfe's evidence I oppose are as follows:

16.1 *Objective 6.2.1⁸ - Removal of the word 'protection' from the policy.* While I acknowledge the word 'protected' is not used within the NPSET, policies 10 and 11 of the NPSET provide a strong policy directive to ensure the National Grid is not compromised and sensitive activities not be provided for. In my opinion this policy directive can be summarised as ensuring the Grid is protected. I note Objective 6.2.1 is the sole National Grid specific objective and therefore is appropriately broad in scope to give effect to the NPSET.

⁴ Evidence of Ms Wharfe – paragraphs 9.26-9.27

⁵ Evidence of Ms Wharfe – paragraph 9.28

⁶ Evidence of Ms Wharfe – paragraphs 9.23 – 9.25

⁷ Evidence of Ms Wharfe – paragraph 9.45

⁸ Evidence of Ms Wharfe – paragraphs 5.78- 5.88

- 16.2 *Policy 6.2.5(a)(vi)*⁹ – *Inclusion of the word “including” so the list is not exclusive.* As proposed clause (vi) relates to the higher valued areas within the rural environment with a strong ‘seek to avoid’ policy directive”. Broadening of the policy to all rural areas extends the ‘seek to avoid’ requirement beyond that required by Policy 8 of the NPSET and in my opinion is inappropriate as it would not give effect to the NPSET.
- 16.3 *Policy 6.2.6*¹⁰ – *Replacement of the reverse sensitivity policy 6.2.6.* For the reasons outlined in the s42A Report I do not support replacement of policy 6.2.6.
- 16.4 *Rule 14.4.1.2(1)(b) and 14.4.1.2(2)(b)iii.*¹¹ – *Deletion of the exemption reference to ‘reticulation and storage of water for irrigation purposes by a network utility operator’.* The clause relates to large scale projects undertaken by a network utility operator (such as the Ruataniwha dam) Such large scale activities are appropriately restricted as in addition to earthworks, such activities can restrict access to National Grid assets. The rule is not intended, nor would it, capture small scale or individual irrigation activities.
- 16.5 *Rule 14.4.1.3.*¹² – *Amendment to the Earthworks rules to solely reflect that within NZECP34:2001.* In her evidence¹³ Ms Wharfe references NZECP34:2001. I refer the panel to the Primary Evidence of Mr Campbell and Mr Renton¹⁴ which highlight the limitations of NZECP34:2001 in giving effect to the NPSET and ensuring the Grid is not compromised. Specific to earthworks, land disturbance can undermine support structure foundations, and reduce clearance distances, causing significant safety risks, as well as risk to security of supply. The primary evidence of Mr Campbell (Paragraphs 57 – 64) explains why NZECP alone is not sufficient and does not give effect to the NPSET and Policy 10.
- 16.6 *Rule 14.4.4.*¹⁵ – *Removal of the non-complying activity status for certain*

⁹ Evidence of Ms Wharfe – paragraphs 5.111 – 5.113

¹⁰ Evidence of Ms Wharfe – paragraphs 5.114 – 5.118

¹¹ Evidence of Ms Wharfe – paragraphs 9.16 – 9.22

¹² Evidence of Ms Wharfe – paragraphs 9.29 – 9.35

¹³ Evidence of Ms Wharfe – paragraphs 9.12 – 9.14

¹⁴ Evidence of Mr Campbell – paragraphs 92 - 99, and Evidence of Mr Renton – paragraphs 125-140

¹⁵ Evidence of Ms Wharfe – paragraphs 9.38 – 9.40

earthworks. Related to the reasoning provided in paragraph 15.5 above, I oppose the deletion of the non-complying activity status. I support the provision of a non-complying activity status for earthworks which do not achieve the necessary conductor clearance distances to ensure safety, do not maintain access to support structures, or earthworks which compromise the stability of a support structure. Given the safety risks of the works and potential effects on the operation, maintenance and upgrade of the assets, a non-complying activity is sought to reflect that the activity is not appropriate.

CONCLUSIONS

- 17 I have read and considered the views put forward in the statements of evidence by the other parties as referenced above. For the reasons provided above, unless stated above, I support the PWDP as outlined in my Primary Evidence.

Pauline Whitney

6 October 2020