

# **Wellington City Proposed District Plan**

## **Hearing Stream 9 – Infrastructure**

**Section 42A of the Resource Management Act  
1991**

## Document Information

**REPORT FOR:** **Independent Hearings Commissioners:**  
Trevor Robinson (Chair)  
David McMahon  
Elizabeth Burge  
Jane Black

**SUBJECT:** **Wellington City Proposed District Plan  
Hearings Stream 9 Section 42A report**

**PREPARED BY:** Thomas (Tom) Anderson

**REPORT DATED:** 13 May 2024

**DATE OF HEARING:** 10 June 2024

For Council use only:

Version Number	Author	Peer Reviewer	Date

## Executive Summary

i. This Section 42A Report considers submissions received by Wellington City Council in relation to the Part 2: District Wide Matters of the Proposed District Plan.

ii. There are two parts to this Section 42A Report:

### **Infrastructure – Part 1**

Part 1 provides an overview of the statutory context and addresses submissions in relation to the Infrastructure chapter.

### **Infrastructure Part 2 - Sub-chapters**

Part 2 addresses submissions in relation to the following:

- a. Infrastructure – Coastal Environment (INF-CE)
- b. Infrastructure – Natural Features and Landscapes (INF-NFL)
- c. Infrastructure – Natural Hazards (INF-NH)
- d. Infrastructure – Other Overlays (INF-OL)

iii. This report does not address the Infrastructure – Ecosystems and Indigenous Biodiversity (INF-ECO) sub chapter. This is due to the chapter being impacted by the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) being implemented in the time since the PDP was notified.

iv. I understand that the Council is to decide in June 2024 whether it will implement the NPS-IB by way of a variation to those notified chapters which are affected by the policy directives of the new NPS. The Ecosystems and Indigenous Biodiversity Chapter (ECO) is the most affected, as well as the INF-ECO sub chapter which requires changes to ensure alignment with the NPS-IB.

v. I understand that if the Council decides it will undertake a variation, Submissions received on the chapter notified in 2022 will not be heard. Submitters will be able to have their existing submission heard in the hearing for the variation as if it were made on that instrument, or be able to lodge a new submission.

vi. I understand that if the Council decides not to undertake a variation, submissions received on the notified INF-ECO chapter will be heard alongside those on the notified ECO chapter in September 2024.

vii. There were a number of submissions and further submissions received on the suite of Infrastructure chapters. The submissions received were diverse and sought a range of outcomes. The report outlines recommendations in response to the issues that have emerged from these submissions.

viii. The following are considered to be the key issues in contention in the infrastructure chapter:

- a. How the National Grid is provided for, in accordance with the National Policy Statement on Electricity Transmission 2008 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”);
- b. Clarification of the proposed sub-chapter approach; and
- c. Clarification of how the infrastructure chapters interrelate with the Port, Airport and Renewable Electricity Generation chapters.

- ix. These key issues, as well as any other relevant issues raised in the submissions, are addressed in Parts 1 and 2 of this Section 42A Report as applicable.
- x. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to infrastructure should be retained as notified, amended, or deleted in full.
- xi. Appendix A of this report sets out the recommended changes to the infrastructure chapters in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- xii. The infrastructure chapter is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.
- xiii. For the reasons set out in the Section 32AA evaluation included throughout this report, considering the scope I have from submissions to make changes, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
  - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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## Interpretation

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NRP	Wellington Natural Resources Plan 2023
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Airways	Airways Corporation of New Zealand Limited
Board of Airline Representatives	Board of Airline Representatives of New Zealand Inc
CentrePort	CentrePort Limited
Envirowaste	Envirowaste Services Limited
FENZ	Fire and Emergency New Zealand
Firstgas	Firstgas Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Horokiwi Quarries	Horokiwi Quarries Ltd
Kāinga Ora	Kāinga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Living Streets	Living Streets Aotearoa
Meridian	Meridian Energy Limited
NZDF	New Zealand Defence Force
oOh! Media Street Furniture	oOh! Media Street Furniture New Zealand Limited
Powerco	Powerco Limited
Rimu Architects	Rimu Architects Limited
Ryman	Ryman Healthcare Limited
RVA	The Retirement Villages Association of New Zealand Incorporated
Survey & Spatial	Survey & Spatial New Zealand (Wellington Branch)
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika
Telco	Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark), and Vodafone New Zealand Limited (Vodafone)
The Fuel Companies	Z Energy, BP Oil NZ Limited and Mobil Oil NZ Limited
Transpower	Transpower New Zealand Limited
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCCERG	WCC Environmental Reference Group
WELL	Wellington Electricity Lines Limited
WIAL	Wellington International Airport Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

## Introduction

### 1.0 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules and definitions as they apply to the Infrastructure provisions in the PDP.
3. The report is provided in two parts, being:
  - a. Infrastructure – Part 1
  - b. Infrastructure Part 2 - Sub-chapters
4. Common Appendices are provided for both parts which make up the report.
5. Part 1 of the report provides an overview of procedural and statutory matters that apply, sets out the key resource management issues in contention and addresses submissions in relation to the Infrastructure chapter in the PDP. Part 2 addresses submissions relating to the Infrastructure Sub-chapters and does not repeat the introductory information.
6. Each part of the report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the assessment and evaluation contained in the report.
7. The Section 42A Report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
8. The Independent Hearings Panel (the **IHP**) may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.1 Author and Qualifications

9. My full name is Thomas (Tom) William Anderson. I am a Principal Planner at, and a Director of the planning firm Incite. I have been engaged by the District Plan Team at Wellington City Council (the **Council**) to review the submissions received on the suite of infrastructure provisions in the PDP. I was previously engaged by the Council to prepare the suite of infrastructure chapters for the notified version of the PDP, as well as prepare the associated Section 32 reports.
10. My role in preparing this report is that of an expert in planning.
11. I hold a Bachelor of Science and a Master of Planning (with Distinction), both from the University

of Otago. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I am an Independent Commissioner, certified under the Ministry for the Environment's Making Good Decisions program.

12. I have seventeen years' professional experience in town planning and resource management. I have been a consultant throughout my career, and through this role I have undertaken a broad range of town planning tasks including writing regional, land use and subdivision resource consent applications, processing such applications on behalf of Territorial Local Authorities (TLAs), assisting TLAs with planning policy matters, undertaking the full spectrum of planning for infrastructure companies, and providing advice to central Government agencies.
13. On this basis, I consider myself to have a comprehensive understanding of infrastructure, and the practical implications of the Resource Management Act 1991 (RMA) framework in relation to infrastructure installation, upgrade and operation.

## **1.2 Code of Conduct**

14. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
15. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
16. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## **1.3 Key resource management issues in contention**

17. 820 submission points and 295 further submission points were received on the provisions contained in the suite of infrastructure chapters.
18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
  - a. How the National Grid is provided for, in accordance with the National Policy Statement on Electricity Transmission 2008 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA");
  - b. Clarification of the proposed sub-chapter approach;
  - c. Clarification of how the infrastructure chapters interrelate with the Port, Airport and Renewable Electricity Generation chapters; and
  - d. How the infrastructure chapters relate to private property rights and notification.

## **1.4 Procedural Matters**

19. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the infrastructure



provisions.

20. There are not considered to be any other procedural matters to note.

## 2.0 Background and Statutory Considerations

### 2.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 Matters to be considered by territorial authority, and
  - Section 75 Contents of district plans.
22. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents, along with a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Section 32 Evaluation Report for the infrastructure provisions.
23. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the only relevant statutory consideration to have been introduced which impacts infrastructure is the National Policy Statement on Indigenous Biodiversity (NPS-IB) which was gazetted on 31 May 2023.
24. As detailed earlier, this has resulted in the INF-ECO sub chapter needing to be revisited, and it will therefore be subject to a variation to ensure alignment with the NPS-IB.

### 2.2 Schedule 1 and ISPP

25. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
  - b. For all other PDP provisions and content, Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.
26. For infrastructure, all provisions fall under the Part 1 Schedule 1 process.

### 2.3 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal*

*since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
29. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.
30. For changes that represent a significant departure from the PDP as notified, I have undertaken the s32AA evaluation in a consolidated manner following within the assessment and recommendations on submissions.

## **2.4 Trade Competition**

31. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
32. There are no known trade competition issues raised within the submissions.

## **3.0 Consideration of Submissions and Further Submissions**

### **3.1 Overview**

33. There were 62 submitters who collectively made 1115 submission and further submission points on the infrastructure provisions.

### **3.2 Report Structure**

34. The Infrastructure provisions in the PDP are separated into the following chapters:
  - Infrastructure (INF)

- Infrastructure – Coastal Environment (INF-CE)
  - Infrastructure – Natural Features and Landscapes (INF-NFL)
  - Infrastructure – Natural Hazards (INF-NH)
  - Infrastructure – Other Overlays (INF-OL)
35. Consequently, this report is prepared in two parts, being:
- i. **Part 1** – Containing an overview to the Section 42A Report and the relevant statutory considerations and addressing submissions on the INF chapter; and
  - ii. **Part 2** – Submissions on INF-CE, INF-NFL, INF-NH, INF-OL.
36. Submissions received on the Infrastructure – Ecosystems and Indigenous Biodiversity (INF-ECO) sub chapter have not been addressed. This chapter details the provisions for infrastructure in Significant Natural Areas (SNAs). The provisions will either be addressed through a variation which I understand Council is considering to align with anticipated new national direction regarding SNAs, or alternatively, will be addressed in a later hearing stream which will hear existing submissions on Ecosystems and Indigenous Biodiversity.
37. Within both Part 1 and Part 2 of this report submissions have been grouped into the provisions on each chapter within this report. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
38. In accordance with Clause 10(3) of the First Schedule of the RMA, within both Part 1 and Part 2 of this report I have undertaken an evaluation of the submissions and associated further submissions on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of the infrastructure chapters.
39. Recommended amendments arising from the evaluation of submissions are provided in the tracked changes version of the respective infrastructure chapters provided at **Appendix A**.
40. Due to the number of submission points, the evaluation in the body of the report does not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are provided within the tables at **Appendix B**.
41. Additional information can also be obtained from the Summary of Submissions in relation to the respective infrastructure chapters available [here](#), the associated Section 32 Report available [here](#), and the overlays and maps on the ePlan.
42. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the

body of this report and at **Appendix B**.

43. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report.

### **3.3 Format for Consideration of Submissions**

44. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA Evaluation (where applicable).

## **4.0 General Submission Points on the Infrastructure Chapter**

### **4.1 General Submission Points**

#### **Matters raised by submitters**

45. Airways [100.3, 100.4] (supported by WIAL [FS36.54] and opposed by Kāinga Ora [FS89.44, FS89.45]) seeks that the planning maps are updated to show a new 'Air Traffic Control Information Overlay' for ACNZ3 and ACNZ4, which would require District Plan users to consult with Airways before undertaking an activity within the overlay. If this relief is not given, they alternatively seek that the planning maps are updated to allow for the new overlay mentioned above with associated changes to the plan provisions to include specific restrictions and/or consultation requirements for development and infrastructure within the overlay.
46. CentrePort [402.42, 402.43] (supported by WIAL [FS36.55, FS36.56]) seek that the PDP is amended so all natural hazards requirements are included in one chapter. The submitter considers that the current structure of managing natural hazards is inefficient and could lead to duplication.
47. Envirowaste [373.7, 373.8] seek to amend the wording of the objectives, policies, and rules to ensure that waste facilities are suitably provided for.
48. Firstgas [304.2] seek to clarify that the PDP gives effect to Objective 10 and policies 7, 8 and 10 of the Regional Policy Statement – Wellington Region.
49. Firstgas [304.3] consider that the PDP should:
  - i. Recognise and provide for the Gas Transmission Network to be safely, effectively and efficiently operated, maintained, replaced, upgraded, removed and developed through more enabling activity statuses where effects are acceptable;
  - ii. Recognise the Gas Transmission Network as having functional and operational requirements and constraints, including in respect of its location;
  - iii. Recognise that on some occasions works involving the Gas Transmission Network will have adverse effects; and

- iv. Ensure that adverse effects of third-party development or activities in close proximity to the Gas Transmission Network are managed to the extent that adverse effects on the network are avoided or appropriately mitigated.
50. Firstgas [304.4] consider that the PDP should identify First Gas as an affected party in the event that resource consent is required in respect of potential effects on assets owned and operated by Firstgas, especially land use changes and subdivision.
  51. Firstgas [304.5] seek to amend the planning maps to include the Gas Transmission Pipeline, Corridor, and above ground infrastructure.
  52. Forest and Bird [345.38] (opposed by WELL [FS27.23], Transpower [FS29.17] and WIAL [FS36.50] and supported by Meridian [FS101.24]) seek to clarify the scope of the Infrastructure chapter. They further seek to amend the direction of the chapter to be as protective of biodiversity, natural character, and natural landscapes as possible, while still meeting the requirements of national direction.
  53. Forest and Bird [345.39] (opposed by Transpower [FS29.18] and WIAL [FS36.51] and supported by Meridian [FS101.25]) seek to amend the objectives of the Infrastructure chapter to clarify that the objectives of relevant chapters, including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes and Coastal Environment apply to all Infrastructure provisions. If the relief sought is not given, they seek that a comprehensive set of objectives be included in the Infrastructure chapter to provide for these matters, mirroring the objectives of the aforementioned chapters.
  54. Horokiwi Quarries [271.17] seek a Plan-wide policy recognition of the benefits of quarry activities and the functional constraints associated with such activities.
  55. Jane Szentivanyi and Ben Briggs [369.11] (supported by WELL [FS27.27]) seek that provisions be made in the District Plan to provide adequate infrastructure planning and development.
  56. Kāinga Ora [391.103, 391.104] (opposed by Transpower [FS29.5, FS29.6], KiwiRail [FS72.17] and Onslow Residents' Association [FS80.26,FS80.27], and supported by WIAL [FS36.52, FS36.53] and WELL [FS27.9]) seek to amend the chapter so that all Infrastructure rules include a notification preclusion statement for Restricted Discretionary activities. Kāinga Ora considers that public participation by way of limited or public notification will unlikely add anything to the consideration of the effects of these breaches.
  57. Living Streets [482.28] (opposed by [WELL FS27.26]) seek that new infrastructure should not be located in footpath space.
  58. Living Streets [482.30] seek that vehicle accessories should be located on the road and not on the footpath.
  59. Tawa Community Board [294.8] seeks that the Council prioritises infrastructure development in Tawa.
  60. The Fuel Companies [372.23] seek to retain the Infrastructure chapter as notified.
  61. Mt Victoria Residents' Association [342.21] seek that urban infrastructure takes into account the needs of all age groups and abilities.

