

Wellington City Proposed District Plan

Hearing Stream 9

Infrastructure – Part 2: Sub-chapters

Section 42A of the Resource Management Act 1991

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1.0 Introduction

1. This Section 42A Report addresses submissions and further submissions in relation to the Infrastructure Sub-chapters, being¹:
 - Infrastructure – Coastal Environment (INF-CE);
 - Infrastructure – Natural Features and Landscapes (INF-NFL);
 - Infrastructure – Natural Hazards (INF-NH); and
 - Infrastructure – Other Overlays (INF-OL).
2. This report should be read in conjunction with Infrastructure – Part 1 and does not repeat information provided in that report.

2.0 Infrastructure – Coastal Environment

2.1 Submissions on General Matters

Matters raised by submitters

3. Forest and Bird 345.43 [opposed by Transpower FS29.20, WIAL FS36.62, Meridian FS101.32 and Waka Kotahi FS103.9]) seek to amend the chapter so that the provisions are no less protective than those in the Coastal Environment chapter and align with the direction set out in Policy 13 of the NZCPS.
4. Forest and Bird (345.44 [opposed by Transpower FS29.21, WIAL FS36.63 and Meridian FS101.133]) seek that the chapter be amended to give effect to submission points on INF-CE policies above, and to mirror the rules in the Coastal Environment chapter.
5. WIAL (406.110) seeks that infrastructure located within the high hazard area of the Coastal Hazard Overlay, between Lyall Bay and Moa Point, is exempt from the provisions relating to the high hazard area of the Coastal Hazard Overlay.

Assessment

6. The Coastal Environment, as mapped in the PDP, covers extensive areas of urban land. For example the suburbs of Seatoun, Rongotai, Lyall Bay, Melrose and Kilbirnie are entirely within the Coastal Environment as mapped, with a number of other suburbs, including Wellington Central and Te Aro being partly within this overlay. Each of these suburbs generally display a character associated with urban development. Policy 13 of the NZCPS concerns the preservation of natural character. Policy 6 of the NZCPS requires recognition that, in relation to the coastal environment, the provision of infrastructure is important to the social, economic and cultural wellbeing of people and communities. Therefore I consider that providing for infrastructure in the coastal environment is important, and that the framework set out in the PDP aligns with the different values within the coastal environment.
7. In regard to Forest and Bird 345.43 [opposed by Transpower FS29.20, WIAL FS36.62, Meridian FS101.32 and Waka Kotahi FS103.9]) and Forest and Bird (345.44 [opposed by Transpower

¹ As stated in Infrastructure – Part 1, submissions received on the Infrastructure – Ecosystems and Indigenous Biodiversity (INF-ECO) will be considered as part of the overall Ecosystems and Indigenous Biodiversity provisions.

FS29.21, WIAL FS36.63 and Meridian FS101.133]), the PDP maps areas of High and Very High Coastal Natural Character, as well as identifying coastal margins and riparian margins in the coastal environment.

8. The provisions within the INF-CE sub chapter by making a distinction between areas identified for coastal natural character (High and Very High Coastal Natural Character, and coastal margins and riparian margins in the coastal environment), and those areas which are in the Coastal Environment but outside of those identified natural character areas. For this reason, I consider that the INF-CE chapter gives effect to the NZCPS.
9. In regard to WIAL (406.110), coastal hazards are not addressed in the INF-CE chapter, rather they are addressed in the Infrastructure – Natural Hazard sub chapter. As such this matter is addressed under that chapter.
10. Therefore, no recommendations are made as a result of the general matters of the INF-CE chapter.

2.2 Submissions on the Infrastructure – Coastal Environment Introduction

Matters raised by submitters

11. Meridian (228.25, 228.26) seeks to amend the Introduction to the chapter by inserting the following or a similar clarification note:

The rules applicable to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character, are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter INF-CE Infrastructure Coastal Environment do not apply to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character in the coastal environment.

12. Taranaki Whānui (389.56 [supported by GWRC FS84.119) seek to amend the ‘Other relevant District Plan provisions’ to include the Sites and Areas of Significance to Māori chapter.
13. Transpower (315.91) seek to amend the Introduction to the chapter to clarify that the National Grid and Gas Transmission Pipelines Corridor are subject to specific provisions within the sub-chapter and that other general sub-chapter provisions do not apply to the National Grid.

