

Before an Independent Hearings Panel  
appointed by the Waimakariri District Council

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*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 3: Natural Hazards

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

Statement of Evidence of Melanie Foote

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Dated: 10 July 2023

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## **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 Natural Hazards Chapter, Section 42A report and appendices of Andrew Willis for Waimakariri District Council, dated 22 June 2023.
  - 4.2 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

### **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 evidence largely records MainPower’s agreement with Council’s position.
- 8 My evidence relates to the submissions and further submissions made by MainPower on the Natural Hazards Chapter.

## **MAINPOWERS SUBMISSION ON PLAN STRUCTURE**

- 9 MainPower’s submissions included opposition to how the EI Chapter links to other District Plan provisions and sought that appropriate hyperlinks in the EI chapter to relevant rules in other chapters. I note that this issue will be addressed at the EI Hearing, rather than as part of each hearing.

## **MAINPOWER’S SUBMISSION ON THE NATURAL HAZARDS CHAPTER**

### **NH-01**

- 10 MainPower supported this objective as part of the original submission. Mr Willis has proposed amendments<sup>1</sup> to NH-01. I agree with the proposed amendments.

### **NH-02**

- 11 MainPower supported this objective as part of the original submission. Mr Willis has recommended amendments<sup>2</sup> to NH-02. I agree with the proposed amendments.

### **NH-04**

- 12 MainPower supported this objective as notified. Mr Willis has recommended minor amendments<sup>3</sup>. I agree with the proposed amendments.

### **NH-P10**

- 13 MainPower supported this policy as notified. Mr Willis has recommended amendments<sup>4</sup>. I agree with the proposed amendments.

### **NH-P12**

- 14 MainPower supported this policy as notified. Mr Willis has recommended amendments<sup>5</sup>. I agree with the proposed amendments.

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<sup>1</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 160, page 27.

<sup>2</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 167, page 28.

<sup>3</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 178, page 29.

<sup>4</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 252, page 39.

<sup>5</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 265, page 41.

**NH-P13**

- 15 MainPower supported this policy as notified. Mr Willis has recommended amendments<sup>6</sup>. I agree with the proposed amendments.

**NH-P14**

- 16 MainPower supported this policy but sought amendments to specifically recognise the operational and functional need of critical infrastructure to locate in identified fault overlay area. Mr Willis has accepted our submission points and recommended amendments. I agree with the proposed amendments<sup>7</sup>.

**NH-P19**

- 17 MainPower supported this policy as notified. Mr Willis has recommended amendments<sup>8</sup>. I agree with the proposed amendments.

**NH-R4**

- 18 MainPower supported this rule as notified. Mr Willis has recommended amendments<sup>9</sup>. I agree with the proposed amendments.

**NH-R6**

- 19 MainPower supported this rule in principal but had concerns there would be a consenting burden in relation to above ground infrastructure. MainPower also sought the footprint of new infrastructure (and extension of) to be raised to 13m<sup>2</sup> to reflect the size of the structures typically installed.
- 20 Mr Willis has recommended accepting our submission in part and as such has recommended amendments<sup>10</sup> to the rule. I agree with the proposed amendments.

**INSERTION OF NEW RULE**

- 21 MainPower sought the addition of a new rule to provide a permitted activity pathway for above ground linear critical infrastructure and support structures. I no longer propose the insertion of this new rule as the recommended amendments of Mr Willis as part of NH-R6 satisfy my original concerns.

**NH-R14**

- 22 MainPower supported this rule but considered that it is overly restrictive where it applies to linear aboveground and below ground infrastructure. Mr

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<sup>6</sup> S.42a report of Andrew Willis, dated 22 June 2023, paragraph 278, page 43.

<sup>7</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 295, page 46

<sup>8</sup> S.42A report of Andrew Willis, dates 22 June 2023, paragraph 345, page 53.

<sup>9</sup> S,42A report of Andrew Willis, dated 22 June 2023, paragraph 409, page 64

<sup>10</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 427, page 67

Willis disagrees with our proposed amendments as he considers that MainPower's assets should be treated consistently with Transpower's. Mr Willis recommends the activity status change to restricted discretionary as opposed to discretionary. I agree with the proposed amendments.

#### **NH-R17**

- 23 MainPower supported this rule as notified but sought to increase the footprint to 13m<sup>2</sup> in order to accommodate the size of the typical cabinets and kiosks used by MainPower. I agree with the recommended amendments<sup>11</sup> proposed by Mr Willis.

#### **NH-R18**

- 24 MainPower supported this rule as notified. Mr Willis recommends proposed amendments<sup>12</sup>. I agree with the proposed amendments.

#### **NH-S1**

- 25 MainPower supported this standard however considered that the drafting of the rule was unclear as to how the need for a flood assessment certificate will be determined and applied to network utilities. Mr Willis has proposed amendments<sup>13</sup> to the standard and as part of NH-R6. I agree with the proposed amendments.

#### **NH-S2**

- 26 MainPower supported this rule but sought to ensure that a Coastal Flood Assessment Certificate will not be required for infrastructure such as poles and towers and the like in such areas. Mr Willis has accepted the submission point and states "*I have recommended accepting this submission so these assets would be excluded from the application of NH-S2...As such, it is my opinion that a Coastal Flood Assessment Certificate will not be required for infrastructure such as poles and towers...*". I note no amendments are recommended by the Mr Willis.

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<sup>11</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 556, page 88.

<sup>12</sup> S.42a report of Andrew Willis, dated 22 June 2023, paragraph 567, page 88.

<sup>13</sup> S.42A report of Andrew Willis, dated 22 June 2023, paragraph 595, page 94.

**CONCLUSION**

- 27 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: 10 July 2023

A handwritten signature in blue ink, appearing to be 'MK Foote', written in a cursive style.

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Melanie Karen Foote