

Before the Proposed Porirua District Plan Hearings Panel In Porirua

IN THE MATTER of the Resource Management Act

AND

IN THE MATTER the Proposed Porirua District Plan -
Hearing Stream 4: Energy,
Infrastructure and Transport, General
District-Wide. Matters on behalf of
Wellington Electricity lines Limited –
Submitter 85.

STATEMENT OF EVIDENCE (TABLED) BY TIMOTH JOHN LESTER

DATED 21st DAY OF January 2022

1.0 INTRODUCTION

- 1.1 My name is Timothy John Lester. I am a Resource Management Consultant with Edison Consulting Group and I am tabling planning evidence for Hearing Stream 4 based on a submission that was lodged on behalf of Wellington Electricity Lines Limited (WELL).
- 1.2 I hold a Masters Degree in Resource and Regional Planning from the University of Otago, and have over 16 years' experience in the field of environmental management and regulation in New Zealand and Australia – the past 10 of these years have been with a specific involvement within the electrical supply industry in New Zealand.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with the code. My evidence in this statement to be tabled before the Hearings Panel is within my area of expertise. I have not omitted to consider material facts known to me that might alter to detract from the opinions which I express.
- 1.4 The purpose of tabling this evidence is to reiterate and expand upon the key submission points contained within WELL's written submissions on the Porirua District Council (Council) Proposed District Plan (PDP), as well as in response to the recommendations made in the S42A Planners Report.
- 1.4 WELL is an original submitter on the PDP [S85] as well as providing further submissions. I was the principal author of WELL's submissions.

2.0 SCOPE OF EVIDENCE

- 2.1 This evidence has been tabled in response to the Section 42A Planners Report as it relates to the Infrastructure provisions of the PDP.
- 2.2 Specifically, this evidence seeks to respond to the Planning Report's recommendation to reject WELL's request to explicitly include high-voltage facilities of the District's electricity distribution network in the PDP definition for Regionally Significant Infrastructure (RSI).
- 2.3 In providing a response to the s42A Report, I wish to present to the hearings panel (in **Attachment A**) a recent Environment Court court order (associated with the Greater Wellington Regional Council's Natural Resource Plan) which more clearly captures high-voltage elements of the electricity distribution network as being RSI. This court order is dated post WELL's submission on the PDP – and hence was not available to present to Council under the initial submission period.

- 2.4 Given the effect of this court order – I consider that tabling this document with the Hearings Panel is appropriate, and furthermore, I contend that the document can be submitted as it is within the scope of WELL's initial submission point on the PDP definition for RSI.
- 2.4 Notwithstanding this key matter of contention – WELL is generally supportive of the remaining matters contained within the s42A report as they relate to their submission. In particular, this support is based on how the document identifies and addresses elements such as sub transmission lines as an integrated approach to the management of Porirua's natural and physical resource.
- 2.5 Whilst acknowledging this support in principle – my statement of evidence seeks to demonstrate that without accommodating WELL's concern regarding clarity of the RSI definition, the PDP will not effectively provide an integrated and consistent approach to managing the District's natural and physical resources - particularly in regard to enabling the operation and development of critical electricity distribution infrastructure. This limitation is directed to how the term *Regionally Significant Infrastructure* is proposed to be interpreted and applied, throughout the document.

4.0 WELL's Submission

- 4.1 WELL's submission and further submission traversed a number of topics contained within the PDP as they relate to ensuring that electricity distribution network facilities and operations were adequately provided for and that appropriate recognition was given to the benefits of network utility infrastructure (in general), and RSI (in particular), and the important and integral contribution the network provides not only to Porirua District, but also to the wider Wellington Region.
- 4.2 The underlying purpose of WELL's submission was to enable the importance of critical distribution infrastructure across the region to be recognised, and therefore subject to the District Wide and Infrastructure provisions of the PDP.
- 4.3 To achieve this as concisely as possible, the initial WELL submission [85.6] sought to have the definition for Regionally Significant Infrastructure include the word 'local'; so as to read..
- d) facilities for the generation and/or transmission of electricity where it is supplied to the local network;*
- 4.4 The intent of the submission was to include high-voltage elements of the distribution network under the RSI definition – as it currently stands the PDP definition is not explicitly clear whether or not these facilities are indeed captured.

