

BEFORE THE INDEPENDENT HEARINGS PANEL

Under the Resource Management Act 1991 and the Canterbury Earthquake
(Christchurch Replacement District Plan) Order 2014

In the matter of

**The Proposed Christchurch Replacement District Plan –
Proposal 8 – Subdivision, Development and Earthworks (part)**

and

**Transpower New Zealand Limited (Submitter 2218 and Further
Submitter 2780)**

Submitter

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

dated 14 October 2015

BELL GULLY

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Executive Summary

1. Transpower New Zealand Limited's ("**Transpower**") submission on Proposal 8: Subdivision, Development and Earthworks (part) of the Proposed Christchurch Replacement District Plan ("**Replacement Plan**") seeks refinement to the earthworks provisions, insofar as they relate to earthworks in the vicinity of the National Grid, to reduce the extent of regulation of such earthworks.
2. A suite of revised provisions that address earthworks in the vicinity of the National Grid have been agreed through mediation and are included in the redline version of Proposal 8 included as Attachment A to the evidence of Mr Andrew Long, filed by the Council ("**redline chapter**").¹
3. My evidence supports the relevant provisions included in the redline chapter, subject to very limited suggested amendments, and concludes that the redline chapter better gives effect to the National Policy Statement on Electricity Transmission ("**NPSET**"), better implements Objective 3.3.12 included in the decision of the Hearings Panel on Strategic Directions and Strategic Outcomes (and Relevant Definitions) dated 26 February 2015 ("**Strategic Directions decision**") and achieves the purpose of the Resource Management Act 1991 ("**RMA**").

Introduction

4. My full name is Ainsley Jean McLeod. I hold the position of Technical Director – Planning at Beca Limited, based in Christchurch. I am engaged by Transpower to provide planning advice in relation to the Replacement Plan and have assisted with the preparation of Transpower's submission and further submissions and attended mediation on 22 September 2015. This is the twelve statement of evidence prepared by me, and filed by Transpower, in relation to the Replacement Plan.²

¹ Statement of evidence of Mr Long dated 5 October 2015.

² My earlier statements of evidence can be accessed at <http://www.chchplan.ihp.govt.nz/past-hearings/> and <http://www.chchihp.govt.nz/hearings/>.

5. My qualifications and relevant experience have been set out in my first statement of evidence.³ My agreement to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court's 2014 Practice Note is included in **Attachment A**.

Scope of Evidence

6. My evidence addresses Transpower's submission on Proposal 8, and specifically the redline chapter attached to the evidence of Mr Long, where relevant to Transpower's submission.⁴
7. For the purposes of my evidence I rely upon the evidence of **Mr Noble, Mr Michael Copeland and Mr Dougall Campbell**⁵ filed by Transpower in relation to earlier hearings where relevant to do so. My evidence should also be read in conjunction with my earlier evidence⁶. I continue to hold the views I expressed in my earlier evidence and, to avoid repetition, I rely on that evidence insofar as it is relevant to Proposal 8. Other documents I have reviewed in preparing my evidence are listed in **Attachment B**.

Redline Chapter (dated 5 October 2015)

8. The redline chapter includes a suite of provisions that have been agreed between Council and Transpower. These provisions:
- (a) introduce a new permitted activity rule, with associated activity standards, and accompanying restricted discretionary and non-complying rules that apply in situations where the activity standards are not met⁷;

³ A McLeod, Statement of Evidence, Strategic Directions and Strategic Outcomes, 25th November 2014, Paragraphs 7-12, pages 2 and 3.

⁴ For completeness I note that the rule framework promoted in Transpower's submission is supported by the further submission of Federated Farmers of New Zealand (further submission ref: 2788) and supported in part by the further submission of Orion New Zealand Limited (further submission ref: 2797). Transpower made a further submission opposing the submission of Orion New Zealand Limited (submitter ref: 2340) on the basis that the necessity of corridor protection for Orion's assets is a matter before the hearings panel and because the extent of regulation proposed by Orion is greater than that sought by Transpower.

⁵ These statements of evidence can be accessed at <http://chchplan.ihp.govt.nz/past-hearings/> and <http://chchplan.ihp.govt.nz/hearings/> under the relevant Proposal heading.

⁶ Also accessed at <http://chchplan.ihp.govt.nz/past-hearings/> and <http://chchplan.ihp.govt.nz/hearings/> under the relevant Proposal heading.

