

**BEFORE PROPOSED TIMARU DISTRICT PLAN HEARINGS  
PANEL**

In the matter of

**the Resource Management Act 1991**

and

**the hearing of submissions made on  
the Proposed Timaru District Plan:  
Hearing D (Open Space Zones -  
Hazards and Risks (excluding Natural  
Hazards) - Natural Environment)**

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**Statement of Evidence of Ainsley Jean McLeod on  
behalf of Transpower New Zealand Limited  
(submitter reference 159)  
dated 25 October 2024**

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## SUMMARY OF EVIDENCE

1. The submission made by Transpower New Zealand Limited (“Transpower”) on the Proposed Timaru 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 Canterbury Regional Policy Statement (republished in October 2020 (“CRPS”), where the CRPS is relevant to the National Grid and activities undertaken by Transpower in respect of the National Grid, 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 CRPS, amongst other relevant provisions, includes Policy 16.3.4 that sets out how a reliable and resilient National Grid is to be achieved in Canterbury.
4. In respect of the matters that are the subject of Hearing D, Transpower’s submission is concerned with how the provisions in the Natural Environment Chapter, Open Space Zones Chapters and Contaminated Land Chapter apply in respect of the operation, maintenance, upgrading and development of the National Grid, and the extent to which these provision give effect to the NPSET and CRPS and interrelate with the NESETA and provisions elsewhere in the Proposed District Plan.
5. My evidence considers the relief sought by Transpower and addresses, as relevant to this relief, the recommendations made in the following (together referred to as “the Section 42A Report” or “the Section 42A Reports”):
  - a. ‘Section 42A Report: Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes Report on submissions and further submissions’ dated 9 October 2024;
  - b. ‘Section 42A Report: Contaminated Land and Hazardous Substances Report on submissions and further submissions’ dated 11 October 2024; and

- c. 'Section 42A Report: Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone Report on submissions and further submissions' dated 11 October 2024.
6. I support a number of recommendations made in the Section 42A Reports for the reasons given in Transpower's submissions and in the Section 42A Reports. These recommendations are set out in **Attachment A** to my evidence.
7. My evidence goes on to:
  - a. Give consideration to how the Energy and Infrastructure Chapter that is included in the Natural Environment Values is cross-referenced in the Natural Environment Values policies. My evidence generally supports the Section 42A Report recommendations, including the recommendation to include reference to a bespoke National Grid policy that is sought in Transpower's submission, should Transpower's relief in respect on the inclusion of this provision be accepted when considered in Hearing E.
  - b. Conclude that it is necessary and appropriate to provide for the upgrading of the National Grid in Policy ECO-P2 and NATC-P5 in order to give effect the higher order planning instruments and achieve consistency with the NESETA and provisions elsewhere in the Proposed District Plan; and
  - c. Support the inclusion of a further Matter of Discretion in the relevant Natural Character Rules to provide for a consideration of the benefits of regionally significant infrastructure in order to similarly give effect the higher order planning instruments and achieve consistency with the NESETA and provisions elsewhere in the Proposed District Plan.
8. The amendments 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. appropriately align with the NESETA;
  - c. achieve consistency with provisions elsewhere in the Proposed District Plan; and
  - d. achieve the purpose of the RMA, particularly by enabling people and communities to provide for their health, safety and wellbeing.

## **INTRODUCTION**

9. My full name is Ainsley Jean McLeod. I am a self-employed planner, trading as Ainsley McLeod Consulting Limited.
10. I have been engaged by Transpower to provide expert planning evidence in relation to the submission made by Transpower on the Proposed District Plan.

11. This is the fourth statement of evidence prepared by me in relation to Transpower's submission. My qualifications and relevant experience are set out in my earlier evidence that was filed for Hearing A. I will not repeat this information here, but for completeness, I confirm that I am familiar with Transpower's roles and responsibilities and am also generally familiar with approaches taken in policy statements and plans to providing for infrastructure and utilities, including the National Grid, across New Zealand.
12. My evidence should be read in conjunction with my earlier evidence and, to avoid unnecessary repetition, I rely on that evidence where it is relevant to Hearing D. In this regard, my earlier evidence sets out the statutory requirements for the Proposed District Plan, including the provisions of the NPSET and the CRPS, and gives particular consideration to how the Proposed District Plan gives effect to these higher order planning instruments.
13. For the purpose of my evidence, I rely on the evidence of Ms Sarah Shand that was filed by Transpower for Hearing A and describes Transpower's assets in the Timaru District and gives an overview of Transpower's roles and responsibilities, including in respect of the pivotal role the National Grid plays in achieving New Zealand's 'Paris Commitment' and decarbonisation. I also note that Transpower intends to file further evidence as part of Hearing E (Infrastructure, Subdivision, Growth) that will further describe the role of the National Grid and explain the technical, operational and functional requirements of the National Grid in detail.

#### **CODE OF CONDUCT**

14. Although this matter is not before the Environment Court, I acknowledge the Hearings Panel direction in Minute 6 (paragraph 36) and confirm that I have read the Code of Conduct for expert witnesses 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. addresses the statutory requirements for the Proposed District Plan relevant to Hearing D;
  - b. describes Transpower's submission on the Proposed District Plan that are the subject of Hearing D; and
  - c. addresses (as relevant to the relief sought by Transpower) the recommendations made in the Section 42A Reports.

16. In addition to the documents referred to above, in preparing this evidence I have also reviewed the various reports prepared under section 32 of the RMA insofar as they are relevant to Transpower's submission on the matters considered as part of Hearing D.

## RELEVANT STATUTORY FRAMEWORK

17. The statutory and policy considerations and directions for the Proposed District Plan, insofar as is relevant to Transpower's submission are set out in detail in:
- a. the Section 32 Reports; and
  - b. Transpower's submission.
18. 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 CRPS 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".<sup>1</sup>
19. 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 Reports, the RMA, and the on-going guidance provided by the modified Long Bay test.<sup>2</sup>
20. The remainder of my evidence describes Transpower's submission, and considers the relief sought by Transpower alongside the recommendations made in the Section 42A Reports.
21. Where amendments to the provisions of the Proposed District Plan are suggested in, and supported by, my evidence these are shown as follows:
- a. Officers' Report recommendation text: black underline and ~~black strikethrough~~;
  - b. Transpower submission text: red underline and ~~red strikethrough~~; and
  - c. evidence text: blue double underline and ~~blue double strikethrough~~.

## SECTION 42A REPORT RECOMMENDATIONS

22. As a preliminary matter, I acknowledge that there are recommendations in the Section 42A Reports 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

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

<sup>2</sup> *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.

**Attachment A** that lists these recommendations. I confirm that the reasons for my support of these recommendations are those in either, or both, Transpower’s submission and the relevant Section 42A Report. I do not address these matters further in my evidence.

