

BEFORE PROPOSED GORE DISTRICT PLAN HEARING PANEL

In the matter of

the Resource Management Act 1991

and

**the hearing of submissions made on
the Proposed Gore District Plan:
Hearing Stream 1 (Introduction,
General Provisions and Urban Form
and Development)**

**Supplementary Statement of Evidence of Ainsley Jean
McLeod on behalf of Transpower New Zealand Limited
(submitter reference 101 and further submitter reference 30)
dated 14 June 2024**

INTRODUCTION

1. My full name is Ainsley Jean McLeod. I prepared evidence in respect of submissions made on the Proposed Gore District Plan ("Proposed District Plan") Hearing Stream 1 (Introduction, General Provisions and Urban Form and Development) dated 21 May 2024. I subsequently gave evidence at Hearing Stream 1 on 5 June 2024. My qualifications and relevant experience are set out in my primary statement of evidence. I do not repeat this information here.
2. I reiterate the confirmation given in my primary statement of evidence in respect of the Hearings Panel direction in Minute 6 (paragraph 5.24) and the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I continue to comply with the Code of Conduct when preparing this supplementary statement of evidence.
3. For the purposes of this supplementary evidence, I rely on, as relevant:
 - a. my earlier evidence; and
 - b. the evidence of Mr John Sutherland.
4. At the commencement of Hearing Stream 1 Mr Matt Heale provided a supplementary statement of evidence.¹ This evidence inter alia responds to my earlier evidence and the evidence of Mr Sutherland.
5. I provided my initial response to the matters addressed in Mr Heale's supplementary evidence when giving evidence at Hearing Stream 1.
6. The Hearing Panel has subsequently issued Minute 7 that states:

*"John Sutherland and Ainsley McLeod attended the hearing representing Transpower NZ Ltd. Ms McLeod provided a verbal response to the changes recommended by Matt Heale in his supplementary evidence presented at the opening of the hearing. She requested that an opportunity be available to her to provide a written response to Mr Heale's supplementary evidence as it relates to the Transpower NZ Ltd submission. The Hearings Panel agrees that is appropriate and requests this be submitted to the Council's Regulatory Administrator by Tuesday 18 June 2024."*²
7. The purpose of my supplementary evidence is to respond to Minute 7 and record my opinion in respect of the revised recommendations included in Mr Heale's supplementary evidence. The amendments to the Proposed District Plan provisions recommended in the Section 42A Report are shown in black underlined and ~~black strikethrough~~. The amendments to the provision recommended in Mr Heale's supplementary evidence are shown in red underlined

¹ 'Statement of supplementary planning evidence of Matt Heale on behalf of Gore District Council' dated 5 June 2024.

² Paragraph 6.

and ~~red strikethrough~~. The further amendments to the Proposed District Plan provisions that I support are shown in blue double underlined and ~~blue double strikethrough~~.

PART 1 – INTRODUCTION AND GENERAL PROVISIONS AND PART 2 –DISTRICT WIDE MATTERS

Role of Strategic Direction Chapter

8. Mr Heale's supplementary evidence addresses the role and function of strategic objectives and concludes:

"With regard to the role and function of strategic objectives I agree that there should be no formal hierarchy and that objectives should be read together across the plan. However, by virtue of the UFD objectives being strategic they should guide but not trump the lower order zone chapters. There should be alignment between strategic and zone/district wide objectives for the plan to efficiently and effectively give effect to the purpose of the RMA. This is spelt out in the s32 report that notes that "Zone and District wide chapters contain their own objectives, policies and rules that implement the UF&D chapter" (Section 6.1) and "the UF&D chapter sets the strategic direction for the District Plan....and contains 12 objectives that guide how, where and when growth and development will be provided across the district.....these strategic objectives provide a framework, and direction, to guide the rest of the district plan." (Section 6.2). The evaluation of objectives (section 8) notes that these objectives are amongst other things useful as the clearly guide decision making. Section 9 of the s32 then assess whether the zoning provisions are the most appropriate way to achieve the objectives and all other s32 assessments assess whether the provisions achieve the strategic objectives. The wording provided by the Environment Court in Attachment B of Ms McLeod's evidence provides useful guidance noting that "the strategic objectives...provide direction for the development of the more detailed provisions contained elsewhere in the District Plan" and for the purpose of plan implementation....the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve...and the relevant objectives and policies of the plan...are to be considered together and no fixed hierarchy exists between them".³

9. Mr Heale recommends the following amendments to the 'Plan Structure' description and Urban Form and Development – UFD 'Overview' respectively:

"1. The strategic objectives address key strategic and/or significant matters for the district and provide District-wide strategic considerations to guide decision making at a strategic level. ~~It is intended that all other objectives and policies in~~

³ Paragraph 25.

