

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)**

**Statement of Evidence of Ainsley Jean McLeod on behalf of
Transpower New Zealand Limited**

(submitter reference 101 and further submitter reference 30)

dated 21 May 2024

SUMMARY OF EVIDENCE

1. The submission made by Transpower New Zealand Limited (“Transpower”) on the Proposed Gore District Plan (“Proposed District Plan”) is concerned with how the Proposed District Plan recognises and provides for the nationally significant National Grid, and particularly the extent to which the provisions of the Proposed District Plan:
 - a. give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”);
 - b. give effect to the operative Southland Regional Policy Statement 2017 (“SRPS”), and
 - c. appropriately reflect the relationship of the Proposed District Plan with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”).
2. The NPSET provides policy direction in relation to:
 - a. recognising the benefits of the National Grid;
 - b. managing the adverse effects on the environment of the National Grid;
 - c. managing the adverse effects of land use and development on the National Grid; and
 - d. long-term strategic planning for transmission assets.
3. The SRPS includes the following provisions that are directly relevant to the National Grid, and the provisions of the Proposed District Plan:
 - a. Objective INF.1 – Southland’s infrastructure;
 - b. Policy INF.1 – Regional, national and critical infrastructure;
 - c. Policy INF.2 – Infrastructure and the environment;
 - d. Policy INF.3 – Infrastructure protection;
 - e. Policy INF.4 – Natural hazards;
 - f. Policy INF.5 – Development, subdivision and land use;
 - g. Policy INF.6 – Promoting consistent and integrated management of infrastructure across the region; and
 - h. Method INF.2 – District plans.
4. In respect of the matters that are the subject of Hearing Stream 1, Transpower’s submission, and further submissions, support a number of provisions, but seek amendments to:
 - a. reflect the role of the NPSET;
 - b. clarify the role of the strategic objectives in future planning processes; and

- c. appropriately recognise and provide for the National Grid through an amendment to Objective UFD-O1, and the inclusion of a new strategic objective that recognises the benefits of nationally significant, regionally significant and critical infrastructure.
5. My evidence considers the relief sought by Transpower and addresses, as relevant to this relief, the recommendations made in the 'Gore Proposed District Plan Hearing Stream 1 – Introduction, General Provisions and Strategic Direction Section 42A of the Resource Management Act 1991' ("Section 42A Report")
6. I support a number of recommendations made in the Section 42A Report for the reasons given in Transpower's submissions and/or the Section 42A Report. These recommendations are set out in **Attachment A**.
7. In my evidence I give some consideration to the direction given in the Proposed District Plan in respect of the role of the strategic objectives, and particularly whether there is a hierarchy between the objectives in the Proposed District Plan. My evidence highlights my concern that, if a hierarchy exists, the strategic objective may 'trump' objectives in other parts of the Proposed District Plan in future planning processes where there is tension or conflict between provisions that would need to be resolved. This concern is amplified where there is no strategic objective that explicitly and fulsomely addresses nationally and regionally significant infrastructure, such as the National Grid (that benefits from an enabling National Policy Statement). For this reason, and in order to give effect to the NPSET and SRPS, my evidence also supports the inclusion of a new strategic objective that addresses nationally significant, regionally significant and critical infrastructure.
8. The amendments to the provisions of the Proposed District Plan that are suggested in, and supported by, my evidence are set out in the body of my evidence. It is my conclusion that these amendments are necessary and the most appropriate (in terms of the requirements of section 32 of the RMA) to:
 - a. achieve consistency with, and give effect to the relevant higher order provisions;
 - b. improve the efficiency, clarity and usability of the Proposed District Plan; and
 - c. therefore achieve the purpose of the RMA.

INTRODUCTION

9. My full name is Ainsley Jean McLeod. I hold the qualifications of a Bachelor of Arts (Geography and Anthropology) and a Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute.
10. I am a planner and director of Ainsley McLeod Consulting Limited. I have over 20 years' experience in planning practice, primarily as a consultant planner based in Wellington, Christchurch and Otago, during which time I have undertaken consenting, designation and

policy planning work. I have provided professional planning advice to a range of clients including central and local government, and the private sector.

