

# SECTION 42A REPORT

Rebuttal Evidence

## Hearing 15: Designations

Report prepared by: Jane Macartney

9 April 2020



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# I Introduction

## I.1 Background

1. My full name is Jane Macartney. I am employed by Waikato District Council as a Senior Policy Planner and am the writer of the original section 42A report for Hearing 15: Designations.
2. My qualifications and experience are set out in the introduction of the s42A report together with my statement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014.
3. The recommended text changes as a result of this rebuttal evidence are set out in Rebuttal Appendix I. Recommended amendments that are the result of the original s42A report are shown in red, with recommended changes arising from this rebuttal evidence shown in blue.

## 2 Purpose of the report

4. In the directions of the hearings panel dated 26 June 2019, paragraph 18 states:
 

*If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.*
5. The purpose of this report is to consider the primary evidence filed by submitters. I do not address every point raised in evidence. I respond only to the points where I consider it is necessary to clarify an aspect of my earlier s42A report, or where I am persuaded to change my recommendation. In all other cases, I respectfully disagree with the evidence, and affirm the recommendations and reasoning in my s42A report.
6. Evidence was filed by the following parties for this designations topic:
  - a. WEL Networks Limited
  - b. Chorus New Zealand Limited
  - c. New Zealand Transport Agency
  - d. Waikato Regional Airport Limited
  - e. Reid Investments Limited
  - f. KiwiRail Holdings Limited
  - g. Department of Corrections
  - h. Transpower New Zealand Limited
7. As the result of New Zealand's Covid-19 'lock down', Transpower requested an extension of time to submit evidence and an adjournment of this hearing. In response to this request, the hearing panel's minute dated 27 March 2020 advised that they:
 

*“...will further consider your request to delay the date for your client to file evidence and adjourn the Designations hearing once you have had the opportunity to review the Minute, noting that the Panel understands that staff may be busy undertaking critical lifeline infrastructure work and would not wish to interfere with that in any way. One way forward may be for all other Transpower evidence to be filed “on time” and heard via Zoom, with the other statement being filed and considered later.”*

8. On 30 March 2020, Transpower advised that *'it will split its planning evidence so that the components that are not reliant on technical evidence are provided to the panel as soon as possible'*. This rebuttal evidence therefore addresses Transpower's first set of evidence received on 31 March 2020.
9. The hearings panel approved Transpower's request for a two week extension to provide their second set of evidence relating to the Meremere Switching Station designation. This evidence was received after this rebuttal was posted on Council's website and therefore I intend to provide my response on this matter at the hearing.

## 3 Consideration of evidence received

### 3.1 Evidence in support of the s42A report recommendations

10. Evidence in support of the s42A report recommendations was received from the following parties:
  - a. Waikato Regional Council
  - b. KiwiRail Limited
  - c. Waikato Regional Airport Limited

### 3.2 Topics addressed in evidence

11. The topics raised in evidence from each of the parties are discrete in that they relate to a particular designation. I have therefore structured my responses under headings for each requiring authority.

## 4 WEL Networks

### 4.1 Analysis

12. Ms Karleen Broughton has provided evidence as commercial legal counsel on behalf of WEL Networks. The s42A recommendation is supported, subject to two minor amendments in respect to Designations Q10 and Q17 shown below.

Table 2 - Amendments sought by WEL

Des #	Purpose of Designation	Location	Area	Legal Description
Q10	Raglan Substation	2A Hills Road, <u>Raglan</u>	1362m <sup>2</sup>	Lot 2 DP 429135 and part of Lot 1 DP 429135
Q17	Te Uku Substation	State Highway 23, Te Uku	835m <sup>2</sup>	Lot 1 DPS 8209 <del>SA28/252</del>

(Note: *italicised* and underlined text is new text inserted; 'strikethrough' text is deleted text)

13. These amendments reflect the original notice by WEL and it would appear that these minor errors were inadvertently introduced into the notified PWDP. I recommend that these amendments be accepted and have shown these in the updated version of Section E (Appendix I).

### 4.2 Recommendation

14. As a result of the evidence provided, it is recommended that the hearings panel:

- a. **Recommend** to WEL Networks Limited that it confirms the amendments to Designations Q10 and Q17 shown below and in the updated Section E (Appendix I).

