

**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

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**Statement of supplementary planning evidence of Thomas Anderson on  
behalf of Wellington City Council**

**Date: 4 June 2024**

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## **INTRODUCTION:**

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 I note that eleven briefs of expert evidence were received on the infrastructure provisions, along with two briefs of corporate evidence on these matters.

3 I have read the respective evidence and statements of:

### **Meridian Energy Limited ID 228 & FS101**

- a. Christine Foster for Meridian Energy Limited.

### **Powerco Limited ID 127 & FS61**

- a. Chris Horne for Powerco Limited.

### **Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and FortySouth ID 99 & FS25**

- a. Chris Horne for the Telecommunication Companies; and
- b. Graeme McCarrison, Andrew Kantor and Colin Clune for the Telecommunication Companies.

### **Fuel Companies ID 372**

- a. Georgina McPherson for the Fuel Companies.

### **Wellington International Airport Limited ID 406 & FS36**

- a. Kirsty O'Sullivan for Wellington International Airport Limited; and
- b. Jo Lester for Wellington International Airport Limited.

### **EnviroNZ ID 373**

- a. Kaaren Rosser for Enviro NZ.

**Wellington Hertiage Professionals ID 412**

- a. Michael Kelly for Wellington Hertiage.

**Kāinga Ora ID 391 & FS89**

- a. Matthew Lindenburg for Kāinga Ora.

**FirstGas Limited ID 304 & FS97**

- a. Pamela Unkovich for FirstGas Limited.

**Transpower Limited ID 315 & FS29**

- a. Pauline Whitney for Transpower Limited.

**KiwiRail Limited ID 408**

- a. Michelle Grinlinton-Hancock for KiwiRail Limited.

4 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

5 Specifically, this statement of evidence relates to the matters of Hearing Stream 9 – [Hearing Stream 9 - Section 42A Report - Infrastructure - Part 1](#) and [Hearing Stream 9 - Section 42A Report - Infrastructure - Part 2 - Sub Chapters](#).

**QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

6 My [Section 42A Report - Infrastructure - Part 1](#) sets out my qualifications and experience as an expert in planning.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

## SCOPE OF EVIDENCE

- 8 My statement of evidence:
- a. Addresses the expert evidence of those listed above; and
  - b. Identifies errors and omissions from my s42A report that I wish to address.

## RESPONSES TO EXPERT EVIDENCE

### Meridian Energy Limited ID 228 & FS101 – Christine Foster

- 9 Ms Foster raises a confined matter regarding the separation between the Renewable Electricity Generation Chapter, being that each sub chapter is specifically referenced in the introduction as to their inapplicability of the Renewable Electricity Generation Chapter. The change Ms Foster seeks is that each sub chapter is specifically referenced in the introduction where it is stated that *this Infrastructure Chapter (including the infrastructure sub chapters) do not apply to activities... for Renewable Electricity Generation* (red text being my recommendation in the s42A report).
- 10 Her reasoning for this is to make the reference “*more explicit and complete*”.
- 11 In my view, the recommendations I made in the s42A report are already complete, as it clearly includes all sub chapters.
- 12 Therefore I consider that no further changes are necessary to the introduction. I do however consider that this is a minor point, and if the panel feel Ms Foster’s change does provide greater clarity I am not opposed to it.

### Powerco Limited ID 127 & FS61

- 13 Mr Horne provides evidence on four matters relating to the Infrastructure chapters, being:
- Definition of *Regionally Significant Infrastructure*;

- Upgrading existing underground infrastructure and customer connections within the High Hazard Area of the Coastal Hazard Overlay;
- Allowing for infrastructure works over piped awa; and
- Permitted allowances for utility cabinets in roads within Heritage Areas.

14 In terms of the definition of Regionally Significant Infrastructure, I can confirm that based on discussions with Wellington City Council staff this definition will be addressed in Wrap-Up Hearing. The reason for this is that the definition relies on the Regional Policy Statement (RPS) definition of Regionally Significant Infrastructure.

15 The definition of Regionally Significant Infrastructure in the RPS formed part of Change 1 to the RPS. I understand that there were a number of submissions from infrastructure providers on the definition of Regionally Significant Infrastructure in Change 1 to the RPS, and that the hearing on this matter has been held. However decisions are yet to be made.

16 By delaying the addressing of submissions on Regionally Significant Infrastructure to the Wrap-Up Hearing, it provides the opportunity for the PDP and the RPS to align the definitions.

17 In considering the maintenance and upgrading of existing underground infrastructure and customer connections within the High Hazard Area of the Coastal Hazard Overlay, it was always my intention that this be a permitted activity.

18 Mr Horne has highlighted that, due to clause (1)(b) of what is now Rule INF-NH-R49 under the recommendations I made in the s42A report, the maintenance and upgrading of existing infrastructure would be a Restricted Discretionary Activity.

19 As such, Mr Horne seeks that the relief sought in the Powerco Submission be adopted.

20 I understand that works that are limited to within an existing road corridor, or are to provide a customer connection to a dwelling, will not exacerbate any risk to coastal natural hazards. It is for this reason why subclause (1)(c) exists. I had understood that the only area in the city which contained underground infrastructure and was in a high hazard area of the Coastal Hazard Overlay was the City Centre Zone. However, I have reviewed the extent of the high hazard area of the Coastal Hazard Overlay and agree with Mr Horne that it extends into residential areas at Island Bay. I also note similar incursions occur at Owhiro Bay, Lyall Bay and Breaker Bay. The wording as proposed by Mr Horne ensures these other areas are appropriately provided for.

21 As such, I recommend that the wording to INF-NH-R49.1 is amended as follows:

<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"><li>a. The underground infrastructure does not result in a permanent change to the ground level within the:<ul style="list-style-type: none"><li>i. Ponding or overland flowpath areas of the flood hazard extent; or</li><li>ii. Stream corridor area of the flood hazard extent; and</li></ul></li><li>b. The underground infrastructure (<a href="#">other than the maintenance and upgrading of infrastructure in legal road, or customer connections</a>) is not located within the high hazard area of the Coastal Hazard Overlays; or</li><li>c. If the underground infrastructure is located within the high hazard area of the Coastal Hazard Overlay it is also within the City Centre Zone.</li></ul>
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22 Turning to allowing infrastructure works over piped awa that are identified in the Sites and Areas of Significance to Māori (SASM) overlay, I agree with Mr Horne that there should be permitted activity status for works undertaken by infrastructure providers which do not directly affect piped awa.