Assessment

14. The recommendations to the main Infrastructure chapter addresses the amendment sought by Meridian (228.25, 228.26).
15. The matter raised by Taranaki Whānui (389.56 [supported by GWRC FS84.119) is addressed in the Infrastructure – Other Overlays sub chapter.
16. Finally, the recommended National Grid sub chapter addresses the matter raised by Transpower (315.91).
17. Therefore, no recommendations are made coastal environment chapter introduction.

2.3 Submissions on Policies: Infrastructure – Coastal Environment

INF-CE-P14: Operation, maintenance, and repair of existing infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal and riparian margins**

Matters raised by submitters

Retain

18. Waka Kotahi (370.94), Director-General of Conservation (385.17), CentrePort (402.58) and KiwiRail (408.51) seek to retain the policy as notified.

Amend

19. Forest and Bird (345.45 [opposed by Meridian FS101.34]) seeks to amend the policy to not “allow” for infrastructure activities in the coastal environment.

Delete

20. WIAL (406.111) seeks to delete the policy in its entirety.

Assessment

21. As addressed above, the Coastal Environment as mapped in the PDP is extensive and includes urban areas. Therefore I consider it appropriate to have a policy addressing the operation, maintenance and repair of existing infrastructure in the coastal environment.
22. As such, no recommendations are necessary in regard to submission points raised by Forest and Bird (345.45 [opposed by Meridian FS101.34]) or WIAL (406.111).

INF-CE-P15: Operation, maintenance, and repair of existing infrastructure within the coastal environment:

- **Within high coastal natural character areas**

Matters raised by submitters

Retain

23. Waka Kotahi (370.95) and Director-General of Conservation (385.18) seek to retain the policy as notified.

Amend

24. Forest and Bird (345.46 [opposed by Telco FS25.3, WIAL FS36.64, Powerco FS61.3, KiwiRail FS72.31 and Meridian FS101.35]) seek to amend the policy to apply to any area of natural character in the coastal environment.

Assessment

25. There is existing infrastructure which is located in area of high coastal natural character. A policy

framework regarding how this infrastructure can be operated, maintained and repaired is therefore necessary. The policy seeks to maintain or restore the natural character values when undertaking work for the above.

26. As the PDP differentiates between high and very high coastal natural character, as well as coastal margins and riparian margins in the coastal environment, I consider it appropriate that different policy frameworks apply for infrastructure in these areas.
27. As such, no recommendations are necessary in regard to the submission point raised by Forest and Bird (345.46 [opposed by Telco FS25.3, WIAL FS36.64, Powerco FS61.3, KiwiRail FS72.31 and Meridian FS101.35]).

INF-CE-P16: Operation, maintenance and repair of existing infrastructure within the coastal environment in the Residential Zones, Commercial and Mixed Use Zones, Industrial Zones, Airport and Port Zones:

- **Within coastal and riparian margins**

Matters raised by submitters

Retain

28. Waka Kotahi (370.96), Director-General of Conservation (385.19), CentrePort (402.59) and KiwiRail (408.52) seek to retain the policy as notified.

Amend

29. Forest and Bird (345.47 [opposed by Telco FS25.4, WIAL FS36.67 and Powerco FS61.4]) seeks to amend the policy to require protection of natural character regardless of zoning in order to give effect to Policy 13 of the NZCPS.
30. Yvonne Weeber (340.18 [opposed by WIAL FS36.65]) and Guardian of the Bays (452.17 [opposed by WIAL FS36.66]) considers that the policy should be amended to include maintenance and restoration of natural character and avoid any significant adverse effects on the natural character in the same way as INF-CE-P19. The amendment sought is as follows:

INF-CE-P16: Operation, maintenance and repair of existing infrastructure within the coastal environment in the Residential Zones, Commercial and Mixed Use Zones, Industrial Zones, Airport and Port Zones:

- **Within coastal and riparian margins**

Allow for the operation, maintenance and repair of existing infrastructure within areas of coastal margins and riparian margins in the coastal environment in the Residential Zones, Commercial and Mixed Use Zones, Industrial Zones, Airport and Port Zones- where:

1. Related earthworks are of a scale that consider the maintenance and restoration the natural character; and
2. Any significant adverse effects on the natural character are avoided and any other adverse effects on the natural character are avoided, remedied or mitigated.