### 4.3 Recommended amendments

Des#	Purpose of Designation	Location	Area	Legal Description
Q10	Raglan Substation	2A Hills Road, <a href="#">Raglan</a>	1362m <sup>2</sup>	Lot 2 DP 429135 and part of Lot 1 DP 429135
Q17	Te Uku Substation	State Highway 23, Te Uku	835m <sup>2</sup>	Lot 1 DPS 8209 <a href="#">SA2B/252</a>

## 5 Chorus New Zealand Limited

### 5.1 Analysis

15. Mr Chris Horne (Incite) has provided evidence on behalf of Chorus New Zealand Limited (Chorus).
16. Chorus supports the conclusions and s42A recommendations, with the exception of some minor matters discussed as follows.
17. Chorus has referred to the National Planning Standards (NPS) which require all designations to have a unique identifier. For Chorus, all designations will have a 'CNZ' identifier which will replace the PWDP's 'U' identifier.
18. Paragraph 47 of my s42A report stated that, as per the hearing panel's directions, Council is tasked with a project involving the restructuring of the PWDP to align with the NPS. The recording of designations as per the NPS can easily form part of this project. I have suggested that the NPS table format of designations could be provided to each requiring authority inviting their feedback at the same time as sending them the panel's recommendations that result from this hearing. Chorus appears supportive of this suggestion.
19. Chorus has commented that in respect to the rollover of their eight existing designations, changes in respect to the name of the requiring authority (previously Telecom) and legal descriptions should be considered 'corrections' rather than 'modifications', particularly given that the purpose and spatial extent of these designations is unchanged. I tend to agree, particularly given that the correction of minor errors is enabled through clause 20A in Schedule of the RMA without using the statutory process. Notwithstanding, this matter does not affect the rollover of these eight designations as requested by Chorus as no submission has been received and my original recommendation remains unchanged.
20. Chorus has expressed general support for the recommended conditions relating to their 25 new designations. The only amendments sought relate to Designation U20 (9 Wainui Road) which is affected by the height restriction plane for the Raglan navigation beacons and Designation U15 (608 Matangi Road) which is affected by the Waikato Regional Airport Conical Surface. I address these designations in turn.
21. For Designation U20, I have recommended that condition (6) requires a survey prior to constructing any building or structure to confirm they will not protrude into the height restriction plane that slopes between 10.3m and 12.9m above ground level on this site. I have recently discussed this matter with Mr Horne and agree that it is appropriate to require this survey work for any building or structure that exceeds 8m in height above

ground level. I consider that it is fair for a threshold to apply to avoid the cost of surveying building and structures that are not significant in terms of height and where they achieve a generous clearance (at least 2.3m in this case) from the height restriction plane. Accordingly, I recommend that condition (6) be amended as per Chorus' request.

22. For Designation U15, I have recommended a similar survey requirement with condition (7). Chorus has explained that the Waikato Regional Airport Conical Surface ranges from 95m above the Motoriki Datum on the inner side rising to 202m on the outer side. The height above sea level of the conical surface at 608 Matangi Road is approximately 55m and therefore approximately 52m above the Motoriki Datum. A 15m pole, as enabled by the designation conditions, would therefore only be a worst case of approximately 67m above the Motoriki Datum and has safe headroom to the conical surface, even taking into account any inaccuracy margin in the Google Earth data and the site's location towards the outer edge of the conical surface. Given this large margin of clearance, Chorus considers that a survey is not required. Based on these calculations, I agree. Accordingly, I recommend that condition (7) be deleted.
23. Chorus has noted minor errors in respect to the legal description for Designation U17 and road address for Designation U30. These corrections are shown in the updated Section E in Appendix 1.
24. Finally, Chorus advises that their notice of requirement included some drafting notes in respect to new Designations U19 and U26 for the benefit of Council staff which were not intended to be part of the designations. I agree that the asterisk symbols and corresponding advice note should be deleted. The inadvertent reference to U5 in the new designation conditions, rather than U15, has also been corrected. All requested corrections are shown in Appendix 2.