23. Those submission points that remain outstanding relate to:
- a. cross-referencing to the provisions in the Energy and Infrastructure Chapter in the relevant Natural Environment policies;
  - b. providing for the upgrading of the National Grid in Policy ECO-P2 and NATC-P5;
  - c. providing for the upgrading of the National Grid in Rules ECO-R3, ECO-R5, NATC-R1 and NATC R3; and
  - d. providing for a consideration of the benefits of regionally significant infrastructure in the Matters of Discretion that apply to the relevant Natural Character Rules.

**CROSS-REFERENCING TO THE ENERGY AND INFRASTRUCTURE CHAPTER**

24. Transpower’s submission seeks amendments to policies in the Natural Environment Values chapters that direct or describe activities that may be appropriate in areas that are ‘protected’ due to their natural environment values. Broadly, Transpower’s submission is concerned that there is a policy ‘pathway’ for the National Grid that is consistent with, and gives effect to, the NPSET and CRPS. The submission generally seeks that this ‘pathway’ is achieved by cross-reference to the Energy and Infrastructure Chapter. The specific relief sought by Transpower is set out in the following table:

Submission reference	Provision	Transpower’s submission and relief sought
<b>ECO – Ecosystems and Indigenous Biodiversity</b>		
159.71	Policy ECO-P5 Protection of Significant Natural Areas	<p><b>Support in part, amend</b> Policy ECO-P5 as follows:</p> <p><i>“Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:</i></p> <p>...</p> <p>2. <i>are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure <u>or, for the National Grid, EI-Px Managing adverse effects of the National Grid.</u>”</i></p> <p>Transpower supports the inclusion of an explicit cross-reference to the Policy EI-P2 and considers that providing the direction in respect of the regionally significant infrastructure and significant natural areas in one place avoids duplication and the potential for conflict. That said, as a consequence of relief sought by Transpower elsewhere in this submission, Transpower seeks the inclusion of a further cross-reference.</p>
<b>NATC – Natural Character</b>		
159.74	Policy NATC-P4 Preservation of natural	<p><b>Oppose, amend</b> Policy NATC-P4 as follows:</p> <p><i>“Preserves the natural character values of riparian margins by only allowing subdivision, use and development that:</i></p>

Submission reference	Provision	Transpower's submission and relief sought
	character from inappropriate subdivision, use and development	<p>1. avoids, or if avoidance is not <b>possible practicable</b>, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1;</p> <p><b>x. is regionally significant infrastructure that has an operational need or functional need for its location;</b></p> <p>2. maintains natural character values which have been modified but are highly valued;</p> <p>3. restores or enhances natural character values in circumstances identified in NATC-P2; and</p> <p>4. avoids or, where that is not <b>possible practicable</b>, does not exacerbate bank erosion.”</p> <p>Transpower does not support Policy NATC-P4 or NATC-P5 on the basis that the Policies fail to recognise that the National Grid must traverse riparian margins in order to transmit electricity across New Zealand. Further, given that it is not always practicable for Transpower to minimise effects, Transpower is concerned that the Policies together may prevent or significantly constrain the ability of the National Grid to cross waterbodies.</p>
<b>NFL - Natural Features and Landscapes</b>		
159.79	Policy NFL-P3 Maintaining and enhancing Visual Amenity Landscapes	<p><b>Support in part, amend</b> Policy NFL P5 as follows:</p> <p><i>“Only allow subdivision, use and development within visual amenity landscapes, that is not provided in NFL-P2, where it can demonstrate:</i></p> <ol style="list-style-type: none"> <li>1. <i>how the identified values and characteristics of the visual amenity landscapes described in SCHED10 – Schedule of visual amenity landscapes will be maintained or enhanced; and</i></li> <li>2. <i>the capacity of the landscape to absorb change; and</i></li> <li>3. <i>that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines;</i></li> </ol> <p><b>x. that adverse effects of Regionally Significant Infrastructure are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-Px Managing the effects of the National Grid.</b></p> <p><i>while taking into account:</i></p> <ol style="list-style-type: none"> <li>4. <i>the scale of modification to the landscape; and</i></li> <li>5. <i>any potential cumulative effects; and</i></li> <li>6. <i>the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping;</i><del>and</del></li> </ol> <p><del><b>7.—EI P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.”</b></del></p> <p>Transpower supports the inclusion of an explicit cross-reference to the Policy EI-P2 and considers that providing the direction in respect of the regionally significant infrastructure and visual amenity landscapes in one place avoids duplication and the potential for conflict. That said, Transpower seeks that the approach taken is to such cross-referencing is consistent across the Proposed District Plan and therefore suggests amendments to reflect Policy ECO-P5. Further, as a consequence of relief sought by Transpower elsewhere in this submission, Transpower seeks the inclusion of a further cross-reference.</p>

Submission reference	Provision	Transpower's submission and relief sought
159.80	Policy NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes	<p><b>Support in part, amend</b> Policy NFL-P4 as follows:</p> <p><i>“Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes that area not provided in NFL-P2, unless it:</i></p> <ol style="list-style-type: none"> <li>1. <i>demonstrates how the identified values and characteristics of the outstanding natural landscapes and outstanding natural features described in SCHED8 – Schedule of outstanding natural landscapes and SCHED9 – Schedule of outstanding natural features will be protected; and</i></li> <li>2. <i>is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; and</i></li> <li>3. <i>can be visually integrated into the landscape and will not break the skyline or ridgelines; and</i></li> <li>4. <i>will maintain natural landforms, natural processes and vegetation areas and patterns,</i></li> </ol> <p><u><i>x. is regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-Px Managing the effects of the National Grid.</i></u></p> <p><i>while taking into account:</i></p> <ol style="list-style-type: none"> <li>5. <i>the scale of modification to the landscape; and</i></li> <li>6. <i>any potential cumulative effects; and</i></li> <li>7. <i>the measures proposed to mitigate the effects on the values and characteristics, including:</i> <ol style="list-style-type: none"> <li>a. <i>the location, design and scale of any buildings or structures, or earthworks; and</i></li> <li>b. <i>the intensity of any activity; and</i></li> <li>c. <i>the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; <del>and</del></i></li> <li><del><i>d. EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.”</i></del></li> </ol> </li> </ol> <p>Transpower supports the inclusion of an explicit cross-reference to the Policy EI-P2 and considers that providing the direction in respect of the regionally significant infrastructure and visual amenity landscapes in one place avoids duplication and the potential for conflict. That said, Transpower seeks that the approach taken is to such cross-referencing is consistent across the Proposed District Plan and therefore suggests amendments to reflect Policy ECO-P5. Further, as a consequence of relief sought by Transpower elsewhere in this submission, Transpower seeks the inclusion of a further cross-reference.</p>

25. The Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes Section 42A Report recommendations in response to Transpower’s submissions are similarly set out in the following table.



