

**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 B (B1 – Rural Zones; B2 –
Urban Zones)**

**Statement of Evidence of Ainsley Jean McLeod on
behalf of Transpower New Zealand Limited
(submitter reference 159)
dated 5 July 2024**

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 B, Transpower’s submission is concerned with how the ‘other activities’ policies in the relevant zone chapters apply in respect of the operation, maintenance, upgrading and development of the National Grid and the extent to which these policies give effect to the NPSET and CRPS.
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 Officer’s Report” or “the Officers’ Reports”):
 - a. ‘Section 42A Report: Rural Zones Report on submissions and further submissions’ dated 19 June 2024;
 - b. ‘Section 42A Report: Hearings B2 – Urban Zones: General Industrial Zone (GIZ) and Port Zone (PORTZ)’ dated 20 June 2024; and
 - c. ‘Section 42A Report: Residential; and Commercial and Mixed Use Zones’ dated 18 June 2024.
6. I support a number of recommendations made in the Officers’ Reports for the reasons given in Transpower’s submissions and the Officers’ Reports. These recommendations are briefly

addressed in my evidence and includes support for the inclusion of 'operational need' in the relevant 'other activities' policies. My evidence goes on to note that the Rural Settlement Zone 'other activities' Policy SETZ-P4 does not include a similar 'functional need' and 'operational need' clause. I have concluded that there is no clear rationale for the difference in approach between zones and I therefore support replicating a 'functional need' and 'operational need' clause.

7. My evidence goes on to consider the tension or conflict between 'other activities' policies in the area-specific (or zone) provisions and the provisions in the Energy and Infrastructure chapter alongside the statutory directive to give effect to the NPSET. I disagree with the Officers' Reports conclusion that the Energy and Infrastructure policies 'apply instead' or 'take precedence' over the area-specific policies. I conclude that there is a tension or conflict that needs to be resolved in order to give effect to the NPSET by either amending the relevant area-specific policies or by making it explicit that the Energy and Infrastructure policies prevail over the area-specific zone provisions.
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. 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 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 third 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 B. 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 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 B;
 - b. describes Transpower's submission on the Proposed District Plan that are the subject of Hearing B; and
 - c. addresses (as relevant to the relief sought by Transpower) the recommendations made in the Officers' 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 B.

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”.¹

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.²
20. The remainder of my evidence describes Transpower’s submission, and considers the relief sought by Transpower alongside the recommendations made in the Officers’ 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: blue underline and ~~blue strikethrough~~; and
 - c. evidence text: red double underline and ~~red double strikethrough~~.

TRANSPOWER’S SUBMISSION

22. Transpower’s submission is concerned with how the ‘other activities’ policies in the relevant zone chapters apply in respect of the operation, maintenance, upgrading and development of the National Grid and the extent to which these policies give effect to the NPSET and the CRPS. The relief sought by Transpower is set out in the following table.

Submission reference	Provision	Relief sought
159.92 and 159.93	GRZ – General Residential Zone Policy GRZ-P4 Other non-residential activities and buildings	Amend Policy GRZ-P4 as follows: <i>“Only allow other non-residential activities and buildings where:</i> 1. <i>they support the wellbeing of residents in the area, or have a functional need <u>or operational need</u> to locate in the zone; and</i> 2. <i>any adverse effects on the residential amenity values are avoided or minimised <u>to the extent practicable</u>; and</i> 3. <i><u>except where the activity is regionally significant infrastructure,</u> they maintain the anticipated character, qualities and purpose of the General Residential Zone.”</i> As a consequence, amend Policy GRZ-P5(3) as follows: <i>“3. <u>The activity is consistent with GRZ-P4</u> is complied with.”</i>
159.94 and 159.95	MRZ – Medium Density	Amend Policy MRZ-P6 as follows: <i>“Only allow other non-residential activities and buildings where:</i>

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

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.