## 5.2 Recommendation

25. As a result of the evidence provided, it is recommended that the hearings panel:
- a. **Recommend** to Chorus New Zealand Limited that it confirms the amendments shown below and in the updated Section E (Appendix 1) and updated conditions for their new designations (Appendix 2).

## 5.3 Recommended amendments to Section E (Appendix 1)

U17	Telecommunication and radio communication and ancillary purposes	Private access track off Rutherford Road at rear of Pizzini Road, Orini	0.1233	<a href="#">Part Lot 1</a> and Part Lot 2 DP 19278
U30	Telecommunication and radio communication and ancillary purposes	76 <a href="#">Tahuna Johnson</a> Road, <a href="#">Ohinewai</a>	0.0276	Pt Allot 3481, Parish of <a href="#">Taupiri</a>

## 5.4 Recommended amendments to Chorus conditions (Appendix 2)

### Designations ~~U5~~U15, U12, U14, U18, U20, U24, U31 and U33 in Business Zone

6. For site U20 (9 Wainui Road, Raglan), a survey shall be undertaken prior to constructing any building or structure [exceeding 8m in height above ground level](#) to confirm that they will not protrude into the Raglan navigation beacons' height restriction plane.

*Advice Note: Rule 17.1.1 of the Proposed Waikato District Plan, which protects the sightlines of the Raglan Navigation Beacons, is a coastal protection rule in terms of the NESTF regulation 51. Therefore, under regulation 56, the rule prevails over the NESTF which otherwise permits a 15m high mast.*

~~7. For site U5 (608 Matangi Road), a survey shall be undertaken prior to constructing any building or structure to confirm that they will not protrude through the obstacle limitation surfaces for Hamilton Airport.~~

### **Designations U19\*, U22, U23, U25, U26\*, U32 in Residential and Country Living Zones**

~~\*Note: U19 (1327 Orini Road) and U26 (between 773 and 767 Te Mata Road) are zoned Rural. However due to their locations within urban villages and proximity of residential buildings, conditions more compatible with residential and rural residential zoned sites have been applied. The lower height limit used for the Country Living Zone is adopted.~~

## **6 Waikato Regional Airport Limited**

### **6.1 Analysis**

26. Ms Kathryn Drew (BBO Consultants) has provided evidence on behalf of Waikato Regional Airport Limited (WRAL).
27. Ms Drew's evidence (paragraphs 9-17) provides a helpful discussion in respect to the background of the airport obstacle limitation surface (AOLS) and the need for Designation N to remain without change. This evidence confirms that my comment in the s42A that the maximum height of 10 metres for buildings in the Rural Zone prescribed by Rule 22.3.4.1 in the PWDP for the cluster of properties on Matangi Road and Yumelody Lane, and the Atawhai Assisi site, is more restrictive than the AOLS. For these properties, the AOLS sits at a level between 80m to 106m above existing ground level. WRAL's designation therefore has no material effect on the current use of these properties but is still required to be maintained to comply with the Civil Aviation Authority requirements for Hamilton Airport.
28. As a result of this evidence, my recommendations in respect to Designation NI remain unchanged.

## **7 Department of Corrections**

### **7.1 Analysis**

29. Mr Matthew Allott (Boffa Miskell) has provided evidence on behalf of the Department of Corrections as it relates to Springhill Prison.
30. As discussed in my s42A report<sup>1</sup>, the Department seeks that the following designation conditions be removed or amended because the Springhill Prison facility has been operational for a decade:
  - compliance with plans
  - formation of a community liaison group
  - pre-works consultation
  - implementation of landscaping
  - construction traffic management
  - earthworks management

