

BOARD OF INQUIRY

EAST WEST LINK PROPOSAL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland

Summary/update statement of Christopher Mark Horne

1. This hearing statement summarises and updates my evidence in respect of certain matters that have arisen since my evidence was filed.
2. I attached a plan in Appendix B to my evidence in chief showing the extent of the Southdown Substation for the purposes of defining this in conditions. This plan was dated 9 May 2017, and was an earlier version of a very similar plan dated 10 May 2017 attached as Appendix E to Mr Noble's evidence. The 10 May 2017 plan is the correct plan now referred to in the Joint Witness Statement prepared by Mr Nick Grala (Mercury) and Ms Lesley Hopkins (NZTA) for the Southdown Site dated 4 August 2017, and is attached to Mr Noble's hearing statement summary. That plan is the correct plan for defining the extent of the various components of the Southdown Substation including the Southdown Rail Supply Substation, 220kV Transpower outdoor switch yard and Control Building and Relay Room.
3. I attended the expert planners conferencing held on 30 May 2017. The status of the National Grid Corridor appeals was noted, but otherwise there was little discussion on specific Transpower/National Grid issues.
4. I also participated in the first facilitated meeting for the Southdown site held on 30 May 2017. Agreed actions from that meeting included an agreement that Transpower would be one of the parties invited to be included as part of

the risk assessment process for the Southdown Site, and that there would be a Concept Design Report (CDR) process undertaken by Transpower for the relocation of the Southdown rail supply substation. I understand that the CDR process has commenced with a report due in mid-September 2017.

5. I did not participate in the second facilitated meeting about Southdown issues held on 13 July 2017, that was not a planning conference (although I understand that some planners did attend). Transpower was represented by Mr Noble by telephone.
6. This summary statement addresses:
 - (a) The planning framework and giving effect to the NPSET (including Policies 10 and 11); and
 - (b) Conditions.

The NPSET

7. I understand that there has been some discussion on how the Unitary Plan gives effect to the NPSET, and in particular Policies 10 and 11. I addressed these policies at [32]-[33] of my evidence.
8. Counsel for Transpower has also updated the Court in respect of progress of the Transpower appeals relating to the National Grid Corridor Overlay. In my opinion, the amendments now directed by the High Court provide an appropriate framework by which Policies 10 and 11 are to be given effect to, particularly in relation to areas where there are existing transmission lines that have not been compromised by existing urban development and 'under build'.
9. The amended provisions give effect to Policies 10 and 11 through the National Grid Corridor Overlay. The first part of Policy 10¹ and Policy 11² is given effect to as "sensitive activities" are to be avoided generally within the National Grid Yard, while effect is given to the second part of Policy 10³ by avoiding development (and buildings in particular) in areas of the National Grid Yard that are not yet compromised. This reflects the reality that in some

¹ "... to avoid reverse sensitivity effects on the electricity transmission network".

² "... to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent".

³ "... to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised".

areas the National Grid is already compromised and imposing additional restrictions on non-sensitive development will not secure any material benefit in those locations. The final maps set identifying land assessed to be compromised is yet to be included as a layer in the online AUP so I have not been able to personally sight them yet. However, I am advised that the Turners and Growers site where Transpower asset relocations are proposed is mapped as an area that is already compromised, and now has a less restricted framework in the AUP than other areas that are yet to have buildings constructed on them.

10. As relevant to the EWL, this framework emphasises the need to ensure that the EWL project (or adjoining land uses that may be reconfigured) does not compromise the National Grid. I am satisfied, with the protection given in conditions, and the fact that the relevant property rights will need to be obtained before parts of the National Grid are relocated, that the NPSET will be given effect to. It would be a different matter if the National Grid were to be compromised in an unacceptable way by the EWL project.

Conditions

11. I have reviewed the updates to conditions contained in the 19 July 2017 update of the conditions provided to the Board by the NZTA, and further recommended amendments to come out of the Joint Witness Statement on conditions by Nick Grala (Mercury) and Lesley Hopkins (NZTA) for the Southdown Site dated 4 August 2017, and I comment as follows:

19 July NZTA Conditions Set

12. I can confirm that proposed Network Utilities (NU) conditions NU.1, NU3-NU5 and NU9-NU11 address all matters raised in my evidence in chief in regard to conditions as they relate to Transpower's assets. In regard to proposed Condition NU.11 that addresses reducing the extent of the designation where appropriate after construction is completed, I note that the plan attached as Appendix B to Ms Hopkin's summary statement shows an amended designation line that now does not include the control building and relay room for the Transpower substation on the Southdown Site which I support. I did also initially have some concerns around the definition of "*Southdown Site*" as it did not include the "*Southdown Rail Supply Substation*" which is separately defined. However, the definition has been amended to include

this in the Joint Witness Statement and agreed by both Ms Hopkins and Mr Grala which I support.