Submission reference	Provision	Section 42A Report commentary and recommendation
<b>ECO – Ecosystems and Indigenous Biodiversity</b>		
159.71	Policy ECO-P5 Protection of Significant Natural Areas	<p>It is recommended that the submission be rejected for the following reasons:</p> <p><i>“7.8.16 With respect to Transpower’s request [159.71], I note that this is dependent on the acceptance of their request in relation to the EI Chapter. Should that request be accepted, then I agree it would be appropriate to cross-reference to the requested policy in the ECO Chapter; conversely, if that request is not accepted then ECO-P5 need not be amended.”</i></p>
<b>NATC – Natural Character</b>		
159.74	Policy NATC-P4 Preservation of natural character from inappropriate subdivision, use and development	<p>It is recommended that the submission is accepted in part for the following reasons:</p> <p><i>“8.5.12 As noted above, I agree with amending this policy to integrate with the direction in EI-P2, which relates to Regionally Significant Infrastructure (as well as other infrastructure). I consider this more appropriate than amending NATC-P4 to simply allow for RSI where there is an operational or functional need for its location, as this would not appropriately manage its effects as directed in EI-P2, and in doing so could compromise the achievement of NATC-O1. I am however comfortable with amending the direction in clauses 1 and 4 to replace “possible” with “practicable”. This reflects that in some cases avoidance may strictly be “possible”, but is not necessarily appropriate from a practical perspective. With respect to minimising effects not always being practicable, I consider that reference to EI-P2 assists with this, as that policy in turn allows for consideration of the functional or operational needs of infrastructure.”</i></p> <p>The recommended amendments to the Policy are as follows:</p> <p><i>“Preserves the natural character values of riparian margins by only allowing subdivision, use and development that:</i></p> <ol style="list-style-type: none"> <li><i>1. avoids, or if avoidance is not <u>practical possible</u>, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1;</i></li> <li><i>2. maintains natural character values which have been modified but are highly valued;</i></li> <li><i>3. restores or enhances natural character values in circumstances identified in NATC-P2; and</i></li> <li><i>4. avoids or, where that is not <u>practical possible</u>, does not exacerbate bank erosion.; <u>or</u></i></li> <li><i>5. <u>is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.</u>”</i></li> </ol>
<b>NFL - Natural Features and Landscapes</b>		
159.79	Policy NFL-P3 Maintaining and enhancing Visual Amenity Landscapes	<p>It is recommended that the submission be accepted in part for the following reasons:</p> <p><i>“9.5.4 I agree with Transpower that it is appropriate to update the way that EI-P2 is referenced in the policy, noting the wording sought is generally consistent with that set out in ECO-P5. In particular, I consider that it is appropriate for the policy to direct that RSI is allowed for where EI-P2 is met, rather than requiring RSI to meet clauses 1-3, with a separate</i></p>

Submission reference	Provision	Section 42A Report commentary and recommendation
		<p><i>consideration of EI-P2 which contains potentially conflicting direction.”</i></p> <p>The recommended amendments to the Policy are:</p> <p><i>“Only allow subdivision, use and development within visual amenity landscapes, that is not provided <u>for</u> in NFL-P2, where it can <u>be</u> demonstrated:</i></p> <ol style="list-style-type: none"> <li><i>1. how the identified values and characteristics of the visual amenity landscapes described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and</i></li> <li><i>2. <u>that the capacity of the landscape has the capacity to absorb the change</u>; and</i></li> <li><i>3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; <u>or</u></i></li> </ol> <p><i>X. <u>for Regionally Significant Infrastructure, that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure</u>;</i></p> <p><i>while taking into account:</i></p> <ol style="list-style-type: none"> <li><i>4. the scale of modification to the landscape; and</i></li> <li><i>5. any potential cumulative effects; and</i></li> <li><i>6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping; and</i></li> <li><i>7. <del>EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.</del>”</i></li> </ol>
159.80	Policy NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes	<p>It is recommended that the submission be accepted in part for the following reasons:</p> <p><i>“9.6.9 With respect to RSI, for the same reasons set out above in relation to NFL-P3, I agree with amending where the cross-reference to EI-P2 sits within the policy as sought by Transpower [159.80] and consider that this addresses the concern raised by Waka Kotahi [143.91].”</i></p> <p>The recommended amendments to the Policy are consistent with the amendments recommended in NFL P3 set out above.</p>

26. In respect of submission 159.71 (Policy ECO-P5), I agree with the Section 42A Report conclusion that Transpower’s relief should be accepted if a National Grid specific policy is included in the Energy and Infrastructure Chapter, as sought in Transpower’s submission. I similarly acknowledge that the inclusion of a National Grid specific policy is a matter that will be considered in Hearing E.
27. For the reasons given in Transpower’s submission 159.74 (Policy NATC-P4), and in the Section 42A Report, I support the replacement of “possible” with “practicable”. However, I note that the revised provisions use the term “practical”. It is not clear to me whether the use of “practical” is a deliberate departure from Transpower’s relief and/or intended to differ from the direction given by “practicable”. In this regard, I understand that the two terms have a subtle difference in meaning, with “practical” imposing a less stringent test when compared to “practicable”.

28. In terms of the recommended new clause (5) in Policy NATC-P4, for the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation to include a cross-reference to Policy EI-P2. That said, consistent with Transpower's relief in relation to Policy ECO-P5 (submission 159.71) I support a further amendment to the Policy to include a cross-reference to the National Grid specific policy sought in Transpower's submission, should the relief in respect of that specific policy be accepted when considered in Hearing E.
29. Similarly, in respect of submissions 159.79 and 159.80 (Policy NFL-P3 and Policy NLF-P4), for the same reasons, I support the relocation of the cross-reference to Policy EI-P2 in these Policies. Again, consistent with my opinion in respect of Policy ECO-P5 and NATC-P4, I also support the inclusion of a cross-reference to the National Grid specific policy sought in Transpower's submission, should the relief in respect of that specific policy be accepted when considered in Hearing E.