11. I have particular expertise in respect of infrastructure and network utilities, having provided planning advice in relation to power transmission, distribution and generation, water and waste, rail and roading, airport and telecommunications projects. I have acted as an expert witness on a number of occasions before hearings panels, boards of inquiry and the Environment Court.
12. I have provided expert planning advice to Transpower since 2001 in relation to new and upgraded National Grid transmission lines and substations, along with the relevant planning instruments including the NPSET and the NESETA. I am familiar with the ways in which plans and policy documents respond to these planning instruments, having advised Transpower in respect of a number of regional policy statement, regional plan and district plan reviews.
13. I assisted with the preparation of Transpower's comments on pre-notification draft district plan provisions, along with Transpower's submission and further submissions on the Proposed District Plan. I am now engaged to provide expert planning evidence in relation the matters that have been raised in Transpower's submission and further submissions.

CODE OF CONDUCT

14. Although this matter is not before the Environment Court, I acknowledge the Hearings Panel direction in Minute 6 (paragraph 5.24) and confirm that I have read the Code of Conduct for expert witnesses as contained in section 9 of the Environment Court Practice Note 2023. I further confirm that I have complied with this Code of Conduct when preparing my written statement of evidence and will do so, when giving evidence or otherwise participating in the hearing process.

SCOPE OF EVIDENCE

15. My evidence:
 - a. acknowledges the statutory requirements for the Proposed District Plan relevant to Hearing Stream 1;
 - b. describes Transpower's submission and further submissions on the Proposed District Plan that are the subject of Hearing Stream 1; and
 - c. addresses (as relevant to the relief sought by Transpower) the recommendations made in the Section 42A Report.
16. In addition to the documents referred to above, in preparing this evidence I have also reviewed the following documents insofar as they relate to Transpower's submissions:
 - a. the relevant primary submissions and further submissions; and

- b. the 'Section 32 Evaluation – Overview and Urban Form and Development' ("Section 32 Report").
- 17. For the purpose of my evidence, I rely on the evidence of Mr John Sutherland. His evidence outlines:
 - a. Transpower and the National Grid;
 - b. Transpower's assets and projects within Gore District; and
 - c. New Zealand's Paris Commitment and Decarbonisation.

RELEVANT STATUTORY FRAMEWORK

- 18. The statutory and policy considerations and directions for the Proposed District Plan, insofar as is relevant to Transpower's submission and further submissions, are set out in detail in:
 - a. the Section 32 Report;
 - b. Transpower's submission; and
 - c. The Section 42A Report.
- 19. I consider that together these documents provide a comprehensive description of the relevant statutory matters. I therefore rely on the summary in these documents and do not repeat the relevant provisions here except to emphasise that the Proposed District Plan must give effect to the NPSET and the SRPS and that "give effect to" is a strong statutory directive in the RMA that was interpreted in the *EDS v New Zealand King Salmon* Supreme Court case as meaning "to implement".¹
- 20. My evidence particularly identifies the following provisions as relevant to my consideration of the relief sought by Transpower and the recommendations in the Section 42A Report:
 - a. The objective of the NPSET;
 - b. Policy 1 of the NPSET;
 - c. Policy 2 of the NPSET;
 - d. Policy 5 of the NPSET;
 - e. Policy 10 of the NPSET;
 - f. Policy 11 of the NPSET;
 - g. SRPS Objective INF.1 – Southland's infrastructure;
 - h. SRPS Policy INF.1 – Regional, national and critical infrastructure;

¹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*, NZSC 38, 17 April 2014.

- i. SRPS Policy INF.2 – Infrastructure and the environment;
 - j. SRPS Policy INF.3 – Infrastructure protection;
 - k. SRPS Policy INF.5 – Development, subdivision and land use; and
 - l. SRPS Method INF.2 – District plans.
21. My analysis and consideration of the relief sought by Transpower is informed by the statutory framework for decisions on the Proposed District Plan set out in the Section 32 Report, the RMA, and the on-going guidance provided by the modified Long Bay test.²
22. The remainder of my evidence describes Transpower's submission and further submissions, and considers these submissions alongside the recommendations made in the Section 42A Report.
23. Where amendments to the provisions of the Proposed District Plan are suggested in, and supported by, my evidence these are shown as follows:
- a. Section 42A Report recommendation text: black underline and ~~black strikethrough~~;
 - b. Transpower submission and further submission text: red underline and ~~red strikethrough~~; and
 - c. evidence text: blue double underline and ~~blue double strikethrough~~.