⁷ Rules 8.8.2(P3), 8.8.3(RD10) and 8.8.4(NC1).

- (b) amend the Matters of Discretion in 8.8.7(2)(b) that relate to the activities in the vicinity of the National Grid that ‘trigger’ restricted discretionary activity Rule 8.8.3(RD10); and
 - (c) amend the direction as to notification in 8.8.1(3).
9. In my opinion these provisions would benefit from further limited refinements as set out in **Attachment C**. These refinements delete an exclusion for irrigation structures that is not relevant in the context of Rule 8.8.2(P3) and confirm that Transpower is an affected party in terms of Rule 8.8.4(NC1) (as it is for Rule 8.8.3(RD10)).
10. Subject to the very limited amendments set out in Attachment C. I support the provisions included in the redline chapter because, when compared to the notified provisions, they:
- (a) better give effect to the NPSET and Canterbury Regional Policy Statement (“**CRPS**”)⁸;
 - (b) better implements Objective 3.3.12 of the Strategic Directions decisions and Policy 8.7.2.1;
 - (c) are aligned with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“**NZEC34:2001**”);
 - (d) reduce the extent of regulation and better achieves the Statement of Expectations; and
 - (e) achieve the purpose of the RMA by providing for the on-going use, development and protection of the National Grid in a manner that enables people and communities to provide for the social and economic well-being, health and safety.
11. In terms of the form of the agreed provisions, I acknowledge questions from the hearings panel in the context of Proposal 14 (Stage 1) as to whether a permitted activity rule⁹ for the National Grid corridor is a ‘Clayton’s’ permitted activity rule. In this regard,

⁸ Specifically the Objective and Policies 2, 10 and 11 of the NPSET and Policy 16.3.4(2) of the CRPS.

⁹ Proposed to apply in the Residential Zones.

and in the context of Proposal 8, I do not consider that Rule 8.8.2(P3) is a 'Clayton's' permitted activity on the basis that the accompanying activity standards provide for earthworks within the National Grid corridor in a number of circumstances, including earthworks up to a depth of 3 metres between 6 and 12 metres of the centre line of transmission line (mid-span).

A handwritten signature in blue ink, appearing to read 'Ainsley Jean McLeod', with a long horizontal flourish extending to the right.

Ainsley Jean McLeod

14 October 2015

Attachment A: Code of Conduct

1. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's 2014 Practice Note. I have complied with the Practice Note when preparing my written statement of evidence, and will do so when I give oral evidence before the Hearings Panel.

2. I confirm that the issues addressed in my evidence are within my area of expertise. The data, information, facts and assumptions I have considered in forming my opinion are set out in my evidence. The reasons for the opinions I express are also set out in the evidence to follow. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Attachment B: Documents Reviewed in Preparing this Evidence

In preparing this evidence I have reviewed the following:

- (a) the National Policy Statement on Electricity Transmission, including the 2007 Board of Inquiry Report to the Minister for the Environment in relation to this Policy Statement;
- (b) the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009;
- (c) Canterbury Regional Policy Statement 2013;
- (d) the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001);
- (e) the evidence filed by the Council in respect of Proposal 8 on 5 October 2015, including the redline version of Proposal 8;
- (f) the Hearings Panel Decisions on priority matters, being the Strategic Directions decision and Decision 2: Temporary Activities Related to Earthquake Recovery; and
- (g) the Statement of Expectations included in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Statement of Expectations).

Attachment C: Suggested Amendments to the Redline version of Chapter 8

These amendments (shown in **red**) are proposed to the 5 October 2015 redline version

Amend the Activity Standard (2)(a) in Rule 8.8.2(P3) as follows:

“2. Activity Standard 1a. (above) shall not apply to:

- a. earthworks for a network utility **(excluding structures for irrigation)**, as part of an electricity transmission activity;”

Amend clause 8.8.1(3) as follows:

~~“3. Applications for consent as a restricted discretionary activity shall not be notified or require written approval of affected parties~~ **Any application arising from non-compliance with standards at 8.8.2 may require written approval from the affected adjoining landowner(s) and may be limited notified, but shall not be publicly notified.** In relation to Rule 8.8.3 RD10 **and Rule 8.8.4(NC1)**, Transpower New Zealand Ltd or Orion New Zealand (where relevant) will be considered an affected party.”