<sup>1</sup> S42A report - paragraphs 217 and 218

- upgrading of the Te Kauwhata wastewater treatment plant
  - directional signage
31. They state that the removal of redundant conditions *'will result in a more efficient package of planning requirements relating to Springhill Prison'*.
32. In my view, the Department's concern with 'inefficiency' is overstated. This is because, as part of preparing and assessing an outline plan of works, it is a very simple and quick process to 'tick off' those conditions that have already been met or are not relevant to the proposed development. Retaining conditions that are spent (such as pre-works consultation and construction traffic management) would not present any practical problems, because they are obvious.
33. More importantly, I remain concerned that some modifications might involve substantive changes to the designation that are not intended or expected by members of the public. My s42A report cites one example of Council having to assess the visual effect of a future building on the Springhill Prison site and the focus of that assessment would be lost through removal of the condition that requires development to occur in accordance with the approved plan.
34. Some other conditions, such as the maintenance of landscaping, and directional signage, need to remain to ensure that the effects of the existing prison development continue to be managed and regularly monitored.
35. In respect to the condition relating to the community liaison group, it is unclear whether this is intended to be ongoing. It would be helpful for the Department to clarify at the hearing what the current status is of this group and its role.
36. For these reasons, my preference remains for all changes to be considered as a comprehensive package outside of the district plan review process via s181 of the RMA.
37. The Department's evidence refers to an additional amendment they seek to existing condition 4.2 by including the underlined words shown below:
- 4.2 The puna (springs) shown on Figure 4 dated December 2003 shall be fenced off and protected from construction works, including earthworks. There shall be no future building development or earthworks within 5m of any of the puna, unless agreed between the Minister and the Waikato Raupatu Lands Trust, Ngati Naho Co-operative Society Limited and Horahora Marae Trust or successors.*
38. My s42A (paragraph 223) noted that the Department had recently discussed a potential amendment to condition 4.2 with Council's monitoring staff in February 2020. I acknowledge there can be difficulties in complying with this type of condition because the names of particular entities can change over time. Rather than referring to 'successors', I suggest that a more generic description (such as 'mana whenua') would be more helpful. However, notwithstanding this suggestion, any amendment to condition 4.2 is not a matter that I can address as part of this hearing. This is because no formal application has made to effect to this amendment and no submission addresses this matter. I therefore encourage the Department to request this amendment, along with others, through a section 181 application as was discussed in my s42A report.
39. Lastly, the Department's evidence discusses the specific 'Corrections Zone' that they have requested in their further submission *[FS1210]* as allowed for by the National Planning

Standards. This rezoning request will be considered by the hearings panel at a later hearing at the start of 2021 and is therefore not considered as part of this designation hearing.

40. As a result of this evidence, my s42A recommendations remain unchanged.

## 8 New Zealand Transport Agency

### 8.1 Analysis

41. Mr Michael Wood has provided evidence on behalf of the New Zealand Transport Agency and generally agrees with the majority of the s42A recommendations.
42. My s42A (paragraph 126) supports NZTA's request to reorder and re-label their designations so that they generally follow a north to south direction. This work is contingent on the correct shape file data which NZTA say they will provide to Council for translation into the decision version of the PWDP. The re-labelling of each designation will also follow the format prescribed by the National Planning Standards, such that all of NZTA's designations currently labelled 'J' will instead be numbered with 'NZTA' as the unique identifier. I support this new format being provided to NZTA for their feedback at the same time as sending them the panel's recommendations resulting from this hearing.
43. Mr Wood has helpfully provided a list of map corrections in Appendix A to his evidence. He has advised that the differences in the mapping do not result in the designation extending over private land which has not already been identified through the PWDP. Where the designation extent is different, the land is legally described as road (including formed carriageway maintained by NZTA) and/or the land is owned by NZTA as a result of a previous or proposed future project.
44. For NZTA's request to designate State Highway 39 (J23), Mr Wood has clarified that the notice of requirement only extends over a portion of this route, rather than over the whole corridor as advised in their notice. This does not make any material difference to the designation request in that this notice of requirement can only apply to that part of State Highway 39 within Waikato District, and not Hamilton City which also contains part of this route.
45. My s42A report<sup>2</sup> commented that, as a result of confirming the designation for State Highway 39, there may be value in deleting the following sentence from the paragraph that precedes the table of NZTA designations:
- 'All state highways identified on the planning maps are deemed to be designated, except for State Highway 1B.'*
46. I invited NZTA to clarify what is meant by the phrase *'deemed to be designated'*.
47. Mr Wood advises that NZTA sought this wording to ensure that where mapping discrepancies existed, it was clear to plan users that state highways were still designated (as has been the case with the OWDP). NZTA supports the removal of this text once mapping corrections sought by them are resolved. Appendix I therefore shows the removal of this text.