62. WCCERG [377.38] supports the management of three waters infrastructure and renewable energy.
63. WIAL [406.85] (supported by Airways [FS105.6] and Board of Airline Representatives [FS139.60]) seeks that the objectives and policies of the Infrastructure chapter apply to the airport and airport related activities within the Airport Zone. They note that it is only the methods of the Infrastructure chapter that should not apply to the airport and airport related activities within the Airport Zone.

## Assessment

64. In regard to Airways [100.3, 100.4] (supported by WIAL [FS36.54] and opposed by Kāinga Ora [FS89.44, FS89.45]), I consider that the approach is clear as to how infrastructure is to be provided in the Airport Zone. The introduction states that the Infrastructure chapter does not apply to activities that fall under the definition of airport purposes or airport related activities (which are dealt with in the Airport Zone chapter). Any other infrastructure activities in the Airport Zone are covered in the Infrastructure chapter as they would be for any other zone.
65. In regard to CentrePort [402.42, 402.43] (supported by WIAL [FS36.55, FS36.56]), as well as Forest and Bird [345.38] (opposed by WELL [FS27.23], Transpower [FS29.17] and WIAL [FS36.50] and supported by Meridian [FS101.24]), and WIAL [406.85] (supported by Airways [FS105.6] and Board of Airline Representatives [FS139.60]), the National Planning Standards require that matters relating to infrastructure are dealt with in a specific infrastructure section. As such, infrastructure in all overlays is dealt with in the infrastructure section through the proposed sub-chapter approach. I consider this approach provides as greater clarity as possible as to how infrastructure in overlays is to be addressed. Each sub chapter contains a comprehensive set of objectives and policies regarding how infrastructure in that overlay is to be addressed when giving regard to that overlay, thereby addressing Forest and Bird [345.39] (opposed by Transpower [FS29.18] and WIAL [FS36.51] and supported by Meridian [FS101.25]).
66. In terms of Envirowaste [373.7, 373.8] and Horokiwi Quarries [271.17], waste facilities and quarries are not provided for in the definition of *infrastructure* in Section 2 of the RMA. The infrastructure chapters are limited to the activities provided for under this definition (noting that Port and Airport Activities have specifically been removed from the provisions as they are provided for under special purpose zones). As such, these measures are best addressed in other sections of the PDP.
67. In my view, and considering the Firstgas [304.2] submission point, the provisions as notified in the infrastructure chapters of the PDP give effect to Objective 10 and policies 7, 8 and 39 of the RPS. These RPS provisions relate to the benefits of and protection of regionally significant infrastructure. These are recognised through INF-O1, INF-O3, INF-P1 and INF-P7 and their associated rules and standards in the PDP.
68. A gas transmission pipeline corridor is Rule INF-R23 then requires resource consent for sensitive activities in the gas transmission pipeline corridor. This requires that this corridor is mapped. As such I recommend that the Panel accepts in part Firstgas [304.3] submission point and accept [304.5]. INF-R23 includes a requirement to notify the owner and operator of the gas

transmission pipeline, as postulated in submission point 304.4.

69. Objective INF-O4 and INF-P2 provide direction to plan infrastructure with growth, addressing the submission point raised by Jane Szentivanyi and Ben Briggs [369.11] (supported by WELL [FS27.27]).
70. In terms of notification, to address Kāinga Ora [391.103, 391.104] (opposed by Transpower [FS29.5, FS29.6], KiwiRail [FS72.17] and Onslow Residents' Association [FS80.26,FS80.27], and supported by WIAL [FS36.52, FS36.53] and WELL [FS27.9]), infrastructure which requires resource consent can have an adverse effect on the environment. That is the very reason why a resource consent is required for certain infrastructure. A decision is then made on merit, as guided by the objectives and policies. A decision maker can use notification if they consider it is appropriate, and this can ensure they have the best possible information available to make an informed substantive decision on the notification.
71. In my view, infrastructure should, where practicable, be located within legal road. In my opinion 'road' is the entire width of the roading corridor as surveyed, and includes footpaths, verge, berms as well as active carriageway, amongst other structures and spaces. I also consider it an appropriate location for infrastructure, given it is in public ownership. The PDP indicates that road is an appropriate location for infrastructure through INF-P12.
72. The National Code of Practice for Utility Operators' Access to Transport Corridors 2019 and the corridor access request process, which requires infrastructure providers obtain permission from the relevant Council or NZTA as the road controlling authority, provides for placement of infrastructure in road. This process addresses the submission points from Living Streets [482.28] (opposed by [WELL FS27.26]) and [482.30] regarding use of space in legal road.
73. In regard to Tawa Community Board submission point [294.8], the PDP provides the framework for the use of land for infrastructure. It does not prioritise infrastructure. This is achieved through other means, recognising infrastructure is provided by a range of entities, not just Councils. I understand Council's own infrastructure is prioritised through the Long Term Plan process.

### Summary of recommendations

74. **HS8-INF-P1-REC1:** that the planning maps are updated to include the Gas Transmission Network.

### 4.2 Moving Infrastructure Chapter provisions to the Transport Chapter

#### Matters raised by submitters

75. Kāinga Ora [391.136, 391.137, 391.138, 391.139, 391.140, 391.141, 391.142, 391.143, 391.145, 391.146, 391.147] asks for all transport-related provisions in the Infrastructure Chapter be reviewed, amended and moved to the Transport Chapter, including INF-O5, INF-P9, INF-P10, INF-P11, INF-R4, INF-R24, INF-R25, INF-S13, INF Tables 1-6, Figures 1-4, with related deletions for the rules. If this happens, KiwiRail [FS72.45, FS72.46, FS72.47, FS72.48, FS72.49, FS72.50, FS72.51, FS72.52, FS72.54] wants the transport-related provisions updated for accurate PDP

interpretation and implementation.

**Assessment**

- 76. The introduction to the Transport Chapter of the PDP states that “The purpose of the Transport Chapter is to manage on-site transport facilities and the effects of high vehicle trip-generating use and development. Matters concerning the operation, maintenance, repair and renewal, upgrading and development of the transport network and connections to the transport network are provided in the Infrastructure Chapter. This is a result of the RMA definition of infrastructure, which includes ‘structures for transport on land by cycleways, rail, roads, walkways, or any other means’.”
- 77. The RMA definition of infrastructure includes (g) structures for transport on land by cycleways rail, roads walkways, or any other means. As such, structures that provide for transport are clearly infrastructure.
- 78. The National Planning Standards do not specify where district plan transport provisions should be located in a District Plan.
- 79. Transport infrastructure is only one of a number of infrastructure items; it would be inconsistent if transport infrastructure were dealt with separately from other forms of public (and private) infrastructure. It would also necessitate a level of duplication of provisions are unnecessary and inefficient. Retaining transport infrastructure within the Infrastructure Chapter accounts for developments in the road corridor that affect different infrastructure components. For example, a project may relocate a bus stop, add a new road connection, add a cell tower on top of the bus stop structure, and upgrade local drainage. The rules for these activities all help implement the Infrastructure objectives and policies.
- 80. The exception to this is the activity Connections to roads. This activity is more closely related to other Transport provisions such as trip generation and site access. Connections to roads has limited connections to the Infrastructure Chapter’s policies and can be moved to the Transport Chapter relatively easily. This relocation would also be consistent with the recent Porirua Proposed District Plan decisions 30 November 2023 .
- 81. INF-P11 is not referenced anywhere else in the PDP. This means INF-P11 can be safely moved to the Transport Chapter as well without affecting any other provisions.

**Recommendations**

- 82. I recommend retaining the transport-related infrastructure provisions in the Infrastructure chapter, except for the Connections to roads provisions in INF-P11, INF-R24, INF-S16 and INF-S17 which should be moved to the Transport chapter with associated numbering changes.

<b>INF-P11-</b>	<b>Connections to roads</b>
<b>INF-R24-</b>	<b>Connections to roads-</b>
- All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The connection provides site access for sites with no driveway, on-site parking or loading; and</p>



	<p>b. Compliance is achieved with INF-S16;</p> <p>or</p> <p>c. The connection provides site access to an Urban Road (except a Transit Corridor) or a Rural Road (except National Highway) as identified in mapped in the road classification overlay; and</p> <p>d. Compliance is achieved with INF-S17.</p>
- All Zones	<p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of INF-R24.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in INF-P13.</p>

<del>INF-S16</del>	<del>Connection to roads – driveways</del>
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~~Figure 2 – INF: Vehicle Crossings in Relation to Intersections~~

~~Figure 3 – INF: Driveway Visibility Splays and Sight Distances~~

~~Table 5 – INF: Minimum Sight Distances at Vehicle Crossings~~

<del>INF-S17</del>	<del>Intersections</del>
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~~Figure 4 – INF: Sight Distances at Intersections~~

~~Table 6 – INF: Minimum Sight Distances at New Intersections~~

With any other table and figure numbering adjusted as needed.

## Summary of recommendations

83. **HS8-INF-P1-REC2:** move the Connections to roads provisions in INF-P11, INF-R24, INF-S16 and INF-S17 to the Transport chapter.

### 4.3 Submissions Relating to Definitions

#### Matters raised by submitters

#### Maintenance and Repair

##### Retain

84. Waka Kotahi [370.24], CentrePort [402.16] and KiwiRail [408.8] seek to retain the definition of 'Maintenance and Repair' as notified.

##### Amend

85. Transpower [315.23, 315.24] seek to amend the definition of ‘Maintenance and Repair’ as it relates to the Infrastructure chapter to clarify that clause a. and b. do not apply in the Infrastructure chapters.

### New Definitions

86. Firstgas [304.6] seek to add a new definition for the ‘Gas Transmission Pipeline Corridor’ as follows:

Gas Transmission Pipeline Corridor: The area of land within 10m either side of the centreline of the Gas Transmission Pipeline.

87. Firstgas [304.7] seek to add a new definition for ‘Gas Transmission Network’ as follows:

Gas Transmission Network: Pipelines for the transmission of natural or manufactured gas or petroleum at a gauge pressure exceeding 2,000 kilopascals, including any associated above or below ground fitting, appurtenance, fixture, or equipment required for the conveyance of the product or material in the pipeline and/or for its safe, efficient or effective operation.

88. Firstgas [304.8] seek to add a new definition for ‘Gas Transmission Pipeline’ as follows:

Gas Transmission Pipeline: means any high pressure gas pipeline to convey natural gas at a gauge pressure exceeding 2,000 kilopascals.

### Assessment

89. I agree with Transpower [315.23, 315.24] that the definition of ‘Maintenance and Repair’ could be made clearer. I recommend that the definition be amended as follows:

Maintenance and Repair: means

Means

(in regard to non-infrastructure buildings and structures)

- a. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric using materials the same as the original or most significant fabric, or the closest reasonably available equivalent of a similar design and appearance; and
- b. regular and on-going protective care of a building or structure to prevent deterioration.

(For the purposes of the HH-Historic heritage chapter)

In addition to the above, maintenance and repair of built heritage must not result in any of the following:

- a. Demolition of any façade, exterior wall or roof;

<ul style="list-style-type: none"> <li>b. Changes to the nature of the existing surface treatment of fabric including: <ul style="list-style-type: none"> <li>i. Painting of any previously unpainted surface;</li> <li>ii. Rendering of any previously unrendered surface; <ul style="list-style-type: none"> <li>c. Noticeable changes to the design or texture of the fabric;</li> <li>d. The affixing of putlog or similar form of scaffolding directly to a building or structure;</li> <li>e. The permanent damage of fabric from the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting.</li> </ul> </li> </ul> </li> </ul> <p>(For the purposes of the INF Infrastructure chapters and the REG Renewable electricity generation chapter)</p> <p>means any work or activity necessary to continue the operation or functioning of existing infrastructure. It does not include upgrading, but does include replacement of an existing structure with a new structure of identical dimensions.</p> <p>(For the purposes of the Sites and Areas of Significance to Māori chapter)</p> <p>means in relation to a site or area listed in SCHED7 - Sites and Areas of Significance to Māori the regular and ongoing protective care of a site or area to prevent deterioration and retain its values.</p>
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90. In regard to the Firstgas submission points [304.6, 304.7 and 304.8], I consider that mapping the gas transmission pipeline corridor negates the need for the network to be defined in the definitions section of the PDP.

### Summary of recommendations

91. **HS8-INF-P1-REC3:** amend the definition of Maintenance and Repair to make it clearer in terms of its application to infrastructure.

## 5.0 Submissions on Provisions in the Infrastructure Chapter

### 5.1 Introduction

#### Matters raised by submitters

92. Telco [99.9], Powerco [127.2] and Transpower [315.49] seek to retain the Introduction to the Infrastructure chapter as notified.

93. Meridian [228.23, 228.24] seeks to amend the Introduction to the INF chapter to clarify that the

objectives, policies, and rules for renewable electricity generation activities are contained in the Renewable Electricity Generation (REG) chapter and that the provisions of the INF chapter do not apply to renewable electricity generation activities.

94. Powerco [127.3] seek to retain the specific introductory statement and associated mechanism in the INF chapter which states that rules in the zone, earthworks and overlay chapters do not apply unless specifically stated within an INF rule or standard. They consider that this helps to provide clarity on how the INF rules engage with the rest of the PDP.
95. Taranaki Whānui [389.55] (supported by GWRC [FS84.118]) seek to amend the 'Other relevant District Plan provisions' table to include the Sites and Areas of Significance to Māori chapter.
96. WIAL [406.82] (supported by Airways [FS105.5] and Board of Airline Representatives [FS139.57]) seek to amend the Introduction so that the rules within the INF chapter do not apply to activities that fall under the definition of airport activities or airport related activities located within the Airport Zone only. They further seek to amend the introductory text to ensure that the same exemption for airport activities or airport related activities also applies to the specific overlay infrastructure sub-chapters.
97. WIAL [406.83, 406.84] (supported by Board of Airline Representatives [FS139.58, FS139.59]) seeks to amend the 'Other relevant District Plan provisions' table to include reference to the Designations chapter.

## Assessment

98. I agree with Meridian [228.23, 228.24] that greater clarity can be provided as to how the Infrastructure Chapter aligns with the Renewable Electricity Generation chapter, and how the subchapters are addressed (thereby accepting in part the relief sought by WIAL [406.82] (supported by Airways [FS105.5] and Board of Airline Representatives [FS139.57])). As such the following amendment is recommended to paragraph 9 of the introduction:

Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of 'infrastructure', which includes airport and port facilities, and renewable electricity generation. Notwithstanding that, this Infrastructure Chapter (including the infrastructure sub chapters) do not apply to activities that fall under the definition of airport purposes or airport related activities (which are dealt with in the Airport Zone chapter), the definition of port or operational port activities (which are dealt with in the Port Zone chapter), or the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter). Any infrastructure in the airport or port areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter.