23 In my s42A report, I considered that this was addressed through the recommendations I made to INF-OL-R52 (Maintenance or upgrading of existing underground infrastructure in Other Overlays) and INF-OL-R53 (New underground infrastructure in Other Overlays) which state that the maintenance and upgrading does not involve earthworks on ground

previously undisturbed by infrastructure, or is located within a formed road corridor.

24 To my mind, this addresses the point Mr Horne has raised.

25 Finally, Mr Horne in his evidence discusses permitted allowances for utility cabinets in roads within Heritage Areas.

26 I agree with Mr Horne that utility cabinets that do not exceed 2m high and a footprint of 2m<sup>2</sup> located in roads within heritage areas are small scale built elements, and provide infrastructure required for heritage areas to be used for their zoned purpose. This aligns with PDP Objective INF-O4 Infrastructure Availability.

27 Utility cabinets located in roads are in an area where there clearly has previously been disturbance to create the road. I agree that cabinets are common elements in legal road, and as such this aligns with PDP Policy INF-P11 Infrastructure within roads, which seeks to encourage the use of roads for other infrastructure.


28 Therefore, I consider it appropriate that a new rule be included in the Infrastructure – Other Overlays subchapter, to specifically permit above ground infrastructure. Aside from the size standards Mr Horne outlines, I consider it would be appropriate that the infrastructure addresses the protected root zone of a notable tree, and avoids archaeological sites identified in SCHED4 or a Category A or B Site of Significance to Māori identified in SCHED7.

29 As such, I recommend that a new rule be included to Infrastructure – Other Overlays subchapter as follows:

<a href="#">INF-OL-R57</a>	<a href="#">New aboveground infrastructure in Other Overlays</a>
<a href="#">All Zones</a>	<p>1. <a href="#">Activity status: Permitted</a></p> <p><a href="#">Where:</a></p> <p>a. <a href="#">The infrastructure is no greater than 2m high and 2m<sup>2</sup> in gross floor area;</a></p> <p>b. <a href="#">The infrastructure is located within a formed road corridor;</a></p>

	<p>c. <a href="#">In the case of works within the protected root zone of a notable tree, compliance is achieved with TREE-S4</a>; and</p> <p>d. <a href="#">The infrastructure is not in an archaeological site identified in SCHED4 or a Category A or B Site of Significance to Māori identified in SCHED7.</a></p>
All Zones	<p>2. <a href="#">Activity Status: Restricted Discretionary</a></p> <p><a href="#">Matters of discretion are:</a></p> <p>1. <a href="#">The matters set out in INF-OL-P57.</a></p>

30 A minor change is subsequently required to the title for INF-OL-R57 to allow for the new rule, and provide clarity that INF-OL-R57 is a “catch all” rule for all infrastructure that is not otherwise provided for, being:

<p><b>INF-OL-R57</b> 5766</p> 	<p><del>New aboveground infrastructure and temporary infrastructure</del> in Other Overlays not otherwise provided for</p>
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**Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and FortySouth ID 99 & FS25**

31 Mr Horne has also provided evidence for the telecommunications companies. I note that the telecommunication companies also provided corporate evidence from Messrs McCarrison, Kantor and Clune, which I have read.

32 I understand that Mr Horne has provided the expert evidence which seeks further changes to the provisions as recommended in the s42A Report, with the corporate evidence providing some context to Mr Horne’s evidence.

33 Mr Horne provides evidence on five matters relating to the Infrastructure chapters, being:

- Definition of *Regionally Significant Infrastructure*;
- Structures in riparian margins (underground cables and ducts);
- Policy flexibility in Outstanding Natural Features and Outstanding Natural Features (outside of the Coastal Environment);



- Allowing for infrastructure works over piped awa; and
- Permitted allowances for utility cabinets in roads within Heritage Areas.

34 I have reviewed Mr Horne's comments on the definition of *Regionally Significant Infrastructure*, infrastructure works over piped awa and permitted allowances for utility cabinets in roads within Heritage Areas. The evidence covers the same matters as per his evidence for Powerco Limited. As such, I have provided my opinions on these matters above, and do not revisit them here.

35 In considering structures in riparian margins, Mr Horne seeks that changes are made to INF-S7, to permit infrastructure in riparian margins that is installed via trenchless methods.

36 In principle I agree that trenchless methods to install underground infrastructure in riparian margins should be a permitted activity. However this support is subject to confirmation from a Council expert (which I have requested), or further information from the submitter regarding the methodologies, and potential effects. From my understanding, trenchless methods will typically have less than minor construction effects and negligible long term effects. If Mr Horne could source a diagram or potentially footage of how trenchless methods are used, it could be useful.

37 In terms of the outstanding natural features and outstanding natural features policy framework, Mr Horne, and the corporate evidence, detail that it can be necessary for telecommunication infrastructure to be located in sensitive environments for functional and operational reasons.

38 Mr Horne raises concerns that the hierarchy approach provided in what is recommended to be INF-NFL-P38 and INF-NFL-P42, which relate respectively to upgrading of existing and construction of new infrastructure within outstanding natural features and outstanding natural landscapes, is too difficult a policy test.

39 Mr Horne discusses that the RPS in regard to outstanding natural features and landscapes seeks to protect these from inappropriate subdivision, use and development, whereas the aforementioned policies provide for an “only allow” framework for all development, and therefore do not consider whether work is appropriate or not.

40 The intent of each policy is to allow for infrastructure providers that are required to use them to state why they have a functional or operational need to be in an area, and to address effects resulting from the infrastructure on the values which has led to the area being identified as an outstanding natural feature or landscape in the PDP.

41 I have reconsidered Policy 26 of the RPS. The explanation to this policy details what an appropriate use and development of an outstanding natural feature and landscape is, being:

*An appropriate subdivision, use and development respects those values identified within the landscape or natural feature. Planning for developing and undertaking activities within an identified outstanding landscape or natural feature must be done with a full understanding of its value.*

*Policy 26 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the landscape values identified by Policy 25.*

42 Consequently, I recommend that the word “protect” in Policies INF-NFL-P38 and INF-NFL-P42 be replaced with “respects”. This will take plan users to the values of the landscape or natural feature, and still allows for the consideration of functional and operational reasons.