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<sup>2</sup> S42A report – paragraph 143

48. Mr Alistair Whyte (Planning Focus) has provided evidence in support of Reid Investment Trust [783.13] who requests the removal of the State Highway 1 designation (J11a) from their property near the Hampton Downs interchange.
49. NZTA supports this submitter's request and advises that the designation extent for this particular section of State Highway 1 reflects the work area that was required for the construction (not for the ongoing operation) of the Hampton Downs interchange. NZTA therefore advises that they will uplift part of the designation affecting the Reid property and will provide an amended shape file to Council.
50. Accordingly, I now reverse my provisional s42A recommendation (paragraph 139 g.) so that submission [783.13] from Reid Investment Trust is accepted. As a consequence, I also reverse my recommendation (paragraph 139 h.) on the further submission from Mercury Energy Limited [FS1387.1237] so that is also accepted.
51. All other s42A recommendations remain without change.

## 8.2 Recommendations

52. As a result of the evidence provided, it is recommended that the hearings panel:
- a. **Recommend** to the New Zealand Transport Agency that it confirms the amendment to the paragraph that precedes their table of designations shown below and in updated Section E (Appendix I)
  - b. **Accept** the submission from Reid Investment Trust [783.13]
  - c. **Accept** the further submission from *Mercury Energy Limited* [FS1387.1237].

## 8.3 Recommended amendments

~~All state highways identified on the planning maps are deemed to be designated, except for State Highway 1B.~~ Designations of the New Zealand Transport Agency allow the construction, use, development and operation (including the improvement, enhancement, realignment, alteration, expansion and maintenance) or any other such purpose relating to the management of State Highways in accordance with the Land Transport Management Act 2003 and the Government Rounding Powers Act 1989.

# 9 Transpower New Zealand Limited

## 9.1 Analysis

53. Ms Pauline Whitney (Boffa Miskell Limited) has provided evidence on behalf of Transpower New Zealand Limited (Transpower) in respect to Designations K1, K2, K3, K5, K6, K7 and K8.
54. As noted earlier, Transpower's second set of evidence regarding Designation K4 (Meremere Switching Station) will be provided a later date and I intend to respond to that at the hearing.
55. Ms Whitney's evidence addresses the planning background for Transpower's requested rollover of its existing designations within the Waikato district and the need to provide sufficient recognition of the National Grid in the context of high level planning policy documents, particularly the National Policy Statement on Electricity Transmission 2008 (NPSET). They have placed particular emphasis on Policy 13 in the NPSET which provides that: "Decision-makers must recognise the designation process can facilitate long-term

planning for the development, operation and maintenance of electricity transmission infrastructure’.

56. This background is followed by an overview of Transpower’s rollover requests, its submission points on the PWDP and responses to my s42A recommendations.
57. I will address Ms Whitney’s evidence for seven of Transpower’s eight existing designations in turn. As part of this exercise, I note that this evidence now supports retaining some designation conditions which Transpower’s earlier notice had requested be deleted or amended.

#### **9.1.1 (K1) Western Road Substation and Training Facility**

58. Transpower’s notice requested Designation K1 be rolled over without modification. No conditions exist for this designation, and none are proposed.
59. Transpower’s notice requested a very minor grammatical correction so that the word ‘Sub-Station’ is replaced with ‘Sub-station’. Ms Whitney’s evidence also refers to that request. However, I note that this word appears as ‘substation’ in the PWDP.
60. To assist with my response, I deferred to Lexico (<https://www.lexico.com>) which is an online dictionary. This website states that content from Lexico was published in 2019 and is a new collaboration between Dictionary.com and Oxford University Press that helps users worldwide with everyday language challenges. Lexico indicates that this word should read as ‘substation’. Accordingly, I conclude that the word ‘substation’ in the PWDP is correct and no change is necessary.
61. My s42A recommendation (paragraph 166 c.) in relation to K1 remains unchanged.