99. I also accept that Designations should be listed in 'Other relevant District Plan provisions' table as requested by WIAL [406.83, 406.84] (supported by Board of Airline Representatives [FS139.58, FS139.59]). As such the following amendment is recommended to the 'Other relevant District Plan provisions' table:

It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide chapters may also be of relevance, including:

- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision of land.
- **Light and glare** - The Light Chapter contains specific provisions relating to light spill and the management of effects on residential areas.
- **Noise** - The Noise Chapter contains specific controls in relation to noise, including effects standards NOISE-S1 (maximum noise levels).
- **Signs** - The Signs Chapter contains specific controls in relation to signage, including official signs, the effects of signs on road safety, and third party signage.
- **Contaminated land** - The Contaminated Land Chapter manages the use and development of Contaminated Land or potentially Contaminated Land.
- **Hazardous substances** - The Hazardous Substances Chapter contains provisions to manage Hazardous Substances.
- **Trees** — The Notable Tree chapter contains specific provisions relating to the management of Notable Trees.
- **Designations**

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

100. However I consider that this table does not need to be updated to reference the Sites and Areas of Significance to Māori chapter (Taranaki Whānui [389.55] (supported by GWRC [FS84.118])), as this overlay is addressed in the 'Infrastructure – Other Overlays' sub chapter of the PDP.

## Summary of recommendations

101. **HS8-INF-P1-REC4**: amend paragraph 9 of the introduction to provide clarity as to how the Infrastructure Chapter interrelates with the Renewable Electricity Generation Chapter, and as to how the sub chapters interrelate with the renewable electricity generation, port and airport special purpose zone chapters.
102. **HS8-INF-P1-REC5**: amend in 'Other relevant District Plan provisions' table to include the Designations chapter as a chapter which may also be relevant to infrastructure.

## 5.2 Objectives

### INF-O1: The benefits of infrastructure

#### Matters raised by submitters

##### Retain

103. Telco [99.10], Powerco [127.4], Firstgas [304.18], Transpower [315.56], WELL [355.22], Waka Kotahi [370.74], the Fuel Companies [372.24], Kāinga Ora [391.107], CentrePort [402.44], WIAL [406.88] (supported by Board of Airline Representatives [FS139.63]), KiwiRail [408.26] and NZDF [423.8] seek to retain INF-O1 as notified.

##### Amend

104. Ministry of Education [400.17, 400.18] seek to amend the objective to include reference to 'additional infrastructure' as this provides for and recognises educational facilities within the definition.

## Assessment

105. The NPS-UD introduced the term ‘additional infrastructure’ into the lexicon of RMA language. The definition of ‘additional infrastructure’ in the NPS-UD is wide, much wider than the definition of infrastructure in Section 2 of the RMA. As highlighted by Ministry of Education [400.17, 400.18], it includes social infrastructure such as schools and healthcare facilities. It also includes public open space, community infrastructure as defined in section 197 of the Local Government Act 2002, land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities, telecommunication networks and gas and electricity distribution networks. As such it has some, but not total, cross over with the definition of infrastructure in Section 2 of the RMA.
106. The provisions within the suite of infrastructure provisions proposed for the PDP are for the operation, maintenance, repair and construction of infrastructure as defined in Section 2 of the RMA, and how the effects of associated structures are to be managed in the different zones and overlays of Wellington City.
107. Widening the scope of the chapter to also include ‘additional infrastructure’ potentially undermines the provisions of other chapters in the PDP, including Transport and the Open Space and Recreation zones.
108. It is also my experience that the Ministry of Education, who are a requiring authority under the RMA and have a substantial list of designations in the PDP for schools, typically use the designation process to establish new schools, as well as to operate, maintain and upgrade existing schools.
109. Therefore, I do not consider there to be any benefit to plan users by adding the term ‘additional infrastructure’ to INF-O1. In my view it could instead give rise to the opposite, and create unnecessary confusion as to how the PDP is intended to work.

## INF-O2: Adverse effects of infrastructure

### Matters raised by submitters

#### Retain

110. Telco [99.11], Powerco [127.5], Firstgas [304.19], Transpower [315.57], WELL [355.23], Waka Kotahi [370.75], the Fuel Companies [372.25], WIAL [406.89] (supported by Board of Airline Representatives [FS139.64]), KiwiRail [408.27] and NZDF [423.9] seek to retain INF-O2 as notified.

#### Amend

111. CentrePort [402.45, 402.46] seek to amend the language of the objective to remove the word “managed” as they consider that it is open to interpretation and is of limited assistance to decision makers. They further consider that the term “functional and operational need” is not

in alignment with the terminology of the Proposed Natural Resources Plan that utilises the terms “functional need” and “operational requirements”.

112. Kāinga Ora [391.108, 391.109] (opposed by WELL [FS27.10] and Waka Kotahi [FS103.6]) seek to amend the objective to mitigate and manage any adverse effects from infrastructure on the environment and to ensure that effects are reduced over time.

### Assessment

113. In regards to CentrePort [402.45], Kāinga Ora [391.108, 391.109] (opposed by WELL [FS27.10] and Waka Kotahi [FS103.6]), I consider that the term ‘managed’ is a common RMA term which allows for effects to be avoided, remedied or mitigated in line with general duties under s17 of the RMA.
114. In terms of CentrePort [402.45], the terms ‘functional need’ and ‘operational need’ are defined by the National Planning Standards, and therefore are well understood and should be used in the PDP.
115. As such, I recommend that no changes are made to INF-O2.

### INF-O3: Adverse effects on infrastructure

#### Matters raised by submitters

##### Retain

116. Firstgas [304.20], WELL [355.24], Waka Kotahi [370.76], the Fuel Companies [372.26], KiwiRail [408.28] and NZDF [423.10] seek to retain INF-O3 as notified.

##### Amend

117. Telco [99.12, 99.13] (supported by KiwiRail [FS72.24] and Meridian [FS101.26]), Powerco [127.6] ([supported by Meridian [FS101.27]), Transpower [315.58, 315.59] and CentrePort [402.47, 402.48] (supported by Meridian [FS101.28]) seek to amend the wording of the objective to fix a typographical error that requires correction.
118. Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt [276.12] considers that “*Well functioning urban environment*” does not apply to INF-O3 because it does not comply with points d, f and g in the definition of “*Well functioning urban environment*” within the PDP.
119. WIAL [406.90, 406.91, 406.92] (supported by Board of Airline Representatives [FS139.65, FS139.66, FS139.67] and NZDF [FS104.8], and opposed by Kāinga Ora [FS89.121]) seeks to amend the objective to protect infrastructure from incompatible subdivision, use and development, including reverse sensitivity effects. Alternatively, if this relief is not given, they seek to delete the objective in its entirety.

##### Delete

120. Kāinga Ora [391.110, 391.111] (opposed by WELL [FS27.11], Transpower [FS29.7], KiwiRail [FS72.25], Meridian [FS101.29] and NZDF [FS104.7]) seek to delete reverse sensitivity effects

from the objective to prevent a single effect from being isolated.

### Assessment

121. The objective provides for reverse sensitivity. This is a requirement to align with the RPS Policy 8, as evident from the submissions discussed above from First Gas. For this reason, Kāinga Ora [391.110, 391.111] (opposed by WELL [FS27.11], Transpower [FS29.7], KiwiRail [FS72.25], Meridian [FS101.29] and NZDF [FS104.7]) submission point and Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt's submission point [276.12] must be rejected.
122. One method of managing reverse sensitivity effects is to avoid incompatible subdivision. As such, in my view the objective as written achieves what is sought by WIAL through their submission points [406.90, 406.91, 406.92] (supported by Board of Airline Representatives [FS139.65, FS139.66, FS139.67] and NZDF [FS104.8], and opposed by Kāinga Ora [FS89.121]).
123. In considering Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt's submission point [276.12], the matters set out in the PDP definition of a Well Functioning Urban Environment do not directly address infrastructure. However, a definition within the PDP needs to be considered alongside the direction the PDP must take when considering reverse sensitivity effects, particularly on regionally significant infrastructure, as required by the RPS.
124. The typographical error identified by Telco [99.12, 99.13] (supported by KiwiRail [FS72.24] and Meridian [FS101.26]), Powerco [127.6] ([supported by Meridian [FS101.27]), Transpower [315.58, 315.59] and CentrePort [402.47, 402.48] (supported by Meridian [FS101.28]) is addressed as a minor correction.

### Summary of recommendations

125. Aside from the minor correction, no changes are recommended as a result of submissions received on INF-O3.

### INF-O4: Infrastructure availability

#### Matters raised by submitters

##### Retain

126. Telco [99.14], Powerco [127.7], FENZ [273.29], Firstgas [304.21], WELL [355.25], Waka Kotahi [370.77], the Fuel Companies [372.27], Kāinga Ora [391.112] and KiwiRail [408.29] (supported by Onslow Residents Community Association [FS80.47]) seek to retain INF-O4 as notified.

##### Amend

127. Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt [276.13] consider that "*Well functioning urban environment*" does not apply to INF-O4 because it does not comply with points d, f and g in the definition of "*Well functioning urban environment*" within the PDP.
128. Ministry of Education [400.19, 400.20] seek to amend the objective to include reference to 'additional infrastructure' as this provides for and recognises educational facilities within the definition.

### Assessment



129. For reasons described earlier, the inclusion of ‘additional infrastructure’ as sought by Ministry of Education [400.19, 400.20] is rejected.
130. Likewise, I recommend that the submission point from Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt [276.13] is rejected as, in my view, a *"Well functioning urban environment"* needs to be supported by infrastructure. In particular, matter (d) of the PDP definition of a *well functioning urban environment* requires good accessibility. This is achieved through roads, which fall within the definition of infrastructure. Likewise, infrastructure can assist with a reduction in greenhouse gas emissions (as required by matter (f)) and can assist with resilience to current and future effects of climate change (matter (g)).
131. As such, no changes to INF-O4 are recommended as a result of the submissions.

## **INF-O5: Transport network**

### **Matters raised by submitters**

#### Retain

132. Paihikara Ki Poneke Cycle Wellington [302.14], Waka Kotahi [370.78], the Fuel Companies [372.28], Ministry of Education [400.21] and KiwiRail [408.30] seek to retain INF-O5 as notified.

#### Amend

133. Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt [276.14] consider that *"Well functioning urban environment"* does not apply to INF-O5 because it does not comply with points d, f and g in the definition of *"Well functioning urban environment"* within the PDP.
134. Tawa Business Group [107.12] seek an integrated transport strategy which enables improved accessibility to public transport and provision of shared paths to encourage walking, cycling and scooters. They consider that currently there is no clear plan for the upgrading of the existing transport network.
135. Tawa Business Group [107.13] seek to clarify the Council’s role in the active upgrading and development of the existing transport network.

#### Delete

136. Kāinga Ora [391.113] (supported by KiwiRail [FS72.26]) seek to delete the objective and move it to the Transport chapter.

### **Assessment**

137. As per INF-O4, I consider that a *"Well functioning urban environment"* needs to be supported by infrastructure. As such I recommend that Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt submission point [276.14] is rejected.
138. In terms of the Tawa Business Group submission points, as explained earlier, the PDP sets up a

framework for the consideration of effects relating to the built aspects of the transport network. The provisions in the PDP seek to enable and provide space for an integrated transport network in any new roads that are constructed. In terms of a plan to upgrade existing transport networks, this is not a function of the PDP.

139. Therefore no changes to INF-O5 are recommended as a result of submissions.

#### **INF-O6: Amateur radio configurations**

##### **Matters raised by submitters**

###### Retain

140. The Fuel Companies [372.29] seek to retain INF-O6 as notified.

##### **Assessment**

141. As this objective is not in contention, no recommendations are made regarding it.

#### **5.3 Infrastructure - Policies**

#### **INF-P1: Recognising and providing for infrastructure**

##### **Matters raised by submitters**

###### Retain

142. Telco [99.15], Powerco [127.8], FENZ [273.30], Firstgas [304.22], WELL [355.26], Waka Kotahi [370.79], the Fuel Companies [372.30], Kāinga Ora [391.114], CentrePort [402.49], WIAL [406.93], KiwiRail [408.31] and NZDF [423.11] seek to retain INF-P1 as notified.

###### Amend

143. As per their earlier point, Ministry of Education [400.22, 400.23] seek to amend the objective to include reference to 'additional infrastructure' as this provides for and recognises educational facilities within the definition.

144. Transpower [315.60, 315.61] seek a new National Grid specific policy. If relief is not given, they seek to amend the policy to make reference to the benefits being "provided for" in addition to being "recognised" so that the policy reflects the wording in Policy 1 of the NPS-ET and INF-01.

##### **Assessment**

145. For reasons discussed earlier, I do not recommend including 'additional infrastructure' in INF-P1.

146. Regarding Transpower, I note that they also request in their submission that their preference is for *a separate suite of National Grid provisions, policies and rules within a separate infrastructure sub-chapter*. The National Grid Yard/Transmission Line Buffer and National Grid Subdivision Corridor are defined in the PDP. As the information already exists in the PDP, I consider that the mapping of these can occur as a minor amendment.

147. I note however that the definitions in the plan contain different yard or corridor distances depending on the type of electricity transmission asset. To map the subdivision corridor and yard accurately I require information on the classification of each asset of the national grid. I ask that the submitter supply this, ideally alongside the provision of expert evidence. Mapping the features forms an overlay, and from this I agree that a National Grid Sub Chapter is appropriate. This sub-chapter addresses submission points [315.60, 315.61].
148. The key reason that I agree that a National Grid Sub Chapter is appropriate is that it provides clarity to plan users as to how the National Grid is to be provided for in relation to operation, maintenance, repair, upgrading and reverse sensitivity. This provides certainty as to what can be reasonably expected in the National Grid corridors.
149. The proposed National Grid sub chapter is attached as Appendix A, with a s32AA evaluation provided later in my report.
150. Consequently, there are no recommendations on INF-P1.

## **INF-P2: Coordinating infrastructure with land use, subdivision, development and urban growth**

### **Matters raised by submitters**

#### Retain

151. Telco [99.16], Powerco [127.9], FENZ [273.31], Firstgas [304.23], Bruce Rae [334.3], Waka Kotahi [370.80], the Fuel Companies [372.31], Kāinga Ora [391.115], CentrePort [402.50] and KiwiRail [408.32] seek to retain INF-P2 as notified.

#### Amend

152. Ministry of Education [400.24, 400.25] seeks to amend the objective to include reference to 'additional infrastructure' as this provides for and recognises educational facilities within the definition.
153. Tawa Business Group [107.14] seeks to clarify the Council's role in the active upgrading and development of the existing transport network.
154. WELL [355.27, 355.28] seek to amend the policy to include infrastructure renewal and replacement.