### PROVIDING FOR THE UPGRADING OF THE NATIONAL GRID

30. Transpower's submission seeks amendments to provisions in the Natural Environment Values chapters so that the provisions also provide for the upgrade of the National Grid in a manner that is consistent with the NESETA and gives effect to the NPSET (and particularly Policy 5 of the NPSET). The specific relief sought by Transpower is set out in the following table:

Submission reference	Provision	Transpower's submission and relief sought
<b>ECO – Ecosystems and Indigenous Biodiversity</b>		
159.70	Policy ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas	<p><b>Support in part, amend</b> Policy ECO-P2(5) as follows:</p> <p><i>“for the operation, maintenance, <del>or</del> repair <u>or upgrade</u> of the National Grid and public roads.”</i></p> <p>Transpower generally supports Policy ECO-P2 on the basis that the Policy enables indigenous vegetation clearance for the operation, maintenance or repair of the National Grid. However, Transpower seeks that the Policy be amended to also provide for the upgrade of the National Grid in a manner that is consistent with the NESETA and gives effect to the NPSET (and particularly Policy 5 of the NPSET).</p>
159.72	Rule ECO-R3 Clearance of indigenous vegetation associated with the National Grid	<p><b>Support in part, amend</b> Rule ECO-R3 (PER-1) as follows:</p> <p><b><i>“PER-1</i></b></p> <p><i>The vegetation clearance is to provide for the operation, maintenance, <del>or</del> repair <u>or upgrade</u> of the National Grid, including maintenance of existing access to National Grid support structures; and ...”</i></p> <p>Transpower supports Rule ECO-R3 on the basis that the Rule enables indigenous vegetation clearance for the operation, maintenance or repair of the National Grid. However, Transpower seeks that the Rule be amended to also provide for the upgrade of the National Grid in a manner that is consistent with the NESETA and gives effect to the NPSET (and particularly Policy 5 of the NPSET).</p>

Submission reference	Provision	Transpower's submission and relief sought
159.73	Rule ECO-R5 Earthworks in a Significant Natural Area	<p><b>Support in part</b></p> <p><b>Amend Rule ECO-R5 as follows:</b></p> <p><b>“Activity status: <u>Restricted discretionary permitted</u></b></p> <p><b>Where:</b></p> <p><b><u>RDISPER-1</u></b></p> <p><i>The earthworks are within 2m, and for the purpose, of the maintenance, repair, <del>or</del> replacement <u>or upgrade</u> of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities.”</i></p> <p>Transpower supports Rule ECO-R5 on the basis that the Rule provides for a consenting pathway for earthworks for the operation, maintenance, repair, upgrade and development of the National Grid. However, Transpower seeks that the Rule be amended to provide a permitted activity in situations where land (and therefore vegetation) is likely to have been disturbed and cleared in the past (that is within 2m) and to provide for the upgrading of the National Grid in a manner that is consistent with the NESETA, allows compliance with NZECP34:2001 and gives effect to the NPSET (and particularly Policy 5 of the NPSET).</p>
<b>NATC – Natural Character</b>		
159.75	Policy NATC-P5  Anticipated activities in riparian margins	<p><b>Oppose, amend Policy NATC-P5 as follows:</b></p> <p><i>“Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:</i></p> <ol style="list-style-type: none"> <li>1. <i>activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised;</i></li> <li><i>x. <u>regionally significant infrastructure that has an operational need or functional need for its location;</u></i></li> <li>2. <i>vegetation clearance to remove pest species</i></li> <li>3. <i>vegetation clearance for mahika kai purposes;</i></li> <li>4. <i>planting of indigenous species that is for the purpose of restoration and enhancement activities; and</i></li> <li>5. <i>earthworks that are for the purpose of maintenance and repair of existing fences, tracks, roads or for limited new fencing and tracks.”</i></li> </ol> <p>Transpower does not support Policy NATC-P4 or NATC-P5 on the basis that the Policy fails to recognise that the National Grid must traverse riparian margins in order to transmit electricity across New Zealand. Further, given that it is not always practicable for Transpower to minimise effects, Transpower is concerned that the Policies together may prevent or significantly constrain the ability of the National Grid to cross waterbodies.</p>
159.76	Rule NATC-R1 Vegetation clearance	<p><b>Support in part, amend Rule NATC-R1 (PER-3) as follows:</b></p> <p><b>“PER-3</b></p> <p><i>The vegetation clearance is for the operation, maintenance, <del>or</del> repair <u>or upgrade</u> of the National Grid; or ...”</i></p> <p>Transpower supports Rule NATC-R1 on the basis that the Rule enables vegetation clearance for the operation, maintenance or repair of the National Grid. However, Transpower seeks that the Rule be amended to also provide for the upgrade of the National</p>

Submission reference	Provision	Transpower's submission and relief sought
		Grid in a manner that is consistent with the NESETA and gives effect to the NPSET (and particularly Policy 5 of the NPSET).
159.77	Rule NATC-R3 Earthworks	<p><b>Support in part, amend</b> Rule NATC-R3 (1)(PER-4) and (2)(PER-2) as follows:</p> <p><b>“PER-4</b></p> <p><i>The earthworks are required for the operation, maintenance <del>or</del> repair <u>or upgrade</u> of the National Grid.”</i></p> <p>Transpower supports Rule NATC-R3 on the basis that the Rule enables earthworks for the operation, maintenance or repair of the National Grid. However, Transpower seeks that the Rule be amended to also provide for the upgrade of the National Grid in a manner that is consistent with the NESETA and gives effect to the NPSET (and particularly Policy 5 of the NPSET).</p>

31. The Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes Section 42A Report recommendations in response to Transpower's submissions are similarly set out in the following table.

Submission reference	Provision	Transpower's submission and relief sought
<b>ECO – Ecosystems and Indigenous Biodiversity</b>		
159.70	Policy ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas	<p>The Section 42A Report recommends that the submission be rejected and invites evidence as follows:</p> <p><i>“7.7.10 With respect to electricity distribution and the rail network, in absence of being included in ECO-P2, I note that these activities are subject to ECO-P5, which directs that the clearance of indigenous vegetation and earthworks within SNAs is avoided, unless the activities are for RSI and effects are managed in accordance with EI-P2 (which in turn refers to SNAs). I consider that this is appropriate with respect to new RSI (including electricity distribution and railways). I accept that the adverse effects of the maintenance, repair and upgrading of existing electricity distribution poles and lines is likely to be similar with that associated with the National Grid. However, I consider the approach taken to the National Grid can be distinguished by the National Policy Statement on Electricity Transmission, which does not apply to the electricity distribution network. This includes direction (Policy 5) to enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets, when considering the environmental effects of transmission activities. With respect to roads, I note that how the policy is implemented is limited (under ECO-R1.1 PER-2) to installing road safety assets for the purpose of reducing traffic risk within the road corridor; to no more than 5m2 of clearance; or to maintain existing roadside drainage.</i></p> <p>...</p> <p><i>7.7.16 With respect to upgrades, I note that Policy 5 of the NPSET refers to enabling the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission activities. I therefore do not agree that it is appropriate to enable all upgrades, as those which are beyond minor may have adverse effects that require consideration through a consent pathway. However, if the submitter is able to suggest a way in which the policy could</i></p>