SECTION 42A REPORT RECOMMENDATIONS

24. As a preliminary matter, I acknowledge that there are recommendations in the Section 42A Report relating to the relief sought by Transpower that are consistent with my opinion and conclusions in respect of that relief. In the interest of brevity, I have included a table as **Attachment A** that lists these recommendations. I confirm that the reasons for my support of these recommendations are those included in either or both Transpower's submission and the Section 42A Report. I do not address these matters further in my evidence.
25. Those submission points that remain outstanding relate to:
- a. the role and function of the strategic objectives in the Strategic Direction chapter, including the extent to which there is a hierarchy of provisions within the Proposed District Plan; and

² *Long Bay – Okura Great Park Society v North Shore City Council* NZEnvC A078/2008, 16 July 2008, at [34], *High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387 and *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC55.

- b. Objective UFD-O1 and the need for a new strategic objective that addresses nationally significant, regionally significant and critical infrastructure.
26. The Section 42A Report also acknowledges Transpower's general submission³ on the whole of the Proposed District Plan and advises:

"115. Further submissions will also be sought from 8 to 22 May 2024 on three additional submission points in support of the whole plan (except where the submission sought specific amendments) which were received from Hokonui Rūnanga (s139.093), McNabb Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103). These submission points were not included in the original submission summary due to an incorrect interpretation that they offered a general level of support without specificity on provisions and therefore were not specific submission points. However, in the interests of fairness, completeness and to ensure full transparency as well as to allow for other parties to consider these submissions Council is now seeking further submissions on these three points. An update and recommendations on any relevant further submissions will be provided at the Hearing Stream 1 Hearing where relevant."

27. I will similarly address any matters that arise in relation to Transpower's relief when I appear at the Hearing Stream 1 hearing.

PART 1 – INTRODUCTION AND GENERAL PROVISIONS

General Approach: Plan Structure and Strategic Direction

28. Transpower's submission⁴ states that it is critical that the Plan clearly states the purpose of the Strategic Direction objectives so that there is no ambiguity in future RMA processes, including in respect of whether there is a hierarchy within the Plan. The submission supports the description of the 'Plan Structure' and acknowledges that there is no intention for there to be a hierarchy within the provisions of the Proposed District Plan. Transpower seeks the inclusion of the following further explanation of the role of the strategic objectives to make it clear that there is no hierarchy between the strategic objectives or between the strategic objectives and other objectives and policies in the Proposed District Plan, and suggests that similar text could usefully be included in the Strategic Direction Chapter:

"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 the District Plan are ~~to be read and achieved in a manner~~ consistent with the strategic objectives. No fixed hierarchy exists between the strategic objectives or

³ Submission reference 101.103.

⁴ Submission reference 101.002.

between the strategic objectives and the other objectives and policies in the District Plan.”

29. The Section 42A Report recommends that the submission be rejected for the following reasons:

“221. The Strategic Direction objectives contained in the UFD chapter do sit above and guide the objectives and policies across the PDP in terms of the nature and location of growth and development. To this extent there is a hierarchy. Furthermore, some objectives and policies across the PDP are drafted in a way that does create a hierarchy for decision making through the use of terms such as “avoid” vs “enable”. For example, UFD-O1 seeks that the district develops in a way that minimises adverse impacts on historic heritage and HH-P3 enables maintenance and repair of scheduled heritage items while HH-P12 seeks to avoid total demolition of scheduled heritage items. Similarly, GRZ-P9 seeks to avoid activities that are incompatible with the character of the residential zone (such as industrial activities), while GIZ – O2 seeks that the General Industrial Zone is not compromised by non-industrial (residential) activities and GIZ – P6 seeks to avoid non-industrial activities.”

30. The Section 42A Report does not recommend any amendments to the relevant clause.
31. My understanding of the rationale given in the Section 42A Report for recommending that Transpower’s submission be rejected is because it is considered that there is a hierarchy between provisions because policies implement objectives. I entirely accept this and note this is what is required by section 75(1) of the RMA. Having drafted Transpower’s submission, I can confirm that the relief sought by Transpower is not intended to subvert the requirements of section 75(1), rather Transpower’s concern relates to whether or not the Proposed District Plan intends for greater weight to be given to the strategic objectives in future planning processes such as in the consideration of an application for resource consent or a notice of requirement for a designation.
32. In my opinion it is critical that the purpose and future role of the strategic objectives in the Strategic Direction part of the Proposed District Plan is made explicitly clear in respect of the relative weight afforded a strategic objective when compared to provisions in the rest of the Proposed District Plan so that plan users understand whether, in the event of conflict or tension, a strategic objective would ‘trump’ other provisions. I do not consider that the Proposed District Plan provides this clarity and similarly, the accompanying Section 32 Report⁵ does not address the role of the strategic objectives in this regard.
33. While the current drafting expresses an aspiration of consistency throughout the Proposed District Plan, there will inevitably be situations where the tension between ‘protective’