### **Assessment**

155. As per earlier, 'additional infrastructure' is not a term I recommend be included in the infrastructure chapters. I have also previously explained how the PDP provides for the transport network.
156. In terms of WELL submission points [355.27, 355.28], I agree that renewal and replacement of existing infrastructure should be provided for in INF-P2. Wellington's Spatial Plan, and the provisions within the urban zones of the PDP allow for greater densification of Wellington City's residential area, and this type of urban growth should be co-ordinated with infrastructure. While it could be argued that densification is a 'future land use' and therefore already provided for by the policy, densification tends to occur over a period of time, much so that at the time

an infrastructure upgrade may be necessary to adequately support it, some of the densification is already in existence. As such, I accept submissions [355.27, 355.28] and I recommend that INF-P2 be amended as follows:

**INF-P2: Coordinating infrastructure with land use, subdivision, development and urban growth**

Enable the efficient coordination, integration and alignment of infrastructure planning and delivery with land use, subdivision, development and urban growth so that existing and future land use and infrastructure is integrated, efficient and aligned.

### Summary of recommendations

157. **HS8-INF-P1-REC6:** amend INF-P2 to recognise co-ordinating infrastructure with existing and future land use.

### INF-P3: Technological advances

#### Matters raised by submitters

##### Retain

158. Telco [99.17], Powerco [127.10], Transpower [315.62], WELL [355.29], Waka Kotahi [370.81], the Fuel Companies [372.32], Kāinga Ora [391.116], CentrePort [402.51], WIAL [406.94] and KiwiRail [408.33] seek to retain INF-P3 as notified.

#### Assessment

159. As this policy is not in contention, no recommendations are made regarding it.

### INF-P4: Undergrounding of infrastructure

#### Matters raised by submitters

##### Retain

160. Telco [99.18], Powerco [127.11], Firstgas [304.24], Transpower [315.63], Waka Kotahi [370.82], the Fuel Companies [372.33] and Kāinga Ora [391.117] seek to retain INF-P4 as notified.

##### Amend

161. WELL [355.30, 355.31] seek to amend the policy to include reference to economic and technical feasibility as they consider that underground infrastructure can be unfeasible from a technical perspective, as well as being cost prohibitive to construct.

#### Assessment

162. There are many types of infrastructure for which undergrounding is not practicable or technically feasible. This includes roads, masts, cell phone towers, ports, and airports. INF-P4 recognises this, as it encourages *“the undergrounding of new infrastructure in urban areas where it is practicable and technically feasible”*. As such, I consider that technical feasibility is already recognised. I also consider that prohibitive construction costs are an element of practicability. As such, I do not consider there is any need to amend the provision as a result of

WELL submission points [355.30, 355.31].

163. As such, no recommendations are necessary on INF-P4.

#### **INF-P5: Adverse effects of infrastructure**

##### **Matters raised by submitters**

###### Retain

164. Telco [99.19], Powerco [127.12], Firstgas [304.25], Waka Kotahi [370.83], the Fuel Companies [372.34], Kāinga Ora [391.118], WIAL [406.95], KiwiRail [408.34] and NZDF [423.12] seek to retain INF-P5 as notified.

###### Amend

165. CentrePort [402.52, 402.53] seek to amend the policy to replace the word “manage” with “avoid, remedy or mitigate”.

166. Forest and Bird [345.40] (opposed by Transpower [FS29.19], WIAL [FS36.60] and KiwiRail [FS72.27], and supported by Meridian [FS101.30]) seek to amend the policy to include direction that effects are not only to be managed but that certain areas, including overlays, need to be protected and consider that the policy should apply to the operation, maintenance, repair, and removal of infrastructure. They further seek to remove reference to “identified” values.

167. Transpower [315.64] seek to retain the policy as notified, notwithstanding that the submitter has sought a specific suite of National Grid specific provisions.

##### **Assessment**

168. In regards to CentrePort [402.52, 402.53], as per that submitters request regarding INF-O2 that I discussed earlier, I consider that the term ‘managed’ is a common RMA term which allows for effects to be avoided, remedied or mitigated in line with general duties under s17 of the RMA. Therefore I am of the opinion that the word “manage” be retained in the policy.

169. Regarding Forest and Bird [345.40] (opposed by Transpower [FS29.19], WIAL [FS36.60] and KiwiRail [FS72.27], and supported by Meridian [FS101.30]), there is policy direction within the sub-chapters as to how infrastructure is to be specifically addressed within the overlays. Further, in regard to ‘identified’ values, these are provided in the schedules to the plan, and are the reason that a piece of land is identified as an overlay.

#### **INF-P6: Consideration of the adverse effects of infrastructure**

##### **Matters raised by submitters**

###### Retain

170. Telco [99.20], Powerco [127.13], Firstgas [304.26], WELL [355.32], Waka Kotahi [370.84], the Fuel Companies [372.35], Kāinga Ora [391.119], CentrePort [402.54] and KiwiRail [408.35] seek to retain INF-P6 as notified.

###### Amend

171. Transpower [315.65, 315.66] seeks to amend the policy to give effect to the NPS-ET.
172. WIAL [406.96, 406.97] consider that it is not always possible or practicable for infrastructure to avoid, remedy or mitigate all environmental effects and that it is not appropriate for the policy framework to require that all adverse effects, irrespective of their significance, be avoided, remedied, or mitigated. If relief is not given, they seek to delete the policy.

#### Delete

173. Forest and Bird [345.41] (opposed by KiwiRail [FS72.28]) seek to delete the policy as they consider that it conflicts with the policies in the INF sub-chapters.

#### **Assessment**

174. Section 17 of the RMA provides that every person has a duty to avoid, remedy, or mitigate adverse effects on the environment from an activity carried out by or on behalf of the person. The intent of the policy is to assist plan users as to how effects can be avoided, remedied or mitigated, noting that the RMA is not a 'no effects' statute, and residual effects, including from infrastructure developments, do occur. INF-P6 is intended to provide the framework which applicants and decision makers follow when determining whether or not the proposed measures to avoid, remedy or mitigate actual and potential adverse effects are sufficient. As such, I consider this to be a useful policy, and do not consider it be amended as per WIAL [406.96, 406.97].
175. Likewise, the framework will, in my view, assist decision makers with effects in the overlays as per sub chapters, noting that INF-P6 must be read within the context of any applicable sub chapter policies guiding what is and what is not appropriate. Therefore, the I do not consider the policy needs to be deleted as per Forest and Bird [345.41] (opposed by KiwiRail [FS72.28]) submission point.
176. Given the above, I do not recommend any changes to INF-P6.

#### **INF-P7 Reverse sensitivity**

#### **Matters raised by submitters**

#### Retain

177. Telco [99.21], Waka Kotahi [370.85], the Fuel Companies [372.36] and KiwiRail [408.36] seek to retain INF-P7 as notified.

#### Amend

178. CentrePort [402.55, 402.56] (supported by WIAL [FS36.61]) seek to amend the policy to discourage new noise sensitive activities without mitigation within the Port Noise and Airport Noise Boundaries.
179. Firstgas [304.27, 304.28] seek to amend the policy to include more explicit reference to the Gas Transmission Network.
180. Powerco [127.14] (supported by Firstgas [FS97.6]) seek to amend the policy as they consider

that the provision protecting infrastructure from reverse sensitivity effects of land disturbance and sensitive activities located in close proximity to network utilities is unclear. They consider that further clarity is needed to ensure that such infrastructure is protected from reverse sensitivity effects.

181. Transpower [315.67] seek to amend the policy to give effect to the NPS-ET should a National Grid specific policy not be provided.
182. WELL [355.33, 355.34] seek to amend the policy to include industry Codes of Practice. They consider that the Council should be aware of not only building setbacks from infrastructure but also to include new requirements for scaffolding which encroaches and breaches prescribed electrical safety distances.
183. WIAL [406.98, 406.99] (supported by Transpower [FS29.41] and Firstgas [FS97.7], and opposed by KiwiRail [FS72.30]) seek to amend the title of the policy to “Reverse Sensitivity regarding the National Grid and gas transmission”.

#### Delete

184. Kāinga Ora [391.120] (opposed by WELL [FS27.12], Transpower [FS29.8] and KiwiRail [FS72.29]) seek to delete the policy in its entirety.

#### **Assessment**

185. There are existing mechanisms in the PDP addressing activities within the Port and Airport noise boundaries. Transpower have been afforded specific reverse sensitivity affected party status through the proposed National Grid subchapter. Scaffolding matters as raised by WELL should be addressed through health and safety requirements for scaffolding companies, and not regulated through the PDP.
186. Likewise, setbacks are identified as a method in the policy which can be used to achieve protection of infrastructure. The PDP responds to this from an earthworks perspective, through EW-R19 and RE-S16, which detail the very limited permitted extent of earthworks near underground gas infrastructure, which in my view addresses Powerco [127.14].
187. Transpower’s submission point [315.67] is addressed in the proposed National Grid Sub Chapter.
188. The RPS also requires that reverse sensitivity for regionally significant infrastructure be addressed in district plans. As such it is appropriate to have a general reverse sensitivity policy, and deletion is not justified.
189. As such, I do not recommend any changes be made to INF-P7.

#### **INF-P8: Amateur radio configurations**

#### **Matters raised by submitters**

#### Retain

190. The Fuel Companies [372.37] seek to retain INF-P8 as notified.

## Assessment

191. As this policy is not in contention, no recommendations are made regarding it.

## INF-P9: Upgrading and development of the transport network

### Matters raised by submitters

#### Retain

192. Paihikara Ki Pōneke Cycle Wellington [302.15], Waka Kotahi [370.86], the Fuel Companies [372.38], CentrePort [402.57], and KiwiRail [408.37] seek to retain INF-P9 as notified.

#### Amend

193. FENZ [273.32, 273.33] seek to amend the policy to ensure that any new or upgrade works to the existing network do not hinder the ability for emergency vehicles to utilize the transport network to respond to emergency call outs effectively and efficiently.

194. Kāinga Ora [391.121] seek to clarify the division of transport related provisions between the transport and infrastructure chapters as they consider that it is inconsistent with best practice and makes plan navigation difficult for its users.

195. Living Streets [482.31] seek to amend the policy to support sustainable active modes rather than upgrades that increase the vehicle carrying capacity of roads.

196. Tawa Business Group [107.15] seek to clarify the Council's role in the active upgrading and development of the existing transport network.

## Assessment

197. INF-P9 includes direction to “*not compromise the safe and effective functioning of the transport network and “allocate adequate space in the corridor for walking, cycling, micromobility, public transport (including stops), loading and parking, vehicles, infrastructure and street trees”*. In my view, this achieves the direction sought in FENZ submission points [273.32, 273.33]. It also outlines that the policy equally supports all transport modes, and does not require greater emphasis on one mode over any others. For this reason, it is my view the PDP should not be ranking transport modes, as requested by Living Streets [482.31], rather it should provide for all modes of transport without prioritisation, which I consider it does.

198. The introduction to the Infrastructure chapter states that “*the definition of Infrastructure in the RMA includes “structures for transport on land by cycleways, rail, roads, walkways, or any other means”*. Given this, the Infrastructure Chapter includes provisions for the transport network matters concerning the operation, maintenance, repair and renewal, upgrading and development of the transport network and connections to the transport network”. In my opinion, this clarifies the division between the transport and infrastructure chapters sought by Kāinga Ora [391.121].

199. The PDP's role in the upgrading and development of the existing transport network has been previously explained.

200. After reviewing the submission points, there are no recommended changes to INF-P9.



## **INF-P10: Classification of roads and INF-P11: Connections to roads**

### **Matters raised by submitters**

#### Retain

201. Waka Kotahi [370.87] and the Fuel Companies [372.39] seek to retain INF-P10 as notified.
202. Waka Kotahi [370.88], the Fuel Companies [372.40] and KiwiRail [408.38] seek to retain INF-P11 as notified.

#### Amend

203. Kāinga Ora [391.122 and 391.123] seek to clarify the division of transport related provisions between the transport and infrastructure chapters as they consider that it is inconsistent with best practice and makes plan navigation difficult for its users.

### **Assessment**

204. In regard to Kāinga Ora [391.122 and 391.123], as stated above, the introduction to the Infrastructure Chapter clarifies how the infrastructure and transport provisions work together. Given this, no changes are recommended to INF-P10 or INF-P11 (aside from INF-P11 being shifted to the Transport Chapter as per **HS8-INF-P1-REC2**).

## **INF-P12: Infrastructure within roads**

### **Matters raised by submitters**

#### Retain

205. Telco [99.22], Powerco [127.15], WELL [355.35], Waka Kotahi [370.89] and the Fuel Companies [372.41] seek to retain INF-P12 as notified.

### **Assessment**

206. As this policy is not in contention, no recommendations are made regarding it.

## **INF-P13: Infrastructure within riparian margins**

### **Matters raised by submitters**

#### Retain

207. Telco [99.23], Powerco [127.16], the Fuel Companies [372.42] and KiwiRail [408.39] seek to retain the policy as notified.

#### Amend

208. Forest and Bird [345.42] (opposed by Meridian [FS101.31] and Waka Kotahi [FS103.7]) seek to delete clause 2 of the policy. If this relief is not given, they seek to amend the policy to require adverse effects to be avoided, remedied, or mitigated in accordance with the requirements of

other chapters regarding Natural Character in the Plan.

### Assessment

209. Clause 2 of INF-P13 is linked to clause 1 through the use of the conjunction “and”. This means that for works in a riparian margin, natural character must be maintained and the activity is designed to minimise effects on natural character. The emphasis here is on maintaining natural character. If works in a riparian margin can minimise effects, and maintain natural character, then the works should be able to proceed. If they can not, then resource consent can be declined. As such, the amendment sought by Forest and Bird [345.42] (opposed by Meridian [FS101.31] and Waka Kotahi [FS103.7]) is unnecessary in my view.

210. Given this, no changes are recommended to INF-P13

## 5.4 Infrastructure – Rules

### Recurring submission points

#### Matters raised by submitters

211. There are a number of submission points on the rules which recur throughout the framework. These include:
- Averyll Bramley (submitter 202), who seeks that the rules are amended so that they are not a permitted activity, and that notification is mandatory to affected landowners.
  - WIAL [406] seek to amend a number of rules to include reference to the submitter’s proposed new objectives and policies within the relevant matters of discretion.

### Assessment

212. Permitted provision for infrastructure is essential. It would be inefficient and unnecessarily expensive to require a resource consent for certain activities, which do not result in noticeable environmental effects. Further, land access is not governed by the RMA and if infrastructure providers have infrastructure on private land, access arrangements through lease agreements, easements and other non-RMA instruments should be arranged. Finally, the RMA through s95A, 95B and 95C sets out when notification is necessary. As such, I do not agree with the submission points raised by Avryl Bramley [202].

213. As I do not recommend that WIAL’s changes to proposed new objectives and policies are implemented, there is no reason to amend rules to achieve the outcomes sought in the submission.

### **INF-R1: Operation, maintenance and repair, or removal of existing above and underground infrastructure and ancillary vehicle access tracks**

#### Matters raised by submitters

##### Retain

214. Firstgas [304.29], Transpower [315.68], the Fuel Companies [372.43] and KiwiRail [408.40] seek to retain INF-R1 notified.