31. WIAL (406.112, 406.113 [supported by Airways FS105.7] and 406.114) seeks to amend the title and the policy to include the area of Natural Open Space zoned land between Lyall Bay and Moa

Point. If relief is not given, they seek relief to a similar effect if the area of Natural Open Space zoned land is rezoned to an alternative zoning.

Assessment

32. INF-P16 seeks to allow for the operation, maintenance and repair of existing infrastructure in urban zones. I consider this to be appropriate as the infrastructure is existing and necessary to support well functioning urban environments. As such, I do not consider there a need to amend the policy as sought by Forest and Bird (345.47 [opposed by Telco FS25.4, WIAL FS36.67 and Powerco FS61.4]), Yvonne Weeber (340.18 [opposed by WIAL FS36.65]) and Guardian of the Bays (452.17 [opposed by WIAL FS36.66]).
33. The matter raised by WIAL (406.112, 406.113 [supported by Airways FS105.7] and 406.114) has previously been addressed from a seawall maintenance and upgrade perspective through HS7 in regard to Natural Open Space Zone, and Hearing Stream 8 for the Coastal Environment. I do not consider it requires further assessment as part of the Infrastructure Chapter.
34. As such, I do not recommend any changes as a result of submission received on INF-CE-P16.

INF-CE-P17: Operation, maintenance and repair of existing infrastructure within the coastal environment in the Rural Zone and Open Space and Recreation Zones:

- **Within coastal and riparian margins**

Matters raised by submitters

Retain

35. Forest and Bird (345.48), Waka Kotahi (370.97), Director-General of Conservation (385.20) and KiwiRail (408.53) seek to retain the policy as notified.

Amend

36. WIAL (406.115, 406.116 and 406.117) seeks to amend the title and the policy to exclude the area of Natural Open Space zoned land between Lyall Bay and Moa Point. If relief is not given, they seek to delete the policy in its entirety.

Assessment

37. I understand that the matter raised by WIAL (406.115, 406.116 and 406.117) has previously been addressed from a seawall maintenance and upgrade perspective through HS7 in regard to Natural Open Space Zone, and Hearing Stream 8 for the Coastal Environment. I do not consider it requires further assessment as part of the Infrastructure Chapter.
38. As such, I do not recommend any changes as a result of submission received on INF-CE-P16.

INF-CE-P18: Upgrading of existing infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal and riparian margins**

Matters raised by submitters

Retain

39. Waka Kotahi (370.98), Director-General of Conservation (385.21), CentrePort (402.60) and KiwiRail (408.54) seek to retain the policy as notified.

Amend

40. Forest and Bird (345.49 [opposed by Telco FS25.5, Powerco FS61.5 and Meridian FS101.36]) seek to amend the policy to give effect to Policy 13 of the NZCPS.

Delete

41. WIAL (406.118) seeks to delete the policy in its entirety.

Assessment

42. As I have already detailed above, the Coastal Environment as mapped in the PDP is extensive and includes urban areas. Therefore I consider it appropriate to have a policy addressing the upgrading of existing infrastructure in the coastal environment.
43. As such, no recommendations are necessary in regard to submission points raised Bird (345.49 [opposed by Telco FS25.5, Powerco FS61.5 and Meridian FS101.36]) or WIAL (406.118).

INF-CE-P19: Upgrading of existing infrastructure within the coastal environment that is located underground or within an existing road reserve:

- **Within high coastal natural character areas**

Matters raised by submitters

Retain

44. Waka Kotahi (370.99) and Director-General of Conservation (385.22) seek to retain the policy as notified.

Amend

45. Forest and Bird (345.50 [opposed by Telco FS25.6 and Powerco FS61.6]) seek to amend the policy to provide direction about acceptable effects of undergrounding.

Assessment

46. Requiring underground infrastructure in high coastal natural character areas to be upgraded is appropriate in my view. I also consider that the permitted parameters for earthworks address the amendments sought by Forest and Bird (345.50 [opposed by Telco FS25.6 and Powerco FS61.6]).
47. As such, no recommendations are necessary in respect of submissions received on INF-CE-P19.