⁵ ‘Section 32 Report – Overview and Urban Form and Development’

provisions and 'enabling' provisions will need to be resolved. My concern is that in future planning processes if a 'protective' provision is a strategic objective and an 'enabling' provision is an objective elsewhere in the Proposed District Plan, greater weight could be given to the 'protective' by virtue of the provision being a strategic objective in the absence of clear direction that there is no hierarchy. This is important in the context of the National Grid because, even though the need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance, if the National Grid is enabled through provisions in the Infrastructure Chapter a 'protective' strategic objective may be given greater weight (as opposed to being considered equally) and effectively 'trump' the provision that enables the National Grid in a manner that does not give effect to the NPSET. This matter is critical when I come to consider whether there is a need for a strategic objective for regionally significant and/or critical infrastructure later in my evidence.

34. The role of a strategic direction chapter has been considered by the Environment Court in respect of appeals on the proposed Queenstown Lakes District Plan (Stage 1).⁶ The decision states that:

"Given that Ch 3 concerns strategic directions, it is particularly important that its intended influence is clear:

- (a) in the formulation of other PDP provisions, bearing in mind the expectation that Ch 3 would be operative, as part of the ODP, before other PDP provisions under appeal are determined; and*
- (b) in the interpretation of other chapter objectives, policies and other provisions of the ODP of which it will be part."*⁷

35. The Environment Court concluded the following and included a new "Interpretation and Application" section in the Chapter (reproduced as **Attachment B**) to more clearly set out the intent of the decisions version of the Chapter:

"Ultimately, our evaluation comes back to what best expresses the intended purposes of SOs and SPs within the ODP. We are mindful that Ch 3 is overarching. In addition to its significance during the formulation of other PDP provisions, it is intended to have an ongoing interface with the entire ODP, including those parts of it that are not the subject of the partial plan review. With a partial plan review of the nature QLDC has instigated here, it is important that the ultimate product, ie the updated ODP, is fully coherent and integrated and clear in its intentions to the ordinary reader."

⁶ *Darby Planning Limited Partnership and others v Queenstown Lakes District Council* [2019] NZEnvC 133.

⁷ At paragraph 63.

36. The same issue has been considered in recent district plan processes that I have been involved in. **Attachment C** sets out the way in which the role of strategic objectives is addressed in the Proposed Selwyn, Waimakariri and Timaru District Plans. In the case of Selwyn District Plan, there is no hierarchy within the strategic objectives and these objectives include a specific objective expressing an outcome that regionally significant infrastructure and lifeline utilities are enabled. In the case of Waimakariri and Timaru District Plans (and similar to the Queenstown Lakes District Plan example), there is a clear direction that there is no fixed hierarchy between provisions in these District Plans.
37. I support a similar approach being taken in the Gore District Plan and therefore support the amendments to the description of the 'Plan Structure' set out below and consider that these amendments are appropriate, efficient and effective by being, to use the words of the Environment Court "*fully coherent and integrated and clear in its intentions to the ordinary reader*":
- “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 the District Plan are ~~to be read and achieved in a manner~~ consistent with the strategic objectives. No fixed hierarchy exists between the strategic objectives or between the strategic objectives and the other objectives and policies in the District Plan.”
38. In addition, I consider there is merit in including similar direction in the 'Overview' included in the Urban Form and Development Chapter.
39. Lastly, as an alternative, I would also support similar wording to that included in the Proposed Waimakariri and Timaru District Plans.

PART 2 –DISTRICT WIDE MATTERS

Strategic Direction – Urban Form and Development

Objective UFD-O1

40. Transpower's submission and further submissions in relation to the Urban Form and Development chapter are as follows:
- a. Transpower's submission⁸ does not support the objectives included in the Urban Form and Development chapter of the Proposed District Plan on the basis that the objectives fail to address outcomes for nationally significant, regionally significant and/or critical infrastructure. Transpower's submission notes that strategic objectives describe

⁸ This submission is supported in part by the further submission made by Yrless Limited (FS21.020) and opposed by the further submission made by Kainga Ora (FS28.009).

outcomes for a range of important activities, such as the airport, industrial activities and primary production, but observes that the objectives are silent in respect of providing for, and protecting, nationally significant, regionally significant and/or critical infrastructure, including the nationally significant National Grid. Transpower's submission states that failing to address the provision of, and protection of, such infrastructure is inconsistent (or not even-handed) with the way in which the Chapter responds to other matters and does not give effect to the SRPS⁹ nor the NPSET. Transpower seeks the inclusion of a new objective as follows:

*"UFD – X The operation, maintenance, upgrade and development of critical infrastructure is enabled and critical infrastructure is protected from the impacts of incompatible activities."*¹⁰

- b. For the same reasons as Transpower's primary submission, Transpower's further submission¹¹ supports the primary submission made by Waka Kotahi NZ Transport Agency¹² that seeks the following amendments to Objective UFD-O1:

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

...