Submission reference	Provision	Transpower's submission and relief sought
		<p><i>be limited to only capture 'minor upgrades', perhaps by way of a definition, then I consider expansion of the policy would likely be appropriate."</i></p> <p>The Report recommends that the Policy is amended as follows</p> <p><i>"Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is appropriate for health and <u>safety</u>, <u>wellbeing</u> or <u>customary reasons</u>, or to allow for ongoing farming <u>practises</u>, by enabling clearance:</i></p> <ol style="list-style-type: none"> <li><i>1. for 13ahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or</i></li> <li><i>2. where it is causing imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities</u>; or</i></li> <li><i>3. where necessary to manage plant or animal pests or unwanted organisms; or</i></li> <li><i>4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or</i></li> <li><i>5. for the operation, maintenance or repair of the National Grid; or</i></li> <li><i>6. for the operation or maintenance of the electricity distribution network, rail network<sup>6</sup> and public roads; <u>or</u></i></li> <li><i>7. <u>arising from grazing within areas of improved pasture which form part of Significant Natural Areas.</u>"</i></li> </ol>
159.72	Rule ECO-R3 Clearance of indigenous vegetation associated with the National Grid	<p>The Section 42A Report recommends that the submission be rejected and comments as follows:</p> <p><i>"7.15.6 With respect to upgrades, I note that Policy 5 of the NPSET refers to enabling the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission activities. I therefore do not agree that it is appropriate to enable all upgrades, as those which are beyond minor may have adverse effects that require consideration through a consent pathway. However, if the submitter is able to suggest a way in which the rule could be limited to only capture 'minor upgrades', perhaps by way of a definition, then I consider expansion of the rule would likely be appropriate. With respect to limiting clearance within 2 metres of the National Grid, I note that the National Grid is subject to the NPSET. In particular, Policy 5 directs that when considering environmental effects, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets. In my view ensuring that any restrictions are reasonable is about making sure that they do not effectively result in these activities not being enabled. I would therefore only support this limitation if Transpower were to confirm that such a limitation would still enable reasonable operational, maintenance and minor upgrades."</i></p>
159.73	Rule ECO-R5 Earthworks in a Significant Natural Area	<p>The Section 42A Report recommends that the submission be accepted in part for the following reasons:</p> <p><i>"7.16.12 With respect to the activity status for this rule, I tend to agree with Transpower and Federated Farmers that a permitted activity status is more appropriate for the narrow list of earthworks specified in RDIS-1. This is because I agree that these areas will have been disturbed when these structures/facilities were originally installed. In addition to ECO-R5, the vegetation clearance rules will</i></p>

Submission reference	Provision	Transpower's submission and relief sought
		<p><i>also apply, so the rule will only cover earthworks (as a standalone activity) where these earthworks do not actually result in clearing or removal of indigenous vegetation, but where such earthworks might otherwise adversely affect the values of the indigenous vegetation or habitats in some way. I consider that the limitation to these being within 2m of the existing structures/facilities, and for the purpose of their maintenance, repair or replacement only, is sufficiently limited to ensure that the overall outcome of protecting these areas will still be achieved.</i></p> <p>7.16.13 <i>With respect to extending the condition to upgrades, I do not consider this to be appropriate, as the effects of upgrading (even within a 2m area) may be greater, and I consider it more appropriate that this is considered through a consent pathway."</i></p>
<b>NATC – Natural Character</b>		
159.75	<p>Policy NATC-P5</p> <p>Anticipated activities in riparian margins</p>	<p>The Section 42A Report recommends that the submission is accepted in part and comments as follows:</p> <p>“8.6.12 <i>With respect to amending this policy to “enable” RSI, I do not consider this to be appropriate, nor aligned with the direction in EI-P2. This is because the ‘enabling’ directed in this policy is implemented through a permitted activity status, and in enabling/permitted such infrastructure, there would be no mechanism to assess how a proposal has sought to avoid adverse effects on riparian areas. Similarly, I do not agree that it is appropriate to enable quarrying activities, as then there would be no mechanism to address the adverse effects of quarrying activities on natural character values and therefore the achievement of NATC-O1 could be compromised. By contrast, I note that the other activities listed in this policy are very limited in their nature and scale, and as such, are not expected to have adverse effects that would compromise natural character values.</i></p> <p>8.6.13 <i>I note that Waka Kotahi’s submission in relation to RSI is more specifically focussed on the operation, maintenance and repair of existing infrastructure. Similar to this, Federated Farmers seeks that with respect to the maintenance and repair of existing fences, tracks, roads, both earthworks and vegetation clearance is enabled. KiwiRail seeks that the provision for earthworks is extended to apply to that which is for the purpose of maintenance and repair of the rail network.</i></p> <p>8.6.14 <i>I agree with these submitters that it is appropriate to enable a slightly broader range of activities, where such activities relate to the operation, maintenance and repair of assets which are already located in the identified riparian areas. Ms Pfluger’s view is that if an activity is existing in these areas, it has already impacted the natural character of the waterbody and its margin. In her view, allowing it to continue and to be maintained, is appropriate. Taking into account her view, I consider that providing for ongoing maintenance and repair of such assets is reasonable given the existing investment in them, and with respect to infrastructure, the wider social and economic benefits derived from this infrastructure. I therefore recommend that clause 5 is extended to include railways and RSI. ...”</i></p> <p>The recommended amendments to the Policy are:</p>

Submission reference	Provision	Transpower's submission and relief sought
		<p><i>“Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:</i></p> <ol style="list-style-type: none"> <li><i>1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised;</i></li> <li><i>2. vegetation clearance to remove pest species</i></li> <li><i>3. vegetation clearance for mahika kai purposes;</i></li> <li><i>4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and</i></li> <li><i>5. earthworks that are for the purpose of maintenance and repair of existing fences, tracks, roads, <u>railways</u>, <u>stock water systems</u>, <u>irrigation systems</u> or <u>regionally significant infrastructure</u>, or for limited new fencing and tracks.”</i></li> </ol>
159.76	Rule NATC-R1 Vegetation clearance	<p>The Section 42A Report recommends that the submission be rejected as comments as follows:</p> <p><i>“8.9.10 I note that earlier in this report, I have recommended that NATC-R1 be deleted. This reflects the advice of Ms Pfluger that it is not necessary to control removal of exotic vegetation in riparian margins to preserve natural character, and that as the rules in the ECO Chapter also apply to indigenous vegetation clearance in such areas, it is more efficient to manage this clearance under one rule (ECO-R1.2). As a consequence of this, I have not further considered some the following submissions made on NATC-R1: ...”</i></p>
159.77	Rule NATC-R3 Earthworks	<p>The Section 42A Report recommends that the submission be rejected and, at paragraph 8.11.22 refers to early recommendations as rationale.</p>

32. In terms of Transpower's relief seeking that rules are amended to also provide for upgrading of the National Grid, I note that Rule NFL-R3 provides for network utilities including associated earthworks as a permitted activity in the ONF overlay, ONL overlay and VAL overlay where “the work involves the maintenance, upgrading or removal of existing network utilities”. This differs to the approach taken in respect of natural character and ecosystems and indigenous biodiversity.