- 4.7 Having a reflective definition of RSI is deemed critical by WELL, as currently the proposed definition of Regionally Significant Infrastructure can be taken to exclude the distribution network by referring to Electricity Transmission Infrastructure (i.e., the National Grid), and the supply of electricity to the electricity network (as opposed to within the network).
- 4.8 The importance of appropriately providing RSI coverage for electricity distribution binds a number of important considerations for WELL in regard to development, maintenance and protection of high-voltage facilities throughout the Porirua District (i.e., reverse sensitivity in the case of rural subdivisions, and establishing future growth cells).

5.0 Section 42A Report

- 5.1 The s42A report (Planners report) has assessed the submission points relevant to Hearings Stream 4 and in particular, to the definition for RSI.
- 5.2 Upon review of the planners report, I note that WELL's substantive submission regarding the RSI definition [85.6] is not recommended to be accepted by Council.
- 5.3 The principal reasons given in the report are on pages 99 and 100 (paragraph 727 and 728) of the Planners report - where it states:

"727. I note that the Electricity Governance Rules dated 1 May 2010¹⁰ defined 'network' as meaning 'the grid, a local network or an embedded network'. As the clause in the RPS definition of regionally significant infrastructure refers to 'the network', I consider that this implies that it is inclusive of these separately defined parts of the network. As such, I consider that the amendment sought would not be consistent with the definition of regionally significant infrastructure in the RPS."

And

"728. I also note that, under the Electricity Industry Act 2010, 'distribution' is defined as meaning 'the conveyance of electricity on lines other than lines that are part of the national grid'. I consider that this indicates that the sub-transmission lines operated by WELL are part of the distribution network under the relevant New Zealand legislation."

- 5.4 In response to the first point made by the assessing Planner – I note that the Electricity Governance Regulations 2003 (Regulations) and the Electricity Governance Rules 2003 (Rules) were revoked from 1 November 2010 by the Electricity Industry Act 2010; hence, reference to these rules may not be appropriate in the context of WELL's submission.
- 5.5 The recommendation also referees to consistency of the PDP with that of the Wellington Regional Policy Statement (WRPS). In this regard it is noted that within Section 3.3(b) –

Infrastructure - of the WRPS the distribution network is identified as being a significant resource. Furthermore, the WRPS goes on to state that:

“This infrastructure forms part of national or regional networks and enables communities to provide for their social, economic, and cultural wellbeing and their health and safety” (page 34).

5.6 In consideration of the WRPS – having the high-voltage facilities of the distribution network more clearly identified as being RSI in the PDP will not be inconsistent with the intent and coverage of the policy statement.

5.7 The applicable RSI definition in the WRPS is as follows:

“facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003”

5.8 It is the chain of words in the definition **“to the network”** which lead to uncertainty in containing the distribution network within the defined term. Indeed, the words ‘to the network’ could understandably be interpreted as to mean facilities up to, but not including the network.

5.9 As a consequence of the uncertainty behind what elements of the distribution network are significant in a regional sense to those elements which are not (i.e., the local-level of supply at voltages less than 11kV are not significant in a regional sense) a revised definition has been used for the Wellington Region Natural Resource Plan.

5.10 The definition detailed in the following section is within the ambit of WELL’s initial submission point in that it categorically includes WELL’s regionally significant electricity sub transmission network – yet tempers the definition so as not to include local-level customer connection elements.

6.0 Regionally Significant Infrastructure: GWRC Natural Resource Plan

6.1 A negotiated court order has been attached to this evidence which has resulted through the appeals process of the GWRC Natural Resource Plan.