Submission reference	Provision	Relief sought
	Residential Zone Policy MRZ-P6 Other non-residential activities	<ol style="list-style-type: none"> 1. <i>they support the wellbeing of residents in the area, or have a functional need <u>or operational need</u> to locate in the zone; and</i> 2. <i>any adverse effects on the residential amenity values are avoided or minimised <u>to the extent practicable</u>; and</i> 3. <i><u>except where the activity is regionally significant infrastructure, they maintain the anticipated character, qualities and purpose of the <u>General-Medium Density</u> Residential Zone.</u></i> <p>As a consequence, amend Policy MRZ-P7(3) as follows: <i>"3. <u>The activity is consistent with MRZ-P6 is complied with.</u>"</i></p>
159.96	GRUZ – General Rural Zone Policy RUZ-P7 Industrial activities, rural industries and other activities	<p>Amend Policy GRUZ-P7 as follows: <i>"Only allow rural industries and other activities (not listed in the rules) in the General Rural Zone where:</i> <i><u>x. the activity is regionally significant infrastructure; ..."</u></i></p>
159.97	RLZ – Rural Lifestyle Zone Policy RLZ Other activities	<p>Amend Policy RLZ-P9(1) as follows: <i>"Only allow other activities where:</i> <ol style="list-style-type: none"> 1. <i>there is a functional or operational need for the activity to locate within the Zone; <u>and-or</u> ..."</i> </p>
159.98	SETZ – Settlement Zone Policy SETZ-P4 Other activities	<p>Amend Policy SETZ-P4 as follows: <i>"Only allow other activities where:</i> <i><u>x. there is a functional or operational need for the activity to locate within the Zone; or ..."</u></i></p>
159.99	GIZ – General Industrial Zone Policy GIZ-P6 Other activities	<p>Amend Policy GIZ-P6 as follows: <i>"Avoid the establishment of other activities including residential activities unless:</i> <i><u>x. the activity is regionally significant infrastructure; or</u></i> <ol style="list-style-type: none"> 1. <i>there is a functional need <u>or operational need</u> for the activity to occur in the General Industrial Zone; <u>orand</u> ..."</i> </p>

23. Transpower's submission notes that the National Grid is a substantial linear network that, in order to transmit high voltage electricity of long distances, must traverse a range of different zones. In addition, the submission confirms that the technical needs of the National Grid mean that the adverse effects of the National Grid cannot always be minimised. The Preamble to the NPSET acknowledges that electricity transmission has special characteristics that create challenges for its management under the RMA, as follows:

"- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.

- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.

...

- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects. ...”

24. The submission concludes that in the context of the national significance of the National Grid, and in order to give effect to the NPSET, it is important that the Proposed District Plan acknowledges these characteristics of the National Grid by ensuring that there is a policy ‘pathway’ (as opposed to a policy that may have the effect of preventing the National Grid) for the operation, maintenance, upgrade and development of the National Grid in all zones.
25. In respect of specific zones, Transpower’s submission notes that:
 - a. in the case of the Rural Zones, it is these zones that are most likely, and most appropriate to accommodate the National Grid and, as such, it is important that the Proposed District Plan provisions do not dissuade the location of the National Grid in the Rural Zones;
 - b. the General Industrial Zone is an appropriate location for the National Grid (when compared to the residential zones) and seeks that the Policy framework directs this outcome;
 - c. The use of ‘complied with’ in Policy GRZ-P5 and Policy MRZ-P7 is more appropriate in respect of rules as opposed to policies.

OFFICERS’ REPORT RECOMMENDATIONS

26. The recommendations, and accompanying reasons, made in the Officers’ Report in respect of Transpower’s submission are set out in the table below:

Submission reference	Provision	Recommendation and Reasons
159.92 and 159.93	GRZ – General Residential Zone Policy GRZ-P4 Other non-residential activities and buildings	Accept in part submission 159.92 and reject submission 169.93. “6.4.14 I also agree with adding reference to operational needs. This is because while functional needs and operational needs are similar, and relate to the need for an activity to traverse, locate or operate in a particular place, functional need relates to this being because an activity can only occur in that place, whereas operational needs relates to this being because of technical, logistical or operational characteristics or constraints. I consider the latter is likely to be of more relevance to the activities managed under GRZ-P4, because it applies to non-residential activities, which may have technical, logistical or operational reasons for needing to be located in the GRZ. I do not agree with limiting the direction in clause 2 so that avoidance or minimisation is only required “to the extent practicable”. I consider that reference to minimisation already

