

**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 A (Overarching Matters, Part 1
- Introduction, General Provisions,
General Definitions and High-Level
Strategic Directions)**

**Supplementary Statement of Evidence of Ainsley Jean
McLeod on behalf of Transpower New Zealand Limited
(submitter reference 159)
dated 31 May 2024**

INTRODUCTION

1. My full name is Ainsley Jean McLeod. I prepared evidence in respect of submissions made on the Proposed Timaru District Plan (“Proposed District Plan”) Hearing A (Overarching Matters, Part 1 - Introduction, General Provisions, General Definitions and High-Level Strategic Directions) on 22 April 2024. I subsequently gave evidence at Hearing A on 9 May 2024. My qualifications and relevant experience are set out in my primary statement of evidence. I do not repeat this information here.
2. I reiterate the confirmation given in my primary statement of evidence in respect of the Hearings Panel direction in Minute 6 (paragraph 36) and the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I continue to comply with the Code of Conduct when preparing this supplementary statement of evidence.
3. For the purposes of this supplementary evidence, I rely on, as relevant:
 - a. my earlier evidence; and
 - b. the evidence of Ms Sarah Shand.
4. During Hearing A, the Hearings Panel asked that I consider alternative approaches to achieving the outcome I supported in respect of Strategic Direction Objective SD-O2 The Natural and Historic Environment, being an amendment to Objective SD-O2 to reflect that nothing in the National Policy Statement for Indigenous Biodiversity 2023 (“NPSIB”) applies to the development, operation, maintenance or upgrade of National Grid assets and activities.¹
5. The Hearings Panel’s request is confirmed in Paragraph 15 of Minute 7 as follows:

“Provide alternative drafting options to address National Grid exemptions from the requirements of the NPS-IB, rather than modifying SD O1-09, including an additional SD or provisions in the Infrastructure and Energy chapters.”²
6. This evidence is confined to responding to the request for clarification set out in Minute 7.

POSSIBLE APPROACHES TO THE NATIONAL GRID EXEMPTION FROM THE NPSIB

7. Nothing in the NPSIB applies to the development, operation, maintenance or upgrade of National Grid assets and activities. Where the Officer’s Report (Strategic Directions & Urban Form and Development) has explicitly recommended amendments to Objective SD-O2 to give effect to the NPSIB, it is my evidence that those amendments should not apply to the National Grid. My primary statement of evidence supported the following amendment to Objective SD-O2 to achieve this (the Officer’s Report recommendations are shown in *black underlined* and

¹ Clause 1.3(3) of the NPSIB.

² I understand that Minute 7 ought to refer to Objective SD-O2.

~~black strikethrough~~, the amendments I support are shown in red double underlined and ~~red double strikethrough~~):

“The District’s natural and historic environment is managed so that:

...

5. *indigenous biodiversity is maintained and enhanced and restored where necessary so that there is at least no overall loss;*

~~6.~~ *significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values recognised, protected and where appropriate, enhanced, and where ecological integrity is degraded, restored;*

x. notwithstanding clauses (5) and (6), significant indigenous vegetation and significant habitats of indigenous fauna are identified, and their values recognised and protected, by the appropriate management of the adverse effects of the development, operation, maintenance or upgrade of National Grid assets and activities on the recognised values;

~~67~~ *the life-supporting capacity of ecosystems and resources is safeguarded for future generations; and*

~~78~~ *the important contribution of historic heritage to the District’s character and identity is recognised, and ~~significant~~ historic heritage and its values are protected from inappropriate subdivision, use, and development.”*

8. Additional clause (x), as supported in my primary evidence, confirms that those parts of Objective SD-O2 that give effect to the NPSIB do not apply to the National Grid and instead sets out how the effects of the National Grid on indigenous biodiversity values are managed. In response to questions put to me at Hearing A, I accept that the outcome in clause (x) could also be achieved through amendments to other provisions in the Proposed District Plan.
9. One alternative approach is to amend Strategic Objective SD-O8 Infrastructure Across the District as follows:

“1. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;

2. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of both new development and the growth of existing development;

3. drinking water supplies are protected from the adverse effects of subdivision, use and development; and

4. 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;

x. the adverse effects of the development, operation, maintenance or upgrade of National Grid assets and activities on the recognised values of significant indigenous vegetation and significant habitats of indigenous fauna are appropriately managed and Objective SD-O2(5) and (6) does not apply.