6.2 As contained in the attached, and presented in the Appeals Version of the NRP, the RSI definition now includes the following clause:

“facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network”.

- 6.3 I consider that this clause is appropriate to be inserted into the PDP so as to ensure consistency with the higher-level regional plan, as well as giving plan users more clarity regarding the regionally significant elements of the distribution network.
- 6.4 The new clause is considered to be within the scope of the initial submission point insofar that it excludes the low-voltage (i.e., < 11kV) local distribution network from the definition to the same extent as WELL's submission.

7 CONCLUSION

- 7.1 WELL welcome the opportunity to be involved in the development of the Proposed Porirua District Plan. Through this process WELL seeks to ensure that its high-voltage distribution facilities are appropriately recognised as regionally significant and protected from the potential adverse effects of other activities.
- 7.2 In my view the amendments sought by WELL on provisions contained in the proposed plan will promote the sustainable management of natural and physical resources and will assist WELL in delivering a robust and reliable power distribution network regionally.

Signed

A handwritten signature in blue ink, appearing to read 'Tim Lester', is enclosed within a thin blue rectangular border.

Tim Lester

Consultant to Wellington Electricity Lines Limited

Dated the 21st day of January 2022

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of appeals under cl 14 of Schedule 1 to
Resource Management Act 1991

BETWEEN TRANSPOWER NEW ZEALAND
LIMITED

(ENV-2019-WLG-000108)

MASTERTON DISTRICT COUNCIL

(ENV-2019-WLG-000110)

MERIDIAN ENERGY LIMITED

(ENV-2019-WLG-000115)

PORIRUA CITY COUNCIL

(ENV-2019-WLG-000116)

HUTT CITY COUNCIL

(ENV-2019-WLG-000120)

WELLINGTON WATER LIMITED

(ENV-2019-WLG-000123)

RANGITĀNE TŪ MAI RĀ TRUST
AND RANGITĀNE O WAIRARAPA
INC SOCIETY

(ENV-2019-WLG-000125)

SOUTH WAIRARAPA DISTRICT
COUNCIL

(ENV-2019-WLG-000127)

POWERCO LIMITED

(ENV-2019-WLG-000129)



TRANSPOWER NEW ZEALAND LTD v WELLINGTON REGIONAL COUNCIL

NEW ZEALAND TRANSPORT
AGENCY

(ENV-2019-WLG-000131)

FIRST GAS LIMITED

(ENV-2019-WLG-000132)

Appellants

AND

WELLINGTON REGIONAL
COUNCIL

Respondent

Court: Environment Judge B P Dwyer sitting alone pursuant to s 279
of the Act

Date of Order: 1 July 2021

Date of Issue: 1 July 2021

CONSENT ORDER

- A: Under s 279(1)(b) of the Act, the Environment Court orders, by consent, that the changes set out in **Appendix A** be made to the Proposed Plan.
- B: The appeal points relating to the definitions of 'regionally significant infrastructure', 'renewable energy generation activities', 'strategic transport network', 'upgrade' and 'operational requirement' are otherwise dismissed.
- C: Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] The Court has read the notices of appeal and the memorandum of the parties received 27 May 2021.

Other relevant matters

[2] The following persons gave notice of an intention to become parties to the appeals under s 274 of the Act, and have signed the consent memorandum setting out the relief sought:

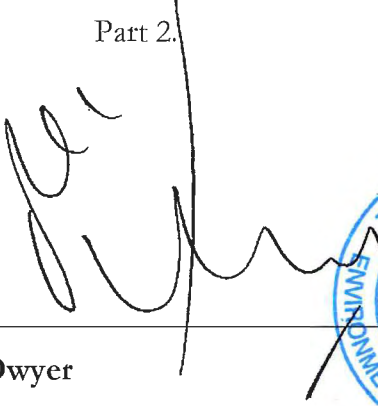
- Horticulture New Zealand;
- CentrePort Ltd and CentrePort Properties Ltd;
- Kāpiti Coast District Council;
- Wellington International Airport Ltd;
- BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd, Z Energy Ltd;
- Royal Forest and Bird Protection Society of New Zealand Inc; and
- Winstone Aggregates.