Submission reference	Provision	Recommendation and Reasons
		<p>sufficiently acknowledges that some adverse effects may result. I also do not consider that GRZ-P4 needs to be amended in relation to regionally significant infrastructure, because the policy framework applying to such infrastructure is contained in the Energy and Infrastructure chapter, which applies instead of the zone provisions where infrastructure is concerned.”</p> <p>“6.4.16 For completeness I note that if the clauses are retained, then I agree that clause 3 should refer to consistency with, rather than compliance with GRZ-P4, as this better reflects the nature of GRZ-P4 as a policy, whereas compliance is more usually used in the context of a rule. ...”</p>
159.94 and 159.95	MRZ – Medium Density Residential Zone Policy MRZ-P6 Other non-residential activities	<p>Accept in part submission 159.94 and reject submission 169.95.</p> <p>“6.8.12 I agree with submitters that clause 3 of MRZ-P6 should be amended to refer to the MRZ rather than the GRZ. For the same reasons as set out have in relation to GRZ-P4, I agree with expanding clause 1 of MRZ-P6 to refer to the health and safety and to operational needs; but do not agree with limiting the direction in clause 2 so that avoidance or minimisation is only required “to the extent practicable”; or to adding reference to regionally significant infrastructure. ...”</p> <p>“6.8.15 For completeness I note that if the clauses are retained, then I agree that clause 3 should refer to consistency with, rather than compliance with MRZ-P6, as this better reflects the nature of MRZ-P7 as a policy, whereas compliance is more usually used in the context of a rule.”</p>
159.96	GRUZ – General Rural Zone Policy RUZ-P7 Industrial activities, rural industries and other activities	<p>Accept in part.</p> <p>“10.11.8 In response to the submission from Transpower, I agree that the PDP should include a policy pathway to support the operation, maintenance, upgrade, and development of the National Grid. I consider that pathway is clearly articulated within the EI – Energy, and Infrastructure Chapter. I consider the introduction of a clause within GRUZ-P7 would be at odds with the architecture of the PDP which does not refer to other matters that are set out in the other chapter of the PDP. Instead, the GRUZ chapter is to be read alongside the other chapters of the PDP, including the EI chapter.”</p>
159.97	RLZ – Rural Lifestyle Zone Policy RLZ Other activities	<p>Reject</p> <p>“8.5.3 I disagree there is a requirement to provide a policy framework to support the National Grid’s operation, maintenance, upgrade, and development in the rural zones, as I consider the policies contained within the Energy and Infrastructure chapter adequately provide for this, specifically EI-P1 and EI-P2. I also note that the national grid rules in the EI chapter take precedence over rules in the zone chapter.”</p>
159.98	SETZ – Settlement Zone Policy SETZ-P4 Other activities	
159.99	GIZ – General Industrial Zone	<p>Accept in part</p> <p>“7.11.6 With respect to Transpower’s submission [159.99] for an additional clause to cover Regionally Significant Infrastructure. I do not see it as necessary to specifically refer to Regionally Significant Infrastructure within GIZ-P6 as most of the provisions (Sections A –</p>

Submission reference	Provision	Recommendation and Reasons
	Policy GIZ-P6 Other activities	<p><i>F) of the Energy and Infrastructure take precedence over the zone chapters. Sections A – F each specifically manage a sub-set of activities that fall within the definition of Regionally Significant Infrastructure. I believe that these provisions provide sufficient certainty regarding the use and development of Regionally Significant Infrastructure within the GIZ.</i></p> <p><i>7.11.7 In relation to expanding GIZ-P6 to include operational need alongside functional need, I see merit in this submission. GIZ-P6 refers to other activities (i.e. not industrial or compatible activities) that might wish to establish within the GIZ. Operational need and functional need are defined differently within the PDP. Operational need is defined as, ‘means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints’, whereas functional need is defined more tightly as ‘means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment’.</i></p> <p><i>7.11.8 Functional need therefore relates to an activity only being able to occur in that place, while operational need relates to the need to locate in a particular environment because of technical, logistical or operational characteristics or constraints. In my view, functional need has a very narrow application that is suitable to a policy that supports a non-complying activity rule. However, I do not view including the consideration of ‘operational need’ as contrary to the objectives of the GIZ or the other clauses of GIZ-P6. Even where an activity could demonstrate an ‘operational need’ to establish within the GIZ, it would still need to meet other clauses of GIZ-P6, namely that the activity did not undermine the commercial and mixed use zones and did not give rise to reverse sensitivity effects that constrain industrial activities. In my view, collectively these clauses still ensure achievement of GIZ-O1, GIZ-O2.7, GIZ-O2.8 and GIZ-O3. Furthermore, the activity would still be assessed as a non-complying activity.</i></p> <p><i>7.11.9 My main concern is that if numerous activities were to establish within the GIZ over time through demonstrating an operational need, this could cumulatively undermine the character and qualities of the GIZ as outlined in GIZ-O2.1 – O2.6. As these activities would be establishing under non-complying resource consent it is probable that not all of the characteristics of these activities would meet the anticipated character set out in these clauses of GIZ-O2. However, GIZ-O1 and GIZ-O2, the latter of which relates to the character and qualities of the zone, have to be considered for all activities intending to establish within the zone via resource consent. In this way, the alignment with the characteristics and qualities of the activity to that anticipated by the zone would be assessed.”</i></p>

