

Before Hearing Panel – Proposed Plan Change 6 to the Hamilton City District Plan

Under The Resource Management Act 1991 (the Act)

In the matter of Proposed Plan Change 6 - Regulatory Efficiency
and Effectiveness

Between Hamilton City Council

Local Authority

And Transpower New Zealand Limited

Submitter

First statement of evidence of Pauline Mary Whitney

Dated 30 April 2020

STATEMENT OF EVIDENCE OF PAULINE MARY WHITNEY ON BEHALF OF TRANSPOWER

INTRODUCTION

Qualifications and Experience

- 1 My full name is Pauline Mary Whitney.
- 2 I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 23 years' experience as a resource management planner.
- 3 I have been a planning consultant based in Wellington for the past 18 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
 - Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
 - Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 4 Specific to Transpower New Zealand Limited ('Transpower'), I have been involved with preparing submissions / hearing evidence on over 17 planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 8 years.
- 5 My evidence is given in support of Transpower's submission on Proposed Plan Change 6 ("PC6") to the operative Hamilton City District Plan 2017.
- 6 In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise

through the submission process, as well as to prepare this evidence on the PC6.

Code of Conduct

7 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

8 My evidence covers the submissions made by Transpower to PC6.

9 My evidence will address the following:

- The planning background for Transpower's submissions, including an outline of Transpower's assets within Hamilton City and the need to provide appropriate recognition of the national significance of the National Grid in the context of higher level planning policy documents, particularly the National Policy Statement on Electricity Transmission 2008 ("NPSET"),
- The background to the proposed planning map amendments relating to transmission line assets within Hamilton City,
- An overview of Transpower's submission points on PC6, and
- My responses to the recommendations within the PC6 Section 42A Report on Transpower's submission points.

THE NATIONAL GRID AND TRANSPOWER'S ASSETS IN HAMILTON CITY

10 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"). This significance applies universally across the country regardless of the nature of the specific National Grid asset.

11 Transpower has a number of overhead and underground transmission line, substation and telecommunications assets within Hamilton City, comprising the following:

- Arapuni - Hamilton A 110kV transmission line (ARI-HAM-A)
- Arapuni - Hamilton B 110kV transmission line (ARI-HAM-B)
- Hamilton - Karapiro A 110kV transmission line (HAM-KPO-A)
- Hamilton - Waihou A 110kV transmission line (HAM-WHU-A)
- Hamilton Meremere B2 Cable Section 110kV transmission line (HAM-MER-B2-CBL-Z)
- Hamilton Meremere B1 Cable Section 110kV transmission line (HAM-MER-B1-CBL-Z)
- Hamilton - Meremere B 110kV transmission line (HAM-MER-B)
- Hamilton - Meremere A 110kV transmission line (HAM-MER-A)
- HAM-MER-A Cable Section 110kV transmission line (HAM-MER-A-CBL)
- Hamilton - Deviation A 220kV Transmission line (HAM-DEV-A)
- Hamilton Substation

12 A map of the above National Grid assets is appended to my evidence as **Appendix B**.

THE NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION 2008

13 National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 (“RMA”). Of particular relevance to PC6 and Transpower’s submission is the NPSET.

14 The NPSET sets a clear directive to councils on how to provide for National Grid resources (including future activities) when drafting plans under the RMA.

15 The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.

16 The NPSET sets out the one objective and 14 policies to direct the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**.

17 The one objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- a. Managing the adverse environmental effects of the network; and*
- b. Managing the adverse effects of other activities on the network.*

- 18 This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.
- 19 The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. The development of the National Grid is explicitly recognised in the NPSET.
- 20 Policy 1 specifies that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and enhanced supply.
- 21 Policies 2 to 9 relate to management of the environmental effects of transmission. In particular, Policy 2 states:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.
- 22 Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects during substantial upgrades, where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards. Policies 10 and 11 act as the primary guide to inform how adverse effects on the National Grid are to be managed through planning provisions.
- 23 Importantly, Policy 12 requires territorial authorities to identify the electricity transmission network on their relevant planning maps:

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

- 24 As the Hearing Panel will be aware, Section 75(3) of the RMA obliges district councils to 'give effect' to the NPSET in their district plans. Therefore, the NPSET must be implemented when drafting district policy and plan provisions (including plan maps) and considered in making decisions on submissions and resource consent applications, and when considering notices of requirement for designations. The requirement to 'give effect' is a strong statutory directive to Councils compared to other directives in the RMA and was interpreted in the *EDS v New Zealand King Salmon* Supreme Court case¹ as meaning "to implement".