33. The Section 42A Report addresses the difference between these provisions and comments as follows:

*“8.3.4 NFL-R3 provides a permitted activity status for network utilities, including associated earthworks, where they relate to the maintenance, upgrading or removal of existing network utilities, or for new network utilities or their upgrading, includes limits on earthworks volumes. However, I note that this rule is related to managing the effects of utilities on landscape values (and relates to policy direction set out in the NFL Chapter). I note that the policy direction relating to riparian margins is set out in the NATC Chapter and differs from the NFL Chapter. In particular, I note that NATC-P5 sets out*



*activities that are anticipated in riparian margins, and these are very limited. This in turn is reflected in NATC-R1 and NATC-R3 which, respectively, provide for vegetation clearance and earthworks in these margins on a limited basis. I do not consider that permitting new network utilities aligns with the policy direction, nor is it consistent with how other activities in these areas are managed. I therefore do not consider a rule similar to NFL-P3 to be appropriate in the NATC Chapter.”*

34. In terms of the National Grid, I consider that the policy direction differs. The NPSET includes the same policy direction for the differing ‘valued’ areas in Policy 8 and similarly CRPS Policy 16.3.4 does not make a distinction.
35. That said, I have considered this relief in the context of the NESETA. The relevant submission points are:
  - a. 159.72 (Rule ECO-R3 Clearance of indigenous vegetation associated with the National Grid);
  - b. 159.73 (Rule ECO-R5 Earthworks in a Significant Natural Area);
  - c. 159.76 (Rule NATC-R1 Vegetation clearance); and
  - d. 159.77 (Rule NATC-R3 Earthworks).
36. The NESETA sets out a regulatory framework for the operation, maintenance and upgrading of existing National Grid transmission lines. The NESETA specifies permitted electricity transmission activities, subject to standards, and sets out resource consent requirements where these activities do not meet the standards. The NESETA only applies to existing transmission lines and does not apply to new transmission lines or new or existing substations.
37. Section 43B of the RMA describes how the NESETA prevails over the Proposed District Plan. Section 44A of the RMA requires that there are no duplications or conflicts between the provisions of the NESETA and the Proposed District Plan. However, there are situations where the NESETA Regulations defer to a district plan and there are situations where the NESETA does not apply (new transmission lines and substations, for instance).
38. This means that for all existing National Grid transmission lines, the rules listed above are not relevant and would not apply to the operation, maintenance and upgrading of those lines. Because the rules are unlikely to be relevant to upgrading the National Grid, it is my view that Transpower’s relief in respect of those rules is not necessary. For this reason, I do not consider the merits of this relief in further detail.
39. While the rules in relation to the operation, maintenance and upgrading of the National Grid are of limited relevance, the same cannot be said for the policies in the Natural Environment Chapters. This is because, where resource consent is required under the NESETA regulations the objectives and policies of the Proposed District Plan would be relevant to the consideration

of any application for resource consent under sections 104(1)(b) of the RMA. It is therefore critical that the relevant provisions give effect to the higher order planning instruments in this regard.

40. In terms of Transpower's submission 159.70 seeking the inclusion of "or upgrade" in Policy ECO-P2(5), I consider that, in addition to NPSET Policy 5 identified in the Section 42A Report, the relevant higher policy direction is given by the following provisions:

NPSET OBJECTIVE

*"To recognise the national significance of the electricity transmission network by **facilitating the operation, maintenance and upgrade** of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- managing the adverse environmental effects of the network; and*
- managing the adverse effects of other activities on the network." [My emphasis]*

NPSET POLICY 2

*"In achieving the purpose of the Act, decision-makers must recognise and provide for the **effective operation, maintenance, upgrading and development** of the electricity transmission network." [My emphasis]*

NPSET POLICY 5

*"When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must **enable the reasonable operational, maintenance and minor upgrade** requirements of established electricity transmission assets." [My emphasis]*

CRPS POLICY 16.3.4

*"To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

...

3. ***enabling the operational, maintenance, upgrade, and development** of the electricity transmission network provided that, as a result of route, site and method selection, where;*
  - a. *the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and*
  - b. *other adverse effects on the environment are appropriately controlled." [My emphasis]*

PROPOSED DISTRICT PLAN POLICY EI-P1

*“Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:*

1. ***enabling their operation, maintenance, repair, upgrade, development; and  
...***

41. I note that, with the exception of NPSET Policy 5, ‘minor upgrading’ and ‘upgrading’ are not distinguished in the higher order planning instruments. Similarly, Policy EI-P1 does not make this distinction. For this reason, I do not agree with the conclusion in the Section 42A Report that NPSET Policy 5 means that Policy ECO-P2(5) should be confined to minor upgrades of the National Grid. Further, to confine the Policy in the manner suggested in the Section 42A Report may give rise to a gap in the Ecology and Indigenous Biodiversity policies to the extent that there is no provision that gives effect to the NPSET Policy 2 that requires decision-makers to recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.
42. Further, in recommending that Transpower’s submission be rejected, the Section 42A Report does not agree that it is appropriate to enable all upgrades, because more than minor upgrade may have adverse effects that require consideration through a consent pathway. The Section 42A Report invites a response in respect of how the Policy may be limited to minor upgrades in the absence of a definition in the Proposed District Plan.
43. In response to the Section 42A Report, I comment as follows:
  - a. As I understand it, Transpower’s submission is not seeking to enable all upgrades per se, rather the submission is seeking that Policy ‘provides’ for the clearance of indigenous vegetation in Significant Natural Areas where it is associated with the upgrading of existing National Grid assets.
  - b. The content of the NESETA is directed by section 43A of the RMA. Section 43A(3) states the following:
    - (3) *If an activity has significant adverse effects on the environment, a national environmental standard must not, under subsections (1)(b) and (4),—*
      - (a) *allow the activity, unless it states that a resource consent is required for the activity; or*
      - (b) *state that the activity is a permitted activity.”*

As such, the NESETA regulations, through the activity status set out in those provisions, effectively describes and determines which maintenance, operation and upgrading activities require resource consent by virtue of the potential adverse effects of that activity. In particular, I note that Regulation 30 of the NESETA does not permit trimming,

felling, or removing any tree or vegetation, in relation to an existing transmission line, in a 'natural area'<sup>3</sup> in any case.

- c. The scale and extent of indigenous vegetation clearance undertaken in a Significant Natural Area cannot be assumed to be less (or to have less adverse effects) when the clearance is for operation and maintenance, as opposed to upgrading of the National Grid. That is, it is a real possibility that vegetation clearance for upgrading activities (such as adding conductors or increasing voltage) could be very limited, whereas maintenance activities (such as temporary line deviations) could be more substantial.

