

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the
Proposed Gore District Plan.

**Statement of supplementary planning evidence of Tina Carlson-McColl and
Joanne Skuse on behalf of Gore District Council**

Date: 13 September 2024

Introduction:

1. Our full names are:
 - Tina Carlson-McColl
 - Joanne Skuse
2. Our Section 42A reports sets out our qualifications and experience as experts in planning.
3. We confirm that we are continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
4. We have prepared this statement of evidence to provide a response to expert evidence presented in relation to Hearing Stream 5 – Temporary Activities Chapter, Transport Chapter and Designation chapters.
5. The statement of evidence to provide a response to expert evidence presented in relation to the Sign and Light Chapters will be provided separately by Victoria Woodbridge.
6. The submitter expert evidence responded to in in this statement of evidence includes:

Department of Conservation (s109)**NZ Transport Agency Waka Kotahi (s112)**

- a. Helen Dempster

Southland Federated Farmers (s126)

- a. Rachel Shalini Thomas and Bernadette Ellen Hunt

Fire and Emergency NZ (s124)**The Fuel Companies (s16)****KiwiRail (s132)**

- a. Louise Elizabeth Robertson Taylor

Powernet (s95)

7. In accordance with Minute 17 of the Hearings Panel, the Notice of Requirement for GDC-10 East Gore Water Treatment Plant and Pump Station and related submissions are deferred until Thursday 17 October 2024.

8. Our evidence also seeks to correct some errors in our Section 42A Reports as follows:
 - a. Paragraph 43 of the Designations Section 42A report lists the designations that must be rolled over without a change, this list should have also included PWN-5 McNab substation. Moreover, the paragraph specifies that the listed designations were included in Appendix C to the report, however only complete unchanged chapters were included as Appendix C. The correction affects GDC-1 to GDC-4 and PWN-1

Recommendations Overview

9. The Section 42A reports provide an overview of issues raised in submissions and the changes recommended relating to Hearing Stream 5. We do not propose to repeat those here but instead focus on responding to submitters evidence. An overview of the submitter evidence responded to is provided in **Appendix 1**.
10. Recommended changes to the chapters are shown in **Appendix 2**.
11. We acknowledge the support of the Department of Conservation, New Zealand Transport Agency Waka Kotahi, Southland Federated Farmers, The Fuel Companies, KiwiRail and PowerNet.
12. In response to New Zealand Transport Agency we recommend to not change the reference to NZTA Planning Policy Manual and any subsequent amendment, recommend to retain the notified NZTA mapping, and corrections to align with the legal name for the transport agency in the Transport Chapter which is provided in **Appendix 2**.
13. In response to Southland Federated Farmers we recommend that the reference to 'collector road' in TABLE-S6 is updated, as indicated in the Transport Chapter which is provided in **Appendix 2**.
14. In response to Fire and Emergency NZ we recommend that TABLE-S5 is not amended as the required width for fire appliances is allowed for in TRANS-S4.
15. In response to The Fuel Companies we recommend no further changes to TRANS-R1 as electric vehicle charging infrastructure is included in the definition of land transport infrastructure and is therefore already permitted subject to Transport Standards under TRANS-R1.2.
16. In response to KiwiRail we recommend amending the definition of transit corridor in the Interpretation chapter, and TRANS-P2 in relation to the impact of the location of buildings and structures on the safe and efficient operation of the transport network, also to refer to adverse health and safety effects in the Transport Chapter which is provided in **Appendix 2**.

Detailed Responses to Evidence seeking changes to s42A Recommendations

Department of Conservation (s109)

17. The Department of Conservation (DOC) support for the recommendations made in the Council's Section 42A on the Transport Chapter is acknowledged.

NZ Transport Agency Waka Kotahi

Transport Chapter

TRANS-S5

18. NZ Transport Agency Waka Kotahi submitted seeking that the transport standard TRANS-S5 Vehicle crossing design and construction standards do not apply to state highways, or that the Council standards be updated to align with NZTA standards. The submission was accepted and an exception for access on to a state highway included under TRANS-S5.5 as shown below:

Except for access on to a state highway where the design standards are set out in the New Zealand Transport Agency Planning Policy Manual (2007), including Diagram C and Diagram E for rural access.

19. Ms Dempster support the recommended change but considers that the reference should be amended to ... NZTA Planning Policy Manual 'and subsequent relevant amendments' to ensure that the reference to the PPM does not become inaccurate over time necessitating corrections to the PDP.
20. However, Council's legal counsel advises that a document that is to be incorporated by reference cannot refer to any subsequent or superseding amendments, and this is not appropriate or valid from the legal perspective. We accept the legal advice that the change Ms Dempster seeks to TRANS-S5 should not be made and do not recommend any further amendments to the standard beyond those recommended in the Section 42A report.