Wellington Fish and Game Council, Hutt City Council and Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Society did not sign the consent memorandum, but in accordance with the Court's direction in its minute dated 28 April 2021, they are deemed to have accepted the consent memorandum and order.

Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order or are deemed to have done so in accordance with the Court's minute of 28 April 2021;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.


B P Dwyer
Environment Judge



KEY:

Red track - changes made at mediation

Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

**APPENDIX A - RELEVANT PROVISIONS - (DECISIONS VERSION -
WITH CLAUSE 16 CHANGES) - TOPIC 5**

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| Operational requirement | When an activity needs to be carried out in a particular location or way <u>(including because of technical, logistical or safety reasons)</u> in order to be able to function effectively and efficiently. |
| Regionally significant infrastructure* | <p>Regionally significant infrastructure includes:</p> <ul style="list-style-type: none">• pipelines for the distribution or transmission of natural or manufactured gas or petroleum, <u>including any associated fittings, appurtenances, fixtures or equipment</u>• strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001• strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989• the national electricity grid <u>National grid</u>• facilities for the generation and/or transmission of electricity where it is supplied to the <u>National grid electricity and/or the local</u> distribution network, including the national grid <u>This excludes supply within the local distribution network.</u>• <u>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network.</u>• the local authority water supply network <u>(including intake structures)</u> and water treatments plants• the local authority <u>wastewater and stormwater networks, and, systems, including treatment plants and storage and discharge facilities and wastewater treatment plants</u> |



| | |
|---|--|
| | <ul style="list-style-type: none"> the Strategic Transport Network (<u>including ancillary structures required to operate, maintain, upgrade and develop that network</u>) <u>the following local arterial routes: Masterton-Castlepoint Road, Blairlogie-Langdale /Homewood /Riversdale Road and Cape Palliser Road in Wairarapa, Tītahi Bay Road and Grays Road in Porirua, and Kāpiti Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatarawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti.</u> Wellington City bus terminal and Wellington Railway Station terminus Wellington International Airport Masterton Hood Aerodrome <u>Paraparaumu Kapiti Coast Airport</u> Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines. <u>Silverstream, Spicer and Southern landfills.</u> |
| Renewable energy generation activities | <p>The construction, operation and maintenance of structures <u>and ancillary facilities (including internal access tracks and roads within the site)</u> associated with renewable energy generation, including small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</p> |
| Upgrade | <p>Use and development to bring existing structures or facilities up to current standards <u>or to improve the functional characteristics of structures or facilities</u>, provided <u>the upgrading itself does not give rise to any significant adverse effects on the environment and provided</u> that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.</p> <p><u>In relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant</u></p> |

| | |
|------------------------------------|---|
| | <u>infrastructure and replacing support structures within the footprint of authorised activities.</u> |
| Strategic Transport Network | <p>The Strategic Transport Network comprises includes the following parts of the Wellington Region's transport network:</p> <p>(a) All railway corridors and 'core' bus routes as part of the region's public transport network identified in the Regional Land Transport Plan 2015, and</p> <p><u>(b) All existing and proposed state highways; and</u></p> <p><u>(cd) All Any other</u> strategic roads that are classified as a National High Volume Road, National Road, or Regional Road as part of the region's strategic road network identified in the Regional Land Transport Plan 2015, and</p> <p><u>(ed)</u> Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, and</p> <p><u>(de)</u> All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2015, <u>and</u></p> <p><u>(f) Any other existing and proposed cycleway and/or shared paths for which the New Zealand Transport Agency and/or a local authority is/was the requiring authority or is otherwise responsible.</u></p> <p><u>The Strategic Transport Network is mapped in the Regional Land Transport Plan 2015.</u></p> |

