

Before the Proposed Porirua District Plan Hearings Panel In Porirua

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Porirua District Plan – Hearing Stream 4:
Strategic Directions, Energy, Infrastructure and Transport,
General District-Wide Matters

Between **Porirua City Council**
Local authority

And **Transpower New Zealand Limited**
Submitter 60 and Further Submitter FS04

Summary Statement of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 14 February 2022

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1 Introduction

- 1.1 My full name is Pauline Whitney. I have the qualifications and experience set out in my statement of evidence on Hearing 4. I am a planner at Boffa Miskell Ltd, appearing on behalf of Transpower NZ Ltd.
- 1.2 If agreeable to the panel, I will speak to my summary and happy to respond to questions at any stage.

2 Other party rebuttal evidence and summary statement

- 2.1 In response to the rebuttal evidence of Mr Smeaton (the council reporting officer) my evidence stands (subject to the recommended amendments to P7, P8 and P9).
- 2.2 In response to the summary statement of Ms Williams (on behalf of Kainga Ora) I have considered the sought changes to INF-P6 but do not support the amendments as they do not give effect to NPSET Policy 10. Specifically the amendments do not impose an 'avoid' reverse sensitivity requirement in relation to land use and development activities, rather only addresses subdivision.

3 This summary

- 3.1 This summary sets out an overview of my primary evidence (dated 21 January), my rebuttal evidence (dated 2 February) and supplementary evidence provided to the panel on 11 February. For completeness I note my primary and rebuttal evidence stand. However in the supplementary evidence, I recommend amendment to INF-P7, INF-P8 and INF-P9. As outlined, these amendments respond to the matters raised in the legal submissions by the Director General of Conservation and have been discussed with DoC with agreement reached.
- 3.2 I appreciate these amendments have been supplied at late notice but Transpower and DoC were seeking to resolve these matters prior to the hearing so as to assist the panel in reconciling the points of difference. If agreeable to the panel, I can outline these changes now.
- 3.3 In its submission Transpower sought a new policy relating to the 'operation and maintenance' (recommended by the officer as INF-P7) of the National Grid, and amendment to notified policies INF-P8 and INF-P9 (as renumbered) relating to the upgrade and development of the National Grid.

- 3.4 **In respect of INF-P7**, the officer has proposed a new Policy for the *Operation and maintenance and repair of the National Grid* which I support in part but recommend amendment to reflect the existing nature of the National Grid infrastructure. For context I note there are no existing National Grid assets within or within proximity of the identified Coastal Environment line.
- 3.5 In my supplementary evidence I recommend amendment to the policy to include “while managing the adverse effects of these activities”. This text gives effect to NPS Policy 5 “When considering the environmental effects of transmission activities”. I remain of the opinion the officer recommended clause 1 and 2 are inappropriate and do not give effect to the NPSET as:
- a the ‘(must) minimise’ directive as proposed by the reporting officer goes beyond that required in the NPSET with respect to the operation, maintenance and minor upgrading of the Grid, and in the absence of any definition of minimise in the PPDP or consideration of technical or operational constraints, the policy is overly directive with respect to the activities to which it relates.
 - b With respect to overlays, I note the policy will apply where consent is required under the NESETA. The absence of any specific reference to overlays in my recommended policy does not discount their consideration, rather the consideration will be framed by the matters of control and discretion in the NESETA for which consent is required. In many instances (such as earthworks and vegetation works) this includes visual, landscape and ecological effects and effects on historic heritage, As such any overlay on the site would be considered as part of the assessment. In my opinion, the directive nature of the wording within the officer recommended clause 2. ‘does not adversely impact’ does not give effect to the NPSET, specifically Policy 5. As a practical implementation example, when applied to SAL 005 (Belmont Hills Range) which the national Grid traverses, two of the characteristics and values are “*changes in light and shadow add a dramatic context to this open pastoral backdrops*”, and “*highly visible from Transmission Gully*”. I have concerns as to how these values would be applied to the National Grid if required to “not adversely impact on”. While some of the identified values/characteristics within the schedule are defined, some are very broad (such as SCHED 7 SNA which refers to the RPS policy 23 values in very general terms (for example Representative, Rarity, Diversity). For example SNA 124 (Cannons Creek Bush) which the NG traverses, has the values of Representativeness, Rarity, Diversity, Ecological context). The requirement to ‘not adversely impact’ on such broad

values is in my opinion overly onerous given the policy relates to the operation, maintenance, and minor upgrade of the National Grid.