43 As such, I recommend the following amendments:

<b>INF-NFL-P3845</b>	<b>Upgrading of existing infrastructure within outstanding natural features and outstanding natural landscapes (including within the coastal environment) that is located above ground and outside an existing legal road</b>  Only allow for the upgrading of existing infrastructure that is located outside an existing legal road and above ground within outstanding natural features and outstanding natural landscapes where:
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	<ol style="list-style-type: none"> <li>1. The activity is of a scale that <a href="#">protects respects</a> the identified values described in SCHED10; <a href="#">and</a></li> <li>2. If located outside the coastal environment any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated; <a href="#">or</a></li> <li>3. If located within the coastal environment any adverse effects on the identified values can be avoided; and</li> <li>4. There is a functional need or operational need for the activity to be undertaken within the outstanding natural features and outstanding natural landscapes.</li> </ol>
<b>INF-NFL-P4249</b>	<p><b>New infrastructure within outstanding natural features and outstanding natural landscapes outside the coastal environment</b></p> <p>Only allow new infrastructure within outstanding natural features and outstanding natural landscapes when located outside the coastal environment, where;</p> <ol style="list-style-type: none"> <li>1. The activity is of a scale that <a href="#">protects respects</a> the identified values described in SCHED10;</li> <li>2. Any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated; and</li> <li>3. There is a functional need or operational need for the activity to be undertaken within an outstanding natural feature or outstanding natural landscape <a href="#">in the coastal environment</a>.</li> </ol>

#### Fuel Companies ID 372

44 Ms McPherson has provided evidence for BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (collectively referred to as the “Fuel Companies”).

45 In terms of the infrastructure provisions, Ms McPherson’s evidence overlaps with one specific provision, being INF-R7.

46 Ms McPherson through her evidence is seeking that electric vehicle charging stations are provided for in the PDP, including for electric vehicle (EV) charging stations located on private property that are not otherwise managed as an infrastructure activity.

47 INF-R7 provides for structures associated with infrastructure, and does not specify whether or not these are located in legal road or private sites. It is subject to standards about the size of such structures.

48 I acknowledge Ms McPherson’s concern about commercial EV operators being able to rely on the infrastructure provisions. In this regard, I have questioned whether an EV charging station is “infrastructure”. They are

clearly not contemplated under the RMA definition of infrastructure, which the PDP relies on.

49 However, in my view, EV charging stations are part of the broader infrastructure that is needed for the functioning of the transport network. They are also of a similar size to the aforementioned cabinets Mr Horne discusses.

50 As such, I think it is appropriate that they are considered at a district-wide level through the infrastructure chapter, rather than through each zone chapter.

51 Consequently, I consider that Rule INF-R7 is the appropriate rule to provide for EV charging stations. A consequential amendment to the definition of infrastructure would also therefore be required. For clarity, a definition of electric vehicle charging station would also be useful.

52 As Rule INF-R7 provides for both road space and private sites, the relief Ms McPherson seeks in regard for commercial service station operations in my view is unnecessary. My recommended consequential amendment to the definition of infrastructure will mean that, regardless of who the operator is, they are considered infrastructure, and therefore are provided for.

53 I also note Rule INF-R7 should cross reference to INF-S16 which provides size standards for structures within roads, with the rule itself and its cross reference to INF-S6 providing size standards for structures that are not in roads.

54 Therefore, my recommended changes are as follows:

INF-R7	<b>Structures associated with infrastructure including:</b>  1. <b>Substations (including switching stations);</b>  2. <b>Transformers;</b>  3. <b>Gas transmission and distribution structures;</b>  4. <b>Energy storage batteries not enclosed by a building; and</b>  5. <b>Communications kiosks; and</b>  6. <b>Bus Shelters; and</b>
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<b>7. Electric Vehicle Charging Stations.</b>	
All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. In the <u>General</u> Rural <del>Production, Rural Lifestyle</del> 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 <del>and</del> <u>INF-S1415 and INF-S16</u>; and</li> <li>d. Compliance is achieved with INF-S1.</li> </ul>
All Zones	<p>2. Activity Status: <b>Restricted Discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance with the requirements of INF-R7.1.a, INF-R7.1.b or INF-R7.1.c cannot be achieved.</li> </ul> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> <li>1. The extent and effect of non-compliance with any relevant standard not met as specified in the associated assessment criteria for the infringed standard; and</li> <li>2. The matters set out in INF-P1, INF-P2, INF-P3, INF-P5 INF-P6 and INF-P<del>1213</del>.</li> </ul>

<b><u>ELECTRIC VEHICLE CHARGING STATION</u></b>	<u>Means a structure that provides electric energy for the recharging of an electric vehicle (including plug-in hybrid vehicles), including Electric Vehicle direct current chargers and super-fast chargers, and all their components, including charging cables.</u>
<b>INFRASTRUCTURE</b>	has the same meaning as in section 2 of the RMA, <u>and also includes Electric Vehicle Charging Stations.</u>

**Wellington International Airport Limited ID 406 & FS36**

55 Ms O’Sullivan has provided expert evidence for Wellington International Airport Limited (WIAL), with corporate evidence from Ms Lester. Similar to the telecommunication companies, Ms O’Sullivan has provided the expert evidence which seeks further changes to the provisions as

recommended in the s42A Report, with the corporate evidence providing some context to Ms O’Sullivan’s evidence.

56 Ms O’Sullivan has grouped her evidence into three key themes, being:

- The extent to which the infrastructure chapter applies to airport infrastructure;
- Incompatible land use and development; and
- Provision for WIAL’s seawall renewal project.

57 She also discusses other discrete matters. I have followed a similar format for the purpose of this rebuttal evidence.

58 In terms of the extent to which the infrastructure chapter applies to airport infrastructure, Ms O’Sullivan seeks that, as Regionally Significant Infrastructure, Wellington International Airport should benefit from the objectives and policies of the Infrastructure chapter. I agree, noting that in particular the reverse sensitivity provisions would be beneficial, and provide more direct alignment with the RPS.

59 I have reviewed Ms O’Sullivan’s wording to the introduction of the Infrastructure Chapter in this regard, agree with it, and adopt it as follows:

**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 the rules within the Infrastructure Chapter (including the infrastructure sub chapters) ~~does~~ not apply to activities that fall under the definition of airport activity purposes or airport related activities (and are located within which are dealt with in the Airport Zone chapter), ~~or~~ the definition of port or operational port activities (and are located within 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 zones areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter.

60 I note that the above change results in Port and Renewable Electricity Generation activities also being subject to the Infrastructure Chapter objectives and policies. I consider this appropriate given they too are

Regionally Significant Infrastructure under the RPS, and therefore provides greater alignment between the RPS and PDP.