INF-CE-P20: Upgrading of existing infrastructure within the coastal environment that is located aboveground and outside an existing road reserve:

- **Within high coastal natural character areas**

Matters raised by submitters

Retain

48. Waka Kotahi (370.100) and Director-General of Conservation (385.23) seek to retain the policy as notified.

Amend

49. Forest and Bird (345.51 [opposed by Telco FS25.7, Powerco FS61.7 and Meridian FS101.37]) seek to delete reference to the term “operational need” in the policy.

Assessment

50. In regard to Forest and Bird (345.51 [opposed by Telco FS25.7, Powerco FS61.7 and Meridian FS101.37]), “operational need” is a defined term in the PDP (and National Planning Standards), and as such is well understood. Infrastructure operators have to provide what the “operational need” is for a resource consent process, and this can be considered by decision makers on its merit, and in the context of the other sub-clauses of the policy (being that the activity is of a scale that maintains or restores the identified values described in SCHED12 or the natural character and that any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated).

51. As such I do not consider there to be a need to amend INF-CE-P20.

INF-CE-P21: Upgrading of existing infrastructure within the coastal environment of the Residential Zones, Commercial and Mixed Use Zones, Industrial Zones and Special Purpose Zones:

- **Within coastal and riparian margins**

Matters raised by submitters

Retain

52. Waka Kotahi (370.101), Director-General of Conservation (385.24) and CentrePort (402.61) seek to retain the policy as notified.

Amend

53. Avryl Bramley (202.21) considers that the policy is too permissive as access to the coastline is highly prized.
54. Forest and Bird (345.52 [opposed by Telco FS25.8 and Powerco FS61.8]) seek to amend the policy to give effect to Policy 13 of the NZCPS.
55. WIAL (406.119, 406.120, 406.121 [supported by Airways FS105.8, FS105.9 and FS105.10] and 406.122) seek to amend the policy to include the area of Natural Open Space zoned land between Lyall Bay and Moa Point. If relief is not given, they seek relief to a similar effect if the area of Natural Open Space zoned land is rezoned to an alternative zoning. If neither option is accepted, they seek to delete the policy in its entirety.

Assessment

56. As I have previously stated, the Coastal Environment as mapped in the PDP applies to large swathes of urbanised land which relies on existing infrastructure to support it. The policy in my view appropriately allows for the upgrading of that existing infrastructure, noting that upgrading is subject to permitted limits through the proposed standards. The policy does not

prevent access to the coast.

57. As such I do not consider there to be a need to amend INF-CE-P21.

INF-CE-P22: Upgrading of existing infrastructure within the coastal environment of the Rural Zone and Open Space and Recreation Zones that is located underground or within an existing road reserve:

- **Within coastal and riparian margins**

Matters raised by submitters

Retain

58. Waka Kotahi (370.102), Director-General of Conservation (385.25), and KiwiRail (408.55) seek to retain the policy as notified.

Amend

59. Forest and Bird (345.53 [opposed by Telco FS25.9 and Powerco FS61.9]) seek to amend the policy to give effect to Policy 13 of the NZCPS.

Assessment

60. INF-CE-22 provides for upgrading within existing roads, or for infrastructure that is located underground. As stated earlier, NZCPS Policy 13 seeks to preserve natural character. In my view, upgrading infrastructure in a road or underground is unlikely to infringe on NZCPS Policy 19, as the areas that the policy is subject to have already been developed.

61. As such I do not consider there to be a need to amend INF-CE-P22.

INF-CE-P23: Upgrading of existing infrastructure within the coastal environment of the Rural Zone and Open Space and Recreation Zones that is located aboveground and outside an existing road reserve:

- **Within coastal and riparian margins**

Matters raised by submitters

Retain

62. Waka Kotahi (370.103), Director-General of Conservation (385.26) and KiwiRail (408.56) seek to retain the policy as notified.