- 3.6 **INF-P8 and INF-P9.** Policy 8 applies to upgrading, and Policy 9 applies to development. In terms of the application of P8 and P9 while in its submission Transpower sought the two policies be merged, this was rejected in the s42A report. I have thus retained the separation in my evidence. In my primary evidence I have provided some commentary regarding the various terms of upgrading.
- 3.7 Other than upgrading, in the absence of any defined terms in the RPS, National Planning Standards, RMA or any other higher order documents, I do not recommend the inclusion of any definitions in the PPDP. I note the activity status for upgrading (in its various forms) would be governed by the NESETA and the framework I have recommended provides a suitable framework in which to assess the proposal against. I consider the application of the type of 'upgrading' will be contextual, dependent on many variables and are best determined at the consenting stage.
- 3.8 **With respect to INF-P8 Upgrade,** in my supplementary evidence I recommend amendment to the policy in the form of the reinstatement of clause 6 (which was in the PDPP as notified and unchanged in the Officer's Report, but which I proposed to delete in my Primary Evidence). In order to prioritise the 'seek to avoid' directive, I have moved the clause to the start of the policy clauses. I note the clause is not specific to the Coastal Environment and would therefore apply across all the scheduled sites. It should be noted that I remain of the view that reference to 'Open space and recreation zone' (now clause 1) should be deleted, as I consider that areas of 'high recreation value and amenity' (as recognised in NPSET Policy 8) would be captured by SCHED10 – Special Amenity Landscapes where they are of high value, and the 'seek to avoid' directive in NPSET Policy 8 does not apply to all open space zoned areas.
- 3.9 The balance of amendments to P8 are for the purpose to give effect to the NPSET and address concerns that the policy as proposed was more onerous than the NPSET requires in relation to upgrading.
- 3.10 **With respect to INF-P9 Development,** in my supplementary evidence I recommend inclusion of reference to SNA's and SAL's within my recommended clause 3 which relates to the coastal environment. I have also included a new policy directive to avoid significant adverse effects on NZCPS policy 11(b), 13(b) and 15(b) features. Lastly I have recommended amendment to clause 4.b. to

clarify that the considering of constraints is not confined to operational and functional needs as a conjunctive. Given the definition of 'functional need', there may be instances where there is not a functional need. The amendment would give effect to NPSET Policy 3 which refers to "technical and operational requirements".

- 3.11 The balance of amendments to P9 are for the purpose to give effect to the NPSET. Details are provided in evidence. In my opinion, the amendments to P8 reconcile the NPSET and the NZCPS, which in my opinion is not achieved in the policy as recommended in the s42A report.
- 3.12 The other three topics in my evidence relate to plan structure, provisions relating to enabling the NG, and provisions relating to managing the effects on the National Grid. Given my primary evidence stands on these matters, I only briefly summarise.

Plan Structure

- 3.13 As presently drafted, provisions relating to the National Grid are dispersed across various chapters in the PPDP (being Infrastructure, Subdivision Earthworks and zone chapters). While I appreciate the plan will be largely accessed as an e-Plan and cross referencing can be provided, in my opinion provisions relating to the National Grid would be better understood if they were all located in one part of the plan and rules and policies all presented together. This would provide a comprehensive and complete policy and rule framework for plan users. However, I appreciate the council's preference but would reiterate the rules need to clearly link to the infrastructure objectives and policies.

Provisions relating to enabling the National Grid - INF- P6

- 3.14 In its submission Transpower sought a new policy seeking the benefits of the National Grid be 'recognised and provided for'.
- 3.15 While I agree with the reporting officer that proposed Policy INF-P1 requires recognition of the benefits, in my opinion the generic RSI policy does not give effect to the NPSET in that it does not require the benefits be 'provided for'. The requirement to 'provide for' the benefits is a stronger policy directive than 'recognise' and imposes an additional and stronger obligation on decision makers in relation to the benefits of sustainable, secure and efficient electricity transmission. The sought policy gives effect to PPDP Objective 1 and is consistent with Policy 13A of the PNRP. In his rebuttal evidence Mr Smeaton refers to other PDPP policies. I do not consider these other policies (P1 and P2)

sufficiently directive for the National Grid as they do not require the benefits to be “provided for”.

The last topic in my evidence relates to managing the effects on the National Grid

- 3.16 In its submission Transpower sought relief in relation to policies and rules within the PPDP for subdivision, land use and development (including earthworks) within proximity of the National Grid.
- 3.17 The officer has recommended a new Policy INF-P6 *Adverse effects on the National Grid*. While I support the provision of a separate policy for the National Grid, I recommend amendment to ensure the policy direction is clear in its intent to protect the National Grid from reverse sensitivity effects and direct effects such as sensitive land uses and buildings and structures, and ensure the Grid is not compromised. Such relief would give effect to Policies 10 and 11 of the NPSET. In rebuttal evidence Mr Smeaton recommends an addition (clause 2) to the policy. While an improvement, the policy still does not give effect to the NPSET. Specifically:
- a I note his new clause directs to ‘minimise adverse effects’. Such wording does not give effect to the directive wording in NPSET policy 10.
 - b I am unclear as to the benefit of the second part of his recommended rebuttal clause “requiring To be located and designed to maintain safe distances within the National Grid” as the policy will only come into play when an activity, building and structure is located in the Yard.
 - c While the chapeau refers to ‘compromise’, I prefer it within the body of the policy to reflect the two strands of NPSET Policy 10.
 - d While the subdivision clause is more comprehensive, in my opinion it is not sufficiently directive.
- 3.18 The balance of the outstanding submission points relates to rules (and policy EW-P5 in relation to earthworks) for land use and earthworks within the National Grid Yard.
- 3.19 The overall purpose of the amendments recommended in my evidence are to provide a cohesive and comprehensive framework for managing activities in proximity of the National Grid.

4 In conclusion

- 4.1 In my opinion, the policy and rule framework as proposed in the PPDP and recommended to be refined through the Transpower submission and this evidence gives effect to the NPSET.

Pauline Whitney

14 February 2022