

*BEFORE INDEPENDENT HEARING COMMISSIONERS*  
**AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE**  
**KI ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991  
**AND**

**IN THE MATTER** of the hearing of submissions and further submissions  
on Plan Change 14 to the Operative Christchurch District  
Plan

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**STATEMENT OF REBUTTAL EVIDENCE OF TIM JOLL ON BEHALF OF**  
**KĀINGA ORA – HOMES AND COMMUNITIES**

**9 OCTOBER 2023**

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## **1. INTRODUCTION AND SUMMARY**

- 1.1. My name is Tim Joll. I have the experience and qualifications set out in my statement of evidence dated 20 September 2023 on behalf of Kāinga Ora – Homes and Communities.
- 1.2. This statement of rebuttal evidence is filed in response to the planning and corporate evidence filed by Orion New Zealand Ltd, in relation to the proposed qualifying matter (QM) for non-National Grid electricity distribution lines.
- 1.3. I reconfirm that I have read and understood the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and agree to comply with it when giving this evidence.

## **2. THE KĀINGA ORA FEEDBACK ON DRAFT QUALIFYING MATTER AND SUBSEQUENT SUBMISSION**

- 2.1. I was engaged by Kāinga Ora Homes and Communities (Kāinga Ora) in 2022 to provide planning advice on the exposure draft version of PC14 which was released for feedback in Mid-2022. The exposure draft included a Qualifying Matter (QM), which sought a 5m setback from 400v powerlines. The feedback from Kāinga Ora noted that the draft QM did not meet the relevant requirements of the Amendment Act and NPS-UD that apply to the consideration of QM.
- 2.2. This draft QM was removed from the notified PC14 provisions. The Kāinga Ora submission supported the Electricity Transmission Corridors qualifying matter (QM) in respect of the National Grid Transmission Lines (nationally significant infrastructure) in accordance with s77I(e) but did not support the inclusion of any other lesser category of line.

## **3. RESPONSE TO THE SUBMITTER EVIDENCE**

- 3.1. Orion seeks that the corridor is applied to other parts of its network, including all of the 11kV, 400V and 230V electricity distribution network, including restrictions on conductive fencing.

- 3.2. I agree with Mr O'Donnell's statement in paragraph 38 of his evidence that:

*The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) (the Code) is issued by WorkSafe under section 36 of the Electricity Act and is particularly relevant to the protection of electricity lines and the regulation of actions in relation to them.*

- 3.3. Paragraph 45 of Mr O'Donnell's evidence provides examples of where 'underbuild or encroachment' has occurred to Orion's high voltage network. Paragraph 53 then provides details of how the MDRS built form standards have the "potential to be highly problematic in terms of overhead lines". In paragraph 70 Mr O'Donnell also notes that "(d)velopment enabled by medium density zoning and the MDRS is likely to exacerbate existing issues and challenges". I have not however seen any evidence from Orion that leads me to consider that the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is insufficient to provide protection for the lower voltage class of power lines.

- 3.4. In reaching this view, I note that the Operative City Plan provides in the existing Residential Medium Density Zone for dwellings up to 11m in height to be constructed within 2m of a road boundary as a permitted activity. The evidence presented does not provide examples where the operative provisions have created the potential issues identified in Mr O'Donnell's evidence, albeit I acknowledge that the current permitted provisions provide for an additional 0.5m setback than the MDRS provisions would. For these reasons, I also disagree with the conclusions reached by Ms Foote in paragraph 35-37 of her evidence. I note that it does not appear any s 32AA analysis has been undertaken to support the relief sought by Orion.

- 3.5. In this regard, I agree with Ms Oliver in paragraph 12.78 of her A 42A report that:

*"any planning rules related to the lower voltage requirements sought by Orion would needlessly duplicate the Code, and result in an administrative cost to the Council. As such, the corridors for the lower voltage lines are not supported".*

- 3.6. I consider a more appropriate mechanism would be to include an advice note that is located at the beginning of the relevant 'built form' provision, similar to the following:

*Building setback requirements are further controlled by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). All work must be a safe distance away from overhead lines. Please refer to NZECP34, table 2 for the distances that apply.*

- 3.7. A similar approach has been accepted by Mr Kleynbos in relation to relief sought by Fire and Emergency New Zealand (842.32) and is also proposed by Council Officers with respect to highlighting potential three waters infrastructure constraints in the beginning of the built form standards for relevant zones. That would, from a section 32 perspective, be a more effective and efficient means of achieving the objectives of PC14 and the Operative City Plan, than unnecessarily duplicative (and potentially confusing) consenting requirements.
- 3.8. In responding generally to Ms Foote's consideration on the need for the relief sought by Orion to be incorporated into PC14 to ensure it gives effect to the Canterbury Regional Policy Statement (CRPS)<sup>1</sup>, I again note that the operative District Plan provisions are deemed to give effect to the CRPS and that the notified QM reflects the provisions of the Operative Plan. I therefore disagree that the relief sought by Orion is needed to give effect to the CRPS.
- 3.9. Orion also seeks a new rule be inserted into the MDRZ and HDRZ to include an electricity servicing standard. A land area of 5.5m<sup>2</sup> is specified in Orion's submission as being required for onsite electricity servicing to ensure there is engagement with developers at the initial planning stages of a land intensification project.
- 3.10. I could not find the proposed wording or details of the activity status of any such rule in either Mr O'Donnell's or Ms Foote's evidence. However, I consider a more appropriate mechanism would be to include an additional advice note at the beginning of the relevant built form provisions similar to the infrastructure advice note reference in

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<sup>1</sup> Paragraph 11-14 Evidence of Ms Foote for Orion New Zealand.

paragraph 3.6 above. If the Panel considered this was an appropriate response, appropriate wording could be prepared by Orion for the Panel's consideration.

### **Earthworks near park and street trees**

3.11. With respect to Orion's opposition to the amendments sought by Kāinga Ora to Rule 9.4.4.1.1. P12, I think there may be some misunderstanding of the intent of this submission point. Kāinga Ora is not seeking to remove the ability for Orion or any other network utility operator to undertake permitted works within 5m of trees in parks, public open spaces or road corridors. It is simply trying to include the ability for any party to undertake earthworks within 5m of these trees provided the works are undertaken by, or under the supervision of, a works approved arborist. My reading of the rule is that this is currently a requirement for network utility operators so the submitted changes would not alter the status quo for Orion or any other network utility operator.

## **4. CONCLUSIONS**

- 4.1. For the reasons outlined above, I do not consider that the relief sought by Orion to the spatial extent of the QM meets the required tests under Sections 77I to 77R.
- 4.2. Similarly, I do not consider that the additional provisions and amendments outlined by Ms Foote are appropriate. I consider that the matters raised by Orion can be appropriately addressed through advice notes. I consider this approach would minimise transaction costs reliance on resource consent processes and help reduce the extent of development controls, while enabling Orion to operate the electricity distribution network in a safe and effective manner.
- 4.3. I continue to support the conclusions reached by Ms Oliver in her paragraphs 12.77 to 12.79 of the section 42A report in relation to the relief sought by Orion.



Dated 9 October 2023