CONSIDERATION OF TRANSPOWER'S SUBMISSION AND THE OFFICERS' REPORT

Inclusion of 'operational need'

27. I support the recommendation in the Officers' Report in respect of submission points 159.192, 159.194 and 159.99 to include 'operational need' alongside 'functional need' in Policy MRZ-P6 and Policy GIZ-P6. In this regard, I agree with, and share the same opinion as set out in, the Officer's Report (Residential; and Commercial and Mixed Use Zones) at paragraph 6.4.14. In addition, I consider that the addition of 'operational need' gives effect to Policy 3 of the NPSET that states:

"When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network."

28. That said, I note that a similar recommendation has not been made in relation to submission point 159.98 in respect of Policy SETZ-P4. Transpower's submission seeks the inclusion of a new clause in Policy SETZ-P4 to refer to allowing activities in the Settlement Zone where there is a functional need or operational need. The Officers' Report does not explicitly address Transpower's relief in this regard.
29. I note that Policy SETZ-P4 differs from, for example, Policies GRZ-P4, MRZ-P6, GRUZ-P7, RLZ-P9 and GIZ-P6, because Policy SETZ does not include reference to activities that have a functional need to locate in the Settlement Zone. It is not clear to me why the Settlement Zone is distinguished, or treated differently, in this regard. I have reviewed the 'Evaluation Report Rural Zones' and note that no explanation is given for the absence of a 'functional need' clause in respect of the 'other activities' policy.
30. In my opinion, it is consistent, appropriate and necessary to give effect to Policy 3 of the NPSET to provide the same 'policy pathway' for other activities in the Settlement Zone and I therefore support amending Policy SETZ-P4 to include the following additional clause that replicates the approach taken in other zones:

"Only allow other activities where:

x. there is a functional or operational need for the activity to locate within the Zone;
or ..."

'Compliance with' vs 'consistency with'

31. I support the recommendation in the Officers' Reports in respect of submission points 159.193, 159.195 and agree that, should the relevant clause in Policies GRZ-P5 and MRZ-P7 be retained, the Policies should be amended to refer to 'consistency with' the relevant 'other activities' policy, as opposed to 'compliance with'. In my view, 'consistency with' better reflects

the role of district plan policies and aligns with the relevant statutory processes or considerations in the RMA.

Relationship between district-wide policies and area-specific matters

32. Transpower's submission is concerned with the extent to which the area-specific, or zone based, policies have the effect of preventing the upgrading or development of the National Grid in a manner that fails to give effect to the NPSET. This is because the National Grid would likely not be consistent area-specific 'other activities' policies. For this reason, Transpower's submission seeks amendments to give effect to the NPSET by ensuring that there is a 'policy pathway' for the development and upgrading of the National Grid in the various zones.
33. The Officers' Reports do not consider there is a need for amendments to the area-specific policies because:
 - a. *"... the policy framework applying to such infrastructure is contained in the Energy and Infrastructure chapter, which applies instead of the zone provisions where infrastructure is concerned."*
 - b. *"... that pathway is clearly articulated within the EI – Energy, and Infrastructure Chapter. I consider the introduction of a clause within GRUZ-P7 would be at odds with the architecture of the PDP which does not refer to other matters that are set out in the other chapter of the PDP. Instead, the GRUZ chapter is to be read alongside the other chapters of the PDP, including the EI chapter."*
 - c. *"I disagree there is a requirement to provide a policy framework to support the National Grid's operation, maintenance, upgrade, and development in the rural zones, as I consider the policies contained within the Energy and Infrastructure chapter adequately provide for this, specifically EI-P1 and EI-P2. I also note that the national grid rules in the EI chapter take precedence over rules in the zone chapter."*
 - d. *"I do not see it as necessary to specifically refer to Regionally Significant Infrastructure within GIZ-P6 as most of the provisions (Sections A – F) of the Energy and Infrastructure take precedence over the zone chapters. Sections A – F each specifically manage a sub-set of activities that fall within the definition of Regionally Significant Infrastructure. I believe that these provisions provide sufficient certainty regarding the use and development of Regionally Significant Infrastructure within the GIZ. "*
34. I note that the Energy and Infrastructure provisions are district-wide provisions and, I understand the Officers' Reports conclude that the area-specific provisions need not give for activities across the district. In the case of the National Grid, no zones have been identified as appropriate to accommodate National Grid infrastructure.
35. In this regard, the Officers' Reports do not suggest that regionally significant infrastructure should be prevented in the various zones, but have concluded that it is not necessary to

provide for regionally significant infrastructure in the 'other activities' policies because regionally significant infrastructure is provided for in the Energy and Infrastructure policies and these policies 'apply instead' or 'take precedence' over the area-specific policies.