61 Turning to incompatible land use and development, Ms O’Sullivan seeks clear alignment between the PDP and RPS. As noted by Ms O’Sullivan, Policy 8 of the RPS is:

*District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over or adjacent to the infrastructure.*

62 Ms O’Sullivan is of the view that INF-P7 of the PDP focuses solely on reverse sensitivity, and not the broader concept of incompatible subdivision, use and development that is required by RPS Policy 8.

63 To assist, I have considered the definition of reverse sensitivity in the PDP. For ease of reference, this definition is as follows:

*means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity. ‘Development’ and ‘upgrading’ of an existing activity in this definition are limited to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade.*

64 In reviewing Ms O’Sullivan’s evidence, RPS Policy 8 and the above PDP definition of reverse sensitivity, I have formed the view that the definition of reverse sensitivity in the PDP provides some, but not comprehensive, protection for regionally significant infrastructure from incompatible subdivision, use and development.

65 Ms O’Sullivan seeks new wording for INF-O3, an amendment to INF-P7, and a new policy be included to supplement INF-P7.

66 After considering the above, I agree with the wording that Ms O’Sullivan proposes for INF-O3, insofar as it provides for regionally significant infrastructure. However, I consider that the existing wording of INF-O3 should be retained for infrastructure which is not recognised in the RPS definition of regionally significant infrastructure (in whatever form it ends up in as a result of Proposed Change 1 to the RPS).

67 In considering the policy changes sought, I consider that, rather than providing for two policies addressing very similar matters, I would prefer a single, merged policy.

68 INF-P7 in its current form seeks to address incompatible land use and development adjacent to, in particular, the national grid and gas transmission network, with a “catch all” for other infrastructure. This approach could be altered to provide the direct guidance for regionally significant infrastructure as per Ms O’Sullivan’s requested new policy, as well as address matters specific to other infrastructure providers.

69 I also note that recommended policy INF-NG-P61 addresses incompatible land uses near the National Grid. On this basis, and I acknowledge this will require further discussion and comment from Ms Whitney for Transpower, I consider that INF-P7 can be streamlined to not be as specific to the National Grid.

70 As a result of the above, I recommend the following amendments:

<p><b>INF-O3</b></p>	<p><b>Adverse effects on infrastructure</b></p> <p><u>Protect regionally significant infrastructure from incompatible subdivision, use and development, that may compromise its efficient and safe operation.</u></p> <p>Manage the adverse effects, including reverse sensitivity effects <del>of</del> of subdivision use and development on the function and operation of <u>other</u> infrastructure.</p>
<p><b>INF-P7</b></p>	<p><b><u>Incompatible Subdivision, Use and Development</u> <del>Reverse sensitivity</del></b></p> <p><u>Avoid or where appropriate, manage activities that may compromise the efficient operation, maintenance, repair, replacement, upgrading, renewal or development of regionally significant infrastructure.</u></p> <p>Manage the establishment or alteration of sensitive activities near existing lawfully established infrastructure, including by:</p> <p><u>1. Requiring subdivision of sites containing the National Grid to:</u></p>



	<p>a. Retain the ability for the network utility operator to access, operate, maintain, repair and upgrade National Grid; and</p> <p>b. Ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and National Grid operating conditions;</p> <p>2. Managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines;</p> <p>3. Requiring subdivision of sites containing a gas transmission <del>pipeline network</del> to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; and</p> <p>4. Managing the activities of others through <u>methods such as</u> set-backs and design controls where it is necessary to achieve appropriate protection of infrastructure.</p>
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71 The next matter Ms O’Sullivan addresses in her evidence concerns Seawall Renewal. I understand this is not a new matter that the panel are required to consider, and formed a part of Hearing Streams 7 and 8, in regard to the Natural Open Space Zone and Coastal Environment overlay.

72 In my opinion, a seawall is not infrastructure. A seawall can protect infrastructure, but is not infrastructure in and of itself, as it can also protect land which is not used for infrastructure purposes.

73 Further, Seawall’s are clearly provided for under the PDP definition of *Hard Engineering Hazard Natural Hazard Mitigation Works*, and in the Greater Wellington Regional Council Natural Resources Plan, and I understand there is a potential consenting pathway for such structures.

74 Therefore I do not recommend any changes to the Infrastructure provisions as a result of Ms O’Sullivan’s evidence on this matter.

75 Ms O’Sullivan has also helpfully identified some cross-referencing errors in the INF-CE subchapter. I have reviewed these and agree that there are errors, and have recommended amendments to the chapter. I consider that these are minor amendments and can be done under Clause 16 Schedule 1 RMA. Therefore I have not reproduced them here.

- 76 Ms Rosser provided evidence on behalf of Enviro NZ, seeking that the definition of infrastructure be expanded to include “*district or regional resource recovery or waste disposal facilities*”.
- 77 As above, the RMA definition of infrastructure, which the PDP relies on, does not consider resource recovery or waste disposal facilities.
- 78 Like EV charging stations, at a broader level, I can understand how resource recovery or waste disposal facilities form part of infrastructure.
- 79 However, unlike EV charging stations, the effects of a resource recovery or waste disposal facility are significantly different to the infrastructure that the Infrastructure chapters provide for.
- 80 I agree with Ms Rosser that there could be some benefit to resource recovery or waste disposal facilities if the objectives and policies of the Infrastructure Chapter were applicable. However, I am not sure that this can effectively be done, given the apparent links between policies and rules.
- 81 Overall, I consider that it is more appropriate that resource recovery or waste disposal facilities are provided for through the zone provisions. I also note that, in the case of municipal facilities the designation process is also available.

**Wellington Hertiage Professionals ID 412**

- 82 Mr Kelly has provided a statement for Wellington Heritage Professionals. Through his evidence, he seeks changes to Rules INF-OL-R63 (now INF-OL-R54) and INF-OL-R65 (now INF-OL-R56).
- 83 Rule INF-OL-R54 provides for new above ground customer connections. It provides permitted activity status for customer connection lines to buildings in heritage areas and archaeological sites, and controlled activity status for customer connections to heritage buildings.
- 84 Mr Kelly seeks that heritage areas be provided the same level of scrutiny as heritage buildings. He considers that:

*making distinctions between heritage areas and heritage buildings understates the importance of heritage areas and misses the purpose of their listing as an important form of heritage identification and legal protection. Heritage areas have value both as a whole and for their components. I see no reason why they should not be subject to the same level of scrutiny as individual buildings.*

85 As part of my considerations on this matter I have reviewed a number of heritage areas in the PDP, and note that they are comprised of heritage buildings, and non-heritage buildings. As such, I consider that the plan does recognise that there are differences between heritage buildings and heritage areas.