BACKGROUND TO THE PROPOSED NATIONAL GRID MAPPING CHANGES

- 25 As outlined in Transpower's submission, I understand that the PC6 proposed map changes to Appendix 17 (Planning Maps) that relate to the National Grid are to ensure that the District Plan maps reflect updated National Grid data provided to Council by Transpower in 2012.
- 26 This updated National Grid data was not incorporated into the Proposed District Plan (PDP) during the PDP submissions and hearings process, meaning that the PDP maps continued to use outdated data. Subsequently (as a result of proposed development in Tramway Road) Council has found that the National Grid Yard and National Grid Corridor are incorrectly mapped in the (now operative) District Plan.
- 27 It is my understanding that the planning map amendments to correct the Transmission Corridor align with the existing District Plan definition for 'National Grid Corridor' and 'National Grid Yard' and do not alter the physical location of the existing transmission lines. I therefore consider the corrections to be a minor amendment to ensure the accurate depiction of the Electricity Transmission Corridors on the District Plan planning maps.

TRANSPOWER'S SUBMISSION ON PC6

- 28 In September 2019, Transpower lodged a submission on the PC6. The submission sought to ensure PC6 appropriately recognises and provides for the National Grid.
- 29 The submission provided general support for PC6. Particular support was provided for the

¹ Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38

proposed amendments to correct mapping errors in relation to the Electricity Transmission Corridors (which includes Transmission Structures, Electricity Transmission Lines, National Grid Yard and National Grid Corridor) as shown on the operative District Plan planning maps.

30 Transpower made three specific submission points on PC6. In summary, these submission points sought the following relief:

- **Submission point 16.01:** Retain Rule 4.4.5 (Height in Relation to Boundary) clause c) ii) as proposed but correct the minor wording error within the rule wording,
- **Submission point 16.02:** Retain Rule 25.2.4.1 (Earthworks in All Zones) clause g) as proposed on the basis that there are no changes proposed to Rule 25.2.4.2 (Earthworks within any National Grid Yard), and
- **Submission point 16.03:** Retain the planning maps within Appendix 17 of PC6 (specifically Maps 4A and B, 10A and B, 29A and B, 38A and B and 48A and B), as notified which show the amended location of the Electricity Transmission Corridors (which includes Transmission Structures, Electricity Transmission Lines, National Grid Yard and National Grid Corridor). In relation to the proposed map amendments, Transpower also sought confirmation from Council that the maps shown in Appendix 8 of the Section 32 Evaluation do not show the full map changes and instead the maps within Appendix 17 of the Proposed Plan Change are to be relied on.

31 It is noted that WEL Networks made a further submission (FS3.02) supporting in part the relief sought in Transpower's submission point 16.02 subject to the amendments sought in its original submission (submission 22.02) being made to the rule. There no further submissions to the amended National Grid mapping amendments.

SECTION 42A REPORT RECOMMENDATIONS

32 The Section 42A report makes the following recommendations (in Appendix A - Analysis and Recommendations) in relation to the submission points made by Transpower:

- a. **Accept** submission point **16.01**
- b. **Accept** submission point **16.02** (and reject in part FS3.02 (WEL Networks) in relation to

the amendments sought in its original submission)

- c. **Accept** submission point **16.03**. *The reporting officer also makes the following comment in relation to the planning maps:*

"I can confirm that the maps shown in Appendix 8 do not show the full extent of the correction, only where there is an increase in the Transmission Corridor on each property. The planning maps in Appendix 17 are correct."

RESPONSE TO THE SECTION 42A REPORT RECOMMENDATIONS

- 33 As outlined above, the Section 42A report (in Appendix A) recommends that all of Transpower's submission points on PC6 be accepted.
- 34 I support the Section 42A report recommendations made in relation to Transpower's submission points. The recommendations will, in my opinion, ensure that the District Plan gives appropriate effect to the NPSET. In particular, the amendments give effect to Policy 12 of the NPSET as they will ensure the accurate mapping of the National Grid Yard and National Grid Corridor on the District Plan maps. I note the amendments are of a minor nature with the Transmission centreline (and corresponding Yard and Corridor) moving a maximum of 4.47 metres but typically around 2 metres.
- 35 I also accept the reporting officer's confirmation that the planning maps in Appendix 17 are correct and are to be relied on.

CONCLUSION

- 36 The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.
- 37 As the Hearing Panel will be aware, Section 75(3) of the RMA obliges Councils to 'give effect' to the NPSET in their plans and proposed plans. The requirement to 'give effect' is a strong directive to Councils and requires positive, demonstrable implementation.
- 38 I therefore consider it important and appropriate to ensure that PC6 makes appropriate allowance for the operation, maintenance, development and upgrade of the electricity transmission network in line with the policy direction provided in the NPSET, which, amongst other matters, requires district plans to identify transmission lines on planning maps.

39 As outlined in my evidence, I support the reporting officer's recommendations made on Transpower's submission points. These recommendations will, in my opinion, ensure that the PC6 gives appropriate effect to the NPSET and will appropriately recognise and provide for the significance of the National Grid for both Hamilton City and for New Zealand as a whole.

Pauline Mary Whitney

30 April 2020

Appendix A - National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

In achieving the purpose of the Act, decision-makers 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.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Appendix B – Map showing Transpower assets within Hamilton City