##### Delete

215. Telco [99.24] and Powerco [127.17] seek to delete clause 1(c)(i) as it requires compliance with INF-S2 which relates to installing underground infrastructure.

#### **Assessment**

216. As WIAL's new objectives and policies are recommended to be rejected, there is no requirement to amend INF-R1 as submitted by WIAL [406.100, 406.101].

217. In regard to Telco [99.24] and Powerco [127.17], the rule provides for the operation, maintenance and repair of existing above and underground infrastructure, therefore, in relation to compliance with INF-S2 (which sets the permitted parameters for underground infrastructure), it is therefore necessary.

218. Given the above, no changes are recommended to INF-S2.

#### **INF-R2: New underground infrastructure (including customer connections), and upgrading of existing underground infrastructure**

##### **Matters raised by submitters**

###### Retain

219. Telco [99.25], Firstgas [304.30], Transpower [315.69], the Fuel Companies [372.44] and KiwiRail [408.41] seek to retain INF-R2 as notified.

###### Amend

220. Powerco [127.18] seeks to amend the rule such that the aboveground component of an underground gas customer connection to facilitate connection to a customer premise is a permitted activity. If relief is not given, they seek to address this aboveground component in the aboveground customer connection rule in INF-R5.

#### **Assessment**

221. As highlighted in their submission point, Powerco [127.18] acknowledged that permitted provision is made under Rule INF-R5 for aboveground infrastructure. In my view, all above ground infrastructure should be treated under that rule, and not provided for under INF-R2.

222. As such, no changes are recommended to INF-R2.

223. However, I do consider that a minor amendment is necessary to the definition of customer connection. For any infrastructure network to serve its purpose, customers must be able to connect to it. The definition in the notified PDP limits customer connections to telecommunication, electricity and gas networks. In my view it should be to all infrastructure. While there are some elements that are defined with infrastructure which do not require customer connections, in my view it is better to use the term as a whole, knowing that those infrastructure providers who do not rely on customer connections will not need to use the provision, rather than specifying which infrastructure providers can benefit from the definition and therefore rules and standards.

## **INF-R3: Upgrading of existing aboveground infrastructure**

### **Matters raised by submitters**

#### Retain

224. Telco [99.26], Powerco [127.19], Firstgas [304.31], Transpower [315.70], the Fuel Companies [372.45] and KiwiRail [408.42] seek to retain INF-R3 as notified.

#### Amend

225. Avryl Bramley [202.13] (opposed by Powerco [FS61.26] and Firstgas [FS97.8]) seeks to amend the rule so that it is not a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.

226. WIAL [406.102, 406.103] seek to amend the rule to include reference to the submitter's proposed new objectives and policies within the relevant matters of discretion.

### **Assessment**

227. Amendments were sought by Avryl Bramley [202.13] (opposed by Powerco [FS61.26] and Firstgas [FS97.8]) and WIAL [406.102, 406.103] which I addressed earlier, and for those reasons should be rejected. There were no other submissions to amend or delete INF-R3 so therefore no changes are recommended.

## **INF-R4: New vehicle access tracks for infrastructure**

### **Matters raised by submitters**

#### Retain

228. Telco [99.27], Powerco [127.20], Firstgas [304.32], Transpower [315.71], the Fuel Companies [372.46] and KiwiRail [408.43] seek to retain INF-R4 as notified.

#### Amend

229. Avryl Bramley [202.14] (opposed by Powerco [FS61.27]) seeks to amend the rule so that notification is mandatory to relevant homeowners for upgrading an infrastructure.

#### Delete

230. Kāinga Ora [391.124] seek to delete the rule and move it to the Transport chapter.

### **Assessment**

231. The amendments sought by Avryl Bramley [202.13] [202.14] (opposed by Powerco [FS61.27]) and WIAL [406.102, 406.103] and deletion sought by Kāinga Ora [391.124] were addressed earlier, and for those reasons I consider those submission points should be rejected. There were no other submissions to amend or delete INF-R4 so therefore no changes are recommended.

## INF-R5: New aboveground customer connection line

### Matters raised by submitters

#### Retain

232. Telco [99.28] and the Fuel Companies [372.47] seek to retain INF-R5as notified.

#### Amend

233. Avryl Bramley [202.15] (opposed by Powerco [FS61.28) seeks to amend the rule so that it is not a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.

234. Powerco [127.21] seeks to amend the rule such that the aboveground component of an underground gas customer connection to facilitate connection to a customer premise is a permitted activity. If relief is not given, they seek to address this as an amendment to INF-R2 as per the separate submission point on that rule.

### Assessment

235. Powerco’s submission point [127.21] is to ensure that gas connections are provided for. I agree that this should be included in INF-R5. Currently the rule refers to lines, as does the associated standard INF-S5. I consider that the rule should be renamed customer connections so it is clear it applies to all customer connections, and that changes tweaks should be made to INF-S5 (discussed latter in this report).

236. Therefore the following recommendation is made:

INF-R5: New aboveground customer connections line
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### Summary of recommendations

237. **HS8-INF-P1-REC8:** rename INF-R5 from “customer connection lines” to “customer connections”.

## INF-R6: Temporary Infrastructure

### Matters raised by submitters

#### Retain

238. Telco [99.29], Powerco [127.22], Transpower [315.72], the Fuel Companies [372.48] and KiwiRail [408.44] seek to retain INF-R6 as notified.

#### Amend

239. Avryl Bramley [202.16] (opposed by Powerco [FS61.29]) seeks to amend the rule so that it is not

a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.

240. WIAL [406.104, 406.105] seek to amend the rule to include reference to the submitters proposed new objectives and policies within the relevant matters of discretion.

### Assessment

241. Amendments were sought by Avryl Bramley [202.16] (opposed by Powerco [FS61.29]) and WIAL [406.104, 406.105] which I addressed earlier, and for those reasons should be rejected. There were no other submissions to amend or delete INF-R6 so therefore no changes are recommended.

### INF-R7: Structures associated with infrastructure including:

1. **Substations (including switching stations);**
2. **Transformers;**
3. **Gas transmissions and distribution structures;**
4. **Energy storage batteries not enclosed by a building; and**
5. **Communication kiosks**

### Matters raised by submitters

#### Retain

242. Telco [99.30] seek to retain INF-7.5 (Structures associated with infrastructure including ... 5. Communication kiosks) as notified.
243. Transpower [315.73], RVA [350.40], the Fuel Companies [372.49] and KiwiRail [408.45 (supported by Firstgas [FS97.10]) seek to retain the rule as notified.

#### Amend

244. Avryl Bramley [202.17] (opposed by Powerco [FS61.30] and Firstgas [FS97.9]) seeks to amend the rule so that it is not a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.
245. Powerco [127.23] seeks to remove the term “gas regulation valve” as it could capture typical regulation equipment on customer conditions, such as a shut off valve, which could be within 2m of a residential boundary. They further consider that this equipment may be located within a road underground within 2m of an adjacent residential property.
246. WCC [266.63] seeks to amend the title to include bus shelters and make it clear that bus shelters are a permitted activity under this rule.
247. WELL [355.36, 355.37] seek to amend the rule so that equipment located within the road reserve is included and so that front boundaries are exempt from the 2m setback.
248. WIAL [406.106, 406.107] seeks to remove the word “including” in this rule as they consider it may not be exhaustive and could inadvertently capture airport structures located outside of the Airport Zone.

## Assessment

249. I agree with Powerco [127.23] that “gas regulation valves” should be removed, as important valves such as a shut-off valve, should not be captured by this rule.
250. I agree with Powerco [127.23] and WELL [355.36, 355.37] that the rule should not apply to a road boundary. The structures are compatible with structures which are found in legal road, and therefore a setback should not apply to road boundaries.
251. Bus shelters have similar built effects to the listed structures, and, while the list in the rule is not exclusive, there is no issue by specifically referencing bus shelters, as per WCC submission point [266.63].
252. Therefore the following recommendations are made:

<b>INF-R7: Structures associated with infrastructure including:</b>	
<ol style="list-style-type: none"> <li>1. Substations (including switching stations);</li> <li>2. Transformers;</li> <li>3. Gas transmission and distribution structures;</li> <li>4. Energy storage batteries not enclosed by a building; and</li> <li>5. Communications kiosks.</li> <li>6. Bus Shelters</li> </ol>	
All Zones	<ol style="list-style-type: none"> <li>1. Activity status: <b>Permitted</b></li> </ol> <p>Where:</p> <ol style="list-style-type: none"> <li>a. In the Rural Production, Rural Lifestyle or General Industrial Zones, the maximum building and structure height standard for that Zone is complied with. In all other zones INF-S6 must be complied with;</li> <li>b. Any substation, <del>gas regulation valve and/or</del> takeoff station or energy storage batteries are set back at least 2m from a residential site <u>side or rear</u> boundary <u>(but not a road boundary)</u>;</li> <li>c. Compliance is achieved with INF-S7 and INF-S15; and</li> <li>d. Compliance is achieved with INF-S1.</li> </ol>

253. In terms of WIAL submission points [406.106, 406.107], the introduction to the infrastructure chapter in my view makes it clear that airport infrastructure is not regulated by this chapter.

## Summary of recommendations

254. **HS8-INF-P1-REC9:** amend the title to INF-R7 to reference bus shelters.
255. **HS8-INF-P1-REC10:** amend INF-R7.1(a) to remove reference to a “gas regulation valve”.
256. **HS8-INF-P1-REC11:** amend INF-R7.1(b) to make it clear that the 2m setback from a residential boundary does not include a residential boundary with legal road.

## INF-R8: New infrastructure contained within existing buildings

## Matters raised by submitters

### Retain

257. Telco [99.31], Powerco [127.24] and the Fuel Companies [372.50] seek to retain the rule as notified.

### **Assessment**

258. As INF-R8 is not in contention, no recommendations are necessary.

### **INF-R9: Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)**

#### **Matters raised by submitters**

### Retain

259. The Fuel Companies [372.51] seek to retain INF-R9 as notified.

### Amend

260. Avryl Bramley [202.18] (opposed by Powerco FS61.31) seeks to amend the rule so that it is not a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.

### **Assessment**

261. For reasons previously discussed, I do not consider there to be a need to amend the rule as sought by Avryl Bramley [202.18] (opposed by Powerco FS61.31).

262. As such, no changes are recommended to INF-R9.

### **INF-R10: New overhead lines and associated support structures that convey electricity below 110kV**

#### **Matters raised by submitters**

### Retain

263. Transpower [315.74] and the Fuel Companies [372.52] seek to retain INF-R10 as notified.

### Amend

264. Telco [99.32] seek to amend the title to also provide for above ground telecommunication lines.

265. WELL [355.38, 355.39] seek to amend the title to include associated equipment identified with overhead networks to ensure provision of additional pole-mounted transformers and/or battery storage cabinets.

### **Assessment**

266. As evident by INF-S8, which the rule refers to, the intent of the rule was to include both telecommunication and electricity lines. As such I support the position in Telco [99.32] to amend



the rule title.

267. In considering WELL [355.38, 355.39], I am aware of structures such as pole-mounted transformers and battery storage cabinets which support aerial networks. Fundamentally, I consider these should be provided for as a permitted activity, and that INF-R10 should provide parameters for the size of pole mounted structures. There is no indication of size in the submission. If the submitter could clarify what they consider to be an appropriate parameter for enabling pole mounted structures in a manner which allows for the amenity of the streetscape and adjacent properties to be considered through their evidence, that would be useful.

268. Therefore the following recommendation is made:

**INF-R10: New overhead lines and associated support structures that convey telecommunications or electricity below 110kV**

### Summary of recommendations

269. **HS8-INF-P1-REC12:** amend the title of INF-R10 to ensure the rule applies for both telecommunications and electricity (below 110kV) overhead lines.

**INF-R11: Telecommunications or radiocommunication activities (not otherwise provided for by another rule in this table and not regulated by the NESTF)**

### Matters raised by submitters

#### Retain

270. Telco [99.33] and the Fuel Companies [372.53] seek to retain the rule as notified.

#### Amend

271. Avryl Bramley [202.19] (opposed by Powerco [FS61.32]) seeks to amend the rule so that it is not a permitted activity, and that notification is mandatory to relevant homeowners for upgrading an infrastructure.

### Assessment

272. For reasons previously discussed, I do not consider there to be a need to amend the rule as sought by Avryl Bramley [202.19] (opposed by Powerco FS61.32).

273. As such, no changes are recommended to INF-R11.

**INF-R12: New telecommunications poles and new antennas (regulated by NESTF that do not meet the permitted activity standards in those Regulations)**

### Matters raised by submitters

#### Retain

274. Telco [99.34] and the Fuel Companies [372.54] seek to retain the rule as notified.

### Assessment

275. As INF-R12 is not in contention, no recommendations are necessary.

**INF-R13: New antenna attached to a building (regulated by NESTF that do not meet the permitted standards in the NESTF)**

**Matters raised by submitters**

Retain

276. Telco [99.35] and the Fuel Companies [372.55] seek to retain the rule as notified.

**Assessment**

277. As INF-R13. is not in contention, no recommendations are necessary.

**INF-R14: New telecommunication cabinets (regulated by NESTF that do not meet the permitted standards in the NESTF)**

**Matters raised by submitters**

Retain

278. Telco [99.36] and the Fuel Companies [372.56] seek to retain the rule as notified.

**Assessment**

279. As INF-R14. is not in contention, no recommendations are necessary.

**INF-R15: Infrastructure buildings and structures not provided for by any other rule in this table**

**Matters raised by submitters**

Retain

280. Telco [99.37], Transpower [315.75], the Fuel Companies [372.57] and KiwiRail [408.46] seek to retain the rule as notified.

Amend

281. WIAL [406.108, 406.109] seek to amend the rule to include reference to the submitter's proposed new objectives and policies within the relevant matters of discretion.

**Assessment**

282. For reasons previously discussed, I do not consider there to be a need to amend the rule as sought by WIAL [406.108, 406.109].

283. As such, no changes are recommended to INF-R15.

**Summary of recommendations**

**INF-R16: New electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above**

**Matters raised by submitters**

Retain

284. The Fuel Companies [372.58] seek to retain the rule as notified.

Amend

285. Transpower [315.76, 315.77] seek to amend the rule to include cross reference to policies that would need to be updated on the basis that a separate suite of National Grid specific policies is provided.

**Assessment**

286. I agree that the rule is best placed in the infrastructure chapter, noting that a new national grid sub chapter is proposed. However, the sub chapter applies to existing National Grid mapped in the PDP, and this rule applies to new lines and associated support structures, which will not necessarily fall within the existing overlays. If they are within overlays however, the National Grid sub chapter would apply.