86 In my view, the rule setting as described above is appropriate, as it recognises that there are differences, noting that when a heritage building is located in a heritage area, resource consent would be required as a controlled activity for any customer connection.

87 Turning to INF-OL-R54, Mr Kelly noted that Wellington Heritage Professionals sought restricted discretionary activity status for the upgrading of infrastructure in heritage areas, archaeological sites and SASMs, and that it can result in infrastructure being *poorly sited* or *out of scale*. Mr Kelly has cited telecommunications as being particularly prominent in urban areas.

88 I understand that the upgrading of telecommunications equipment is a matter which is addressed under the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF) in the first instance, as opposed to the PDP. Mr Horne may be able to talk further to the machinations of this process.

89 I also note that the pole Mr Kelly cites in his evidence is not within but adjacent to a Heritage Area, so I am not certain that the relief he requests would address the situation he appears to dislike.

90 In any instance, I agree with the evidence of Mr Horne as I addressed earlier in my rebuttal evidence, that heritage areas still require infrastructure services to be viable for their zoned purpose. On this basis,

I do not consider that restricted discretionary activity status is appropriate, or necessary, and do not recommend any changes to INF-OL-R54.

**Kāinga Ora ID 391 & FS89**

- 91 Mr Lindenberg on behalf of Kāinga Ora seeks discreet changes to:
- INF-P7 (reverse sensitivity/incompatible subdivision, use and development);
  - INF-NG-R58 (buildings, structures and activities in the National Grid Yard); and
  - INF-NG-R61 (incompatible subdivision, use and development and the National Grid).
- 92 The changes Mr Lindenberg seek relate generally to reverse sensitivity type effects and *incompatible subdivision, use and development*.
- 93 In terms of INF-P7, the recommendations I have made based on WIALs evidence above provide for Mr Lindenberg's requested relief.
- 94 Considering INF-NG-R58, Mr Lindenberg seeks that the notification clause included in this rule be amended so that notification of Transpower is not required for any resource consent sought under the rule, rather it is a consideration dependent on effect. In my view, the notification clause is appropriate. The permitted activity standards set limits as to what types of activities are appropriate in the National Grid Yard. Transpower are best placed, and in my view better placed than Council Officers, to understand the effects on the National Grid of any activity which requires resource consent under INF-NG-R58. As such, I do not recommend any changes to this rule as a result of Mr Lindenberg's evidence.
- 95 In terms of INF-NG-R61, Mr Lindenberg considers that the term *reverse sensitivity* in that policy should be replaced with *incompatible subdivision, use and development*, given that the National Grid is recognised as regionally significant infrastructure.

96 Ms Whitney for Transpower also provides evidence on this policy.

97 Given there are two pieces of evidence on the policy, to avoid repetition I have assessed them jointly below when I consider Ms Whitney's evidence.

**FirstGas Limited** ID 304 & FS97

98 Ms Unkovich evidence confirms that the submitter accepts all relevant recommendations in the s42A report. Consequently I have not considered this evidence any further.

**Transpower Limited** ID 315 & FS29

99 Ms Whitney for Transpower notes that substantive changes to the policy and rule framework for the National Grid were made in my s42A report as a result of the Transpower submission. She generally supports the recommended structural approach and the specific policy and rule recommendations, and is therefore focused on refinements to specific provisions. The topics Ms Whitney addresses are:

- Creation of a National Grid Sub Chapter;
- Definitions and Mapping;
- Infrastructure Chapter;
- Infrastructure – National Grid Sub Chapter;
- Infrastructure – Coastal Environment Sub Chapter;
- Infrastructure – Natural Features and Landscapes Sub Chapter;
- and
- Infrastructure – Natural Hazards Sub Chapter.

100 As noted above, Ms Whitney is supportive of the creation of a National Grid Sub Chapter in principle. She seeks clarity concerning the inter-relationship between the Infrastructure chapter and the National Grid Sub Chapter, and provides wording to assist plan users in navigating the relationship between the two. I have reviewed the wording and agree

that it provides additional clarity, as such I recommend that it be included in the introductory text to the National Grid Sub Chapter as follows.

**Introduction**

~~This sub-Chapter applies to infrastructure within the National Grid Subdivision Corridor Overlays:~~

~~The Infrastructure – National Grid sub chapter provides a specific policy framework for the National Grid, and specific rules for activities within the National Grid Yard, and new National Grid Infrastructure within the Coastal Environment overlay, Outstanding Natural Features and Landscapes overlay, Special Amenity Landscapes overlay and Hilltops and Ridgelines overlay. For activities outside these specific overlays, in addition to the policies in the Infrastructure National Grid sub chapter, the Infrastructure chapter applies, as do the Infrastructure - Natural Hazards sub chapter and the Infrastructure – Other Overlays sub chapter.~~

~~It applies in addition to the principal Infrastructure Chapter.~~

- 101 Turning to mapping and definitions, Ms Whitney does not support mapping of the National Grid Subdivision Corridor and National Grid Yard on planning maps. She states that she is not clear as to the relationship of mapping to the provision of a National Grid sub chapter, and does not consider one is reliant on the other.
- 102 In an E-Plan, such as the PDP, I am of the view that one is directly reliant on the other from a plan user perspective.
- 103 In my opinion, it is conceivable that the mapped National Grid Transmission Line in the PDP could pass over a given property, and that the National Grid Subdivision Corridor or the National Grid Yard extends over a neighbouring property. Without the National Grid Subdivision Corridor or the National Grid Yard being mapped, any plan user investigating the neighbouring property using the map and “search for address” function of the PDP would have no direct awareness that the National Grid Subdivision Corridor or the National Grid Yard apply to that site, unless of course they happened to notice that the National Grid Transmission Line was on the neighbouring site, and then they turned their minds to either the National Grid Sub Chapter or the definitions of

the PDP and understood the National Grid Subdivision Corridor or the National Grid Yard did apply.

104 In my view this creates potential that the National Grid Subdivision Corridor or the National Grid Yard are overlooked by plan users. This can be alleviated by mapping the spatial extent of the National Grid Subdivision Corridor and the National Grid Yard. This extent is already provided for in the PDP, albeit through definitions rather than mapping.

105 From a plan usability perspective, I think that mapping, rather than defining these overlays is much more useful.

106 As such, I consider that rather than defining the National Grid Subdivision Corridor or the National Grid Yard in the interpretation section of the plan, they should be mapped.

