

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND the proposed Timaru District Plan

Evidence of Elizabeth Moya Williams
on behalf of the Director-General of Conservation *Tumuaki Ahurei*
Hearing E: Infrastructure, Subdivision, and Cultural Values
Submitter No. 166 Further Submitter No.166
Dated: 23 January 2025

Department of Conservation | *Te Papa Atawhai*

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140

Solicitor rōia: Alice McCubbin-Howell

Phone waea: 0272013551

Email Īmera: amccubbinhowell@doc.govt.nz

Table of Contents

INTRODUCTION.....	2
CODE OF CONDUCT	2
SCOPE	3
MATERIAL CONSIDERED.....	4
CONCLUSION	8

Introduction

1. My full name is Elizabeth Moya Williams.
2. I have been asked by the Director-General of Conservation Tumuaki Ahurei (the D-G) to provide expert planning evidence on the proposed Timaru District Plan.
3. This evidence relates to Hearing E, which includes the hearing topics of Infrastructure, Subdivision and Cultural Values.

Qualifications and experience

4. I am employed by the Department of Conservation (DOC) in Dunedin as a Resource Management Planner. I have worked for DOC in this role since June 2022.
5. Prior to being employed by DOC I had over fifteen years of experience in resource management, including roles in both consenting and plan development. This experience includes four years as a planner at the Environment Agency (a national public body in England and Wales), a combined total of eleven years as a Consents Officer at Christchurch City Council, Campbell River City Council (Canada) and Tasman District Council, and more recently two years as a Policy Planner at Dunedin City Council. I have experience in providing input on planning consents and Council plans from a national perspective, processing resource consents including notified/limited notified consents, Section 42A reporting for a plan variation and involvement in plan appeals and Environment Court mediation.
6. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University.
7. I am a Full Member of the New Zealand Planning Institute.

Code of Conduct

8. Although this is a Council hearing, I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.

9. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
10. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Environment Court Code of Conduct, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the D-G's behalf.

Scope

12. I have been asked to provide planning evidence in relation to the notified proposed Timaru District Plan, the D-G's submission (submitter number 166), the D-G's further submission, and further submissions lodged on the D-Gs submission.
13. The DG's submission covered a relatively limited range of matters on Infrastructure, Subdivision and Cultural Values. I have read the s42A Officers reports which consider the D-G's submission. I have focussed my evidence on matters on which I wish to provide additional support for proposed amendments relating to the Energy and Infrastructure chapter, specifically:
 - a. Support for the proposed amendments applying an effects management hierarchy approach to managing adverse effects of infrastructure within sensitive environments where there is a functional or operational need for the infrastructure in those locations; and
 - b. Comment on new Policy EI-PX Managing adverse effects of the National Grid.
14. In relation to the other points covered in the D-G's submission, rather than duplicating elements of the section 42A report, I have indicated matters on which I agree with the analysis and recommendations of the S42A report writers in the table at Appendix 1. I can respond to any questions that the Panel may have on those matters.

Material Considered

15. In preparing my evidence I have read and relied upon the following documents:
- (a) Proposed Timaru District Plan 2022
 - (b) The Section 32 Evaluation Reports:
 - (i) Overview Section 32 report dated July 2022
 - (ii) Energy and Infrastructure Section 32 report dated May 2022
 - (c) The D-G's submission dated 15 December 2022 and further submissions dated 4 August 2023 and 18 March 2024.
 - (d) The Officers' Section 42A reports on Infrastructure (dated 11 December 2024), Subdivision (dated 11 December 2024), Sites and Areas of Significance to Māori and Māori purpose Zone (dated 9 December 2024), Historic Heritage and Notable Trees (dated 10 December 2024).

Energy and Infrastructure chapter

16. The D-G's submission raised a number of points relating to the Energy and Infrastructure chapter and how the potential adverse effects on the environment, particularly sensitive environments, are managed appropriately in accordance with higher order documents. The submission sought the inclusion of an effects management hierarchy to align with the (then) draft National Policy Statement for Indigenous Biodiversity (NPS-IB). See Appendix 1 for detail of the D-G's submission points.

Effects Management Hierarchy approach – RSI and other infrastructure (excluding the electricity transmission network)

17. The s42A Officer has recommended amendments to EI-O2 and EI-P2 to include reference to an effects management hierarchy within the objective and policy. The amendments recommended also include reference to the Long-Tailed Bat Habitat Protection Area (recommended name change at Hearing D) within the policy at EI-P2.1.a. As a preliminary point I note that I support the inclusion of this sensitive environment in the policy as it is a significant habitat of indigenous fauna and has associated provisions within the District Wide matters of the Plan and is identified on the Planning Maps.