~~the District Plan are to be read and achieved in a manner consistent with the strategic objectives.”~~

“Overview

This chapter leaves the articulation of activity specific and location specific objectives and policies to the subsequent chapters of this Plan.

For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for more detailed provisions contained in the District Plan. For the purpose of District Plan implementation, including the determination of resource consent applications and notices of requirements:

- *The strategic objectives may provide guidance for related objectives and policies in other chapters; and*
- *The relevant objectives and policies of the District Plan, including strategic objectives in this chapter, are to be considered together and no hierarchy exists between them.”*

10. I confirm that Mr Heale’s recommended amendments achieve the outcome that I have supported in my primary statement of evidence through the adoption of the descriptive text introduced by the Environment Court to the Queenstown Lakes District Plan. It is my view that these amendments are provide clear direction to plan users in respect of the role of the Strategic Direction Objectives.

PART 2 –DISTRICT WIDE MATTERS

Strategic Direction – Urban Form and Development

Objective UFD-O1 and Objective UFD-O8

11. Mr Heale’s supplementary evidence concludes the following:

“With regard to a lack of a UFD objective about critical infrastructure, I agree that amendments could be made to better align with regional and national direction. I do not consider a standalone objective is necessary particularly given the lack of a hierarchy between plan objectives.”⁴

12. Mr Heale recommends the following further amendments to Objective UFD-O1 and Objective UFD-O8:

“UFD-O1

The District develops in a cohesive, ~~compact~~ and structured way that:

⁴ Paragraph 28.

...

5. *a. _____ takes into account the short, medium, and long-term impacts of climate change and natural hazards, and the associated uncertainty and risk;*
b. _____ provides for the transition away from fossil fuels, through increased use and development of renewable resources and the associated National Grid.
6. *utilises manages provide for the safe, effective and efficient use and provision and development of new and existing infrastructure ~~and/or can be efficiently serviced with new infrastructure;~~*

...

9. *manages and where appropriate avoids adverse effects between incompatible activities and zones; and ...”*

“UFD-O8

The Airport, major facilities, critical infrastructure, and large-scale industrial activities are able to operate efficiently and effectively and the contribution they make to the economic ~~wellbeing~~ well-being and prosperity of the district is recognised and provided for.”

13. In terms of the amendment to Objective UFD-O1 clause 5(b), consistent with my earlier evidence, I support the inclusion of reference to the National Grid in clause 5(b). However, I do not support this reference being confined to the National Grid being ‘associated’ with renewable resources. This is because the National Grid contributes to the transition away from fossil fuels that in more ways than just through providing connections to renewable electricity generation. For example, the National Grid may provide a direct connection for an industrial activity where that activity changes its energy source from fossil fuels to electricity.
14. On this basis, I support the following further amendment clause 5(b):
“b. _____ provides for the transition away from fossil fuels, through increased use and development of renewable resources and the ~~associated~~ National Grid.”
15. That said, I acknowledge the question put to me by Commissioner Hovell as to whether the second part of clause 5(b) has the effect of confining the ways in which a transition away from fossil fuels can be achieved and whether deleting “*through increased use and development of renewable resources and the associated National Grid*” would better provide for a range of methods to transition away from fossil fuels.
16. I agree with Commissioner Hovell and equally support the following amendment to clause 5(b):

“b. provides for the transition away from fossil fuels, ~~through increased use and development of renewable resources and the associated National Grid.~~”

17. In terms of Objective UFD-O1 clause (6), I support the further amendments recommended in Mr Heale’s supplementary evidence, subject to a minor typographical correction, and consider that the further recommended amendments give effect to the NPSET (the Objective and Policies 1 and 2) and Policy INF.1 – Regional, national and critical infrastructure of the Southland Regional Policy Statement 2017 (“SRPS”). The minor additional amendment that I support is as follows:

“6. ~~utilises~~ manages provides for the safe, effective and efficient use and provision and development of new and existing infrastructure ~~and/or can be efficiently serviced with new infrastructure;~~ ...”

