

**Before the Independent Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan –Hearing Stream 9

Thomas Anderson Speaking Notes on behalf of Wellington City Council

Date: 10 June 2024

- 1 My full name is Thomas (Tom) Anderson. I am employed a Principal Planner at, and am 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 and expert evidence received on the suite of infrastructure provisions in the PDP.
- 2 The decisions that have been made by Council thus far on the PDP (through the IPI process) have been enabling of urban development.
- 3 In terms of the hierarchy of planning documents, the NPSUD, through Policy 10, seeks to achieve integrated land use and infrastructure planning, and the RPS, through Policy 58, requires co-ordination of land use with development and operation of infrastructure.
- 4 The Strategic Objectives of the PDP also recognise the need to integrate land use development with infrastructure, as evident in SCA-O1, which requires that:

The social, economic, cultural, and environmental benefits of infrastructure are recognised by enabling its establishment, operation, maintenance and upgrading in Wellington City so that:

1. *The City is able to function safely, efficiently and effectively;*
2. *The infrastructure network is resilient in the long term;*
3. *Infrastructure, including renewable electricity generation facilities, contribute to the transition away from dependence on fossil fuels; and*
4. *Future growth and development is supported and can be sufficiently serviced.*

and SCA-O2, which requires that:

New urban development occurs in locations that are supported by sufficient development capacity, or where this is not the case the development:

- 1. Can meet the infrastructure costs associated with the development, and*
- 2. Supports a significant increase in development capacity for the City.*

5 Given this clear direction, I consider that the enablement of Infrastructure through the PDP is necessary in order to achieve the desired level of integration between infrastructure and other land uses, and to support the decisions of Council on the IPI.

6 The infrastructure chapter has therefore been written in a manner which seeks to implement the higher order documents and the relevant strategic directions of the PDP. This is achieved through an objective and policy framework which recognises the benefits of, the adverse effects of, and the adverse effects on infrastructure, and how infrastructure is integrated with land development. Specific direction is also provided concerning the role of the transport network, and how that should function¹.

7 However, as directed by Strategic Objective SCA-05 of the PDP, the PDP also needs to address the adverse effects of infrastructure, and manage these by having regard to the economic, social, environmental and cultural benefits, and the functional and operational needs of infrastructure. This is what I have endeavoured to do when preparing the chapter and considering the submission points that were raised.

¹ Direction is also provided concerning amateur radio configuration. While this is not infrastructure as defined, its effects are broadly similar to infrastructure and can be addressed on a district-wide basis. Therefore I consider it to be an appropriate inclusion in the infrastructure chapter.

8 The PDP adopts the RMA definition of Infrastructure. For completeness, this definition is:

- (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:*
- (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:*
- (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:*
- (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—*
 - (i) uses them in connection with the generation of electricity for the person's use; and*
 - (ii) does not use them to generate any electricity for supply to any other person:*
- (e) a water supply distribution system, including a system for irrigation:*
- (f) a drainage or sewerage system:*
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:*
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:*
- (i) an airport as defined in section 2 of the Airport Authorities Act 1966:*
- (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:*

(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:

(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

- 9 Aside from airports and ports, the matters which comprise the definition of infrastructure are typically linear in nature, or are bespoke structures, and generally occur in all zones of a PDP.
- 10 In terms of airports and ports, the PDP has taken the approach of providing “Special Purpose Zones” for these. This follows the National Planning Standard framework.
- 11 The Special Purpose – Airport Zone has a purpose in the PDP of providing *for the ongoing management and development of Wellington International Airport in relation to its site and the surrounding environment*. It provides for activities which fall under the PDP definitions of *airport purposes* or *airport related activities*.
- 12 Likewise, the Special Purpose – Port Zone has a purpose in the PDP to *enable the commercial port to operate efficiently and effectively as a locally, regionally and nationally significant shipping and passenger port and freight intermodal hub, while managing effects on the amenity of surrounding zones so that adverse effects are mitigated as far as practicable, and people’s health and safety is maintained*. It provides for activities which fall under the PDP definitions of *port* or *operational port activities*.
- 13 These special purpose zones appropriately provide for airport and port infrastructure. As such, the provisions within the PDP infrastructure chapter do not provide for airport or port infrastructure that is within the airport or port zones, given it would result in overlapping provisions.