107 Mapping them also provides a direct link from the PDP map to the National Grid Sub Chapter, as all other overlays do for the other sub-chapters. By this I mean, when a property in the PDP map is 'clicked on', the National Grid Sub Chapter will be identified in the panel on the left hand side of a computer screen as part of the applicable information for the property that users need to consider. This ability is not achieved through a definitions approach.

108 While my preference is that the Corridor's be mapped, the hybrid approach Ms Whitney outlines at Paragraph 7.20 of her evidence could be of merit. It would alleviate Ms Whitney's concerns about accuracy that she raises, but also provide plan users with the spatial information that there is a matter which may require further investigation.

109 Should the panel be of a mind to follow the hybrid approach, the amendments to the definitions of National Grid Subdivision Corridor and the National Grid Yard as detailed at Paragraph 7.21 of Ms Whitney's evidence would be appropriate in my view.

110 Turning to the Infrastructure Chapter, Ms Whitney seeks changes to the matters of discretion for INF-R2, INF-R4, INF-R7, INF-R10, INF-R15 and INF-R16 so that National Grid subchapter policies are considered if a

proposal which relies on the aforementioned rules are for national grid activities. These rules provide for:

- New underground infrastructure (including customer connections), and upgrading of existing underground infrastructure (INF-R2);
- New vehicle access tracks for infrastructure (INF-R4);
- Structures associated with infrastructure (INF-R7);
- New overhead lines and associated support structures that convey telecommunications or electricity below 110kV (INF-R10);
- Infrastructure buildings and structures not provided for by any other rule (INF-R15); and
- New electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above (INF-R16).

111 The rules within the National Grid sub chapter provide for:

- Buildings, structures and activities in the National Grid Yard (INF-NG-R58);
- Operation, maintenance and repair of existing National Grid infrastructure (INF-NG-R59 and INF-NG-R64);
- Upgrading of existing National Grid Infrastructure (INF-NG-R60, INF-NG-R61 and INF-NG-R65)
- New National Grid Infrastructure within the coastal environment (INF-NG-R62 and INF-NG-R63)

112 In analysing the above, it is clear that the National Grid sub chapter does not specifically provide for any new underground infrastructure, access tracks, general structures and new lines which are outside of the coastal environment.



113 I therefore consider that it is appropriate for Rules INF-R2, INF-R4, INF-R7, INF-R10, INF-R15 and INF-R16 have direct recourse to the relevant policies in the National Grid sub chapter for national grid related activities.

114 The wording I recommend is slightly different to that proffered by Ms Whitney, in that I consider the terms used should be *specific to activities directly associated to the National Grid* (underlining being my additional words). This provides greater clarity as to when applicants should consider those policies. In effect, it should only be Transpower who have the ability to use those policies.

115 As such I recommend that these rules are amended as follows:

	INF-R2	<b>New underground infrastructure (including customer connections), and upgrading of existing underground infrastructure</b>
	All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with INF-S1; and</p> <p>b. Compliance is achieved with the following standards:</p> <p>i. INF-S2;</p> <p>ii. INF-S3;</p> <p>iii. INF-S7; and</p> <p>iv. INF-S12</p> <p>Note: Aboveground ancillary structures are provided for in INF-R7.</p>
	All Zones	<p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with INF-R2.1.b cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters set out in INF-P1, INF-P3, INF-P4, INF-P5 and INF-P<del>1213</del>, and, <u>specific to activities directly associated to the National Grid, INF-NG-P58, INF-NG-P61 and INF-NG-P62.</u></p>
	INF-R4	<b>New vehicle access tracks for infrastructure</b>
	All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with INF-S3 and INF-S7.</p>
	All Zones	<p>2. Activity status: <b>Restricted Discretionary</b></p>

	<p>Where:</p> <p>a. Compliance with any of the requirements of INF-R4.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters set out in INF-P1, INF-P2, INF-P5, INF-P6 and INF-P<del>1213</del>, <u>and, specific to activities directly associated to the National Grid, INF-NG-P58 and INF-NG-P62.</u></p>
INF-R7	<p><b>Structures associated with infrastructure including:</b></p> <ol style="list-style-type: none"> <li>1. <b>Substations (including switching stations);</b></li> <li>2. <b>Transformers;</b></li> <li>3. <b>Gas transmission and distribution structures;</b></li> <li>4. <b>Energy storage batteries not enclosed by a building; <del>and</del></b></li> <li>5. <b>Communications kiosks; <del>and</del></b></li> <li>6. <b><u>Bus Shelters; and</u></b></li> <li>7. <b><u>Electric Vehicle Charging Stations.</u></b></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 <u>General Rural Production, Rural Lifestyle</u> 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, <del>and</del> INF-S<del>1415</del> <u>and INF-S16</u>; and</li> <li>d. Compliance is achieved with INF-S1.</li> </ol>
All Zones	<ol style="list-style-type: none"> <li>2. Activity Status: <b>Restricted Discretionary</b></li> </ol> <p>Where:</p> <p>a. Compliance with the requirements of INF-R7.1.a, INF-R7.1.b or INF-R7.1.c cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>3. The extent and effect of non-compliance with any relevant standard not met as specified in the associated assessment criteria for the infringed standard; and</li> <li>4. The matters set out in INF-P1, INF-P2, INF-P3, INF-P5 INF-P6 and INF-P<del>1213</del>, <u>and, specific to activities directly associated to the National Grid, INF-NG-P58 and INF-NG-P62.</u></li> </ol>

INF-R10	<b>New overhead lines and associated support structures that convey <u>telecommunications or</u> electricity below 110kV</b>
<p>General Rural Zone</p> <p>Large Lot Residential Zone</p> <p>General Industrial Zone</p> <p>Light Industrial Zone</p> <p>Airport Zone</p> <p>Hospital Zone</p> <p>Port Zone</p> <p>Stadium Zone</p> <p>Tertiary Education Zone</p>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with the following standards:</p> <ul style="list-style-type: none"> <li>i. INF-S3;</li> <li>ii. INF-S6;</li> <li>iii. INF-S7;</li> <li>iv. INF-S8; and</li> <li>v. INF-S12.</li> </ul>
<p>General Rural Zone</p> <p>Large Lot Residential Zone</p> <p>General Industrial Zone</p> <p>Light Industrial Zone</p> <p>Airport Zone</p> <p>Hospital Zone</p> <p>Port Zone</p> <p>Stadium Zone</p>	<p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with any of the requirements of INF-R10.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters set out in INF-P1, INF-P2, INF-P5, INF-P6 and INF-P<del>1243</del>, <u>and, specific to activities directly associated to the National Grid, INF-NG-P58 and INF-NG-P62.</u></p>

