

Before an Independent Hearings Panel
appointed by the Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to the
proposed Waimakariri District Plan, Variation 1 and
Variation 2

and: Hearing Stream 8 - Subdivision

Hearing Stream 9A – Industrial Zones

Hearing Stream 11 – Designations

and: **MainPower New Zealand Limited**
Submitter 249

Statement of Evidence of Melanie Foote

Dated: 28 March 2024

Reference: J M Appleyard (jo.appleyard@chapmantripp.com)
A M Lee (annabelle.lee@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 3 365 4587

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



STATEMENT OF EVIDENCE OF MELANIE FOOTE

INTRODUCTION

- 1 My full name is Melanie Karen Foote and I am a Principal Consultant at Resource Management Group Limited in Christchurch.
- 2 I have over 20 years' experience as a planner for local authorities and consultancies in Queenstown, United Kingdom and Christchurch. I hold a Bachelor of Resource Studies and a Post Graduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute.
- 3 I am familiar with the submission made by MainPower New Zealand Limited (submitter number DPR-0249) (*MainPower*) on 26 November 2021 and the planning issues discussed in that submission. I have been authorised by MainPower to provide evidence on its behalf.
- 4 The key documents I have used, or referred to, in forming my view while preparing this statement are:
 - 4.1 Industrial Zones, Section 42A report and appendices of Andrew Willis for Waimakariri District Council, dated 13th March 2024.
 - 4.2 Designations (Requiring authorities other than the District Council), Section 42A report and appendices of Neil Sheerin for Waimakariri District Council, dated 6 March 2024.
 - 4.3 Subdivision-Urban, Section 42A report and appendices of Rachel McClung for Waimakariri District Council, dated 13th March 2024.
 - 4.4 Subdivision – Rural, Section 42A report and appendices of Mark Buckley for Waimakariri District Council, dated 13th March 2024.
 - 4.5 Energy and Infrastructure Chapter, Section 42A report and appendices of Andrew MacLennan for Waimakariri District Council, dated 21 July 2023.
 - 4.6 Evidence of Mark Appleman for MainPower New Zealand Limited, dated 10 June 2023.
- 5 Terms and coding used in my evidence include:
 - 5.1 MainPower – MainPower New Zealand Limited.
 - 5.2 WDC – Waimakariri District Council.
 - 5.3 PDP – Proposed Waimakariri District Plan.
 - 5.4 WDP – Waimakariri District Plan.

- 5.5 RMA – Resource Management Act.
- 5.6 MEDL – Major electricity distribution line.
- 5.7 EI chapter – Energy and Infrastructure chapter of the PDP.
- 5.8 GIZ – General Industrial Zone.
- 5.9 HIZ - Heavy Industrial Zone.
- 5.10 LIZ – Light Industrial Zone.

CODE OF CONDUCT

- 6 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence on technical matters. I confirm that the technical matters on which I give evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

SUMMARY OF EVIDENCE

- 7 This brief of evidence relates to the submissions and further submissions made by MainPower on the Subdivision, Industrial and Designations chapters of the PDP.
- 8 This brief of evidence largely records MainPower’s agreement with WDC’s position expressed in the Section 42A reports however there are some minor points of contention in relation to the following:

Subdivision (Rural)
Plan Structure and location of corridor protection provisions
Subdivision corridor protection new rule and associated new matters of discretion.
Industrial
Corridor protection rule insertion and HIZ zone

MAINPOWER'S SUBMISSION ON THE SUBDIVISION CHAPTER (URBAN)

SUB-O2 Infrastructure and transport

- 9 MainPower supported this objective as part of its original submission but sought amendments to provide more clarity. Ms McClung has accepted the submission. I agree with the amendments proposed by Ms McClung.¹

SUB-P1 Design and Amenity

- 10 MainPower supported this policy and sought to have it retained as notified. Ms McClung supports this submission.² Ms McClung has recommended amendments in response to other submitters which I agree with.

SUB-P3 Design and Amenity

- 11 MainPower sought an additional clause around integration with the electricity distribution network. I agree with the assessment of Ms McClung³ that it is not necessary for SUB-P3 to address this matter and that this is adequately addressed under SUB-P8.

SUB-P6 Criteria for Outline Development Plans

- 12 MainPower supported this policy as notified. Ms McClung has recommended amendments⁴ and I agree with the amendments.

SUB-P8 Infrastructure

- 13 MainPower supported this policy as notified. Ms McClung has recommended amendments⁵ that do not affect MainPower. I agree with the recommended amendments.

SUB-R2 Subdivision

- 14 MainPower supported this rule as notified. Ms McClung has accepted this submission⁶ and recommends no amendments.

SUB – Subdivision Standards

- 15 MainPower sought an exemption for network utility sites under SUB-S2 to SUB-S18. The exemption was sought to ensure that the minimum allotment sizes do not apply to network utility sites. I agree with Ms McClung's assessment that appropriate exemptions are provided for through SUB-R2(1).⁷ Accordingly, I consider that the relief sought as part of MainPower's submission in relation to SUB-S2 - SUB-S18 is not necessary.

