

Before the Proposed Central Hawke's Bay District Plan Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Central Hawke's Bay District Plan –
Hearing Stream 7:
Energy, Infrastructure, and Transport:

Network Utilities, Noise (Network Utilities), Signs (Network Utilities), Renewable Energy, Transport, and Designations

Between **Central Hawke's Bay District Council**
Local authority

And **Transpower New Zealand Limited**
Submitter 79 and Further Submitter FS18

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

Executive Verbal Summary presented at the hearing

Dated: 14 December 2022

1 Executive Summary

- 1.1. As outlined in my Hearing Stream 3 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ('NPSET').
- 1.2. This is the third hearing at which Transpower has appeared. Through the hearing Streams 3 and 5, Transpower has largely agreed with the recommendations of the reporting officer, noting that the suite of National Grid provisions work as a collective, and the support (or agreement) expressed in evidence to the officer recommendations are dependent on the provisions subject to Hearing Stream 7.
- 1.3. Specific to Hearing Stream 7, Transpower lodged 68 submission points.
- 1.4. I have reviewed the s42A Report recommendations and largely support or accept the officer recommendations. However, there are two outstanding matters, being:
 - provision of a new National Grid specific 'seek to avoid' policy to consider the effects of the planning and development of the National Grid, and
 - a confined amendment to policy NU-P5 (manage the effects of other activities on the National Grid) to delete the wording 'To the extent reasonably possible'. The balance of the officer recommendation on NU-P5 is supported.
- 1.5. In relation to a new specific 'seek to avoid' policy one of the aspects within the NPSET which must be given effect to in district plans are provisions relating to enabling the National Grid. As outlined in my evidence, the NPSET requires the District Plan to include objectives and policies that:
 - Allow for the consideration of the technical constraints and operational requirements under which the National Grid operates, for example the linear nature of the transmission lines.
 - Have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the route, site and method selection.
 - Ensure new planning and development seeks to avoid adverse effects on more sensitive areas.
- 1.6. While policies NU-P2 and P3 have the reference to recognising constraints, I have concerns that such 'recognition' does not carry any weight in context of the avoid

directive within the policies. Furthermore, the PDP policies do not reference the route, site and method selection (NPSET policy 4) or provide a seek to avoid directive (NPSET policy 8). As notified NU-P2 and NU-P3 are more onerous than that directed under the NPSET. Or, to put it another way, insofar as the NPSET is intended to be enabling of the National Grid, the PDP wording would dilute that direction.

- 1.7. Transpower's more recent experience is that Councils have tended to adopt standalone National Grid specific policies to recognise the national significance of the National Grid and give effect to the NPSET. Such an approach is supported by Transpower as it ensures the NPSET is given effect to. As such, while Policies NU-P2 and NU-P3 provide a policy framework for addressing the effects of network utilities, they do not give effect to the NPSET in terms of recognising the clear policy directives in respect of the National Grid. Examples of other districts where a 'seek to avoid' or stepped policy approach specific to the National Grid has been adopted are attached to my evidence.
- 1.8. Specific to Policy NU-P5, my outstanding concern with the policy relates to the recommended text at the start of the policy "To the extent reasonably possible...". While I accept the term is used within the NPSET Policy 10, within context of Policy NU-P5 I do not consider the wording has any benefit or assists in the interpretation of the policy. In my opinion the policy would equally work with the starting directive "To manage...." The PDP has a clear and defined corridor management framework in which to manage the effects on the National Grid. Through the corridor framework it is possible to manage the effects and therefore the wording as recommended by the reporting officer is not required. Parties could argue that it is not reasonably possible to not locate their dwelling or packing shed within the National Grid Yard as there is no alternative site available. Such a proposition is contrary to the NPSET and clear directive within policies 10 and 11
- 1.9. I have also reviewed the lodged evidence of other submitters relevant to the National Grid (specifically that of Federated Farmers and Horticulture NZ Ltd) and my evidence stands. The issue of setback from poles was well canvased at Hearing Stream 3 and the evidence of myself and that of Mr Cartwright stands. My response to Panel Minute 9 provides a detailed assessment of setback from support structures with the assessment finding that all the District Plans (either operative or proposed) in the last five years adopt a common approach in that all the rules provide that buildings and structures must be set back 12m from support structures (whether they are poles or towers). As noted in my evidence response to Hearing Stream 3, the setback from the centreline of poles is different than the setback from the support structures themselves.

I further note that exemptions from the 12m setback are provided for horticultural, and crop support structures.

- 1.10. However, I have considered the evidence on policy NU-P5 and would also accept some wording changes to reflect aspects of the relief sought in the evidence of these parties, namely that the reference to 'avoid reverse sensitivity effects' be contained within the National Grid subclause 6 as opposed to the upfront chapeau. This would reflect the relief sought in the Transpower submission. For clarity, I remain opposed to the term "to the extent reasonably possible".

Policy NU-P5

To the extent reasonably possible, manage protect network utilities from the adverse effects of subdivision, use and development to avoid adverse reverse sensitivity effects on network utilities where it that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:

.....

6. managing land use development (including sensitive activities), buildings, earthworks, vertical holes and structures and subdivision near the National Grid, within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid substation to avoid reverse sensitivity effects and ensure the electricity transmission network is not compromised;

7. managing land disturbance, earthworks and vertical holes, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and

- 1.11. The evidence of Ms Dasent in relation to the definition of upgrades is noted and I am neutral on the definition noting the NESETA regulates upgrading in relation to the National Grid.
- 1.12. I have also very briefly commented on the National Policy Statement for Highly Productive Land 2022 as it applies to the National Grid within matters addressed at this hearing.
- 1.13. Attached as Appendix B to my evidence is a table outlining all the Transpower submission points relevant to Hearing Stream 7.