Tertiary Education Zone	
INF-R15	<b>Infrastructure buildings and structures not provided for by any other rule in this table</b>
All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is achieved with all bulk and location standards for the zone in which the building or structure is located;</li> <li>b. Compliance is achieved with INF-S7 and INF-S<del>144</del><sup>5</sup>; and</li> <li>c. Compliance is achieved with INF-S1.</li> </ul>
All Zones	<p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance with the requirements of INF-R15.1.a or INF-R15.1.b cannot be achieved.</li> </ul> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> <li>1. The extent and effect of non-compliance with any relevant standard not met as specified in the associated assessment criteria for the infringed standard; and</li> <li>2. The matters set out in INF-P1, INF-P2, INF-P3, INF-P5, INF-P6 and INF-P<del>1243</del>, <u>and, specific to activities directly associated to the National Grid, INF-NG-P58, INF-NG-P61 and INF-NG-P62.</u></li> </ul>
All Zones	<p>3. Activity status: <b>Non-Complying</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance with the requirements of INF-R15.1.c cannot be achieved.</li> </ul>
INF-R16	<b>New electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above</b>
All Zones	<p>1. Activity status: <b>Restricted Discretionary</b></p> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> <li>1. The matters set out in INF-P1, INF-P2, INF-P3, INF-P5, INF-P6 and INF-P<del>1243</del>, <u>and, specific to activities directly associated to the National Grid, INF-NG-P58, INF-NG-P61 and INF-NG-P62.</u></li> </ul>

116 Note, the policy numbering used in the recommendations above reflects the policy numbering resulting from recommendations I make below in regard to the deletion of INF-NG-P60.

117 In terms of the National Grid Sub Chapter itself, Ms Whitney seeks a minor change to Policies INF-NG-P58 and INF-NG-P59 to provide more direct alignment with the NPSET. In my view these amendments meet the requirements under RMA s55(2), s74(1) and s75(3) regarding district plan alignment with national policy statements.

118 This includes Ms Whitney’s recommendation also sought in her evidence that NF-NG-P59 recognises *operational, functional and technical constraints*. I note the PDP defines functional requirements and operational requirements, and not technical requirements. However, Policy 3 of the NPSET requires consideration of technical requirements of the network. As such I consider it is appropriate to use the term in the PDP, given it is in the context of the NPSET.

119 Ms Whitney also notes that recommended Policy INF-NG-P60 is essentially a replica of INF-NG-P58, and therefore seeks INF-NG-P60 be deleted. I agree that is an appropriate course of action.

120 Therefore, the recommended changes are as follows:

<p><b>INF-NG-P58</b></p>	<p><b>Benefits of the National Grid</b> 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 <del>resources-assets</del>.</p>
<p><b>INF-NG-P59</b></p>	<p><b>Operation, and maintenance and minor upgrade of the National Grid</b> <del>Provide for</del> Enable the operation, maintenance and minor upgrade of the National Grid while managing the adverse effects of these activities, <u>recognising its operational, functional and technical constraints</u>.</p>
<p><b>INF-NG-P60</b></p>	<p><del>Upgrading and development of the National Grid</del> <del>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.</del></p>

121 Ms Whitney supports what would now be INF-NG-P60 (which was INF-NG-P61) as per the recommendations in the s42A report. Her reasoning for this is that it aligns with Transpower’s submission, and is more directive than INF-P7. She does not seek any amendments to INF-NG-P61.

122 As detailed earlier, Mr Lindenberg for Kāinga Ora considers that the term *reverse sensitivity* in INF-NG-P61 should be replaced with *incompatible subdivision, use and development*, given that the National Grid is recognised as regionally significant infrastructure, and *incompatible subdivision, use and development* is the phrase used in the RPS.

123 Reverting back to the RMA’s hierarchy of higher order documents, I have considered s75(3) of the Act, which states:

- (3) *A district plan must give effect to –*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (ba) *a national planning standard; and*
  - (c) *any regional policy statement.*

124 There is no specific direction as to how to resolve any conflict between the language used in these documents.

125 However, given reverse sensitivity is a term that is defined in the PDP, a term that is used in the NPSET, and is a term which is somewhat encapsulated in the RPS direction regarding *incompatible subdivision, use and development* near regionally significant infrastructure, I consider it is an appropriate term to use in Policy IN-NG-P61. Therefore I do not recommend any changes to this policy as a result of the evidence of Ms Whitney and Mr Lindenberg.

126 In terms of Policy INF-NG-P61 (formerly INF-NG-P62), Ms Whitney seeks one specific change to provide alignment with NPSET Policy 3, which is the insertion of a reference to ‘technical requirements’. As per my recommendations above regarding INF-NG-P59, I consider this appropriate, and recommend the following amendment:

<b>INF-NG- P6261</b>	<b>Upgrading of the National Grid</b> Provide for the upgrading of the National Grid while: 1. 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 remedy or
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	<p>mitigate any adverse effects from the upgrade which cannot be avoided;</p> <ol style="list-style-type: none"> <li>2. Having regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection when considering major upgrades;</li> <li>3. Recognising the constraints arising from the operational need, <del>and</del> functional need <u>and technical requirements</u> of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects;</li> <li>4. Recognising the potential benefits of upgrades to the National Grid to people and communities; and</li> <li>5. Where appropriate, major upgrades should be used as an opportunity to reduce existing adverse effects of the National Grid.</li> </ol>
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127 Ms Whitney supports Policy INF-NG-P62, concerning development of the National Grid, but seeks minor amendments to avoid duplication and provide greater consistency with the NPSET. I agree with her recommendations, and as such recommend the following amendments:

<p><b>INF-NG-<del>P62</del> P6362</b></p>	<p><b>Development of the National Grid</b> Provide for the development of the National Grid</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Where the National Grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c. Seeking to avoid significant adverse effects on: <ol style="list-style-type: none"> <li>i. other areas of natural character</li> <li>ii. natural attributes and character of other natural features and natural landscapes</li> <li>iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010</li> </ol> </li> <li>d. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</li> <li>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;</li> </ol> </li> </ol>
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	<p>and the Coastal Margin, where avoidance of adverse effects is required to protect the identified values and characteristics.</p> <p>4. Remedy or mitigate any adverse effects from <del>the operation, maintenance, upgrade, major upgrade or development of</del> the National Grid which cannot be avoided, to the extent practicable; and</p> <p>5. When considering the adverse effects in respect of 1-34 above;</p> <p>a. Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and</p> <p>b. Consider the constraints arising from the operational needs, <del>or</del> functional needs <del>or</del> <u>technical constraints</u> of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.</p>
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128 Turning to the rules of the National Grid sub chapter, Ms Whitney highlights an oversight, in that my intention was to include specific rules for National Grid infrastructure in natural landscape and features overlays. I acknowledge Ms Whitney’s activity status for such infrastructure, and how that activity status aligns with the PDP policy direction, the NPSET and, contextually, the Greater Wellington NRP.