18. I also support the addition of reference to ‘critical infrastructure’ in Objective UFD-O8. Consistent with my earlier evidence, it is my opinion that it is necessary and appropriate to recognise the contribution that critical infrastructure makes to the wellbeing of the people and communities of the Gore District. It is my conclusion that the addition of ‘critical infrastructure’ to Objective UFD-O8 gives effect to the Objective and Policy 1 of the NPSET, along with Policy INF.1 of the SRPS. In this regard, I further note (acknowledging my verbal response to Commissioner Hovell’s question) that many types of critical infrastructure, including the National Grid, may be located in Gore but also contribute to the economic and social well-being, and health and safety, of people and communities beyond the District boundary. Subject to scope being available, I would also support further amendments to Objective UFD-O1 (via the submission made by Waka Kotahi NZ Transport Agency⁵) and/or Objective UFD-O8.
19. To the extent that Objective UFD-O8 relates to the National Grid, I support the recommended addition of ‘and provided for’. This is because the expression ‘recognised and provided for’ is mirrors Policies 1 and 2 of the NPSET and is consistent with ‘facilitating’ that is used in the Objective of the NPSET.

New Objective for Critical Infrastructure

20. In response to my earlier evidence supporting the addition of a standalone Objective in respect of regionally significant, nationally significant and critical infrastructure, Mr Heale’s supplementary evidence concludes that a standalone objective is not necessary given the further amendments to Objectives UFD-O1 and UFD-O8 (set out above) and given the lack of

⁵ Submission reference S112.010, supported by the further submission made by Transpower (further submission reference FSFS30.088).

a hierarchy between plan objectives.⁶ That said, Mr Heale suggests the following wording of a standalone objective,⁷ should the Hearings Panel be of a mind to include such an objective:

“UFD-XX

Provide for the development, operation, maintenance and upgrading of critical infrastructure while:

- 1. managing adverse effects on sensitive activities and sensitive environments; and*
- 2. managing, and where appropriate avoiding, reverse sensitivity effects on critical infrastructure.”*

21. Subject to matters being considered as part of Hearing Stream 7 – Energy, Infrastructure and Earthworks, I am of the preliminary view that the need for a standalone objective is somewhat tempered by the further amendments recommended in Mr Heale’s supplementary evidence that clarify the role of the strategic objectives and that give effect to the NPSET and SRPS in Objectives UFD-O1 and UFD-O8. I consider that the detail approach to providing for, and protecting, important infrastructure may be able to be directed by the provisions in the Energy, Infrastructure and Transport chapters.
22. That said, if the Hearings Panel is minded to include a new infrastructure related strategic objective, I consider that the Objective supported by Mr Heale requires further amendments in order to give effect to the relevant higher order planning instruments. I support further amendments to the suggested Objective to:
 - a. express the Objective as an outcome;
 - b. set apart ‘operation, maintenance and minor upgrading’ so that these activities are ‘enabled’ in a manner consistent with Policy 5 of the NPSET;
 - c. ensure that the effects of critical infrastructure on all receiving environments are addressed; and
 - d. manage direct effects on critical infrastructure, alongside reverse sensitivity effects in a manner consistent with Policy 10 of the NPSET.
23. The following sets out the amendments I support:

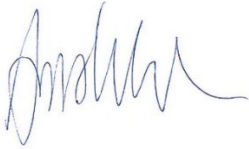
“UFD-XX

~~Provide for t~~The development, operation, maintenance and upgrading of critical infrastructure is provided for bywhile:

⁶ Paragraph 28.

⁷ Paragraph 32.

1. enabling the operation, maintenance and minor upgrading of critical infrastructure;
2. managing the adverse effects of the development and more than minor upgrading of critical infrastructure on the sensitive activities and sensitive environments; and
3. managing, and where appropriate avoiding adverse effects, including reverse sensitivity effects, on critical infrastructure.”



Ainsley Jean McLeod

14 June 2024