

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

in respect of Plan Change 9 to the Hamilton  
City District Plan

---

**STATEMENT OF EVIDENCE OF SARA BROWN FOR WEL NETWORKS LIMITED**

**22 September 2023**

---

## 1. Introduction

- 1.1 My name is Sara Brown, and I am a Senior Planner employed by WEL Networks Limited (**WEL**). I hold a Bachelor of Science degree from the University of Waikato.
- 1.2 I have worked as a planner for 11 years in local authorities, the electricity distribution sector and as a consultant.
- 1.3 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it (although I acknowledge that I am an employee of WEL). The evidence within this statement is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from the opinions I express.
- 1.4 Matthew Campbell, an archaeologist at CFC Heritage has provided evidence on behalf of WEL and I have read and rely on this evidence.
- 1.5 In preparing my evidence, I have read and considered the following evidence:
- The evidence of Nicholas Cable – Archaeological Sites, dated 1<sup>st</sup> of September 2023.
  - The evidence of Paul Ryan – Archaeological Planning, dated 1<sup>st</sup> of September 2023.

## 2. WEL Networks Limited

- 2.1 WEL is an electricity distributor operating under the Electricity Act 1992 (**Electricity Act**), who owns, operates and develops electricity distribution infrastructure in the Waikato Region to provide line function services to over 100,000 installation connection points. This includes the distribution of electricity to residences and businesses within the Hamilton City and Waipa and Waikato Districts. WEL is also an approved requiring authority pursuant to section 167 of the Resource Management Act 1991 (**RMA**) for its lines network functions.
- 2.2 WEL's distribution network includes more than 7,000 km of overhead electric lines, generally in rural and older urban suburbs. Newer urban suburbs are supplied by underground cables.
- 2.3 WEL, as a network utility operator under the RMA, has the responsibility of providing a secure and efficient supply of electricity to the community within WEL's distribution network area. WEL's network of cables and lines allows every household, business, school, medical facility and other types of consumers to have access to electricity. Other infrastructure such as substations, switching stations, ring main units, transformers, service pillars and pillar boxes allow WEL to convert electricity from a higher voltage (taken from the national grid) to a useable voltage for consumers to access, and to provide an enhanced level of security of supply through built-in redundancy in the network. WEL is classified as a lifeline utility under the Civil Defence Emergency Management Act 2002 (**Civil Defence Act**)
- 2.4 Further WEL, as a network utility operator is authorised to undertake emergency works under section 330 of the RMA in regard to any project or work or network utility operation, for which it is the approved requiring authority under s167 of the RMA. Emergency works can also be

undertaken by a person who operates or provides a lifeline utility service or system, under the Civil Defence Act.

### **Importance of transport corridors**

- 2.5 A significant portion of WEL's network of lines and cables are located within Hamilton City Council's (**Council**) transport corridor. This is because transport corridors are what is known as utility corridors. Electricity operators, such as WEL, have the ability to make use of these corridors for our linear networks and install cables and lines under section 24 of the Electricity Act. WEL undertakes activities including fault response, maintenance and upgrade works within the transport corridor at multiple sites on a daily basis throughout Hamilton City.
- 2.6 This is particularly important when Council enables development through structure planning and other planning mechanisms enabling development in greenfield areas. In these circumstances WEL relies on the ability to service new areas with electricity via the transport corridor
- 2.7 The creation of transport corridors is a Council process (whether by Council creating roads itself or accepting the vesting of roads created through private development). The process requires any necessary approvals (including resource consents) be obtained to authorise the transport corridor. As part of this process the archaeological features in the vicinity of a new road will have been taken into account.

### **3. WEL's overall position on Plan Change 9 to the Hamilton City District Plan (Plan Change)**

- 3.1 WEL supports the intent of the Plan Change to protect areas and sites of archaeological significance. However, WEL does not support the Plan Change insofar that it impacts WEL's ability to maintain (including upgrade) and repair existing network utilities within transport corridors and private property.
- 3.2 Accordingly, WEL seeks the Plan Change be amended to enable the maintenance and repair of network utility equipment in transport corridors and private property, in areas subject to archaeological overlays, as a Permitted Activity.
- 3.3 The reasons for these changes and the specific relief sought by WEL to address its concerns are set out in Section 5 below. If the specific relief proposed by WEL is not accepted by Council, WEL alternatively requests that appropriate amendments be made to the provisions to give effect to the concerns raised by WEL.

### **4 WEL's specific concerns**

- 4.1 As stated in WEL's submission, the Plan Change includes new archaeological overlays within the transport corridor. These new overlays apply generally in the Central Business District, Wairere Drive, River Road, and the eastern side of the Waikato River, which contain significant concentrations of network utility equipment. There are also new archaeological overlays to a lesser extent within private land which also contain existing network utility equipment.