10. Amending Objective SD-O8, rather than Objective SD-O2, can achieve the same outcome. It is a matter of Proposed District Plan architecture in respect of whether the 'exemption' for the National Grid sits better in the Objective that addresses effects on indigenous biodiversity values or the Objective that addresses the effects of infrastructure.
11. A further alternative approach is foreshadowed in Transpower's submission. This approach is often described as a 'National Grid carve out', whereby the policy direction for the management of the adverse effects of the National Grid is set out in a single policy accompanied by an explicit statement that the National Grid carve out policy prevails over other provisions of a district plan in circumstances where there is a conflict. In my experience, this 'carve out' approach is a common solution to giving effect to the NPSET and other higher order planning instruments in a manner that resolves possible tension between these instruments and within the provisions of a district plan.
12. Transpower's submission³ opposes Policy EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other Infrastructure on the basis that the Policy fails to reflect the nuanced approach to the management of adverse effects set out in NPSET Policies 7, 8 and 9, and the relevant considerations in NPSET Policies 3, 4 and 5. The submission concludes that it is more efficient and effective to include a standalone policy on the effects of the National Grid as follows (shown in *blue underlined*):

"Policy EI-PX

Managing adverse effects of the National Grid

Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:

1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets;

2. when providing for new, or upgrades that are more than minor to, National Grid:

a. In urban environments, avoid adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;

³ Submission reference 159.36.

- b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas:
- c. where (a) and (b) do not apply, seek to avoid adverse effects on the characteristics and values of the following:
 - i. significant natural areas listed in SCHED7.
 - ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9.
 - iii. High Naturalness Waterbodies Areas.
 - iv. areas of high or outstanding natural character.
 - v. historic heritage sites listed in SCHED3-4.
 - vi. sites and areas of significance to Kāti Huirapa listed in SCHED6.
 - vii. visual amenity landscapes listed in SCHED10, and
- 3. where it is not practicable to avoid, adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:
 - a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedy or mitigate adverse effects:
 - b. the extent to which significant adverse effects are avoided:
 - c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection:
 - d. for upgrades, the extent to which existing adverse effects have been reduced as part of any substantial upgrade:
 - e. the extent to which adverse effects on urban amenity have been minimised: and
- 4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3).
- 5. In the event of conflict between clause (2) (c) and Policy SASM-P5, SASM-P6, SASM-P7 or SASM-P8, clause 2(c) prevails.
- 6. In the event of conflict between clause 2(c) and Policy NATC-P4 or NATC-P6 clause 2(c) prevails.”

13. Clauses (5) and (6) of Transpower’s relief demonstrate how the ‘carve out’ works to ensure that the bespoke approach to the management of the effects of the National Grid clearly

prevails over the Proposed District Plan provisions that relate to the adverse effects of all activities in situations where there would otherwise be a conflict and/or inconsistency with the NPSET.

14. While I acknowledge that Transpower's submission seeking the inclusion of a new policy is a matter that will be considered in a future hearing, I am of the view that a National Grid 'carve out' policy is an efficient and effective way to address the necessarily nuanced approach to managing the adverse effects of the National Grid. I similarly consider that, should Transpower's relief in respect of the bespoke National Grid policy in the Energy and Infrastructure Chapter be accepted, the inclusion of the following additional clause in the new Policy EI-PX (sought in Transpower's submission and set out above) provides a succinct approach to achieving the same or similar outcome to the outcome that is achieved by the amendment to Strategic Objective SD-O2 supported in my evidence:

"x. the adverse effects of the development, operation, maintenance or upgrade of National Grid assets and activities on the recognised values of significant indigenous vegetation and significant habitats of indigenous fauna are appropriately managed and Objective SD-O2(5) and (6) does not apply."

15. As a final matter, I acknowledge that the relief sought by Transpower in relation to the more specific sub-chapters of the Proposed District Plan (being the EI – Energy and Infrastructure and ECO – Ecosystems and Indigenous Biodiversity sub-chapters) will likely be addressed in my evidence in subsequent hearings.



Ainsley Jean McLeod

31 May 2024