287. Therefore the following recommendation is made:

INF-R16: New electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above	
All Zones	<p>1. Activity status: <b>Restricted Discretionary</b></p> <p>Matters of discretion are:</p> <p>1. The matters set out in INF-P1, INF-P2, INF-P3, INF-P5, INF-P6 and INF-P13.</p>

**Summary of recommendations**

288. **HS8-INF-P1-REC13:** amend INF-to include cross references to policies in the National Grid sub chapter.

**INF-R17: New aboveground pipelines**

**Matters raised by submitters**

Retain

289. The Fuel Companies [372.59] seek to retain the rule as notified.

Amend

290. Powerco [127.25] seek to amend the rule such that it does not apply to the aboveground component of a gas customer connection. If this is addressed in other rules, then no amendment to this rule is required.

### **Assessment**

291. I consider that the aboveground component of a gas customer connection is provided for under INF-R5, which addresses the matter raised by Powerco [127.25]. Therefore no changes are recommended to INF-R17.

### **INF-R18: New water, wastewater and stormwater pump stations**

#### **Matters raised by submitters**

##### Retain

292. The Fuel Companies [372.60] seek to retain the rule as notified.

### **Assessment**

293. As INF-R18 is not in contention, no recommendations are necessary.

### **INF-R19: New water treatment plants**

#### **Matters raised by submitters**

##### Retain

294. The Fuel Companies [372.61] seek to retain the rule as notified.

### **Assessment**

295. As INF-R19 is not in contention, no recommendations are necessary.

### **INF-R20: New wastewater treatment plants**

#### **Matters raised by submitters**

##### Retain

296. The Fuel Companies [372.62] seek to retain the rule as notified.

### **Assessment**

297. As INF-R20 is not in contention, no recommendations are necessary.

### **INF-R21: Amateur radio configurations**

#### **Matters raised by submitters**

##### Retain

298. The Fuel Companies [372.63] seek to retain the rule as notified.

### **Assessment**

299. As INF-R21 is not in contention, no recommendations are necessary.

## INF-R22: Buildings, structures and activities in the National Grid Yard

### Matters raised by submitters

#### Retain

300. Telco [99.38] and the Fuel Companies [372.64] seek to retain the rule as notified.

#### Amend

301. Transpower [315.78] seek to include the rule within the IPI and make it subject to the ISPP process.

302. Transpower [315.79, 315.80] seeks to amend the rule as follows:

INF-R22 Buildings, structures and activities in the National Grid Yard

All Zones

1. Activity status: Permitted

Where:

- ~~a. The activity is not a sensitive activity;~~
- ~~b. The building or structure is not used for the handling or storage of hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities); and~~

...

All Zones

2. Activity status: Non-complying

Where:

- a. Compliance with INF-R22.1 cannot be achieved.
- b. The following activity, building or structure:
  - i. A change of use to a sensitive activity within existing buildings or structures;
  - ii. The establishment of a sensitive activity;
  - iii. Used for the handling or storage of hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic-scale quantities);
  - iv. Wintering barns, Commercial greenhouses, Immovable protective canopies, Produce packing facilities, or Milking Sheds; or
  - v. Any building or structure not otherwise provided for under INF-R22.1.

...

### Delete

303. Kāinga Ora [391.125, 391.126] (opposed by Transpower [FS29.9, FS29.10]) seek to remove the establishment of new sensitive activities from the National Grid Yard as a permitted activity.
304. Kāinga Ora [391.127] (opposed by Transpower [FS29.11]) seek to remove the requirement that all applications for resource consent under this rule require the written approval of Transpower New Zealand.

### **Assessment**

305. The proposed National Grid sub chapter is to detail activities in the National Grid Yard. As such, I consider that INF-R22 be deleted and inserted (including the changes sought by Transpower under submission point [315.79, 315.80]) into that sub chapter. The reason I agree with Transpower submission point [315.79, 315.80] is because it provides greater specificity to the activities which could result in reverse sensitivity effects on the National Grid.
306. Therefore the following recommendation is made:

**Delete INF-R22: Buildings, structures and activities in the National Grid Yard in its entirety from the infrastructure chapter and relocate it, with amendments, to the National Grid Sub Chapter**

307. I disagree with the submission points raised by Kāinga Ora [391.125, 391.126, 391.127]. As has been explained earlier, the RPS directs District Plans to protect regionally significant infrastructure, which by RPS definition includes the National Grid. INF-R22 provides for the protection that is required.
308. In regard to Transpower's submission to include the rule within the IPI and make it subject to the ISPP process, I understand that panel in Hearing Stream 1 confirmed that provisions cannot be moved between planning processes.

### **Summary of recommendations**

309. **HS8-INF-P1-REC14:** delete INF-R22 and insert it, with changes as per Transpower submission points 315.79, 315.80 into the proposed National Grid sub chapter.

### **INF-R23: Sensitive activities, including the erection of buildings for sensitive activities, within the Gas Transmission Pipeline Corridor**

### **Matters raised by submitters**

#### Retain

310. The Fuel Companies [372.65] (supported by Firstgas [FS97.11]) seek to retain the rule as notified.

#### Amend

311. Firstgas [304.33] (opposed by Kāinga Ora [FS89.63]) seek to amend the rule to implement a separation distance of 60m from the gas transmission network so as to provide a reasonably

practicable solution to achieving the safe operation of the network and mitigation of the risk for the wellbeing and health and safety of people and communities. They further consider sensitive activities (excluding residential activities) where the consequences of a pipeline failure may be increased because it is developed for use by sectors of the community who may be unable to protect themselves.

### Assessment

312. The Firstgas submission point [304.33] seeks to align the PDP with best practice provided through NZ/AS2885. I am not clear from the submission however as to why residential activities are excluded from sensitive activities. It would be useful if this was addressed in evidence. However I do agree that a distance from the gas transmission network that INF-R23 should apply. In my view, and to be consistent with other reverse sensitivity provisions in the District Plan, this buffer should be mapped, rather than specified as a distance in the rule. As such, the submission is accepted in part.

313. Therefore the following recommendations are made:

<p>Amend all instances of Gas Transmission Pipeline to refer to the Gas Transmission Network</p> <p>Amend the planning maps to detail the gas transmission network including a 60m buffer area</p>
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### Summary of recommendations

314. **HS8-INF-P1-REC15:** amend all instances of Gas Transmission Pipeline to refer to the Gas Transmission Network.

315. **HS8-INF-P1-REC16:** amend the planning maps to detail the 60m buffer area around the gas transmission network (which is recommended to be mapped under **HS8-INF-P1-REC1**).

### INF-R24: Connection to roads

#### Matters raised by submitters

##### Retain as notified

316. FENZ [273.34] and the Fuel Companies [372.66] seek to retain the rule as notified.

##### Amend

317. Survey & Spatial [439.21] consider that there may be a reference error in the rule as it refers to INF-S16 and INF-S17 but should instead refer to INF-S15 and INF-S16.

318. WCC [266.64] seek to amend the rule so that the matters of discretion reference INF-P11 (Connection to roads) instead of INF-P13 (Infrastructure within riparian margins).

##### Delete

319. Kāinga Ora [391.128] (opposed by Waka Kotahi [FS103.8]) seek to delete the rule and move it to the Transport chapter.

### Assessment

320. For reasons discussed earlier, transport infrastructure should be included in the infrastructure chapter not the transport chapter. This addresses Kāinga Ora [391.128] (opposed by Waka Kotahi [FS103.8])
321. The corrections sought in Survey & Spatial [439.21] and WCC [266.64] amend erroneous cross references. In my view these are minor corrections to the PDP and can be made in accordance with CI16 of Schedule 1 to the RMA.

### Summary of recommendations

322. **HS8-INF-P1-REC2** has been made earlier in my report. No further recommendations are made, noting the amendments are minor corrections.

### INF-R25: New roads

#### Matters raised by submitters

##### Retain

323. FENZ [273.35] and the Fuel Companies [372.67] seek to retain the rule as notified.

##### Delete

324. Kāinga Ora [391.128] (opposed by Waka Kotahi [FS103.8]) seek to delete the rule and move it to the Transport chapter.

#### Assessment

325. For reasons previously discussed, I do not consider there to be a need to amend the rule as sought by Kāinga Ora [391.128].
326. As such, no changes are recommended to INF-R25.

### Summary of recommendations

### INF-R26: Structures near railway level crossings

#### Matters raised by submitters

##### Retain

327. The Fuel Companies [372.68] seek to retain the rule as notified.

##### Amend

328. KiwiRail [408.47] consider that public safety at level crossings is crucial and protection of sightlines is a key means of ensuring this. They seek to amend the rule to ensure it applies to all potential visual obstructions, not just structures.

#### Assessment



329. The purpose of INF-R26 is to provide for safety near railway level crossings. I have reviewed the amendment sought by KiwiRail to the title of the rule [408.47], and do not consider it provides clarity to INF-R26. Renaming the rule “sightlines at railway level crossings” reads as if the sightlines themselves are a permitted activity, and does not, in my view, direct a plan user to consider any other structures. Structures are defined in the PDP (and in the RMA) as *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft*. The only other potential visual obstruction is from vegetation. In my view it is clearer if these are specifically identified in the rule, as it is these that are being regulated, in order to protect the sightlines.
330. Therefore the following recommendations are made:

INF-R26: Structures <u>and vegetation</u> near railway level crossings
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### Summary of recommendations

331. **HS8-INF-P1-REC17:** amend INF-R26 as per KiwiRail submission [408.47].

## 5.5 Infrastructure - Standards

### INF-S1: Health and safety

#### Matters raised by submitters

##### Retain

332. Telco [99.39] and Transpower [315.81] seek to retain the standard as notified.

#### Assessment

333. As INF-S1 is not in contention, no recommendations are necessary.

### INF-S2: Underground infrastructure

#### Matters raised by submitters

##### Retain as notified

334. Telco [99.40], Powerco [127.26] and WELL [355.40] seek to retain the standard as notified.

##### Amend

335. Transpower [315.82, 315.83] seeks to amend the standard to include the clarification in INF-S1 that specifies that the standard applies to existing underground infrastructure.

#### Assessment

336. As addressed earlier, INF-R2 clearly provides that INF-S1 applies to upgrades of existing underground infrastructure. As such, I do not consider any amendments to be necessary.

## **INF-S3: Earthworks**

### **Matters raised by submitters**

#### Retain

337. Telco [99.41], Powerco [127.27] and Transpower [315.84] seek to retain the standard as notified.

#### Amend

338. Rod Halliday [25.22] (opposed by Heidi Snelson [FS24.3]) seeks to delete INF-S3.3 as they consider it is unrealistic to restrict trenching to 120m at any one time and that this length is arbitrary and unworkable.

### **Assessment**

339. While Rod Halliday [25.22], considers that it is unrealistic to restrict trenching to 120m at any one time and that this length is arbitrary and unworkable, it is interesting to note that this opinion is not shared by Telco [99.41], Powerco [127.27] and Transpower [315.84], who all support the standard, and are likely to be regular users of the rule. A limit on the length of exposed trenching in my view helps to limit the potential adverse environmental effects from the earthworks which would occur if no specification was included.

340. Given this support from the aforementioned infrastructure providers, I do not consider it necessary to amend the standard. Therefore no recommendations are made in regard to INF-S3.

## **INF-S4: Upgrading of aboveground infrastructure**

### **Matters raised by submitters**

#### Retain

341. Powerco [127.28] and Transpower [315.85] seek to retain the standard as notified.

#### Amend

342. Telco [99.42] seeks to amend the standard to include a provision for the replacement of antennas or making changes to the width of an antenna support headframe.

### **Assessment**

343. The changes sought by the Telco submission point [99.42] provide clarity as to how INF-S4 for the upgrading of existing antenna infrastructure relates to INF-S9, which permits antenna size. The clarity could be useful, however an understanding of the width a telecommunications headframe attached to a telecommunications pole could conceivably be needs to be included in the standard. As such, I recommend that the submission point is rejected. It would be useful for the submitter to specify the width of the headframe through evidence, so that their point can be considered further.

344. Therefore no changes are recommended to this standard.

#### **INF-S5: New aboveground customer connections**

##### **Matters raised by submitters**

###### Retain as notified

345. Telco [99.43] and Powerco [127.29] seek to retain the standard as notified.

###### Amend

346. WELL [355.41, 355.42] seeks to amend the standard to have the specification for the conductor diameter increased to 43mm to reflect technical considerations.

##### **Assessment**

347. An increase in line diameter to 43mm in my view will not create a noticeable difference from the proposed 30mm, and, as stated, reflects technical considerations by WELL [355.41, 355.42]. I consider that this should apply to all lines specified under INF-S5, and not just conductions, therefore recommend that the submission point is accepted in part.

348. Therefore the following recommendation is made:

<b>INF-S5: New aboveground customer connections</b> 2. The diameter of conductors, lines, pipes or cables must not exceed <del>30mm</del> 43mm .
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##### **Summary of recommendations**

349. **HS8-INF-P1-REC18:** amend the permitted diameter of conductors, lines, pipes or cables specified in INF-S5.2 from 30mm to 43mm.

#### **INF-S6: Structures**

##### **Matters raised by submitters**

###### Retain

350. Telco [99.44], Powerco [127.30] and Transpower [315.86] seek to retain the standard as notified.

##### **Assessment**

351. As INF-S6 is not in contention, no recommendations are necessary.

#### **INF-S7: Riparian setbacks**

##### **Matters raised by submitters**

###### Retain

352. Telco [99.45], Powerco [127.31] and Transpower [315.87] seek to retain the standard as

notified.

#### Amend

353. WELL [355.43, 355.44] (supported by Telco [FS25.2] and Powerco [FS61.2]) seeks to amend the standard to ensure consistency with INF-S2 so that the riparian setbacks do not apply to infrastructure beneath the waterbody's bed.

#### **Assessment**

354. Infrastructure placed under the bed of a river would likely disturb the bed of the river, and as such require consideration against the Greater Wellington Natural Resources Plan. Works in the riparian margin of the river can result in effects on the margin and the waterbody itself, and as such I consider it appropriate that a resource consent is required if INF-S7 cannot be met.

355. Consequently, I recommend that WELL [355.43, 355.44] (supported by Telco [FS25.2] and Powerco [FS61.2]) be rejected, and do not recommend any changes to INF-S7.

#### **INF-S8: Height of telecommunication poles and associated antennas, lines and single pole support structures and meteorological masts**

#### **Matters raised by submitters**

#### Retain

356. Telco [99.46], Powerco [127.31] and Transpower [315.87] seek to retain the standard as notified.

#### Amend

357. WELL [355.45, 355.46] seek to amend the title of the standard to "Height of electricity and telecommunication poles and associated antennas, lines and single pole support structures and meteorological masts" so that it applies to electricity infrastructure.

#### **Assessment**

358. The standard is intended to apply to all pole structures, and as such the clarity sought by WELL [355.45, 355.46] is appropriate.