- 4.2 As detailed in Mr Campbell's evidence,<sup>1</sup> the methodology used for assessing the archaeological values of recorded sites (proposed by the Plan Change to be included as scheduled sites) is not well developed and has been applied in a broad-brush manner. Mr Campbell's evidence details additional key limitations of the assessment of archaeological values that forms the basis of the sites scheduled in the Plan Change.<sup>2</sup> The proposed provisions are therefore inefficient in that they encompass more sites than would otherwise be included following an archaeological assessment underpinned by rigorous methodology.
- 4.3 The implications of the Plan Change are considerable. Earthworks within the proposed archaeological overlays in the transport corridor and private land would now require resource consent. These activities are currently permitted due to the absence of archaeological overlays within the transport corridor. The rules proposed by the Plan Change do not allow for any earthworks within these areas without a resource consent, an archaeological report, and comments from mana whenua. This requirement will likely be unworkable for utility providers such as WEL and result in an inefficient use of resources. The rules proposed by the Plan Change are expected to significantly impact WEL's ability to complete its infrastructure upgrade and maintenance programmes, and emergency fault response works, required to deliver a safe, secure, and efficient supply of electricity within these areas in Hamilton City.
- 4.4 As discussed in WEL's submission, in recent years there has been significant intensification of existing residential areas and intensification of these areas is expected to increase further through Council's response to the National Policy Statement for Urban Development (**NPS-UD**). To meet the projected growth, WEL is introducing new projects to meet demand while maintaining security levels. The new projects will include maintenance and upgrading of the existing network as well as additional network infrastructure to be installed throughout Hamilton to meet the anticipated growth. WEL wishes to ensure that development enabled by the NPS-UD can be supplied with electricity in a timely and cost-efficient manner and consent is not required for maintenance, repair, or replacement (including associated earthworks) of existing established network utilities.
- 4.5 Further, as the country moves towards a higher capacity of renewable energy, the distribution network will become increasingly important with the sole responsibility of supplying Hamilton with electricity. The electricity network also plays a critical part in supplying the three waters, transport and telecommunication infrastructure and airport with electricity and will be of significant importance in the electrification of the city. Again, WEL wishes to ensure that the proposed rules enable maintenance, repair, and replacement of existing infrastructure in order for WEL to support Hamilton's continued uptake of renewable energy through a safe, secure and efficient supply of electricity to the community.

---

<sup>1</sup> Statement of evidence of Matthew Campbell dated 22 September 2023 at [3.5].

<sup>2</sup> Statement of evidence of Matthew Campbell dated 22 September 2023 at [3.7].

## 5. WEL's relief

5.1 WEL is not seeking that the new archaeological overlays be removed. Instead WEL's submission seeks amendments to the policy and rules to enable essential maintenance, repair and replacement activities to be undertaken.

5.2 WEL's submission seeks:

- (a) An amendment to Policy 19.2.6(g) to enable maintenance and repair and associated earthworks of existing network utilities on Schedule 8B: Group 1 and Schedule 8C: Group 2 archaeological and cultural sites.
- (b) A **new rule** (19.3.3(f)) (derived from Rule 7E.3.1 Existing Minor Structures and Activities of the Operative Tauranga City Plan, ) to give effect to the amended **policy** (19.2.6g) and enable maintenance, repair or replacement (including associated earthworks) of existing established network utilities within sites identified in Volume 2 Appendix 8, Schedule 8B and 8C, where all work shall be undertaken within the existing in-ground or on-ground dimensions of the infrastructure and any existing areas of cut and fill. WEL's submission proposed the following wording:

*Rule 19.3.3(f)*

*For maintenance, repair, or replacement (including associated earthworks) of existing established network utilities within a site identified in Volume 2 Appendix 8, Schedule 8B and 8C, all work shall be undertaken within the existing in-ground or on-ground dimensions of the infrastructure and any existing areas of cut and fill.*

5.3 The new rule would enable WEL to repair faults or damage to existing electricity equipment, for example issues caused by cars hitting poles in the transport corridor. The proposed rule would also enable WEL to carry out maintenance on existing poles, cables, and ground mounted infrastructure to ensure the continued secured and efficient supply of electricity to the community.

### **Council's position**

5.4 Mr Cable and Mr Ryan's evidence for Council rejected WEL's submission on the basis there are a large number of archaeological sites in the road corridor and the maintenance of network utilities has the potential to damage archaeological remains with no prior opportunity for mana whenua to express their views on their cultural values of establishing and operating the existing network utility on that site.

5.5 WEL's submission concerns its ability to maintain and repair **existing** network utilities; these are sites which have previously been excavated. As set out in Mr Campbell's evidence, the types of excavation proposed by WEL for works in existing trenches, footings, or foundations are not

new excavations within untouched sites. In his view excavation in existing cuts will not damage archaeological sites.<sup>3</sup>

5.6 Mr Campbell's evidence illustrates this through an example test case whereby the archaeological values of sites are expected to have been destroyed by road construction and existing utility infrastructure and, as such, it is unlikely the surviving values could be assessed as high or outstanding.<sup>4</sup>

5.7 Further, WEL records the coordinates of its electricity infrastructure on a network register and includes this data in its GIS system. Given the nature of the electricity infrastructure, it is very important that the data in the system aligns with what is actually in or on the ground. For this reason, when undertaking maintenance, WEL has a very good understanding where exactly the infrastructure is located and WEL is confident that it is able to work within the existing in-ground or on-ground dimensions of the infrastructure and any existing areas of cut and fill.

## 6. Conclusion

6.1 The rules contained in WEL submission are required to ensure the continued safe, secure, and efficient supply of electricity to the community. I consider the changes proposed are most appropriate in the context of section 32AA of the RMA.

Dated 22 September 2023



**Sara Brown**  
WEL Networks Limited

---

<sup>3</sup> Statement of evidence of Matthew Campbell dated 22 September 2023, Section 4.

<sup>4</sup> Statement of evidence of Matthew Campbell dated 22 September 2023, Section 5.