44. For the reasons set out above, and consistent with Transpower's relief, I support the following amendments to Policy ECO-P2(5) in order to give effect to the relevant higher order planning instruments, to be consistent with the provisions elsewhere in the Proposed District Plan and to achieve the purpose of the RMA (in particular by enabling people and communities to provide for their health, safety and wellbeing):

*"(5) for the operation, maintenance, ~~or~~ repair or upgrade of the National Grid and public roads."*

45. In terms of Transpower's submission 159.75 on Policy NATC-P5, for the same reasons as I give in relation to Policy ECO-P2(5), I support the following further amendments to Policy NATC-P5 in order to give effect to the relevant higher order planning instruments, to be consistent with the provisions elsewhere in the Proposed District Plan and to achieve the purpose of the RMA:

*5. earthworks that are for the purpose of:*

*a. maintenance and repair of existing fences, tracks, roads, railways, stock water systems, irrigation systems or regionally significant infrastructure.*

*b. the operation, maintenance, repair or upgrade of the National Grid; or*

*c. ~~for~~ limited new fencing and tracks."*

## **PROVIDING FOR A CONSIDERATION OF BENEFITS AS A MATTER OF DISCRETION IN THE NATURAL CHARACTER: RULES**

46. Transpower's submission<sup>4</sup> seeks that the Matters of Discretion that apply to the Natural Character Rules be amended reference the benefits of network utilities and operational need in order to give effect to the NPSET as follows:

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<sup>3</sup> 'Natural area' is defined in the NESETA as 'means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna'.

<sup>4</sup> Submission reference 159.78.

*“ the local, regional or national benefits of the activity and whether there is a functional need or operational need for the activity to locate in a riparian margin.”*

47. The Section 42A Report recommends that the submission be accepted in part and comments as follows:

*“8.8.5 I consider it appropriate to refer to operational needs within the matters of discretion, to align with EI-P2.2, but as this policy only relates to infrastructure, I similarly consider the discretion should be limited to infrastructure. I do not consider that there is the same policy support for referring to the benefits of an activity.”*

48. The Report recommends the following amendments:

*“x. whether there is a functional need, or in relation to infrastructure an operational need, for the activity to locate in a riparian margin.”*

49. I support the inclusion of reference to “operational need” alongside “functional need” in the Matters of Discretion and consider that the amendment (insofar as it relates to the National Grid) gives effect to Policy 3 of the NPSET that refers to constraints imposed by “technical and operational requirements”. I also agree with the Section 42A Report recommendation to confine the reference to “operational need” in the Matter of Discretion to infrastructure in a manner that aligns with Policy EI-P2.

50. In terms of amending the Matter of Discretion to allow for a consideration of “local, regional or national benefits of the activity”, I do not agree with the Section 42A Report conclusion that there is no similar policy support for referring to benefits of an activity. In my opinion, policy support can be found in the following:

- a. Policy 1 of the NPSET:

*“In achieving the purpose of the Act, **decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission.** The benefits relevant to any particular project or development of the electricity transmission network may include:*

*....” [my emphasis]*

- b. Objective 5.2.2 of the CRPS:

*“In relation to the integration of land use and regionally significant infrastructure:*

- 1. To **recognise the benefits** of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.” [my emphasis]*

c. Policy 16.3.3 of the CRPS:

*“To recognise and provide for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to the following: ...” [my emphasis]*

d. Policy 16.3.4 of the CRPS:

*“To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

*1. **having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network; ...” [my emphasis]***

e. Proposed District Plan Strategic Direction Objective SD-O8<sup>5</sup>:

*“Across the District:*

*...*

*iv. **the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects, including reverse sensitivity effects, appropriately.**” [my emphasis]*

f. Proposed District Plan Policy EI-P1:

*“Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by: ...” [my emphasis]*

51. In my opinion, the higher order planning instruments, along with provisions in the Proposed District Plan, give clear direction to decision-makers that consideration should be given to the benefits of regionally significant infrastructure. I note that this direction is confined to regionally significant infrastructure, a term that is defined in the Proposed District Plan.

52. Further, I note that the Natural Features and Landscape Rules and Ecosystems and Indigenous Biodiversity Rules include the following (with some variation in drafting) in the Matters of Discretion:

*“any benefits that the activity provides to the local community and beyond; ...”*

53. In my view, there is no reason for the approach to the Matters of Discretion in the Natural Character provisions to differ.

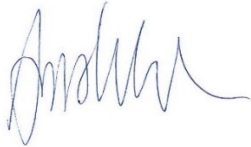
54. In order to give effect to the higher order planning instruments, and to achieve consistency and alignment within the Proposed District Plan, I consider that it is necessary and appropriate

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<sup>5</sup> Including an amendment recommended in the Section 42A Report (Hearing A).

to provide for the ability to consider the benefits of regionally significant infrastructure only through the Matters of Discretion that apply to the Natural Character Rules. It is my suggestion that this is achieved, for drafting simplicity, through the inclusion of a further clause as follows:

“x. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken.”

A handwritten signature in blue ink, appearing to read 'Ainsley Jean McLeod', written in a cursive style.

Ainsley Jean McLeod

25 October 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
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS</b>			
<b>Interpretation</b>			
Definition "Indigenous Vegetation"	159.6	<p><b>Neutral</b>, Transpower is neutral in respect of the definition of 'indigenous vegetation' but notes that it is vital that the definition is sufficiently clear and appropriate so that the provisions in the Proposed District Plan that relate to indigenous vegetation give effect to higher order planning documents (including the NPSET and the CRPS). Further the definition must also be appropriate to National Environmental Standards that defer provisions in the Proposed District Plan, such as those in the NESETA. Transpower has some concern that, as drafted, a single indigenous plant would fall within the definition of 'indigenous vegetation' and also (as a result) the definition of 'clearing of indigenous vegetation'.</p>	<p>The Natural Environment Section 42A Report recommends that the submission be accepted in part.</p> <p>The Report concludes:</p> <p><i>"7.20.16 I consider the definition of 'indigenous vegetation' to be appropriate because it aligns with that used in the NPSIB. While noting my comments earlier that the Council will need to give effect to the NPSIB as a whole through a future plan change process, I do not consider it efficient to potentially move further away from aligning with the NPSIB at this time by having slightly different definitions."</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<b>PART 2 – DISTRICT WIDE MATTERS</b>			
<b>Hazards and Risks</b>			
CL – Contaminated Land  Objective CL-O1 Management of contaminated land	159.58	<p><b>Support in part, amend</b> Objective CL-O1 as follows:</p> <p><del>"Contaminated land is made safe for human health and its intended use before any</del><u>The change of use, land disturbance, development or subdivision of contaminated land does not increase the risk to human health.</u>"</p> <p>Transpower generally supports the intent of Objective CL-O1 but suggests limited amendments to:</p>	<p>The Hazards and Risks (excluding Natural Hazards) Section 42A Report recommends that the submission be accepted in part for the following reasons:</p> <p><i>"6.6.8 Regarding the Transpower [159.58] submission, I consider that this requested wording is clearer and better aligns with the implementing policies. However, I favour wording that does not limit the</i></p>