#### **9.1.2 (K2) Hamilton to Meremere B Underground Transmission Line Cable**

62. Transpower’s notice requested Designation K2 be rolled over with modifications involving updated legal descriptions and the deletion of this single condition and advice note:

Condition 1:

*As soon as practicable following completion of construction of the underground cable, the aboveground cable termination structures and ancillary works, the requiring authority shall provide as-built plans to the Council.*

Advice Note:

*Where section 176 approvals are required by utility operators (other than the requiring authority) for works within the designation, the requiring authority will provide a timely response, in order to facilitate coordination of section 176 approvals sought by the utility operator and the Corridor Access Request process.*

63. Ms Whitney’s evidence (paragraph 58) states that this condition is now obsolete as the outline plan of works for this designation was provided to Council on 7 June 2018. Ms Whitney has since emailed to advise that the as-built plan (not the outline plan) was provided on that date.
64. Ms Whitney states that the advice note is also obsolete as the designated works are completed and it repeats requirements in the RMA.
65. While I do not consider any practical difficulty if this condition and advice note were to remain, I also support their deletion.

66. I therefore recommend that Designation K2 be confirmed in the PWDP with the modifications sought, involving an updating of the legal description and the deletion of the condition and advice note.

### **9.1.3 (K3) Huntly Outdoor Switchyard**

67. Transpower's notice requested Designation K3 be rolled over without modification. No conditions exist for this designation, and none are proposed.
68. Ms Whitney's evidence (paragraph 59) refers to Transpower's request to describe the location of this designation on Te Ohaki Road at Huntly, rather than the OWDP's reference to 'Power Station, Huntly'. The notified PWDP included this change.
69. My s42A recommendation in relation to K3 is unchanged.

### **9.1.4 (K5) Te Kowhai Substation and (K6) Te Kowhai Deviation A 220kV high voltage transmission line**

70. Transpower's notice requested Designation K5 (Te Kowhai Substation) be rolled over with modifications involving the deletion or amendment of existing designation conditions. The minor amendment to the road address requested by Transpower (196 Bedford Road) was included in the notified PWDP.
71. Transpower's notice requested Designation K6 (Te Kowhai Deviation A 220kV high voltage transmission line) be rolled over with modifications involving the deletion or amendment of existing designation conditions. The minor corrections to legal descriptions requested by Transpower were included in the notified PWDP.
72. Table 2B in Ms Whitney's evidence sets out the conditions for both K5 and K6 now requested to be deleted as they relate to construction works that are now complete or were for works for a limited duration. Other conditions require updating as they refer to documents that have been superseded by updated regulations and guidelines.
73. Ms Whitney's evidence also states that where there is a more than minor change to existing development, an outline plan would address issues such as managing environmental effects from construction (i.e. earthworks and traffic), otherwise operation and maintenance effects are short term and any necessary regional consents would apply.
74. I agree with Ms Whitney's evidence. I consider that the requested amendments would not result in any material change to these designations or the management of their environmental effects.
75. I consider an efficient process from here would be to develop revised sets of conditions for Designations K5 and K6 based on Ms Whitney's evidence that are formatted as per the National Planning Standards. This would include replacement of the 'K5' and 'K6' with 'TPR5' and 'TPR6' as the unique identifiers. Feedback on these formats could be invited at the same time as providing Transpower with the hearing panel's recommendations resulting from this hearing.

### **9.1.5 (K7) Ohinewai Switching Station**

76. Transpower's notice requested that Designation K7 be rolled over with corrections to site address, site area and legal descriptions. Modifications are also requested involving the deletion or amendment of existing designation conditions where they relate to construction works that are now complete or were for works for a limited duration. Some conditions

require updating as they refer to documents that have been superseded by updated regulations and guidelines.

77. Ms Whitney's evidence (paragraph 67) also states that where there is a more than minor change to existing development, an outline plan would address issues such as managing environmental effects from construction (i.e. earthworks and traffic), otherwise operation and maintenance effects are short term and any necessary regional consents would apply.
78. I agree with Ms Whitney's evidence. I consider that the requested amendments would not result in any material change to this designation or the management of its environmental effects.
79. I consider an efficient process from here would be to develop a revised set of conditions for Designation K7 based on Ms Whitney's evidence that are formatted as per the National Planning Standards. This would include replacement of the 'K7' label with 'TPR7' as the unique identifier. Feedback on this format could be invited at the same time as providing Transpower with the hearing panel's recommendations resulting from this hearing.

