

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

APPLICATION BY KĀINGA ORA – HOMES AND COMMUNITIES
(SUBMITTER #834) SEEKING LEAVE TO FILE REBUTTAL EVIDENCE

3 OCTOBER 2023

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**APPLICATION BY KĀINGA ORA – HOMES AND COMMUNITIES
(SUBMITTER #834) SEEKING LEAVE TO FILE REBUTTAL EVIDENCE**

To: the Hearing Commissioners

And

To: Christchurch City Council ("**Council**")

This document notifies you that –

1. Kāinga Ora – Homes and Communities ("**Kāinga Ora**") seeks leave to file rebuttal evidence in response to the statements of evidence of Anthony O'Donnell (Corporate) and Melanie Foote (Planning) on behalf of Orion New Zealand Ltd ("**Orion**").
2. The grounds on which the application is made are as follows:
 - (a) Plan Change 14 ("**PC14**") as notified included setbacks from both National Grid lines and 66kV and 33kV electricity distribution lines, as well as the 11kV Heathcote to Lyttleton electricity distribution line, with those corridors identified as a qualifying matter ("**QM**").
 - (b) Kāinga Ora made a primary submission on the proposed QM for Electricity Transmission Corridors, supporting the QM but seeking that protection of transmission corridors pursuant to the QM be limited to those corridors required to be protected under the National Policy Statement for Electricity Transmission ("**NPSET**").
 - (c) By contrast, Orion submitted in support of the QM applying to other parts of its network, including the 11kV, 400V, and 230V lines, including restrictions on conductive fencing under these lines.
 - (d) The section 42A report writer recommended that the Kāinga Ora request to limit the level of protection to the National Grid be rejected, and also recommended that the request by Orion to increase the level of protection sought in (c) above be rejected.

- (e) The section 42A report writer said:

The issue of protection of the electricity distribution corridors was contested as part of the Christchurch District Plan hearings, which the PC14 provisions carry over. I consider that strong evidence is required to show that the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)(‘the Code’) is insufficient to provide protection for the lower voltage class of power lines as sought by Orion, given the impact the corridors and setback would have on property owners.

- (f) Orion has filed evidence in support of the relief sought in its submission. However, no s 32AA analysis has been provided to support the proposed extension of the QM to lower voltage lines, and there is no cost-benefit analysis provided to support their inclusion (beyond the bare assertions in the evidence of Mr O’Donnell and Ms Foote).
- (g) While those matters may warrant the exclusion of the relief sought on jurisdictional grounds alone (noting that the evidence does not appear to comply in that regard with paragraph 69 of the Hearing Procedures), Kāinga Ora could not have reasonably foreseen that Orion would continue to seek the relief without any proper justification or analysis.
- (h) Furthermore, it was not known at the time of filing of the Kāinga Ora evidence whether or not Orion would be persisting with its request, and so any rebuttal evidence would not repeat evidence already presented or introduce any new matter.
- (i) That engages paragraph 8.4 of the Environment Court Practice Note, and in particular, paragraph 8.4(a)(i). It is in the interests of fairness and justice, and in ensuring that the Panel is as fully informed about relevant matters as is reasonably practicable, that Kāinga Ora be permitted to file rebuttal evidence to the statements filed by Orion.

3. This application is made in reliance upon paragraphs 85 to 87 of the Hearing Procedures, and paragraph 8.4 of the Environment Court

Practice Note 2023 (as incorporated by reference in the Hearing Procedures).

Dated 3 October 2023

A handwritten signature in blue ink, appearing to read "Bal Matheson", with a long horizontal line extending to the right.

Bal Matheson
Counsel for Kāinga Ora (in respect of non-noise related matters)