6. *manages the safe, effective and efficient use and provision of new and utilises existing infrastructure and/or can be efficiently serviced with new infrastructure;*

...

10. provides a resilient critical infrastructure network to meet the needs of the Gore District.

11. provides opportunities for active transport modes (walkways and cycleways)."

- c. Transpower's further submission¹³ supports the primary submission made by Mercury NZ Limited¹⁴ (subject to the relief also including reference to the National Grid) that seeks that Objective UFD-O1 be amended as follows because electricity transmission plays a critical role in New Zealand's carbon zero future:

⁹ Objective INF.1 and Policies INF.1 and INF.3.

¹⁰ Submission reference S101.013.

¹¹ Further submission reference FS30.088.

¹² Further submission reference S112.010.

¹³ Further submission reference FS30.088.

¹⁴ Submission reference S130.009.

“ ...

5a. *takes into account the short, medium, and long-term impacts of climate change and natural hazards, and the associated uncertainty and risk;*

5b. *provides for the transition away from fossil fuels, through increased use and development of renewable resources.*”¹⁵

41. The Section 42A Report recommends that Transpower’s submission be rejected and that the submission made by Waka Kotahi NZ Transport Agency and Mercury NZ Limited be accepted in part. The following amendments to Objective UFD-O1 are recommended:

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

...

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.

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

42. The Section 42A Report gives comprehensive reasons for the recommendations on Transpower’s submission and the submissions subject to Transpower’s further submission. The following table sets out my response to relevant paragraphs in the Section 42A Report.

Section 42A Report	Response
<i>“289. An additional objective to specifically enable and protect critical infrastructure through Transpower’s submission (s101.013) is not recommended as this is better addressed in UFD-O1 (which requires the district develops in a way that utilises existing infrastructure and/or can be effectively serviced with new infrastructure), UFD-O7 (which requires that urban environments are adequately serviced by utilising and/or upgrading existing infrastructure or with new</i>	Transpower’s submission refers to the explicit ‘elevation’ and enablement of the airport, major facilities and large-scale industrial activities in Objective UFD-O8 and considers that the National Grid is deserving of similar ‘elevation’. Given that the need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance (as set out in the NPSET), I agree and am of the view that it is important that the National Grid is similarly ‘elevated’ through being specifically addressed in the strategic objectives in a manner that gives effect to the NPSET.

¹⁵ Transpower’s further submission seeks that the relief is amended so that new clause 5b reads as follows [my emphasis]:

“5b. provides for the transition away from fossil fuels, through increased use and development of renewable resources and the National Grid.”

Section 42A Report	Response
<i>infrastructure or additional infrastructure).</i>	I do not consider that this is achieved or “better addressed” through Objectives UFD-O1 and UFD-O7. In my opinion it is problematic to rely on these Objectives because the primary intent of these Objectives serves to confine the scope of the clauses that relate to infrastructure (and therefore the National Grid). That is, Objective UFD-O1 describes an outcome where the District develops in a cohesive, compact and structured way through a range of matters listed in the sub-clauses. This means that those sub-clauses, including clause (6) are only understood in terms of their role in delivering cohesive, compact and structured development. Similarly, Objective UFD-O7 relates to urban environments and the servicing of those environments by infrastructure whereas the role of the National Grid is significantly broader, as described in the evidence of Mr Sutherland.
<i>“291. The objectives, policies and rules have been framed across the PDP so that “enabled” equates to permitted or controlled activities, “managed” equates to restricted discretionary and discretionary activities, and “avoid” or “protect” relates to non-complying or prohibited activities to align with best practice plan development and relevant caselaw. Therefore, to enable the operation, upgrade and development of critical infrastructure at an objective level would be to effectively permit these activities and to protect critical infrastructure from incompatible activities would be to make those activities non-complying or prohibited.”</i>	I acknowledge and support the use of consistent terminology in objectives and policy to ultimately direct activity status. However, in my view it is essential that the provisions of the Proposed District Plan use terminology that properly gives effect to higher order planning instruments. In this regard, and in the case of the National Grid, I am guided primarily by the relevant provisions of the NPSET and the SRPS (also listed earlier in my evidence and in Transpower’s submission). By way of example [my emphasis]: • The Objective of the NPSET refers to “facilitating the operation, maintenance and upgrade” of the National Grid while managing effects of, and effects on, the network; • Policy 1 of the NPSET directs that decision-makers must recognise and provide for the benefits of the existing National Grid and the establishment of new transmission resources; • Policy 2 of the NPSET directs that decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid; • Policy 5 of the NPSET directs that decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets; • Policy 10 of the NPSET directs that decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the National Grid and to ensure that operation, maintenance, upgrading, and