Joint Witness Statement on Conditions – Southdown Site

13. Mr Grala and Ms Hopkins agree there should be a separate conditions set (SD) for the Southdown Site in regard to infrastructure and network utility issues. I agree with that approach given the complexity of issues and interests on that site.
14. Much of the material in the Joint Witness Statement relates to risk assessment matters to which Transpower does not have any specific interest as Transpower already has assets on the Southdown Site. In regard to conditions that may affect National Grid assets, the two witnesses appear to be generally aligned on the principles of conditions that would relate to these assets, although the structure and wording of the specific conditions differs. It would appear that the outcomes from each approach would generally be the same in regard to how National Grid assets are affected. However, I make the following specific comments.
15. I do not agree with Condition SD.3 proposed by Mr Grala in regard to a condition that ensures that the design and construction of the project does not require relocation of identified assets away from the Southdown Site. In my opinion this is a decision for the asset owner to make, and the asset owner could potentially make these decisions independently of the East West Link project. Further, if a suitable site cannot be found for the Southdown Rail Supply Substation within the Mercury landholding, a site adjacent to the Southdown Site may still be able to meet the same outcomes. The proposed condition would constrain this opportunity. In this regard, I agree with Ms Hopkins' approach as set out in paragraph 5.8 of the Joint Witness Statement.
16. In regard to Mr Grala's Condition SD.6, I agree with the general approach taken in clauses (l) and (m) respectively to fix the northern edge of the bridge structure (but not limit the potential to move it further south) and to ensure a 5.1m vertical clearance underneath the structure where it passes over the Southdown Site respectively. Ms Hopkins suggests equivalent controls in her condition SD.2 clauses (a)(i) and (ii), so either of these conditions addresses these issues in regard to Transpower assets. Fixing the northern extent of

the bridge structure gives more certainty that the road will not come too close to the substation control room, whilst Transpower engineers have confirmed that a 5.1m vertical clearance will ensure options to establish a relocated Southdown Rail Supply Substation south of the East West Link alignment will not be precluded as there is sufficient clearance to transport a transformer beneath the bridge structure.

17. I am unclear of the purpose of clause (h) of Mr Grala's Condition SD.6 in regard to not allowing for Transpower to grant any dispensations to NZECP34:2001. Whilst I am not aware of any works on the Southdown Site that would require NZECP34:2001 dispensations, I understand from Mr Noble's evidence that Transpower would only grant these if required in appropriate circumstances, and as such I do not consider it to be appropriate to seek to address this in the designation conditions. If necessary, this clause could be amended to include a general obligation to comply with NZECP34:2001 (noting that within the standard there is a procedure for considering dispensations).
18. Mr Grala proposes a new condition SD.9 in regard to a specific vibration condition for the Southdown Site. I understand that it is still intended that the general construction CNV conditions would still apply to the Southdown Site. I have previously confirmed with Transpower engineers that they are satisfied that application of the German DIN standard as currently included in proposed Condition CNV.5 would suitably protect their assets. Therefore, from a Transpower perspective condition SD.9 does not appear to be necessary, although I have no view on whether it may be appropriate for other Mercury assets. If the Board is of a mind to adopt condition SD.9, it should be in addition to and not instead of Condition CNV.5.
19. Mr Grala (SD.10) and Ms Hopkins (SD.3) both suggest alternative wording for a Southdown Site specific construction management plan. Whilst both approaches are likely to achieve a similar outcome in regard to National Grid assets, Mr Grala's approach to restate much of the material from existing proposed network utilities Condition NU.3 may be more user friendly than the approach used by Ms Hopkins to refer back to other NU conditions.
20. I support Mr Grala's approach to relocate proposed Condition NU.10 in regard to relocation of the Southdown Rail Supply Substation into the SD conditions set (SD.13). I understand from the Joint Witness Statement that Ms Hopkins

also supports relocating this condition, although it does not appear in her SD conditions set in Attachment 5 to the Joint Witness Statement.

21. Mr Grala (SD.14) and Ms Hopkins (SD.3(c)(i)) both suggest dust management conditions for the Southdown Site. Between the two options I prefer the condition proposed by Mr Grala as it addresses dust that may cause material damage to assets and is self-contained, whilst Ms Hopkins condition cross refers back to AQ conditions in the regional consents conditions which appear to focus more on air quality and amenity. The approach taken by Mr Grala is more aligned with the wording and intent of existing network utilities Condition NU.3(b)(ii). Further, as regional consent conditions, presumably the AQ conditions if adopted as currently provided will still apply to construction activity in any case regardless of any designation conditions adopted that address dust.

Chris Horne

8 August 2017