New Zealand Transport Agency legal name

21. Ms Dempster also notes that there are a number of instances where 'Waka Kotahi New Zealand Transport Agency' is used within the Transport chapter of the PDP, including in the Overview, Note 3, TRANS-R2, and TRANS-R5 and recommends that the legal name for New Zealand Transport Agency is used instead within the PDP. The reference to the agency in the PDP is consistent with the name that the agency has previously referred to itself as, but I agree that the reference should be changed consistent with the legal name and current government authority direction. I recommend that this amendment is done as a correction of a minor effect under Clause 16(2) of the first schedule of the Act as shown in **Appendix 2**.

Designations

22. NZ Transport Agency Waka Kotahi submitted on seeking corrections and modifications to the area of designation to more accurately reflect the legal road boundaries and operational road corridor. It was not clear from the information provided with the submission whether the alterations affect privately owned land.

23. Ms Dempster notes in her evidence that there are eight small areas of privately-owned land that exist within the operational road area. However, these areas are already part of the road environment and are maintained by NZTA as the road controlling authority for roading purposes. The current use of private properties will therefore not be impacted as the proposed designation aligns with the existing operational road corridor. As the roads are existing and no physical works are proposed Ms Dempster does not consider that the landowners are affected by the modifications to the NZTA designation boundaries.
24. Although we agree that the modifications have no effect in practical terms as the designation boundaries will align with legal and operational road corridor, I consider that the landowners are directly affected by the designation. As part of the public notification requirements for the proposed plan, Council is required to give notice of any requirement or modification of a designation under Clause 4 to land owners and occupiers who, in the territorial authority's opinion, are likely to be directly affected, consistent with Clause 5(1B) of the first schedule of the Act, and since these land owners have not been identified by the requiring authority at the time of PDP notification Council has not followed this process. From the evidence provided by Ms Dempster it also sounds like the requiring authority has not notified the landowners of the change.
25. Council's legal counsel advises that based on the current information provided the original mapping notified in the PDP will need to be retained because notification to any the directly affected landowners has not been undertaken by any party, and we accept the advice.

Southland Federated Farmers

Transport chapter

26. The Southland Federated Farmers support of the recommendations for the definitions for vehicle movements and land transport infrastructure, and TRANS-S3 is acknowledged.
27. Federated farmers submitted seeking a new definition of "collector road", which was rejected as the roading hierarchy has been superseded by the One Network Framework (ONF) street categories that do not include collector roads. Ms Thomas and Ms Hunt accept the recommendation but note that the term is included in TABLE-S6 and questions if this is an error and an update may be required. We agree that this is an error in the table and that the category need to be updated in consultation with Council's Roading Asset Manager. We recommend that this amendment is done as a correction of a minor error under Clause 16(2) of the first schedule of the Act.

Fire and Emergency NZ

Transport chapter

28. Fire and Emergency submitted seeking amendments to the required construction standards and dimensions proposed in Table S5 for all vehicle crossings to cater for fire appliances. The submission was recommended to be rejected as TRANS-S4 Firefighting vehicle access applies where the distance from hydrants or the length of the driveway requires access for fire appliances. Fire and Emergency have written to the commissioners reiterating their original submission point and seek that the width of all crossing be increased to 3.5m at the boundary and 4m at the edge of seal.
29. The dimensions requested are allowed for in TRANS-S4, copied in below, and are based on the distances set out in New Zealand Fire Service Firefighting Water supplies code of practice SNZ PAS 4509:2008. Fire and Emergency support TRANS-S4 and seeks that it is retained, however if the requested amendments to TRANS-S5 are made it would mean that TRANS-S4 is no longer relevant and should subsequently be deleted.

TRANS-S4 Firefighting vehicle access

1. Where a vehicle access:
 - (a) terminates more than 135 metres from a hydrant with sufficient flow for firefighting purposes at the property; or
 - (b) a vehicle access is longer than 30 metresThe vehicle access and vehicle crossings must be designed, constructed and maintained to provide for emergency services vehicle access as follows:
 - (i) vehicle crossing width of at least 3.5 metres; and
 - (ii) carriageway width of at least 4m; and
 - (iii) height clearance of at least 4m.

30. Although we acknowledge the importance of appropriate access standard for emergency vehicles for the health and safety of people and property, I consider that the TRANS-S4 standard already provides for this, and we therefore do not recommend any further amendments to the TRANS-S5 standard beyond those recommended in the Section 42A report.