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<ul style="list-style-type: none"> <li>- express the Objective as an outcome; and</li> <li>- better align to the implementing policies and clarify that it is the 'increased risk to human health' that is being managed.</li> </ul>	<p><i>objective to only where risk has been increased, noting that CL-P3 refers to encouraging a reduction in risk, and therefore recommend that this submission is accepted in part."</i></p> <p>The recommended amendments to the Objective are as follows:</p> <p><i><del>"Contaminated land is made safe for human health and its intended use before any</del> <u>The change of use, land disturbance, development or subdivision of contaminated land does not result in a risk to human health.</u>"</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
CL – Contaminated Land Rules Note	159.59	<p><b>Support, retain</b> the 'Note' as notified.</p> <p>Transpower supports the approach taken to rules (or the absence of rules) in relation to contaminated land and particularly reliance of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	<p>The Hazards and Risks (excluding Natural Hazards) Section 42A Report recommends that this submission be accepted.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
<b>Natural Environment Values</b>			
Rule NFL-R3 Network utilities including associated earthworks	159.81	<p><b>Support, retain</b> Rule NFL-R3 as notified.</p> <p>Transpower supports Rule NFL-R3 on the basis that the Rule appropriately provides for the operational, maintenance, upgrading and development of the National Grid in protected landscapes in a manner that gives effect to the NPSET and CRPS.</p>	<p>The Section 42A Report recommends that the submission be accepted in part on the basis that the rule is amended to delete the following:</p> <p><i><del>"3. the installation does not require the clearance of any indigenous vegetation."</del></i></p>
<b>OSRZ – Open Space and Recreation Zones</b>			
NOSZ – Natural Open Space Zone Policy NOSZ-P6 Other activities	159.100	<p><b>Oppose, amend</b> Policy NOSZ-P6, Policy OSZ-P10 and Policy SARZ-P8 as follows:</p> <p><i>"Only allow other activities where they:</i></p>	<p>The Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone Section 42A Report recommends that the submission is accepted in part and comments as follows:</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p><u>x. are regionally significant infrastructure that has an operational need or functional need for its location; or ...</u></p> <p>Transpower opposes the Open Space and Recreation Zone policies to the extent that the policies fail to recognise the existing location of the National Grid within these zones and because the policies may prevent the National Grid from being located in the Zone in a manner that is contrary to the NPSET.</p>	<p>7.3.11 Regarding the Transpower [159.100] submission; I note that the section 42A reports for Hearings B (prepared by Andrew Maclellan, Alanna Hollier and Liz White) each reached the conclusion that the PDP lacks clear direction in the way infrastructure is addressed at a policy level, and that there is a need to address potential tension or conflict between the policies in the Energy and Infrastructure and area-wide chapters.</p> <p>7.3.12 Liz White's Hearing B Interim Reply has recommended a pathway for infrastructure to achieve EI-O1; and reflect that EI-P2 already provides policy direction for managing adverse effects of infrastructure. This includes controlling the height, bulk and location of other infrastructure, consistent with the role, function, character and identified qualities of the underlying zone; minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain the character and qualities of the surrounding area.</p> <p>7.3.13 The recommendation is that the policy contained in the Energy and Infrastructure Chapter shall prevail over the zone chapters. This is considered to be a more effective than amending the policies across multiple zone chapters. This change will be achieved by adding the following notes to plan users within the Introduction of the Energy and Infrastructure Chapter (or similar wording to like effect):</p> <p style="padding-left: 40px;"><i>In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail.</i></p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			<p><i>The policies in this chapter take precedence over policies in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters.</i></p> <p>7.3.14 <i>On the basis that the changes recommended by the Hearing B Interim Reply are adopted, I consider there is no requirement to add a clause to NOSZ-P6 as requested by the submitter. It is already recommended that PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.100] submission is accepted in part.”</i></p> <p>For the reason given in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<p>OSZ – Open Space Zone</p> <p>OSZ-P10 Other activities</p>	<p>159.101</p>	<p><b>Oppose, amend</b> Policy NOSZ-P6, Policy OSZ-P10 and Policy SARZ-P8 as follows:</p> <p><i>“Only allow other activities where they:</i></p> <p><i><u>x. are regionally significant infrastructure that has an operational need or functional need for its location; or ...”</u></i></p> <p>Transpower opposes the Open Space and Recreation Zone policies to the extent that the policies fail to recognise the existing location of the National Grid within these zones and because the policies may prevent the National Grid from being located in the Zone in a manner that is contrary to the NPSET.</p>	<p>The Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone Section 42A Report recommends that the submission is accepted in part and comments as follows:</p> <p><i>“8.3.11 The matter raised in the Transpower submission [159.101] is identical to that addressed above in terms of the NOSZ policy. On the basis that the changes recommended by Liz White’s Hearing B Interim Reply are adopted; I consider there is no requirement to add a clause to OSZ-P10 as requested by the submitter. It is already recommended that the PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.101] submission is accepted in part.”</i></p> <p>For the reason given in the Section 42A Report, I support the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
<p>SARZ – Sport and Active Recreation Zone</p> <p>SARZ-P8 Other activities</p>	<p>159.102</p>	<p><b>Oppose, amend</b> Policy NOSZ-P6, Policy OSZ-P10 and Policy SARZ-P8 as follows:</p> <p><i>“Only allow other activities where they:</i></p> <p><i><u>x. are regionally significant infrastructure that has an operational need or functional need for its location; or ...”</u></i></p> <p>Transpower opposes the Open Space and Recreation Zone policies to the extent that the policies fail to recognise the existing location of the National Grid within these zones and because the policies may pre-vent the National Grid from being located in the Zone in a manner that is contrary to the NPSET.</p>	<p>The Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone Section 42A Report recommends that the submission is accepted in part and comments as follows:</p> <p>“9.3.3 <i>The matter raised in the Transpower submission [159.102] is identical to that addressed above in terms of the NOSZ and OSZ policy. On the basis that the changes recommended by Liz White in the Hearing B Interim Reply are adopted, I consider there is no requirement to add a clause to SARZ-P8 as requested by the submitter. It is already recommended that PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.102] submission is accepted in part.</i>”</p> <p>For the reason given in the Section 42A Report, I support the Section 42A Report recommendation.</p>