

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

Statement of Rebuttal evidence of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 2 February 2022

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1 Executive Summary

- 1.1 This statement of rebuttal evidence responds to planning evidence of Ms Karen Williams filed on behalf of Kāinga Ora – Homes and Communities (**‘Kāinga Ora’**) in respect of the Proposed Porirua District Plan (**‘PPDP’**) Hearing 4: Strategic Directions, Energy, Infrastructure and Transport, General District-Wide Matters.
- 1.2 I disagree with the relief sought in the evidence of Ms Williams as it relates to objective INF-O2, policy INF-P6, and policy INF-P9 (renumbered INF-P11).
- 1.3 While not rebuttal evidence, I also note a correction to my evidence in respect of the reference to the Hazardous Substances Regulations 2001, with the National Grid Yard rule INF-Rxx.

2 Introduction

- 2.1 My full name is Pauline Mary Whitney. 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 4: Strategic Directions, Energy, Infrastructure and Transport, General District-Wide Matters (**‘Primary Evidence’**).¹
- 2.2 I repeat the confirmation that I provided in my Primary Evidence² that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014).
- 2.3 This statement of rebuttal evidence should be read together with my Primary Evidence. My Primary Evidence sets out the foundation for my approach in terms of the relief Transpower seeks in respect of the PPDP, and the need to give effect to the National Policy Statement on Electricity Transmission (**‘NPSET’**). I do not repeat that material here.

3 Response to evidence of Ms Williams

- 3.1 Of relevance to Transpower, the planning evidence by Ms Williams³ on behalf of Kāinga Ora seeks amendment to INF-O2, INF-P6 and INF-P9 (renumbered INF-P11). For the reasons below, I disagree with the relief sought.

¹ Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited, Dated 21 January 2022, Hearing Stream 4: Strategic Directions, Energy, Infrastructure and Transport, General District-Wide Matters, at paragraph 2.

² Whitney, 21 January 2022, at paragraph 2.2.

³ Statement of evidence of Karen Tracy Williams on behalf of Kāinga Ora – Homes and Communities, Dated 21 January 2022, Hearing Stream 4: Strategic Directions, Energy, Infrastructure and Transport, General District-Wide Matters.

Objective INF-O2

- 3.2 The evidence of Ms Williams seeks amendment to INF-O2 to delete ‘including reverse sensitivity effects’, noting that ‘reverse sensitivity effects’ are captured by the wider wording of the objective.⁴
- 3.3 Objective INF-O2 applies to all infrastructure, including the National Grid. Policy 10⁵ of the NPSET provides specific reference to reverse sensitivity effects and I therefore support inclusion of reference within the Objective. I do not agree that inclusion of a reference to reverse sensitivity effects elevates such effects over and above other adverse effects, as suggested by Ms Williams.

Policy INF-P6

- 3.4 INF-P6 is the officer recommended National Grid specific policy. In my evidence I have recommend several changes to INF-P6.⁶ The evidence of Ms Williams generally supports the policy as recommended by the reporting officer, subject to the following ‘small’ recommended changes. The sought changes and my response are below:
- a Amendment to clause 1⁷ (which applies to the National Grid Yard) to clarify that it only relates to new/intensified sensitive activities and buildings: Given the policy would only apply for activities which trigger a need for resource consent (being either new or intensified sensitive activities and buildings) I do not consider the change necessary.
 - b Amendment to clause 2⁸ (which applies to the National Grid Subdivision Corridor) to “reflect a more positive framing statement” to the policy by replacing “Only allowing” with “Providing”, and in relation to reverse sensitivity effects, replacing “any reverse sensitivity effects” with “unacceptable reverse sensitivity effects”: I do not support the recommended changes. As noted above, I have recommended amendments to INF-P6 in my Primary Evidence which I believe to some extent address the concerns raised in the evidence by Ms Williams. These changes include removal of the word ‘any’.⁹ While my recommended clause 1A “Avoiding reverse

⁴ Williams, 21 January 2022, at paragraphs 5.11-5.13.