18. In regard to the amendments to include the effects management hierarchy, this would apply where, due to functional or operational needs, Regionally Significant Infrastructure (RSI) and 'other infrastructure' must be located within the environments identified in E1-P2.1.a. As discussed further below, these provisions would not apply to the electricity transmission network (the National Grid).
19. I support the analysis and recommendations of the S42A Officer in regard to applying an effects management hierarchy approach to managing adverse effects of infrastructure (including regionally significant and other infrastructure) within sensitive environments. I consider this to be an appropriate approach that aligns with the requirements of Section 6 of the RMA. In my opinion, the proposed s42A amendments to the objective and policy will help ensure a consistent approach is applied to managing adverse effects of Regionally Significant and other infrastructure within sensitive environments where there is a functional or operational need for the activity to be located within the sensitive environment and there are no practical alternative locations.

NPS-IB and application of the Effects Management Hierarchy

20. The effects management hierarchy adopted by the s42A Officer in EI-P2.3 is modelled on the effects management hierarchy as defined in the NPS-FM (see NPS-FM, Clause 3.21) which is similar to that used in the NPS-IB (see NPS-IB Clause 1.6, as sought in the D-G's submission).
21. I acknowledge that NPS-IB does not apply to "*..the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities*"¹. I provide further comment on this aspect of the NPS-IB below, in so far as it relates to renewable energy generation (REG) and the electricity transmission network.
22. In the PTDP, the definition of 'Regionally Significant infrastructure' (RSI) and 'infrastructure' includes a range of infrastructure - i.e. it is not limited to REG or the electricity transmission network. In my opinion, for infrastructure that is not exempt from the NPSIB, the s42A officers' proposed amendments to Policy EI-P2 and effects

¹ NPSIB, Part 1: Preliminary Provisions, Clause 1.3 Application

management hierarchy is consistent with the requirements of the NPS-IB. In particular, Clause 3.10(3) which relates to managing adverse effects on SNAs and Clause 3.11 which relates to specified infrastructure² that provides a significant public benefit. These provisions require that the adverse effects on SNAs of these activities are to be managed by applying the effects management hierarchy.

NPS-REG and application of an Effects Management Hierarchy

23. For REG, the preamble of the NPS-REG highlights the challenges of assessing REG where the benefits of renewable energy generation can compete with matters of national importance as set out in section 6 of the Act, and with matters to which decision makers are required to have particular regard under section 7 of the Act. It draws readers attention, to how natural resources used for electricity generation can coincide with significant indigenous biodiversity.

24. Policy C2 of the NPS-REG requires the following:

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

25. The Canterbury Regional Policy Statement (CRPS) seeks to recognise the benefits of REG and locational constraints whilst avoiding any adverse effects on significant natural and physical resources and cultural values. Where avoidance is not practicable, it seeks to remedy or mitigate and for appropriate controls over other adverse effects on the environment (Objective 16.2.2). In terms of electricity generation, Policy 16.3.5 (2)(b) requires that where it is not practicable to avoid adverse effects, effects are to be remedied, mitigated or offset.
26. On this basis, I support the S42A report writer's recommended approach that applies an effects management hierarchy approach to RSI including REG within sensitive environments, where there is a functional or operational need. I consider this approach provides a consistent and appropriate way of managing the adverse effects of REG activities within sensitive environments. In my opinion this approach is available in light of the relevant provisions in the higher order documents set out

² Specified infrastructure is defined in the NPSIB (Clause 1.6 Interpretation).

above. Alternatively, there is also the option to form a new policy specifically dealing with REG.

27. For completeness, I do not consider the exception from the NPS-IB for REG changes this assessment. The NPS-IB does not apply to REG, but it does not express any preference or priority for REG. The relevant provisions of the RMA and other national and regional direction all apply.

Comment on New Policy EI-PX

28. The NPS-ET recognises the national significance of electricity transmission network. It facilitates the operation, maintenance and upgrade of existing transmission network and new transmission resources to meet the needs of present and future generations while managing the adverse environmental effects of the network (Objective 5).
29. The s42A officer has recommended a new policy (EI-PX) which provides more clarity and distinguishes between RSI/other infrastructure and the National Grid. This is to align better with the specific policies of the NPS-ET which requires that the planning and development of the transmission system (and major upgrades) 'seeks to avoid' adverse effects.
30. I agree with the analysis of the S42A Officer. In my opinion it is appropriate to provide a standalone policy relating to managing the adverse effects of the National Grid to align with the requirements in the National Policy Statement for Electricity Transmission (NPS-ET). I acknowledge that NPS-IB does not apply to the development, operation or upgrade of the electricity transmission network.
31. I support the recommendation to include reference under Policy EI-PX.2.c.i to other areas of significant indigenous vegetation and significant habitats of indigenous fauna as some of these may not yet be mapped (FS166.17). For the ECO chapter hearing (Hearing D) the Council's ecologist, Mr Harding, prepared technical advice to inform the s42A report. In that advice, Mr Harding said that *"...further survey or increased knowledge about the presence and distribution of indigenous species' populations will likely reveal significant habitats for indigenous species that lie outside of SNAs listed in Schedule 7"* (paragraph 58, page 14)).