359. Therefore the following recommendation is made:

<b>INF-S8: Height of <u>electricity and</u> telecommunication poles and associated antennas, lines and single pole support structures and meteorological masts.</b>
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#### **Summary of recommendations**

360. **HS8-INF-P1-REC19:** amend the title of INF-S8 so that it clearly applies to electricity and well as telecommunications.

#### **INF-S9: Antenna size**

#### **Matters raised by submitters**

Retain

361. Telco [99.47] to retain the standard as notified.

**Assessment**

362. As INF-S9 is not in contention, no recommendations are necessary.

**INF-S10: Height of antenna attached to buildings**

**Matters raised by submitters**

Retain

363. Telco [99.48] to retain the standard as notified.

**Assessment**

364. As INF-S10 is not in contention, no recommendations are necessary.

**INF-S11: Amateur radio configurations**

365. No submissions were received on INF-S11. Therefore the standard is not in contention and no recommendations are necessary.

**INF-S12: Buildings, structures, and activities in the National Grid Yard**

**Matters raised by submitters**

Amend

366. Kāinga Ora [391.130] (opposed by Transpower [FS29.12]) seeks to amend the package of provisions.

367. Kāinga Ora [391.144] seek to amend the standard to have less specific requirements. The amendment sought is as follows:

**INF-S12: Buildings, structures, and activities in the National Grid Yard**

...

3. The building or structure must be located at least 12m from the outer visible edge of a foundation of a National Grid transmission line tower or pole, except where it:

a. Is a fence not exceeding 2.5m in height ~~that is located at least:~~  
~~i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or~~

~~ii. 5m from the outer visible edge of a foundation of a National Grid transmission line pole.~~

~~b. Is an artificial crop protection structure or crop support structure not exceeding 2.5m in height and least 8m from a National Grid transmission line pole that:~~

~~i. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance;~~

and

~~ii. Allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or~~

~~c. Meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.~~

368. Transpower [315.88] seeks that the standard is included within the IPI and made subject to the ISPP process.

369. Transpower [315.89, 315.90] seeks the following amendment to the standard:

**INF-S12: Buildings, structures, and activities in the National Grid Yard**

~~1. All buildings and structures in the National Grid Yard must comply with the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663 under all transmission line and building operating conditions. The building or structure must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions; or~~

~~2. Must not result in the loss of vehicular access to a National Grid support structure. Must meet the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663 under all transmission line and building operating conditions.~~

3.

...

~~iii. Meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.~~

## Assessment

370. As per the reasoning for INF-R22, The proposed National Grid sub chapter is to enable and regulate activities in the National Grid Yard. As such, I consider that INF-S12 can be deleted and inserted (including the changes sought by Transpower under submission point [315.89, 315.90]) into that sub chapter.

371. Likewise, I disagree with the submission points raised by Kāinga Ora [391.130, 391.144]. As has been explained earlier, the RPS directs District Plans to protect regionally significant infrastructure, which by RPS definition includes the National Grid. INF-S12 provides for the protection that is required.

372. Therefore I make the following recommendation:

Delete INF-S12: Buildings, structures and activities in the National Grid Yard in its entirety from the infrastructure chapter and relocate it, with amendments, to the National Grid Sub Chapter

## Summary of recommendations

373. **HS8-INF-P1-REC20:** delete INF-S12 and insert it, with changes as per Transpower submission points 315.89 and 315.90 into the proposed National Grid sub chapter.

## INF-S13: Design of roads

## Matters raised by submitters

### Amend

374. Avryl Bramley [202.20] (opposed by Powerco [FS61.33]) seeks to amend Table 1 – INF: Design of Roads – One Network Framework to remove requirements for Footpath and Cycles until further work is undertaken to classify different types of cycles.
375. FENZ [273.36, 273.37] consider that the minimum requirements for Local Street M5 P3 – No Vehicle Access at Frontage are insufficient for fire appliances. The submitter seeks to add a clause to criterion 3 of this standard which provides for fire appliance access, as well as the other considerations listed.
376. FENZ [273.38, 273.39] seek to amend Table 1 – INF: Design of Roads – One Network Framework so that within urban areas, roads classified as ‘Local Street M5 P3 – No Vehicle Access at Frontage’, are required to have a minimum of one lane with a traffic width of 4m instead of the proposed 3.5m.
377. Living Streets [482.32] seeks to amend Table 3 – INF: Street Tree Species List to have more native Wellington tree species used as street trees.
378. Living Streets [482.33] seek that vehicle space is limited on all roads to support the desired mode shift.
379. Waka Kotahi [370.91] seeks to amend the standard to align existing posted speed limits with the One Network Framework and current speed management review.

### Delete

380. Kāinga Ora [391.131] seeks to delete the standard from the Infrastructure chapter and move it to the Transport chapter.
381. Waka Kotahi [370.90] seeks to remove ‘Target speed’ from Table 1 – INF: Design of Roads – One Network Framework.

## Assessment

382. In regard to Avryl Bramley [202.20] (opposed by Powerco [FS61.33]), I do not consider that different types of cycles need to be classified. Provision for cyclists is best practice for legal roads, and the proposed space is consistent with this best practice, as informed by Council’s roading engineers.
383. In regard to FENZ [273.36, 273.37, 273.38, 273.39], Table INF-1: Design of Roads relies on the Waka Kotahi One Network Framework, and as such provides national consistency to the different road classifications. This also addresses the submission point raised by Living Streets [482.33].
384. The street trees list in Table 3 – Inf have been reviewed by Council parks and reserves offices, include a number of indigenous species, but also needs to provide for a range of species as different species will be more appropriate in different locations. I am informed that while it would be desirable to have solely indigenous species, this is not always possible.

385. I agree with 'Target speed' being removed from Table 1 – INF: Design of Roads – One Network Framework, as per Waka Kotahi [370.90, 370.91], as per the reasoning provided in their submission.

386. Therefore I make the following recommendation:

Delete the 'Target Speed' column from Table 1 — INF: Design of Roads — One Network Framework

### Summary of recommendations

387. **HS8-INF-P1-REC21:** delete 'Target speed' column from Table 1 – INF: Design of Roads – One Network Framework.

### INF-S14: Sight Triangle for Railway Level Crossings

#### Matters raised by submitters

##### Amend

388. KiwiRail [408.48, 408.49] seek to amend the standard to ensure it captures all visual obstructions, including structures and planting, and to provide protection for sightlines in the event of any new level crossing being established. They further seek to add a new figure being 'Figure 2 – INF: Approach Sightlines to INF-S14 (Sight Triangles for Railway Level Crossings)' [refer to original submission for figure that is sought to be added].

#### Assessment

389. As per the purpose of INF-R26, INF-S14 is to provide for safety near railway level crossings. I have reviewed the amendments sought by KiwiRail [408.48, 407.49] and consider they provide clarity to INF-S14, and as such recommend that they be accepted.

390. Therefore I make the following recommendation:

**INF-S14 Sight Triangles for Railway Level Crossings**  
Buildings, structures, plantings or other visual obstructions must not be located within the restart sightline areas of railway level crossings as shown in the shaded areas of Figure 1 — INF: Restart Sightlines and Figure 2 — INF: Approach Sightlines below

### Summary of recommendations

391. **HS8-INF-P1-REC22:** amend INF-S14 as per KiwiRail submission [408.48, 408.49].

### INF-S15: Connection to roads – sites with pedestrian, cycling and micromobility site access only

#### Matters raised by submitters

##### Amend

392. Survey & Spatial [439.22] seek to amend the standard so that the minimum pedestrian access width is 1.5m rather than the proposed 1.8m.



## Assessment

393. In regard to Survey & Spatial [439.22], I understand that 1.5m is the best practice width for pedestrian access. This was extended to 1.8m to provide for a pedestrian with a micromobility vehicle. I consider this to be appropriate.

394. As such, I consider that no changes are necessary to INF-S15.

### INF-S16: Connection to roads – driveways

#### Matters raised by submitters

##### Retain

395. KiwiRail [408.50] seek to retain the standard as notified.

##### Amend

396. FENZ [273.40] (supported by Pukepuke Pari Residents Association [FS37.25] and Don MacKay [FS94.25]) and [273.41] (supported by RVA [FS126.33] and Ryman [FS128.33]) seek the following amendments to the standard:

#### **INF-S16: Connection to roads – driveways**

...

10. Any access to a site located in an area where no fully reticulated water supply system is available, or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants, must be designed to accommodate a fire appliance design vehicle of at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne including:

- a. a gradient of no more than 15% at any point; and
- b. a minimum clear passageway and/or vehicle crossing of at least 3.5 metres width at the site entrance, internal entrances and between buildings; and
- c. a minimum formed carriageway width of 4 metres; and
- d. a height clearance of at least 4 metres; and
- e. a design that is free of obstacles that could hinder access for emergency service vehicles; and
- f. The provision of hardstand and turnaround areas with maximum gradient of 5% in all directions.

397. Rimu Architects [318.16] seeks the following amendments to the standard:

#### INF-S16: Connection to roads – driveways

1. The number of vehicle crossings per site must not exceed one; Where a vehicle crossing serves a right of way from another site it shall be assigned to that site and not to the site where the crossing is located.
2. The minimum design vehicle for a vehicle crossing is a 4.51m x 1.87m vehicle (85<sup>th</sup> percentile vehicle) 5.20m x 1.94m vehicle (99<sup>th</sup> percentile vehicle);
3. For Urban Roads, the length of a vehicle crossing parallel to the road must be no more than:
  - a. 3m for Driveways Level 1; or
  - b. 6m for Driveways Level 2 and 3.
  - c. 6m for a crossing leading to a double garage or double carport within 5m of the street boundary;
  - d. Where meeting the requirements of Table 9 – TR means a driveway perpendicular to the carriageway is not possible, the maximum vehicle crossing length increases to 6m for driveways level 1 and 9m for driveways level 2 and 3 (See Table 8 – TR for the classification of driveways and Table 9 – TR for the design of driveways.

398. Waka Kotahi [370.92] seeks to amend the standard to include requirements for longer setbacks for driveways on local roads that intersect with a state highway in accordance with the New Zealand Transport Agency Planning Policy Manual: Appendix 5B – Accessway standards and guidelines, Table APP5B/3 – Guidelines for minimum accessway spacing requirements.

399. Waka Kotahi [370.93] seeks that the standard be amended in alignment with New Zealand Transport Agency Planning Policy Manual: Appendix 5B Accessway standards and guidelines, Section 5B/1 Sight distances.

#### Delete

400. Kāinga Ora [391.132] seek to delete the standard from the Infrastructure chapter and move it to the Transport chapter.

#### **Assessment**

401. INF-S16 has been drafted to implement New Zealand Standard NZS 4404:2010 Land development and subdivision infrastructure. I understand this is considered to be best practice for land development.

402. FENZ [273.40] (supported by Pukepuke Pari Residents Association [FS37.25] and Don MacKay [FS94.25]) and [273.41] (supported by RVA [FS126.33] and Ryman [FS128.33]), seek changes to better provide for fire appliances. INF-S16 is only relevant for new driveways. It does not compel all developments to construct driveways. As such, there will be instances when new buildings are built without driveways (they would need to comply with INF-S15). Therefore, in my view the FENZ submission sets up a framework where some properties will need to allocate sufficient space on site, whereas developments which do not require a driveway do not. In my view this creates inequity, particularly for activities with the same risk to events FENZ would attend. I would be interested to understand through evidence how FENZ currently service incidents at properties in Wellington which either do not have driveways, or those that do have driveways but those driveways do not meet the parameters specified in FENZ [273.40]. It is noted that vehicle crossings under INF-S16 are for the 99<sup>th</sup> percentile vehicle.

403. In regard to Rimu Architects [318.16], if a right of way is required for a rear site over one with road frontage, then in the first instance only one vehicle crossing serving the two properties

would be appropriate. If two vehicle crossings are necessary, then the reasons for this can be evaluated through a resource consent process. It is important that vehicle crossings can be accessed by all vehicles. The vehicle crossing width can be limited to 3m for driveways level 1, regardless of garage size. Design options, or the resource consent process, can be utilised for desired wider vehicle crossings.

404. Alignment with the NZTA PPM is appropriate, as this provides national consistency. As such, the amendments sought by Waka Kotahi [370.92 and 370.93] should be accepted. While this may mean that some properties which are within 30m of an intersection will need a resource consent should they wish to have a driveway, the resource consent process allows for safety and other matters to be considered and determined whether or not this is appropriate. Legal and physical access to these properties in accordance with s106 of the RMA remains, as pedestrian access can be provided.
405. Therefore I make the following recommendation (in addition to **HS8-INF-P1-REC2** to move the standard to the Transport Chapter):

**INF-S16 Connection to roads - driveways**

7. Vehicle crossings must not be located within ~~10m~~ the following distances of an intersection tangent point as shown as the heavy line between Points A and B in Figure 2 — INF: Vehicle Crossings in Relation to Intersections.

- a. 30m for a posted speed of 50 or 60 km/h
- b. 100m for a posted speed of 80 or 90 km/h

### Summary of recommendations

406. As per my earlier recommendation **HS8-INF-P1-REC2** move the standard to the Transport Chapter
407. **HS8-INF-P1-REC23**: amend INF-S16 and associated tables as per Waka Kotahi submissions [370.92 and 370.93].

### INF-S17: Intersections

#### Matters raised by submitters

##### Delete

408. Kāinga Ora [391.133] seek to delete the standard from the Infrastructure chapter and move it to the Transport chapter.

#### Assessment

409. For reasons previously discussed, consider this should be moved to the Transport Chapter.

### Summary of recommendations

410. As per my earlier recommendation **HS8-INF-P1-REC2** move the standard to the Transport Chapter

### Section 32AA evaluation

411. In my opinion, the recommendations I have made provide clarity as to how the provisions will

achieve the objectives of the PDP better than the notified provisions. In my view this results in the provisions to be more efficient and effective than the notified provisions in achieving the objectives of the PDP, and the recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## 6.0 Proposed New Infrastructure Provisions

### 6.1 New Objectives

#### Matters raised by submitters

412. WIAL [406.86] (supported by KiwiRail [FS72.22], Waka Kotahi [FS103.4], NZDF [FS104.9] and Board of Airline Representatives [FS139.61]) seek to add a new objective to the Infrastructure chapter to recognise and provide for the development, operation, maintenance, repair, replacement, renewal and upgrading of existing infrastructure.

#### Assessment

413. I consider that the objectives as notified (and including the recommendations made above) already adequately provide for the development, operation, maintenance, repair, replacement, renewal and upgrading of existing infrastructure.
414. As such, I do not consider that any new objectives are necessary.