⁵ POLICY 10

In achieving the purpose of the Act, decisionmakers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

⁶ Whitney, 21 January 2022, at paragraphs 7.66 – 7.67.

⁷ Williams, 21 January 2022, at paragraph 5.29.

⁸ Williams, 21 January 2022, at paragraph 5.30.

⁹ Whitney, 21 January 2022, at paragraph 7.67.

sensitivity effects on the National Grid” is broad, it does not feature the word ‘any’. Policy 10 of the NPSET is clear in its directive to (as far as reasonably possible) “manage activities to avoid reverse sensitivity effects on the electricity transmission network”. I do not support introducing the word “unacceptable” in relation to reverse sensitivity effects as it introduces uncertainty to the policy (and is at odds with the direction in NPSET to manage activities ‘as far as reasonably possible’, i.e. not just where the effects of those activities are ‘unacceptable’). Policy direction is provided within clause 2 as to the effects to be considered within the National Grid Subdivision Corridor. Given the national significance of the National Grid, in my opinion a clear avoidance policy directive is appropriate. For the same reasons I do not support replacing “Only allow” with “Providing for”.

Policy INF-P9 (renumbered INF-P11)

- 3.5 Policy INF-P9 applies to Regionally Significant infrastructure, including the National Grid. The evidence of Ms Williams¹⁰ seeks a small (but significant) amendment to the policy to clarify it does not apply to the National Grid, on the basis this change is consistent with other changes recommended within INF-P8 (renumbered as INF-P10). I do not support the relief sought as in my opinion the policy is applicable to the National Grid and includes matters (INF-P9 Clause 2, 3 and 5) not addressed within the National Grid specific policies. I also note INF-P9 (renumbered INF-P11) applies to not only new infrastructure and upgrades, but also the repair and maintenance of infrastructure. While the National Grid specific upgrade and development policies INF-P6 (renumbered INF-P8) and INF-P7 (renumbered INF-P9) include reference to constraints, functional and operational need and the route, site and method selection, these matters are not included in the National Grid operation and maintenance policy INF-P7. The application of INF-P9 to the National Grid is therefore necessary to address the policy gap.

4 Evidence Correction - Supplementary comments regarding hazardous substances rule

- 4.1 In my evidence (Paragraph 7.71 clause c and proposed rule INF-Rxx in paragraph 7.73) I reference the Hazardous Substances (Classification) Regulations 2001. It has come to my attention these regulations have been revoked and the new regime, adopted in April 2020, is the Globally Harmonised System (GHS 7) which is implemented via the Hazardous Substances (Hazard Classification) Notice 2020. The references to Classes 1 – 9¹¹ are removed and

¹⁰ Williams, 21 January 2022, at paragraphs 5.38.

¹¹ 5 Classes of hazardous properties

instead reference is made to the properties (i.e. flammable, explosive, aerosols etc). The reasoning and relief sought in my primary evidence stands, however I recommend a correction to the regulations reference and removal of reference to class 1-4 within recommended clause e. of rule INF-Rxx (pages 41 and 67 (Appendix D) of the evidence) as follows:

...

e. The building or structure is not used for the handling or storage of ~~Class 1-4~~ hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020 Regulations 2004) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic-scale quantities); and

...

5 Conclusion

5.1 I have read and considered the views put forward in the statements of evidence by the other parties. For the reasons provided above, I support the PPDP as outlined in my Primary Evidence.

Pauline Whitney

2 February 2022

(1) The classes of hazardous properties are as follows:
(a) class 1—explosiveness:
(b) class 2—flammability, gases:
(c) class 3—flammability, liquids:
(d) class 4—flammability, solids:
(e) class 5—capacity to oxidise:
(f) class 6—toxicity:
(g) class 8—corrosiveness:
(h) class 9—ecotoxicity.
(2) Class 7 is unallocated.