Section 42A Report	Response
	development of the National Grid is not compromised. • Policy INF.1 of the SRPS refers to recognising the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities. • Method INF.2 of the SRPS directs that district plans include objectives, policies and methods in district plans that will: “(a) enable the development, use, maintenance and upgrading of infrastructure, whilst ensuring the management of any associated adverse effects; ... (c) ensure that adverse effects, including reverse sensitivity effects, of development and land use on existing and/or planned regionally and nationally significant infrastructure are avoided, remedied or mitigated by identifying: ...” Given these examples of provisions in higher order planning instruments, it is my opinion that Objective UFD-O1, particularly through the use of the term ‘manage’ (including as a direction for restricted discretionary and discretionary activities), does not give effect to the NPSET and SRPS.
“292. INFR-O1 outlines that the operation, maintenance, upgrading and development of infrastructure is provided for to meet the needs of the community and businesses. INFR-O3 anticipates that infrastructure (or land reserved for infrastructure) is protected from incompatible activities that may compromise it. INFR-P1 seeks to enable the construction, maintenance, upgrade and use of infrastructure, while INFR-P6 and INFR-P7 seek to avoid, remedy or mitigate adverse effects of activities adjacent to critical infrastructure and manage the adverse effects of infrastructure development. INFR rules then go on to enable underground infrastructure, infrastructure within a building, and upgrading meeting standards. There are also limits on sensitive activities with the National Grid Yard. Establishment of new infrastructure in sensitive areas such as	I acknowledge the description of the more detailed provisions that apply to infrastructure, and the protection of infrastructure elsewhere in the Proposed District Plan. I agree that it is appropriate and typical for district plans to include detailed provisions in the topic specific chapters. However, I have two concerns in respect if the conclusion reached in the Section 42A Report as follows: 1. With reference to my earlier evidence in respect of the role of the strategic directions, the Section 42A Report states that it is appropriate to rely on “lower order objectives”, implying that the provisions are ‘lesser’. In my opinion, and for the reasons set out above, a physical resource that is nationally significant should similarly be significant in the context of a district and, therefore be addressed appropriately at a strategic level at least in the same manner as the airport, major facilities, large-scale industrial activities and matters of national importance under section 6 of the RMA. 2. The detailed provisions in the other chapters of the Proposed District Plan are to be consistent

Section 42A Report	Response
<i>outstanding landscapes and SNAs, and other types of infrastructure are to be managed.</i> <i>293. The zone and general district wide provisions typically seek to manage sensitive activities from locating close to infrastructure. For example, GRZ-O4 seeks to provide development with appropriate infrastructure while mitigating adverse effects on infrastructure networks. Zone rules provide for buffers to critical infrastructure such as wastewater (GRZ-R14) and larger scale activities not anticipated within zones require consent with amenity being a key matter of control or discretion (GRZ-R1-R6, R8-R13). In addition, NOISE-O3 seeks to manage noise sensitive activities and associated reverse sensitivity effects with rules limiting noise sensitive activities within railway corridor overlays and the state highway noise control overlay (NOISE-R7) with acoustic treatment standards for noise sensitive activities (NOISE - S3).</i> <i>294. Therefore, when read together from strategic objectives in the UFD chapter right through to zone and general district wide rules and standards, it is not appropriate to introduce a new objective that enables critical infrastructure and protects critical infrastructure from the impacts of incompatible activities. This is more appropriately addressed by amending UFD-O1 and UFD-O7 and relying on lower order objectives in the INFR objectives and Zone and General District Wide provisions where amenity and reverse sensitivity matters can be considered against relevant amenity considerations. ..."</i>	with the strategic objectives. In my opinion, Objective UFD-O1, including as recommended for amendment in the Section 42A Report is not sufficiently consistent with the provisions in other chapters, with the use of the term 'manage' potentially confining the range of responses to the provision of infrastructure.
<i>"295. If a new objective was to be introduced, it should focus on the provision (rather than enablement) of critical infrastructure and the management or mitigation of the impacts of sensitive activities on critical infrastructure rather than outright protection."</i>	Noting the higher order planning instruments that I have identified above, I agree with the Section 42A Report, and consider that 'provision' is an appropriate term in a new objective on the basis that the purpose of the term 'enable' is to direct a particular activity status. I do not agree that the management or mitigation of the impacts of sensitive activities on infrastructure is appropriate