32. The D-G's submission (166.11) also sought to include the Bat Protection Area Overlay (recommended name change to *Long-Tailed Bat Habitat Protection Area* as part of Hearing D) within the definition of 'sensitive environments'. This submission point was considered in Hearing A. The DG's submission was accepted by the s42A report writer and the S42A recommendation was that it be included within the definition³. The S42A Officer for this topic has carried this over to the list of overlays within the proposed policy which is consistent with the previous recommendation. I therefore support the addition of the reference to the 'bat protection areas' overlay listed within the Policy (EI-PX.2.c.ix). As noted above, it is a significant habitat of indigenous fauna and has associated provisions within the District Wide matters of the Plan and is identified on the Planning Maps.

Conclusion

33. The D-Gs submission contained limited points related to the provisions covered by this hearing topic. Overall, for the reasons described above, I support the s42A Officer's report and recommended amendments in the Energy and Infrastructure chapter. As set out in Appendix 1, I also support the recommendations and analysis of the s42A Officers in respect to the D-G's other submission points.



Elizabeth Williams

RMA Planner

DATED this 23 January 2025

³ S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]

PLAN PROVISION	D-G POSITION	REASON	RELIEF SOUGHT	S42A recommendation	E Williams Planning evidence changes sought
<i>Energy, Infrastructure and Transport</i>					
Objective EI-02 Adverse effects of Regionally Significant Infrastructure (Sub Point 166.20)	Oppose in part	The D-G supports avoidance of adverse effects in sensitive environments but seeks amendments to align with the draft NPS-IB in applying the effects management hierarchy for infrastructure where effects cannot be avoided due to the functional need and where there are no practicable alternative locations.	Amend the objective as follows: <i>The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities: are avoided in sensitive environments unless there is a functional need for the infrastructure to be in that location <u>and there are no practicable alternative locations, in which case they must be managed by applying the effects management hierarchy remedied or mitigated</u>; and...</i>	Accept in part – propose to refer to an effects management hierarchy that is then contained within a policy. EI-02 Adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure The adverse effects of Regionally Significant Infrastructure, and Lifeline Utilities and other infrastructure : 1. are avoided in sensitive environments the areas identified in EI-P2.1.a , unless there is a functional need or operational need for the infrastructure to be in that location and no practical alternative locations , in which case they must be remedied or mitigated managed by applying the effects management hierarchy set out in EI-P2 or EI-PX for the National Grid ; and 2. are avoided, remedied or mitigated to achieve having regard to the relevant objectives for the underlying zone in other areas.	I support the s42a report analysis and recommendation as outlined in paragraphs 17-27.
Objective EI-03 Adverse effects of other infrastructure (Sub Point 166.21)	Support	The D-G supports the inclusion of this policy which seeks to avoid, remedy and mitigate adverse effects of 'other infrastructure' on sensitive environments.	Retain as notified.	Reject (Appendix 2) – recommends that EI-03 is deleted and 'other infrastructure is combined into EI-02 (along with RSI and lifeline utilities).	I support the s42a report analysis and recommendation that other infrastructure is included within Objective EI-02 and Policy EI-P2 which applies a consistent approach as outlined in paragraphs 17-19.
EI-P2 Managing Adverse Effects (Sub Point 166.22)	Support with amendments	The D-G supports the inclusion of this policy and managing adverse effects on the identified values and qualities of the natural environment and specific overlays listed. However, it is considered relevant to include consideration of the effects management hierarchy as included in the draft NPS-IB in accordance with Clause 3.10(3) and (4) for specific infrastructure that provides significant national or regional public benefit, has a functional or operation need to be in that particular location and where there are no practicable alternative locations for the new use or development.	<i>Amend Policy P2 as follows:</i> 1. <i>Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:</i> a. <i>seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees <u>and applying the effects mitigation hierarchy where adverse effects cannot be avoided</u>; and</i> <i>b--f....while:...</i>	Accept in part – Recommends an amended EI-P2 (managing adverse effects of RSI, Lifeline Utilities and other infrastructure) and new policy EI-PX (Managing adverse effects of the National Grid) as shown in the s42A report pages 83-86.	I support the s42a report analysis and recommendation as outlined in paragraphs 17-32.
Rules/Note (Sub Point 166.23)	Support with amendments	The D-G supports the cross reference to the matters in Part 2 of the proposed Plan. It is recommended that there is a hyperlink to this chapter.	Amend the note by including a hyperlink to the chapters in Part 2 – District wide matters.	Defer to wrap up hearing.	I support the s42a report recommendation and analysis.
Objective TRAN-02 (Sub Point 166.24)	Support	The D-G supports the intent of the proposed objective, policies and rules that give effect to Objective 5.2.3 and Policies 5.3.7 & 5.3.8 of the CRPS.	Retain as notified.	Accept	I support the s42a report recommendation and analysis.
Policy TRAN-P4 (Sub Point 166.25)	Support	The D-G supports the intent of the proposed objective, policies and rules that give effect to Objective 5.2.3 and Policies 5.3.7 & 5.3.8 of the CRPS.	Retain as notified.	Accept in part – Amend TRAN-P4 as follows: Only allow new land transport infrastructure: 1. within sensitive environments / overlays, where it can be demonstrated that:	I support the s42a report recommendation and analysis.