- 14 However the infrastructure chapter still applies to the port and airport zones, as other infrastructure also needs to be located within these special purpose zones.
- 15 Likewise, the infrastructure chapter needs to apply to any airport related activities or operational port activities (as defined in the PDP), which are located outside of the respective special purpose zones. Otherwise, these activities would have no specific provisions within the PDP.
- 16 The PDP also contains a Renewable Electricity Generation (REG) chapter, which has a purpose *to provide for the development, operation, maintenance and repair, and upgrade of renewable electricity generation activities while managing adverse environmental effects*. This is similar to, but not the same as, the airport and port special purpose zones. The REG chapter provides specific provisions for an activity which could occur in any zone, rather than specific provisions for an activity which can occur in a specific zone. While REG activities and associated structures are, by definition, infrastructure, clarification has been provided that activities and structures provided for by the REG chapter do not need to be considered under the infrastructure chapter.
- 17 The rules and standards of the infrastructure chapter then follow the direction provided by Strategic Objective SCA-O1, in that they provide for the operation, maintenance (and repair/renewal) and upgrading of existing infrastructure, and the establishment of new infrastructure on a district-wide basis.
- 18 The infrastructure chapter applies to all zones in the PDP. The PDP also has a number of overlays.
- 19 When drafting the infrastructure chapter, the initial approach was to have a provision which applied in certain areas, but not others and so forth, which resulted in provision titles along the lines of *new masts in all zones (outside of SNAs, and Heritage Areas, but within the Coastal*

Environment). This type of wording would have been required to be included in objectives, policies and rules.

20 I considered that this wording made the chapter difficult to navigate for plan users, who would always be questioning themselves as to whether they were looking at the correct provision or not.

21 Consequently, the sub-chapter approach was determined. The intention of this approach is to make it immediately obvious what provisions apply for a plan user considering infrastructure in one of the overlays.

22 It should be noted that should the sub-chapter approach not be implemented, the same provisions would be required in the infrastructure chapter itself, making it, in my view, difficult to navigate for plan users.

23 It is my view that the sub-chapter approach lends itself to the EPlan format of the PDP, which is based around the differing spatial layers, including overlays.

24 As stated in my s42A report, 820 submission points and 295 further submission points were received on the PDP infrastructure provisions.

25 Given the volume of submissions received, the s42A report provides a foundation as to the approach taken and recommendations made. In making the recommendations in the s42A report, I also considered the evaluation undertaken on provisions in the s32 Report.

26 In my opinion, the proposed provisions (including the recommended amendments) provide the best method to achieve the objectives (including the relevant Strategic Objectives) of the PDP.

27 As a result of the process through the s42A report, submitter evidence, and my rebuttal, the number of infrastructure provisions which remain in contention has been significantly narrowed.

In my view, the matters which remain in contention are:

- Whether the infrastructure chapter should consider Wellington International Airport Limited's seawall renewal project (Wellington International Airport Limited's submission point, raised in Ms O'Sullivan's evidence);
- Whether the infrastructure chapter should provide for district or regional resource recovery or waste disposal facilities (Environ NZ submission point, raised in Ms Rosser's evidence);
- Definitions and mapping of the National Grid Subdivision Corridor and National Grid Yard on planning maps (Transpower submission point raised in Ms Whitney's evidence);
- Clarification in the introduction of the infrastructure chapter regarding cross reference to the REG chapter (Meridian Energy Limited submission point, raised in Ms Foster's evidence);
- INF-S7 – Whether trenchless methods are appropriate in Riparian Margins (Telecommunication submission point, raised in Mr Horne's evidence);
- Whether rule's INF-NFL-R41 and INF-NFL-R44 should include rail reserve alongside road reserve, when considering what should be a permitted activity (KiwiRail submission point, raised in Ms Grinlinton-Hancock's evidence).
- INF-OL-R52 - Whether allowing infrastructure works over piped awa is appropriately provided for (Powerco Limited submission point, raised in Mr Horne's evidence);
- Rule INF-OL-R54 – activity status for customer connections to buildings in heritage areas, and the scale of infrastructure within heritage areas.

- Rule INF-NG-R58 – to provide clarity concerning what, if any, works within the National Grid Yard should be notified to Transpower (Kāinga Ora submission point raised in Mr Lindenberg’s evidence). On this point, I note that Ms Whitney for Transpower has provided rebuttal evidence on this matter, which I have reviewed. I agree that her wording at Paragraph 1.17 of her rebuttal evidence provides greater clarity, and recommend to the panel that this be included in an amended version of INF-NG-R58; and
- Rule INF-NG-R61 – concerning if the rule should use the wording “reverse sensitivity” or “incompatible subdivision, use and development” (Kāinga Ora submission point raised in Mr Lindenberg’s evidence, and Transpower submission point raised in Ms Whitney’s evidence).

29 In my experience, in light of the need for infrastructure to support everyday life, the provisions in District Plans tend to be relatively uncontroversial at the plan making stage, with discussion typically being around if the objective and policy framework is appropriate, what the permitted activity thresholds should be, and what the activity status should be for those activities and structures which require resource consent.

30 In my view, given the limited matters in contention, this is the case with the Wellington PDP.

31 I am more than happy to discuss the infrastructure provisions in detail as we go through the s42A report.

Date: 10 June 2024

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