Section 42A Report	Response
	because this terminology does not give effect to Policies 10 and 11 of the NPSET because the terminology is not broad enough to allow: 1. the more specific provisions to avoid reverse sensitivity effects and ensure the National Grid is not compromised; and 2. the full range of responses to reverse sensitivity effects in more specific provisions.

43. For all of the reasons set out above, I support the inclusion of a new strategic objective that reflects the national and regional importance of infrastructure; that gives effect to the higher order planning instruments and that better achieves consistency with the more specific provisions in other chapters of the Proposed District Plan. In drafting this objective I have been mindful of the direction given by the Section 42A Report alongside the higher order planning instruments. I suggest the following precise wording:

[“UFD-Ox](#)

[The benefits to be derived from the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure are recognised by:](#)

[1. enabling the operation, maintenance and upgrading of the infrastructure;](#)

[2. providing for the development of infrastructure;](#)

[3. protecting, as appropriate, the infrastructure from the impacts of incompatible activities.”](#)

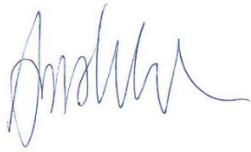
44. In terms of Transpower’s further submission on the primary submission made by Mercury NZ Limited, the Section 42A Report comments as follows:

“322. This change reflects the NPS Renewable Electricity Generation 2011 and the Southland Murihiku Regional Energy Strategy 2022-2050 and recognises that reference to increased use and development of the National Grid is not definite given that renewable energy sources such as private solar may not rely on the National Grid. If expansion to the National Grid is necessary, then UFD-O1(6) that supports the need for new infrastructure will enable the expansion of the National Grid.”

45. While I accept that not all renewable electricity generation will be connected to the National Grid, In his evidence, **Mr Sutherland** describes Transpower’s vital role in New Zealand’s energy future. This role not only connecting new renewable electricity generation to the National Grid, but also transporting electricity to meet demand as New Zealand’s economy is increasingly ‘electrified’. In the context of the Gore District, this could include the electrification of existing industrial activities.

46. With this in mind, I am of the view that it is necessary and appropriate to also recognise Transpower's role in New Zealand's climate change response and the transition away from the use of fossil fuels. On this basis, I support the relief sought by Transpower as follows:

- "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 National Grid](#)."



Ainsley Jean McLeod

21 May 2024

ATTACHMENT A: SUPPORTED SECTION 42A REPORT RECOMMENDATIONS

In the following Table the relief sought by Transpower is shown in red underline and ~~red strikethrough~~ and the amendments recommended by the Section 42A Report are shown in black underline and ~~black strikethrough~~.