36. I do not agree with the Officers' Reports that Energy and Infrastructure policies 'apply instead' or 'take precedence' over the area-specific policies that relate to various zones. While the Proposed District Plan includes a direction that sets out where the Energy and Infrastructure rules take precedence over the area-specific rules, to my knowledge there is no explicit direction given in the Proposed District Plan in respect of policies. Therefore, in the absence of such direction, it is my view that the area-specific policies apply to regionally significant infrastructure, including the National Grid, and the Energy and Infrastructure policies and area-specific policies are to be read together.
37. On this basis, I share the concerns expressed in Transpower's submission and consider that the development or upgrade of the National Grid would be assessed as inconsistent with Policies GRZ-P4, MRZ-P6, RUZ-P7, RLZ-P9 and SETZ-P4 because:
- a. the Policies include 'and' and therefore the development or upgrade of the National Grid would only be allowed in the relevant zone where consistent with all of the clauses in the Policies;
 - b. as described in the Preamble to the NPSET, the characteristics of the National Grid would likely mean that the adverse effects of the National Grid could not be avoided or minimised.
 - c. similarly, the built form of the National Grid is not likely to maintain the character and qualities of the relevant zone as described in related objective.
38. Insofar as the Policies listed above apply to the National Grid, it is my conclusion that the Policies fail to give effect to the Objective and Policies 1 and 2 of the NPSET and also gives rise to tension or conflict between the Energy and Infrastructure policies and the area-specific policies in the Proposed District Plan.
39. For completeness, I record that the relevant NPSET and Proposed District Plan provisions are as follows:

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."*

NPSET POLICY 1

“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:

- i) maintained or improved security of supply of electricity; or*
- ii) efficient transfer of energy through a reduction of transmission losses; or*
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or*
- iv) enhanced supply of electricity through the removal of points of congestion.*

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.”

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.”

Proposed District Plan Policy EI-P1 (as notified)

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

- 1. enabling their operation, maintenance, repair, upgrade, development; and*
- 2. enabling their removal during an emergency; and*
- 3. recognising their functional needs or operational needs; and*
- 4. encouraging the coordination of their planning and delivery with land use, subdivision, development and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and*
- 5. enabling the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and*
- 6. allowing large scale renewable generation and non-renewable generation activities where the adverse effects can be minimised or are able to be remediated; and*
- 7. supporting Regionally Significant Infrastructure in adopting new technologies that:*
 - a. improve access to, and efficient use of, networks and services;*

- b. *allow for the re-use of redundant services and structures;*
- c. *increase resilience, safety or reliability of networks and services;*
- d. *result in environmental benefits and enhancements; or*
- e. *promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.”*

40. I consider that it is the role of the Proposed District Plan to resolve this tension and it is therefore my conclusion that amendments are required to achieve this. There are a number of alternative approaches to resolving this tension in a manner that gives effect to the NPSET as follows:

- a. specifically providing for the National Grid or regionally significant infrastructure in the ‘other activities’ policies in the area-specific chapters of the Proposed District Plan, consistent with the relief sought in Transpower’s submission;
- b. including an explicit direction in the Energy and Infrastructure Chapter to make it clear that the Energy and Infrastructure objectives and policies ‘apply instead’, ‘take precedence’ or ‘prevail over’ the area-specific provisions;
- c. including the ‘other activities’ policies in a ‘carve out’ provision similar to that described in my supplementary evidence for Hearing A where a clause in the relevant Energy and Infrastructure policy or policies states that *“in the event of conflict between Policy X and Policies GRZ-P4, MRZ-P6, RUZ-P7, RLZ-P9 and SETZ-P4, Policy X prevails”*.

41. In my opinion, each of the solutions appropriately resolves the tension between policies that is identified in Transpower’s submission and, in doing so, gives effect to the NPSET in a manner that is efficient and effective.

42. As a final matter, I note that I have considered whether a broader direction could be included in the Proposed District Plan that the district-wide prevail or take precedence over the area-specific provision and have concluded that this approach could have the effect of creating an unintended hierarchy within the District Plan that, in turn, may have unintended consequences. For this reason, I do not support such an approach.



Ainsley Jean McLeod

5 July 2024