PLAN PROVISION	D-G POSITION	REASON	RELIEF SOUGHT	S42A recommendation	E Williams Planning evidence changes sought
				a. the adverse effects on identified characteristics and values of the Overlay it is within will be protected are avoided, remedied or mitigated ; and b. the relevant objectives and policies for the Overlay will be achieved; and c. there is a functional need or operational need for the land transport infrastructure to be located in the Overlay; and....	
Rules/Note (Sub Point 166.26)	Support with amendments	The D-G supports the note relating to other rules in the plan that are relevant to transport however it is suggested that hyperlinks are included in the note to specifically reference the relevant sections as has been done under the Energy and Infrastructure Chapter. This provides clarity to the user of the plan.	Amend the note by including a hyperlink to the chapters in Part 2 – District wide matters	Defer to wrap up hearing.	I support the s42a report recommendation and analysis.
<i>Subdivision</i>					
SUB-01 General Subdivision design (Sub Point 166.80)	Support with amendments	The policy should also set out the maintenance and enhancement of indigenous biodiversity outside of SNAs as required by the RMA (Part 2 (7) & Section 31) and Policy 4, 5, 8 & 13 of the draft NPS-IB which seeks to recognise the importance of maintaining and providing for indigenous biodiversity outside SNAs.	<i>New subdivisions will:</i> 1. accord with the purpose, character and qualities of the zone; and 2. respond positively to the physical characteristics of the site and its context; and 3. maintain and enhances amenity values and the quality of the environment <u>including indigenous biodiversity values</u> ; 4-10.....	Reject - The submission of DOC [166.80] seeks that SUB-01.3 is amended to make specific reference to indigenous biodiversity values. As noted above, this clause effectively repeats the requirements set out in section 7 of the RMA. I do not consider it appropriate to then make specific reference to one aspect of the environment over another.	I support the s42a report recommendation and analysis.
SUB-05 Public Access and esplanade reserves and strips (Sub Point 166.81)	Support	This Objective gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS	Retain as notified.	Accept in Part Amendments proposed: Public access and esplanade reserves and strips created through subdivision will: 1. contribute to the protection of conservation values; and 2. provide for public access to and along identified rivers and the sea, <u>except where in accordance with PA-P4</u> ; and 3. provide public recreational uses along the waterways and coast where the use is compatible with conservation values	I support the s42a report recommendation and analysis.
SUB-P2 Subdivision of land within sensitive environments (Sub Point 166.82)	Support	This policy is consistent with the requirements of the RMA and CRPS.	Retain as notified.	Accept – Retain as notified	I support the s42a report recommendation and analysis.
SUB-P7 Esplanade reserves and strips (Sub Point 166.83)	Support	This policy is consistent with the requirements of the CRPS and NZCPS Policy 18.	Retain as notified.	Accept – Retain as notified.	I support the s42a report recommendation and analysis.
SCHED 12 Schedule of Esplanade provisions (Sub Point 166.84)	Support	This policy is consistent with the requirements of the CRPS and NZCPS Policy 18.	Retain as notified.	Accept in Part – amendment to the planning maps to remove an esplanade provision from Lot 1 DP326718.	I support the s42a report recommendation and analysis.

PLAN PROVISION	D-G POSITION	REASON	RELIEF SOUGHT	S42A recommendation	E Williams Planning evidence changes sought
<i>Sites and Areas of Significance to Māori and Māori Purpose Zone</i>					
SASM Objectives and Policies (Sub Point 166.28)	Support	The D-G supports the provisions provided in the plan to recognise and protect sites and areas of significance to Māori as well as ensure the sustainability of ecosystems that support taoaka and mahika kai.	Retain as notified	Accept in Part	I support the s42a report recommendations and analysis.
<i>Historic Heritage</i>					
SCHED 3: Schedule of Historic Heritage listing HHI-208 <i>Former musterers' hut/Richmond hut</i> (Sub Point 166.27)	Support	The D-G supports the inclusion of the Richmond Hut within the schedule.	Retain as notified.	Accept in Part – Updating SCHED 3 to ID HH-209 to align with the planning maps.	I support the s42a report recommendation and analysis.