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation						
Part 1 – Introduction and General Provisions									
How the Plan Works Statutory Context: Relationship with other Plans and Documents	S101.001 (Supported by the further submission made by Mercury Limited FS26.004)	Amend the table in 'Relationship with other Plans and Documents' to include the following: <table><tr><td><u>“National Policy Statements</u></td><td><u>The District Plan must give effect to National Policy Statements, including the National Policy Statement on Electricity Transmission.</u></td></tr><tr><td><u>National Environmental Standards</u></td><td><u>The District Plan must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standards, including the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.”</u></td></tr></table>	<u>“National Policy Statements</u>	<u>The District Plan must give effect to National Policy Statements, including the National Policy Statement on Electricity Transmission.</u>	<u>National Environmental Standards</u>	<u>The District Plan must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standards, including the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.”</u>	Accept in part and amend the table in 'Relationship with other Plans and Documents' as follows: <table><tr><td><u>“National Policy Statements and National Environmental Standards</u></td><td><u>The District Plan must give effect to National Policy Statements and must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standard/Regulation.</u> <u>Refer to the National Planning Instruments chapter of the District Plan to understand how these are relevant to the Gore district.</u></td></tr></table> I support the Section 42A Report recommendation and consider that the recommended amendment appropriately describes the role of the higher order planning instruments.	<u>“National Policy Statements and National Environmental Standards</u>	<u>The District Plan must give effect to National Policy Statements and must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standard/Regulation.</u> <u>Refer to the National Planning Instruments chapter of the District Plan to understand how these are relevant to the Gore district.</u>
<u>“National Policy Statements</u>	<u>The District Plan must give effect to National Policy Statements, including the National Policy Statement on Electricity Transmission.</u>								
<u>National Environmental Standards</u>	<u>The District Plan must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standards, including the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.”</u>								
<u>“National Policy Statements and National Environmental Standards</u>	<u>The District Plan must give effect to National Policy Statements and must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standard/Regulation.</u> <u>Refer to the National Planning Instruments chapter of the District Plan to understand how these are relevant to the Gore district.</u>								
How the Plan Works General Approach: Cross Boundary Matters	S101.003	Transpower supports the inclusion of “Water and Infrastructure systems – Including the National Grid” in the list of cross-boundary issues and seeks that this text be retained as notified.	The Section 42A Report recommends that the submission be accepted and the 'Cross Boundary Matters' section is recommended to be retained as notified. I support the Section 42A Report recommendation on the basis that reference to the National Grid is consistent with the preamble to the NPSET that states: “The transmission network is an extensive and linear system which makes it important that there are						

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			<i>consistent policy and regulatory approaches by local authorities."</i>
Interpretation Definitions 'Reverse sensitivity'	S101.010	Transpower supports the definition of 'reverse sensitivity' as notified on the basis that the definition appropriately reflects the concept of reverse sensitivity effects in a manner that is consistent with the policy framework in the NPSET. Transpower seeks that the definition of 'reverse sensitivity' is retained as notified.	The Section 42A Report recommends that the submission be accepted in part because amendments are recommended in response to other submissions: <i>"The potential for an approved (whether by <u>resource consent</u>, <u>certificate of compliance</u> or designation), <u>lawfully established</u> existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, <u>lawfully established</u> existing or permitted activity."</i> I support the amendments recommended in the Section 42A Report and consider that these amendments enhance the clarity of the definition and that the definition is consistent with the way in which the concept of 'reverse sensitivity' is applied in the NPSET.

**ATTACHMENT B: QUEENSTOWN LAKES DISTRICT PLAN – INTERPRETATION AND
APPLICATION**

(Annexure A to Darby Planning Limited Partnership and others v Queenstown Lakes District Council
[2019] NZEnvC 133)

“3.1B Interpretation and Application of this Chapter

- 3.1B.1 For the purpose of plan development, including plan changes, the Strategic Objectives and Strategic Policies in this Chapter provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to Strategic Issues.*
- 3.1B.4 For the purpose of plan implementation (including in the determination of resource consent applications and notices of requirement):*
- a. the Strategic Objectives and Strategic Policies in this Chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues;*
 - b. the relevant objectives and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them. ...”*

ATTACHMENT C: OTHER DISTRICT PLAN EXAMPLES OF APPROACHES TO DIRECTING THE ROLE OF STRATEGIC OBJECTIVES

Selwyn District Plan (status: partially operative)

“For the purposes of preparing, changing, interpreting, and implementing the district plan, all other objectives and policies in all other chapters of this district plan are to be read and implemented in a manner that gives effect to and is consistent with these strategic directions. This includes decisions on resource consent applications and notices of requirement for designations.

There is no hierarchy between the stated objectives i.e., no one strategic objective has primacy over another strategic objective and the strategic objectives should be read as a whole.”

Waimakariri District Plan (status: as notified)

“Interpretation and application of this chapter

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

- 1. the strategic objectives may provide guidance for related objectives and policies in other chapters; and*
- 2. 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.”*

Timaru District Plan (status: as notified)

“Interpretation

For plan development, including plan changes, the objectives in the Strategic Directions and Urban Form and Development chapters provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to strategic issues. For plan implementation (including the determination of resource consent applications):

- 1. the strategic objectives provide high level direction on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the strategic issues. The topic and geographic-specific chapters provide the detailed guidance;*
- 2. the relevant objectives and policies of the plan (including strategic objectives in these chapters) are to be considered together. No fixed hierarchy exists between the strategic objectives.”*