129 As such, I recommend that the following rules are inserted in the National Grid sub chapter:

<u>INF-NG-R66</u>	<u>New National Grid (NG) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops, outside the coastal environment</u>
<u>All Zones</u>	<p>1. <u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are:</u></p> <p>-</p> <p>1. <u>The matters in INF-NG-P58 and INF-NG-P62</u></p>
<u>INF-NG-R67</u>	<u>New National Grid (NG) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops, inside the coastal environment</u>
<u>All Zones</u>	<p>1. <u>Activity status: Discretionary</u></p>

130 Ms Whitney also seeks changes to INF-NG-R58 and associated standard INF-NG-S18, and notes an oversight regarding amendments which were agreed to in the s42A report, but not included in the recommended text.

131 I amend this through the following recommendations:

<b>INF-NG-R58</b>	<b>Buildings, structures and activities in the National Grid Yard</b>	
All Zones	1. Activity status: <b>Permitted</b>	a.



	<p>Where:</p> <ul style="list-style-type: none"> <li>a. <del>New activities are not a sensitive activity;</del></li> <li>b. <del>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);</del></li> <li>c. Fences do not exceed 2.5m in height;</li> <li>d. The building is an uninhabited farm or horticultural structure or building (but not commercial greenhouses, protective canopies, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms);</li> <li>e. Alterations and additions to an existing building or structure for a sensitive activity, which does not involve an increase in the building height or building footprint;</li> <li>f. Construction of an accessory building associated with an existing residential activity that is less than 10m<sup>2</sup> in footprint and 2.5m in height;</li> <li>g. Infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991 or any part of electricity infrastructure that connects to the National Grid; and</li> <li>h. Compliance is achieved with INF-NG-S18.</li> </ul>	
All Zones	<p>5. Activity status: <b>Non-complying</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance with INF-NG-R6758.1 cannot be achieved; <del>or</del></li> <li>b. <u>The proposal is for one or more of the following activities, buildings or structures:</u> <ul style="list-style-type: none"> <li>i. <u>A change of use to a sensitive activity within existing buildings or structures;</u></li> <li>ii. <u>The establishment of a sensitive activity;</u></li> <li>iii. <u>The use, 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);</u></li> <li>iv. <u>Wintering barns, Commercial greenhouses, Immovable protective canopies, Produce packing facilities, or Milking Sheds; or</u></li> <li>v. <u>Any building or structure not otherwise provided for under INF-NG-R58.1.</u></li> </ul> </li> </ul> <p>Notification status: An application for resource consent made in respect of rule INF-NG-R6758.2 is precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>	

INF-NG-S18	<b>Buildings, structures and activities in the National Grid Yard</b>
All Zones	<ol style="list-style-type: none"> <li>1. <a href="#">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</a></li> <li>2. <a href="#">Vehicle access to any National Grid support structure must be provided. 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.</a></li> <li>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: <ol style="list-style-type: none"> <li>a. Is a fence not exceeding 2.5m in height that is located at least: <ol style="list-style-type: none"> <li>i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or</li> <li>ii. 5m from the outer visible edge of a foundation of a National Grid transmission line pole.</li> </ol> </li> <li>b. Is an artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that: <ol style="list-style-type: none"> <li>i. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and</li> <li>ii. Allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</li> <li>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.</li> </ol> </li> </ol> </li> </ol>

132 Ms Whitney also highlights minor corrections are necessary to Rules INF-NG-R61 and INF-NG-R65 to correct a cross reference. Given this is a minor correction, I have not repeated the amendment here.

133 Finally, Ms Whitney has highlighted an anomaly regarding Rule INF-NG-R62, which has provided permitted activity status to New National Grid (NG) infrastructure within the coastal environment but outside of high coastal natural character areas and coastal or riparian margins. I agree this should be restricted discretionary activity status, with recourse to the matters in Policy INF-NG-P63, and accordingly recommend the following amendment:

INF-NG-R62	<p><b>New National Grid (NG) infrastructure within the coastal environment:</b></p> <ul style="list-style-type: none"> <li>• <b>Outside of high coastal natural character areas; and</b></li> <li>• <b>Outside of coastal or riparian margins.</b></li> </ul>
All Zones	<p>1. Activity status: <del>Permitted</del> <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are:</u></p> <p>-</p> <p>1. <u>The matters in INF-NG-P62</u></p>

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134 Ms Grinlinton-Hancock has generally accepted the recommendations I made in the s42A Report in regard to KiwiRail’s submissions. The only exception concerns an amendment to include “rail” in Rules INF-NFL-R49 (now INF-NFL-R41) and INF-NFL-R52 (now INF-NFL-R44), which respectively concern the upgrading of existing infrastructure and provision of new infrastructure within special amenity landscapes or identified ridgelines and hilltops.

135 In her evidence, Ms Grinlinton-Hancock details where an existing KiwiRail designation exists in a ridgeline and hilltop, being a radio station at Te Kopahao, Hawkins Hill.

136 KiwiRail’s submission points on what is now INF-NFL-R41 and INF-NFL-R44 (being submission points 408.76 and 408.77) sought the following change to part (b) of the permitted activity portion of the rule, as follows (change sought in the aforementioned submission points shown in red and underline):

*Activity status: Permitted*

*Where:*

*a. The infrastructure is located underground; or*

*b. The infrastructure is located within an existing rail or road reserve.*

137 I am unclear from the evidence however whether or not the land on which KiwiRail’s radio station at Te Kopahao, Hawkins Hill, is rail reserve or not, and therefore, whether the change requested in Ms Grinlinton-Hancock’s evidence is within scope or not.

138 In any case, I consider that as the radio station is designated in the PDP by KiwiRail, there is sufficient certainty for them to undertake any necessary upgrades or construct new infrastructure at this location. Therefore, I see no need to amend either INF-NFL-R41 or INF-NFL-R44.

**Date: 4 June 2024**

**Name: Tom Anderson**

**Position: Consultant Planner**

**Wellington City Council**

## **Appendix 1: Tracked Changes to Infrastructure Chapters (and Sub Chapters)**