Amend

63. WIAL (406.123, 406.124, [supported by Airways FS105.11] 406.125 and 406.126) seek to amend the title and the policy to exclude the area of Natural Open Space zoned land between Lyall Bay and Moa Point. If relief is not given, they seek relief to a similar effect if the area of Natural Open Space zoned land is rezoned to an alternative zoning. If neither option is accepted, they seek to delete the policy in its entirety.

64. Forest and Bird (345.54 [opposed by Telco FS25.10, Powerco FS61.10 and Meridian FS101.38])

seek to delete reference to the term “operational need” in the policy.

Assessment

65. For the same reasons as detailed above in INF-CE-P16, I do not consider there to be a need to amend INF-CE-P23 in light of submission points raised by WIAL (406.123, 406.124, [supported by Airways FS105.11] 406.125 and 406.126) and Forest and Bird (345.54 [opposed by Telco FS25.10, Powerco FS61.10 and Meridian FS101.38])

INF-CE-P24: New infrastructure within the coastal environment:

- Outside of high coastal natural character areas; and
- Outside of coastal and riparian margins

Matters raised by submitters

Retain

66. Waka Kotahi (370.104), Director-General of Conservation (385.27), CentrePort (402.62) and KiwiRail (408.57) seek to retain the policy as notified.

Amend

67. Avryl Bramley (202.22) considers that the policy is too permissive as access to the coastline is highly prized.
68. Forest and Bird (345.55 [opposed by Telco FS25.11, Powerco FS61.11 and Meridian FS101.39]) seek to amend the policy to give effect to Policy 13 of the NZCPS.
69. GWRC (351.91) seeks to retain the provision, subject to amendments, as outlined in other submission points.
70. GWRC (351.92 [supported by Meridian FS101.40]) consider that in order to give effect to Policy 13 of the NZCPS and to achieve the outcomes sought by CE-O1, the wording of the policy needs to be strengthened to apply to all other areas of the coastal environment.

INF-CE-P24: New infrastructure within the coastal environment:

- Outside of high coastal natural character areas; and
- Outside of coastal and riparian margins

New infrastructure within the coastal environment:

~~• Outside of high coastal natural character areas; and~~

~~• Outside of coastal and riparian margins.~~

~~Allow for new infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal margins and riparian margins.~~

Only allow for new infrastructure in the coastal environment where any significant adverse effects on natural character are avoided and other adverse effects on natural character are avoided, remedied or mitigated.

Delete

71. WIAL (406.127 [opposed by Meridian FS101.41]) seeks to delete the policy in its entirety.

Assessment

72. As per my earlier assessments, the Coastal Environment applies to urban developed parts of Wellington, where natural character has been modified. The existing land uses require integration with infrastructure, and this is recognised in Policy 6 of the NZCPS. As such, I do not consider there a need to amend INF-CE-P24 as sought by Forest and Bird (345.55 [opposed by Telco FS25.11, Powerco FS61.11 and Meridian FS101.39]) and GWRC (351.91, 351.92 [supported by Meridian FS101.40]).
73. I also do not consider that the policy prevents access to the coastline, noting that the Coastal Environment is wider than the immediate coastline, and the access is generally within the coastal margin, which is not subject to this provision.
74. As such, no changes are recommended as a result of submissions.

INF-CE-P25: New infrastructure within the coastal environment:

- **Within high coastal natural character areas or within coastal and riparian margins**

Matters raised by submitters

Retain

75. Waka Kotahi (370.105), Director-General of Conservation (385.28) and KiwiRail (408.58) seek to retain the policy as notified.

Amend

76. CentrePort (402.63 and 402.64) seek to amend the policy as they 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”.
77. Forest and Bird (345.56 [opposed by Telco FS25.12, Powerco FS61.12 and Meridian FS101.42]) seek to delete reference to “identified” values and “operational need” in the policy.

Delete

78. GWRC (351.93 [opposed by Meridian FS101.43]) seek to delete the policy in its entirety.
79. WIAL (406.128 [opposed by Meridian FS101.44] and 406.129) seek to delete the policy in its entirety. If relief is not given, they seek to amend the policy to require avoidance of significant adverse effects and the avoidance, remediation, and mitigation of other effects on natural character, natural features, and landscapes to bring the policy in line with the NZCPS.