¹ S.42A report of Ms McClung (urban subdivision), dated 13 March 2024, paragraph 90, page 11

² Paragraph 164, page 22

³ Paragraph 144, page 19

⁴ Paragraph 244, page 33

⁵ Paragraph 268, page 37

⁶ Paragraph 300, page 42

⁷ Paragraph 320, page 44

SUB-S1 Allotment size and dimensions

- 16 MainPower supported this rule as notified. Ms McClung has recommended amendments⁸ and I agree with these.

SUB-MCD2 Subdivision Design

- 17 MainPower supported this rule as notified. Ms McClung has accepted MainPower's submission⁹ and recommends no changes. I agree with the recommendation of Ms McClung.

MAINPOWER'S SUBMISSION ON THE SUBDIVISION CHAPTER (RURAL)

SUB- Subdivision Standards

- 18 As per paragraph 15 of my evidence above I consider that appropriate exemptions are provided for within SUB-R2(1). The relief sought as part of MainPower Submission in relation to SUB-S2 to SUB-S18 is not necessary.

Submission on Plan Structure and location of Corridor Protection Provisions

- 19 MainPower, as part of its submission on the EI Chapter,¹⁰ opposed how the EI Chapter links to other district plan provisions and sought that the corridor protection provisions be included in each of the relevant zone chapters. Aligned with the alternative relief sought around hyperlinks MainPower seeks that all relevant subdivision provisions applicable to the activities of network utility operators be appropriately hyperlinked from the EI Chapter back to the subdivision chapter.
- 20 Ms McClung notes that the EI chapter s42A Report and the Right of Reply Report supports the use of cross referencing. However, Ms McClung states that MainPower has not provided any specific details as to what it seeks to have cross referenced, and why. Further Ms McClung does not agree that hyperlinks are necessary.¹¹
- 21 I disagree with Ms McClung's assessment as I consider there is a need to ensure that plan users can navigate to the relevant parts of the subdivision chapter with ease. I note that, as currently structured, network utility operators and other plan users are required to read the whole subdivision chapter to determine which rules are applicable to a particular activity or not.

⁹ Paragraph 414, page 58

¹⁰ Addressed in EI Chapter Evidence of Melanie Foote, dated 7 August 2023.

¹¹ S.42A Report of Mr Buckley (rural subdivision), dated 13th March 2024, paragraph 97, page 15

NEW RULE FOR SUBDIVISION AND MAJOR ELECTRICITY DISTRIBUTION LINES

New corridor protection rule for subdivision within 24m from the centreline of the major electricity distribution lines

- 22 MainPower’s submission sought a new rule controlling subdivision within 24m of a MEDL. Mr Buckley states that the intent of this proposed rule is to protect the national grid corridor.¹² I disagree with this statement. The national grid corridor protection provisions are provided for under SUB-R6 (Subdivision within the National Grid Yard). The National Grid is subject to its own specific provisions as outlined under the National Policy Statement on Electricity Transmission (*NPSET*) and this is implemented through specific rules in District Plans in relation to electricity transmission lines only.
- 23 MainPower’s MEDLs are not subject to the NPSET and therefore require a separate and specific rule to cover such lines. I understand that the rule sought in MainPower’s submission was omitted from the PDP but formed part of the pre-application consultation that occurred, which I was not part of. It is not clear why this was omitted. Further I note that this same rule is replicated in other district plans for example in the Hurunui District Plan, Christchurch District Plan and the Partially Operative Selwyn District Plan (Appeals Version).
- 24 The reason a 24m setback is sought from the centre line of a MEDL is to ensure subdivided lots can accommodate a building platform on a site of sufficient size to avoid having to locate the platform within the MEDL buffer corridor. By requiring a setback of 24m, it will avoid reverse sensitivity effects on the electricity distribution network and ensure that the operation, maintenance, upgrading, and development of the MEDLs are not compromised. Subdivision has the potential to directly affect the MEDLs. If setbacks are not included at the subdivisions stage, building platforms that may have to locate in the buffer corridor by virtue of site size can create issues for MainPower. The rule proposed complements the suite of corridor protection rules sought in relation to earthworks, activities and development and network utilities.
- 25 I disagree with Mr Buckley’s assessment¹³ and maintain the view that the following rule should be inserted:

SUB-RX Subdivision and Major Electricity Distribution Lines	
	Activity status: RDIS
<u>All zones</u>	Activity status when compliance with SUB-RX not achieved: NC

¹² Paragraph 190, page 29.

¹³ Paragraph 335, page 49

Where:

1. the subdivision is within 24m of the centreline of the major electricity distribution lines as shown on the planning maps and:
 - a. A building square for the principal building(s) and any building(s) for sensitive activities, is positioned at least 6m from the:
 - i. Centreline of the major electricity distribution lines as shown on the planning maps; and
 - ii. Foundation of any support structure of any major electricity distribution line as shown on the planning maps.

Matters of discretion are restricted to:

- Matters of control listed in SUB-MCDX – Effects on Major Electricity Distribution Lines

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to MainPower New Zealand Limited, where the consent authority considers this is required, absent its written approval.