The Fuel Companies

Transport chapter

31. The Fuel Companies support of the recommendations for the definition of Land Transport Infrastructure Policies TRANS-P3, TRANS-P4 and TRANS-P8 is acknowledged.
32. The Fuel Companies submitted on rule TRANS-R1 seeking a permitted activity rule for equipment, structures and infrastructure associated with charging of electric vehicles not within legal road under TRANS-R1.1. The submission was rejected as the change would mean that structures and infrastructure associated with charging of electric vehicles beyond a legal road would be permitted regardless of transport standards.

33. The Fuel Companies have submitted a hearing statement proposing an alternative change as shown below, as the remain concerned that this would make the installation of electric vehicle charging infrastructure a discretionary activity in zones such as the Town Centre Zone where 'service stations' are a discretionary activity. The Fuel Companies consider that this would be unnecessarily onerous.

TRANS-R1 The establishment, construction, operation, maintenance and upgrading of the transport network and land transport infrastructure.

Activity status: Permitted

1. Where the land is:
 - (a) legal road and the work is being undertaken by, or on behalf of, a road controlling authority; or
 - (b) within a legally established rail corridor and the work is being undertaken by, or on behalf of, the railway owner or operator.
2. Where it is for the installation of equipment, structures and infrastructure associated with charging of electric vehicles that complies with all Transport Standards.
2. The transport network and land transport infrastructure are designed, formed, surfaced and drained in accordance with all Transport Standards; and
3. The land is not within an area or site identified as:
 - (a) Historic Heritage site or setting; or
 - (b) root protection area of a Notable Tree; or
 - (c) Outstanding Natural Feature or Outstanding Natural Landscape; or
 - (d) Significant Natural Area or highly mobile fauna area.

34. We acknowledge that infrastructure for charging of electric vehicles should be encouraged as the transition from the use of fossil fuels have benefits to the community and the environment. However, electric vehicle charging infrastructure is included in the definition of *land transport infrastructure* and is therefore already permitted subject to Transport Standards under TRANS-R1.2. We therefore do not recommend any further amendments to the TRANS-R1 rule beyond those recommended in the Section 42A report.

KiwiRail

35. KiwiRail support of the recommendations for the definition of Land Transport Infrastructure, Policies TRANS-PX and TRANS-P8, Rules TRANS-R2, and Standard TRANS-S8 is acknowledged.
36. KiwiRail support for the KRH-1 recommendation is acknowledged and the amendment to the PDP maps is recommended once the updated GIS shapefile is received from KiwiRail.

Transit corridor

37. KiwiRail sought an amendment to the definition of Transit corridor to refer to rail network rather than heavy rail networks. The submission was not accepted as the definition aligns with the One Network Framework street categories, and NZTA's position on the proposed change was not known. Ms Taylor submits that confirmation from NZTA has been provided to KiwiRail that they have no concerns with the relief sought. I accept the submission and recommend that the transit corridor definition is amended as shown below and in **Appendix 2**:

Means transit corridors that provide for the fast and efficient long-distance movement of people and goods within the urban realm. This includes motorways and urban expressways. By definition all dedicated, high movement and mode specific transport corridors such as ~~heavy~~ rail networks and busways are included in this classification.

TRANS-P8

38. Ms Taylor submits that KiwiRail seeks the inclusion of an additional clause in TRANS-P8 regarding the need for buildings to be set back from the rail corridor boundary, consistent with the relief sought in Hearing Stream 2, as follows:

TRANS-P8

Provide for a safe and efficient transport network by ensuring location, design and construction standards for land transport infrastructure are met that require:

1. vehicle crossings to be located and have appropriate separation and sight distances for the type of road, speed environment and proximity to level crossings, intersections and/or existing vehicle crossings;
2. visibility to be maintained at railway crossings and road intersections;
3. minimum dimensions and formation standards for the category and type of road, intersection, access or crossing;
4. surfacing and drainage of roads, private access ways and vehicle crossings;
5. manoeuvring space for vehicles access and parking areas.
6. Building setbacks from the rail corridor to ensure the health and safety of rail operators and adjoining landowners and occupants.

39. However, TRANS-P8 relates to the construction standards for the transport network and land transport infrastructure, it does not relate to building setbacks from the network, and I therefore reject the proposed insertion. Building setbacks are addressed in TRANS-P2, and we therefore recommend a minor amendment to the policy as an alternative, as shown below and in **Appendix 2**, to include a reference to health and safety.