Assessment

80. High coastal natural character areas or within coastal margins and riparian margins in the coastal environment are the areas which have been identified and values for natural character purposes. As such, and as per NZCPS Policy 13, the natural character should be preserved. However, there is some infrastructure which, by its nature, can only be located in certain areas, such as undersea cables.
81. The policy, through setting up an “only allow” circumstance, and requiring resource consent for all new infrastructure in these areas, puts the onus on applicants to convince decision maker their proposed infrastructure must to be located in areas, as well as how it will maintain or restore the identified values of areas, where applicable.
82. I consider this appropriate, and aligns with higher order statutory direction. Therefore no changes are recommended to the policy in light of the submission.

2.4 Submissions on Rules: Infrastructure – Coastal Environment

INF-CE-R27: Operation, maintenance, repair of existing infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; or**
- **Outside of coastal margins or riparian margins**

Matters raised by submitters

Retain

83. Waka Kotahi (370.106), CentrePort (402.65) and KiwiRail (408.59) seek to retain the rule as notified.

Delete

84. WIAL (406.130 [supported by Meridian FS101.45]) seek to delete the rule in its entirety.

Assessment

85. The rule provides clarity as to how existing infrastructure is operated, maintained and repaired within the coastal environment overlay, and as such in my view should be retained. Therefore no recommendations are made.

INF-CE-R28: Operation, maintenance and repair of existing infrastructure within the coastal environment:

- **Within high coastal natural character areas**

Matters raised by submitters

Retain

86. Waka Kotahi (370.107) seeks to retain the rule as notified.

Assessment

87. As no amendments were sought to this rule, no recommendations are made.

INF-CE-R29: Operation, maintenance and repair of existing infrastructure within the coastal environment:

- **Within coastal or riparian margins**

Matters raised by submitters

Retain

88. Waka Kotahi (370.108), CentrePort (402.66) and KiwiRail (408.60) seek to retain the rule as notified.

Amend

89. Avryl Bramley (202.25 [opposed by WIAL FS36.70 and Meridian FS101.46]) seeks to amend the rule so that it is not a permitted activity and so that notification is mandatory.

90. WIAL (406.131, 406.132, 406.133 [supported by Airways FS105.12, FS105.13 and FS105.14] and 406.134) seek to amend the rule to include the area of Natural Open Space zoned land between Lyall Bay and Moa Point. If relief is not given, they seek relief to a similar effect if the area of Natural Open Space zoned land is rezoned to an alternative zoning. If neither option is accepted, they seek to delete the rule in its entirety.

Assessment

91. For reasons discussed earlier, I do not consider there a need to amend INF-CE-R29 as a result of the above submission points.

INF-CE-R30: (Upgrading of existing infrastructure and new infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal and riparian margins)**

Matters raised by submitters

Retain

92. Waka Kotahi (370.109), CentrePort (402.67) and KiwiRail (408.61) seek to retain the rule as notified.

Delete

93. WIAL (406.135) seek to delete the rule in its entirety.

Assessment

94. The rule provides clarity as to how existing infrastructure can be upgraded within the coastal

environment overlay, and as such in my view should be retained. Therefore no recommendations are made.

INF-CE-R31: Upgrading of existing infrastructure within the coastal environment:

- **Within coastal or riparian margins**

Matters raised by submitters

Retain

95. Waka Kotahi (370.110), CentrePort (402.68) and KiwiRail (408.62) seek to retain the rule as notified.

Amend

96. WIAL (406.136, 406.137 [supported by Airways FS105.15 and FS105.16] 406.138 and 406.139) seek to amend the rule to include the area of Natural Open Space zoned land between Lyall Bay and Moa Point. If relief is not given, they seek relief to a similar effect if the area of Natural Open Space zoned land is rezoned to an alternative zoning. If neither option is accepted, they seek to delete the rule in its entirety.

Assessment

97. The rule provides clarity as to how existing infrastructure can be upgraded within coastal margins or riparian margins in the coastal environment, and as such in my view should be retained. Therefore no recommendations are made.