### 6.2 New Policies

#### Matters raised by submitters

415. GWRC [351.90] (opposed by WIAL [FS36.59]) seek to include a new policy that encourages an assessment of whole of life carbon emissions for any new or altered transport infrastructure and how new or altered transport infrastructure would assist in meeting greenhouse gas emission reduction targets.

416. Transpower [315.50] seek to add a new National Grid specific policy to the chapter as follows:

**INF-NG-P1 Benefits of the National Grid**

Recognise and provide for the benefits of the National Grid by enabling the operation, maintenance and upgrade of the existing National Grid and the establishment of new electricity transmission resources.

417. Transpower [315.51] seek to add a new National Grid specific policy to the chapter as follows:

**INF-NG-P3 Maintenance, operation, upgrading and development of the National Grid**

Enable the operation, maintenance, upgrading and development of the National Grid, recognising its operational, functional and technical constraints, the complexity of the interconnectedness of networks, and its role in servicing existing and planned development.

418. Transpower [315.53] seek to add a new National Grid specific policy to the chapter. Should a

National Grid specific policy not be provided, Transpower seeks amendment to policy INF-P7 to give effect to the NPSET. The new policy is as follows:

INF-NG-P4 Adverse effects on the National Grid Protect the safe and efficient operation, maintenance and repair, upgrading, removal and development of National Grid from adverse effects by:

1. Avoiding land uses (including sensitive activities) and buildings and structures within the National Grid Yard that may directly affect or otherwise compromise the National Grid;
2. Avoiding reverse sensitivity effects on the National Grid.
3. Only allowing subdivision within the National Grid Subdivision Corridor where it can be demonstrated that the National Grid will not be compromised taking into account:
  - a. The impact of the subdivision layout and design on the operation, maintenance, and potential upgrade and development of the National Grid, including the ability for continued reasonable access to existing transmission assets for maintenance, inspections and upgrading;
  - b. The ability of any potential future development to comply with NZECP 34.2001 New Zealand Electrical Code of Practice for Electrical Safety Distances; c. The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for a principal building or dwelling can be provided outside of the National Grid Yard for each new lot;
  - c. The risk to the structural integrity of the National Grid;
  - d. The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the National Grid and the potential reverse sensitivity on and amenity and nuisance effects of the National Grid assets;
  - e. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid;
  - f. The outcome of any consultation with, and technical advice from, Transpower.
4. Only allowing earthworks within the National Grid Yard where it can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid will not be compromised, taking into account:
  - a. The extent to which the earthworks may compromise the safe access to and operation, maintenance and repair, upgrading and development of the National Grid;
  - b. The stability of land within and adjacent to the National Grid;
  - c. Risks relating to health or public safety, including the risk of property damage; and
  - d. Technical advice provided by the owner and operator of the National Grid.

419. Transpower [315.54] seek to add a new National Grid specific policy for Outstanding Natural Features and Landscapes and Special Amenity Landscapes in the chapter. Should a National Grid specific policy not be provided, Transpower seeks amendment to policy INF-P7 to give effect to the NPSET. The new policy is as follows:

### **INF-NG-P6 Development of the National Grid**

Provide for the development of the National Grid

1. In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the Commercial and Mixed-Use zones, and areas of high recreational or amenity value and existing sensitive activities.
2. Seek to avoid the adverse effects of the National Grid within areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED8 - Significant Natural Areas, and SCHED11 – Special Amenity Landscapes, outside the coastal environment.
3. Where the National Grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:
  - a. Seeking to avoid adverse effects on areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes, and the Coastal Margin.
  - b. where it is not practicable to avoid adverse effects on the values of the areas in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes; and the Coastal Margin because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.
  - c. Seeking to avoid significant adverse effects on:
    - i. other areas of natural character
    - ii. natural attributes and character of other natural features and natural landscapes
    - iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010
  - d. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and
  - e. Recognising there may be some areas within SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes; and the Coastal Margin, where avoidance of adverse effects is required to protect the identified values and characteristics.
4. Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable; and
5. When considering the adverse effects in respect of 1-3 above;
  - a. Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and
  - b. Consider the constraints arising from the operational needs or functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.

420. Transpower [315.51] seek to add a new National Grid specific policy to the chapter as follows:

### **INF-NG-P6 Development of the National Grid**

Provide for the development of the National Grid:

1. In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the Commercial and Mixed-Use zones, and areas of high recreational or amenity value and existing sensitive activities.
2. Seek to avoid the adverse effects of the National Grid within areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED8 - Significant Natural Areas, and SCHED11 – Special Amenity Landscapes, outside the coastal environment.
3. where the National Grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:
  - a. Seeking to avoid adverse effects on areas identified in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes, and the Coastal Margin.
  - b. Where it is not practicable to avoid adverse effects on the values of the areas in SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes; and the Coastal Margin because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.
  - c. Seeking to avoid significant adverse effects on:
    - i. other areas of natural character
    - ii. natural attributes and character of other natural features and natural landscapes
    - iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010
  - d. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and
  - e. Recognising there may be some areas within SCHED10 – Outstanding Natural Features and Landscapes, SCHED12 - High Coastal Natural Character Areas, SCHED8 - Significant Natural Areas, SCHED11 – Special Amenity Landscapes, and the Coastal Margin, where avoidance of adverse effects is required to protect the identified values and characteristics.
4. Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable; and
5. When considering the adverse effects in respect of 1-3 above;
  - a. Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and
  - b. Consider the constraints arising from the operational needs or functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.

421. WIAL [406.87] (supported by KiwiRail [FS72.23], Waka Kotahi [FS103.5], NZDF [FS104.10] and Board of Airline Representatives [FS139.62], and opposed by Kāinga Ora [FS89.120]) seek to add a new policy to the chapter to protect infrastructure from incompatible land use activities, including reverse sensitivity effects.

## Assessment

422. While I appreciate GWRC's desire to include a new policy that encourages an assessment of whole of life carbon emissions for any new or altered transport infrastructure and how new or altered transport infrastructure would assist in meeting greenhouse gas emission reduction targets [351.90] (opposed by WIAL [FS36.59]), I am not sure what this will achieve. The PDP as notified does not require resource consents for altering transport infrastructure, and new transport infrastructure will be necessary for greenfield development. In my view, the general intent of the PDP is to encourage densification rather than greenfield development, while acknowledging some greenfield will be necessary to meet population growth projections. The transport infrastructure standards seek to allocate space for all modes of transport on new roads, including pedestrians, micromobility and public transport, and for some road classifications. Under s106 of the RMA, all new allotments are required to provide physical and legal access, which is taken as meaning to a road. New roads therefore are a necessary part of providing for Wellington's projected population increase. Greenhouse gas emission reduction targets therefore should be for all development, not just roads.
423. Transpower submissions [315.50, 315.51, 315.52, 315.53 and 315.54] are accepted and form the policies for the proposed National Grid sub chapter. The National Grid corridor forms an overlay in the PDP, and providing a subchapter will result in significant clarity for plan users (particularly in the E-Plan format) who are affected by that overlay, as opposed to the as notified version, which requires the plan users to "scroll" through all infrastructure provisions and determine whether or not they are applicable. Essentially, the sub-chapter will provide the detail as it does for all other PDP overlays through the adopted sub-chapter approach.
424. INF-P7 provides for reverse sensitivity effects and seeks to protect infrastructure from incompatible land use activities, including reverse sensitivity effects. An additional policy, as sought by WIAL [406.87] (supported by KiwiRail [FS72.23], Waka Kotahi [FS103.5], NZDF [FS104.10] and Board of Airline Representatives [FS139.62], and opposed by Kāinga Ora [FS89.120]) is therefore unnecessary.

## Summary of recommendations

425. **HS8-INF-P1-REC25:** create a new sub-chapter for the National Grid.

## Section 32AA Evaluation

426. I have undertaken a s32AA evaluation for the introduction of a National Grid Sub Chapter. This is because my recommendations present a different approach.
427. In my opinion, the National Grid Sub Chapter amendments provides for a more efficient and effective method to achieve the objectives of the PDP than the notified provisions. I consider that:
- a. They will provide plan users with greater clarity as to how the national grid is provided for in the PDP;
  - b. Provide clearer alignment with higher order documents, including the RPS and the NPS-ET;
  - c. They are not inconsistent with the notified objectives of the PDP.
428. The environmental, economic, social and cultural effects of the recommended sub chapter are below. The effects are loosely grouped into four categories for convenience, but have some



category overlap.

<b>Environmental</b>	There are unlikely to be any environmental costs compared to the notified provisions, rather the intention is to provide clarity as to how effects resulting from the national grid are firstly presented in the PDP, and clarity as to how the national grid, as Regionally Significant Infrastructure, is protected.
<b>Economic</b>	The recommended amendments do not require any additional resource consent requirements on applicants.
<b>Social</b>	There are unlikely to be any social benefits or costs compared to the notified proposal.
<b>Cultural</b>	There are unlikely to be any cultural benefits or costs compared to the notified proposal.

### 6.3 New Rules

#### Matters raised by submitters

429. Firstgas [304.17] (opposed by Kāinga Ora [FS89.62]) seek to add a new rule as follows:

Residential activities, including the erection of buildings for residential activities, within 20m of the Gas Transmission Pipeline and/or within 30m of the above ground related infrastructure.

Matters of discretion are:

1. The extent to which the proposed activities are likely to compromise the stability and integrity of the gas transmission pipeline and/or above ground related infrastructure and the operation, maintenance and upgrading of the pipeline;
2. The risk of hazards affecting public or individual safety, and the risk of property damage;
3. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline and/or above ground related infrastructure;
4. The outcome of any consultation with the owner and operator of the gas transmission pipeline; and
5. Whether the sensitive activity could be located a greater distance from the gas transmission pipeline and/or above ground related infrastructure.

Notification status:

An application for resource consent made in respect of rule INF-R\*\* is precluded from being publicly notified. Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.

Note:

This rule also applies to the establishment of a residential activity in an existing building, or any change of land use to a residential activity. If a resource consent application is made under this rule, the owner and operator of the Gas Transmission Pipeline will be considered an affected person in

accordance with section 95E of the Act and notified of the application, where written approval is not provided.

430. oOh! Media Street Furniture [316.2] seek to add a new rule to the chapter to provide for the 'transport network' and 'ancillary transport network infrastructure' as a permitted activity.
431. Waka Kotahi [370.72, 370.73] (supported by KiwiRail [FS72.20, FS72.21]) seek to add a new rule in the Infrastructure chapter for the operation, maintenance, repair and upgrading of the transport network. The amendment sought is as follows:

**INF-RX Operation, maintenance, repair and upgrading of the transport network.**

**1. Activity Status: Permitted**

**Where:**

- a. Compliance is achieved with INF-S3 and INF-S18**

**2. Activity status: Restricted Discretionary**

**Where:**

- a. compliance with the requirements of INF-S3 and INFS18 cannot be achieved.**

**Matters of discretion are:**

- 1. The matters set out in INF-P1 and INF-P3.**

## Assessment

432. In regard to Firstgas [304.17], as per my response to INF-R23, I would like to understand how this can be appropriately captured and mapped. A 60m buffer triggers the requirement for a resource consent for all sensitive activities, and I am unclear as to why residential is less sensitive to the gas transmission network than other sensitive activities.
433. It is stated in their submission that oOh! Media Street Furniture [316.2] install and maintain shelters at bus stops and pedestrian shelters within footpaths. In my view, a new rule for ancillary transport infrastructure is not necessary, as such structures are provided for through INF-R7.
434. In my view, the operation, maintenance, repair and upgrading of the transport network does not explicitly need to be provided for a permitted activity (as sought sought by Waka Kotahi [370.72, 370.73] (supported by KiwiRail [FS72.20, FS72.21])). My understanding is that the Road Controlling Authority obligations provide for the operation, maintenance, repair and upgrading of existing roads. By introducing the rule as sought by the submitter, all existing roads in Wellington City would essentially require a resource consent for their each time that maintenance, repair and upgrading was proposed, as I understand it would not be feasible for existing roads to meet the requirements of standards INF-S12. The standards in INF-S12 are set out to ensure space is adequately provided for in new roads. They are not appropriate to apply to existing roads, which are constrained by existing surveyed widths, infrastructure and legally established land use.

## 6.4 Additional New Policies and Rules

### Matters raised by submitters

435. GWRC [351.88, 351.89] (opposed by WIAL [FS36.57, FS36.58], and supported by Waka Kotahi [FS103.3]) seek to add a new policy and rule to enable the development of infrastructure required to support zero and low carbon transport and public transport.
436. Transpower [315.48] (opposed by Firstgas [FS97.5]) seek a separate suite of National Grid provisions (policies and rules) within a separate Infrastructure sub-chapter. If this relief is not given, they seek alternative amendments as outlined in their other submission points.

### Assessment

437. As stated above, I consider any policies and rules relating to zero and low carbon transport and public transport should form part of the overall development of greenfield land, and not just for the roading aspects.
438. I agree that a National Grid sub chapter is appropriate, as detailed above.

### Summary of recommendations

439. As per HS8-INF-P1-REC25: create a new sub-chapter for the National Grid

## 7.0 Minor and inconsequential amendments

440. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
441. The following minor and inconsequential amendments relevant to this report are identified below and will be corrected:
- a. Changes to numbering of provisions to reflect recommended deletions and additions;
  - b. Other relevant District Plan provisions – delete the reference to the Notable Tree Chapter as being of relevance, as notable trees are addressed in the Infrastructure – Other Overlays subchapter (note this minor correction also applies to the sub chapters).
  - c. INF-O3 – replace the word “or” with the word “of”;
  - d. INF-R7.1(a) – Correct a reference to the applicable zones;
  - e. INF-R11.1(a)(vii) – Correct a cross reference to INF-S15;
  - f. INF-R24 – Correct a cross reference to INF-S16 with a cross reference to INF-S15;
  - g. INF-R24 – Correct a cross reference to INF-S17 with a cross reference to INF-S16; and
  - h. INF-R24 – Correct a cross reference to INF-P13 with a cross reference to INF-P11.
442. The recommended amendments are set out in Appendix A.

## 8.0 Conclusion

443. Submissions have been received in support of, and in opposition to the PDP. While most of these submissions relate, mostly, to the Infrastructure Chapter as notified.
444. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
445. For the reasons included throughout this report, I consider that the proposed objectives and

provisions, with the recommended amendments, will be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

## **9.0 Recommendations**

446. I recommend that:

- a. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## Appendices

### Appendix A: Recommended Amendments to the Infrastructure Chapter

[Drafting Note: This will be a word version of the ePlan as a separate word document]

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

## **Appendix B: Recommended Responses to Submissions and Further Submissions on the Infrastructure Chapter**

The recommended responses to the submissions made on this topic are presented in Table **XX** below.

**Table XX: Recommended responses to submissions and further submissions**

[Drafting Note: The table in this appendix will be automatically populated from the Master spreadsheet and formatted as a separate word document for the s42A reporting officer to fill out their recommendations]