TRANS-P2

Recognise and protect the function of the transport network based on the identified street category and their local, regional or national significance by managing nearby land use, subdivision and development. Ensure that incompatible or sensitive activities, buildings and structures do not impact on the safe and efficient operation of the transport network by requiring appropriate separation or design to minimise adverse noise, amenity, health and safety and/or reverse sensitivity effects.

PowerNet

40. PowerNet's support for the recommendations made in the Council's Section 42A on the Temporary Activities Chapter is acknowledged.

Appendix 1

Department of Conservation (s109)

The Department of Conservation (DOC) submission shows support for the recommendations made in the Council's Section 42A on the Transport Chapter. Overall, the Director-General is satisfied that the concerns covered in the submission points have generally been addressed and DOC no longer wishes to be heard at the Stream 5 Hearing.

New Zealand Transport Agency Waka Kotahi (s112)

Helen Dempster has provided evidence on behalf of New Zealand Transport Agency Waka Kotahi (NZTA). This summary of evidence will address the recommendations on Temporary Activities, Transport Chapter and Designations.

Recommendations from the Section 42A report on Temporary Activities are supported.

Within the Transport Chapter, there are instances where 'Waka Kotahi New Zealand Transport Agency' is referenced although the legal name of NZTA is the 'New Zealand Transport Agency'. This is noted in the Overview, Note 2, TRANS-R2 and TRANS-R5 and it is recommended that the legal name be used to reference NZTA. Further, the Section 42A report for the Transport Chapter has recommended an amendment to refer to the NZTA Planning Policy Manual (PPM, 2007). This change is supported with the addition of referencing future superseding amendments to the PPM to ensure it does not become inaccurate.

The evidence for the designations chapter considers that the eight small areas of privately-owned land that exist within the operational road area and are maintained by NZTA for roading purposes should be included in the NZTA state highway designation boundaries. The current use will not be impacted, and no works are associated with this change. The suggested boundary amendments are shown in **Appendix 2** of the evidence.

Southland Federated Farmers (s126)

Rachel Thomas and Bernadette Hunt provided evidence on behalf of Southland Federated Farmers (SFF). This summary of evidence will address the recommendations on Temporary Activities and the Transport Chapter.

The Temporary Activities Section 42A authors recommended changes based on the submitters relief sought on TEMP-R3 is accepted.

Within the Transport Chapter, rejection of the request for a new definition of 'collector road' is accepted given the Transport Section 42A authors rationale. However, it is noted that 'collector roads' are still to be included in Table-S6 and question if an update to 'connector roads' is required. Three further requested changes were made by SFF in their original submission which were accepted by the section 42A author. SFF thanks the author for these changes.

Fire and Emergency NZ (s124)

Fire and Emergency NZ (FENZ) further evidence acknowledges no comments with respect to the Temporary Activities chapter.

Within the Transport Chapter, FENZ reiterate their original submission point that the width (m) at the property boundary (urban) or entranceway (rural) for the residential zone be amended to 3.5m, and the width (m) at kerb line or edge of seal be 4m. This request ensures that doors are able to be opened and closed easily, and to access equipment from the appliance's compartments and safely connect the hose to the pump.

The Fuel Companies (s16)

Georgia Alston on behalf of the Fuel Companies are generally pleased with the recommendations of the Transport Section 42A officer so long as a standalone permitted activity rule for Electric Vehicle Charging Infrastructure (EVCI) is incorporated into the Transport Rules. They continue to seek changes to TRANS-R1 to allow the establishment of EVCI as a permitted activity.

KiwiRail (s132)

Louise Elizabeth Robertson Taylor has submitted evidence on behalf of KiwiRail on the Transport Chapter of the District Plan. The submissions accepted by the Transport Section 42A author were accepted by Louise and not discussed further. On the Section 42A authors recommendation, the definition of 'transit corridor' was discussed between KiwiRail and NZTA who agree that the reference to 'heavy' rail networks be removed so it reads 'rail networks'. This amendment is sought. Regarding TRANS-R1(2), it is noted that only activities undertaken by KiwiRail outside of its designation would be captured under the transport standards and as such the rule does not apply to KiwiRail. Finally, KiwiRail seek the inclusion of a further policy to provide clear direction to decision-makers as to the need to manage effects on the rail corridor from physical interference, and to protect adjoining landowners from health and safety hazards when undertaking building maintenance or other land uses. KiwiRail continue to seek the inclusion of this policy.

PowerNet (s95)

Mark Zwies on behalf of PowerNet support the recommendation by the Temporary Activities Chapter Section 42A author to include a policy and rule to enable temporary mobile substation units.