- 26 I note as part of MainPower's original submission that Matters of Discretion associated with the insertion of the above new rule were not drafted. To assist the Panel I have drafted these and propose the wording below.

SUB-MDCX Effects on or from the Major Electricity Distribution Lines

1. **The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.**

2. **The provision for the ongoing efficient operation, maintenance, development and upgrade of the Electricity Distribution Network, including the ability for continued reasonable access to existing distribution lines for maintenance, inspections and upgrading.**
3. **The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of an identified building platform or platforms.**
4. **The extent to which the design and construction of the subdivision allows for activities to be set back from the Major Electricity Distribution, including the ability to ensure adverse effects on, and from, the Electricity Distribution Line and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the distribution lines.**
5. **The nature and location of any proposed vegetation to be planted in the vicinity of the Electricity Distribution Lines.**
6. **The outcome of any consultation with MainPower New Zealand Limited.**
7. **The extent to which the subdivision plan clearly identifies the Major Electricity Lines and identified building platform or platforms.**

SUB-MD6 – New Clause

- 27 MainPower sought a new clause requiring future subdivisions to identify all existing electricity distribution cables and lines on survey plans. Mr Buckley has recommended this be rejected¹⁴ as he considers this already occurs as Part of the District Council's Engineering Code of Practice. Further he states that this is an existing resource consent practice and should not require a provision in the District Plan. I agree with the recommendation of Mr Buckley and consider that MainPower's relief is no longer required.

MAINPOWERS SUBMISSION ON THE INDUSTRIAL CHAPTER

Corridor Protection Provisions: plan structure and location of provisions

- 28 MainPower has MEDLs that are located in and adjacent to the GIZ zone. On this basis MainPower sought to insert corridor protection provisions into the GIZ along with a supporting new objective, policy and rules. As per my EI

¹⁴ Paragraph 350, page 50.

Chapter Evidence,¹⁵ I still maintain this position and disagree with the recommendation of Mr Willis to reject this submission.¹⁶

- 29 Mr Willis states¹⁷ that he is comfortable ensuring that there is clear cross referencing to the relevant rules managing major electricity distribution lines in the EI Chapter, and Mr Willis suggests cross referencing in Appendix A of his Report. I would still prefer to locate the corridor protection provision relating to MEDLs in the relevant zone chapters for the reasons set out in my EI Chapter evidence but as previously noted to the Panel, MainPower would accept appropriate cross referencing as an alternative. I agree with the proposed cross referencing of Mr Willis¹⁸ however I consider that such referencing needs to also be hyperlinked to make it easier for plan users.
- 30 Mr Willis has noted¹⁹ that MainPower did not make a similar submission on the LIZ or HIZ chapters. I have cross checked the location of MEDLs on the planning maps and note that there are no MEDLs in the LIZ zone but that there is in fact a MEDL in the HIZ zone north of the Ashley River. I consider the insertion of the new objective, policy and rules also ought to be included in the HIZ zone.

MAINPOWERS DESIGNATIONS

Rollovers and modifications to Existing Designations

- 31 Pursuant to Scheule 1(4) of the RMA, MainPower gave notice to WDC that it sought the rollover of, or to make minor modifications to, a number of MainPower's designations. The modifications are sought primarily to ensure the designation schedule and mapping accurately reflects the site boundaries, legal descriptions and addresses for the sites.
- 32 In summary:
- 32.1 MPNZ-4 Kaiapoi Substation: amend boundaries to align with correct boundaries.
 - 32.2 MPNZ-9 Rangiora North Zone Substation: amend the boundaries to align with the correct boundaries.
 - 32.3 MPNZ-1 Bennetts Substation, MPNZ-3 Cust Zone Substation, MPNZ-5 Kaiapoi Substation, MPNZ-6 Southbrook Office, storage, maintenance depot, workshop and ancillary activities, MPNZ-7 Oxford Zone

¹⁵ EI Chapter Evidence of Melanie Foote, dated 7 August 2023, Paragraphs 11-14 page 3

¹⁶ S.42A Report of Mr Willis dated 13 March 2024, paragraph 163, page 31

¹⁷ Paragraph 163, page 31

¹⁸ Paragraph 170, page 32

¹⁹ Paragraph 163, page 31

Substation, and MPNZ-8 Percival Substation, are all to be rolled over without any modifications.

- 32.4 MPNZ-2 Burnt Hill Substation: rollover of an existing designation with a modification sought to legal description.
 - 32.5 MPNZ-10 Southbrook Zone Substation rollover of an existing designation with a modification sought to the site address.
 - 32.6 MPNZ-11 Swannanoa Zone Substation rollover of an existing designation with a modification to the site address.
- 33 I agree with the recommendations of Mr Sheerin in relation to MainPower's rollovers and modifications to existing designations.²⁰

CONCLUSION

- 34 The provisions, as amended, all support the sustainable management of MainPower's network and obligations as a Lifeline Utility Operator. I consider that the relevant chapters/section of the PDP considered as part of my evidence would achieve the purpose and principles of the RMA, along with the outcomes sought by other relevant statutory planning documents.

Dated: 28 March 2024



Melanie Karen Foote

²⁰ S.42A Report of Mr Willis dated 6 March 2024.