#### **9.1.6 (K8) Brownhill Road to Whakamaru North Overhead Transmission Line**

80. Transpower's notice requested a rollover and merge of two existing designations being Designation 152 in the Franklin Section and Designation K8 in the Waikato Section of the OWDP. The result of this merge is shown as K8 on the planning maps for the PWDP. Requested corrections to the designation description and legal descriptions were included in the PWDP.
81. Transpower's notice also requests various modifications involving the deletion or amendment of existing designation conditions where they relate to works that are already complete or documents that have been superseded by updated regulations and guidelines. There are 51 conditions relating to existing Designation 152 in the Franklin Section and 55 conditions relating to existing K8 in the Waikato Section.
82. I agree with Ms Whitney's evidence. I consider that the requested amendments would not result in any material change to this designation or the management of its environmental effects.
83. I consider an efficient process from here would be to develop a single revised set of conditions for Designation K8 based on Ms Whitney's evidence and formatted as per the National Planning Standards. This would involve replacement of the 'K8' label with 'TPR8' as the unique identifier, merging the two sets of updated conditions, renumbering, correcting cross-references within conditions, and potentially reducing the number of conditions where duplication exists. Feedback on this format could be invited at the same time as providing Transpower with the hearing panel's recommendations resulting from this hearing.

### **9.2 Conclusion on Transpower Designation Conditions**

84. I accept all evidence provided in respect to Designations K1, K2, K3, K5, K6, K7 and K8. Because of the large volume of amended conditions, I have not shown these below. I consider it more efficient to develop sets of revised conditions as per the National Planning Standards which would ideally involve inviting feedback on these from Transpower at the same time as providing them with the panel's recommendations resulting from this hearing.

### **9.3 Recommendations**

85. As a result of the evidence provided, it is recommended that the hearings panel:

- a. **Recommend** to Transpower New Zealand Limited that Designation K2 be confirmed in the Proposed Waikato District Plan, with modifications sought which include:
- (i) updating the legal description
  - (ii) deleting the condition that requires submission of an as-built plan
  - (iii) deleting the advice note.
- b. **Recommend** to Transpower New Zealand Limited that Designations K5 and K6 be confirmed in the Proposed Waikato District Plan, with modifications sought which include:
- (i) updating legal descriptions and location details
  - (ii) deleting now obsolete conditions 2.1, 7.1, 9.2, 11.2, 11.4, 11.7, 12.1, 12.2, 12.3 13.1 and 13.3
  - (iii) updating conditions 10.1, 10.2, 11.1 and 11.6 to refer to current regulations and guidelines.
- c. **Recommend** to Transpower New Zealand Limited that Designation K7 be confirmed in the Proposed Waikato District Plan, with modifications sought which include:
- (i) correcting location details, site area and legal descriptions
  - (ii) deleting now obsolete conditions 2.1, 5.1, 5.2, 5.3, 6.2, 8.1, 8.2, 9.1, 9.2, 11.1, 11.2, 13.3 and 15.1
  - (iii) updating conditions 7.2, 7.3, 13.2 and 14.1 to refer to current regulations and guidelines.
- d. **Recommend** to Transpower New Zealand that Designation K8 be confirmed in the Proposed Waikato District Plan, with modifications sought which include:
- (i) correcting the designation description
  - (ii) correcting legal descriptions
  - (iii) deleting now obsolete conditions 1-4, 6-13, 18, 22-43 and 46-55 and updating conditions 14, 16, 17, 19 and 21 as they relate to Designation K8 in the Waikato Section of the Proposed Waikato District Plan
  - (iv) deleting now obsolete conditions 1-5, the advice note for conditions 4 and 5, 6-8, 13, 17-38 and 41-51 and updating conditions 9, 11, 12, 14 and 16 as they relate to Designation 152 in the Franklin Section of the Proposed Waikato District Plan
  - (v) merging the result of (iii) and (iv) above to produce a single and rationalised set of conditions for Designation K8 in the decision version of the Proposed Waikato District Plan.