INF-CE-R32: Upgrading of existing infrastructure within the coastal environment:

- **Within high coastal natural character areas**

Matters raised by submitters

Retain

98. Waka Kotahi (370.111) seeks to retain the rule as notified.

Assessment

99. As no amendments were sought to this rule, no recommendations are made.

INF-CE-R33: New infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal and riparian margins**

Matters raised by submitters

Retain

100. Waka Kotahi (370.112), CentrePort (402.69) and KiwiRail (408.63) seek to retain the rule as notified.

Delete

101. WIAL (406.140 [opposed by Meridian FS101.47]) seek to delete the rule in its entirety.

Assessment

102. The rule provides clarity regarding the status of new infrastructure within the coastal environment (outside of the stated areas), and as such in my view should be retained. Therefore no recommendations are made.

INF-CE-R34: New infrastructure within the coastal environment:

- **Within high coastal natural character areas; or**
- **Within coastal or riparian margins**

Matters raised by submitters

Retain

103. Waka Kotahi (370.113), CentrePort (402.70) and KiwiRail (408.64) seek to retain the rule as notified.

Amend

104. WIAL (406.141 and 406.142) seek to amend the rule as follows:

<p>INF-CE-R34: New infrastructure within the coastal environment:</p> <ul style="list-style-type: none">• Within high coastal natural character areas; or <p>Within coastal or riparian margins</p> <p>1. Activity Status: Restricted Discretionary</p> <p><u>Matters of discretion are:</u></p> <p><u>1. The matters in INF-P6 and INF-P25.</u></p>

Assessment

105. I have given consideration as to whether or not the activity status of INF-CE-R34 should be amended as per WIAL submission points (406.141 and 406.142). It is appropriate that INF-P6 and INF-P25 are addressed for any new infrastructure proposed within high coastal natural character areas. However, limiting effects to those matters may exclude nuances within the environment, and within the infrastructure, being overlooked. Therefore I consider it appropriate that full discretion is retained within the rule, and no recommendations are necessary.

2.5 Submissions on Policies: Infrastructure Coastal Environment – National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC)

INF-CE-P26: Operation, maintenance and repair of existing National Grid (NP) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment

Matters raised by submitters

Amend

106. Transpower (315.94) seeks that the policy be amended to include 'minor upgrade', in recognition of the existing assets, or that a new national grid specific policy is provided.

Assessment

107. Minor upgrade is a term which is not used or defined in the PDP. As such, I recommend that Transpower's submission point (315.94) in that regard be rejected.

108. However, as a new National Grid sub-chapter is proposed, and aligns with the higher order statutory direction for electricity transmission, I recommend that the National Grid aspect of the policy be deleted, as it is provided for in the National Grid sub-chapter. This leaves the policy only in reference to the Gas Transmission Network. The extent of the Gas Transmission Network is detailed in Figure 1 of the Firstgas Limited submission (304). This does not interact with the Coastal Environment. This renders the policy inactive. However, there is no scope in submissions to delete the policy. This will need to occur through a subsequent plan change.

109. As such, I recommend that INF-CE-P26 be amended as follows:

INF-CE-P26: Operation, maintenance and repair of existing ~~National Grid (NG) & Gas Transmission Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment

Allow for the operation, maintenance, repair of existing ~~National Grid (NG) & Gas Transmission Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment.

Summary of recommendations

HS8-INF-P2-REC1:

110. HS8-INF-P2-REC1: amend INF-CE-P26 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-P27: Upgrading of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; or**
- **Outside of coastal margins or riparian margins**

Matters raised by submitters

Amend

111. Transpower (315.95) seeks that the policy be retained, but that the coastal margin is clearly identified.

Assessment

112. The coastal margin is defined in the definition of the PDP. I note that Mr Sirl addressed this point in Paragraph 92 of the Section 42A Report for the Coastal Environment, recommending that *the District Plan mapping be amended to include the Coastal Margin Area consistent with the*

respective definition in the PDP. I agree with this recommendation, and consider it addresses the matter raised by Transpower.

113. I note that Transpower did not specifically seek that they be removed from INF-CE-P27, however their submission does state the following
114. Transpower has concerns the National Grid specific provisions with the infrastructure chapter (and Coastal Environment, Ecosystem and Indigenous Biodiversity and Natural features and landscape sub-chapters) do not reflect the NPSET and as such, are not considered to give effect to the NPSET. The provision of a separate and complete suite of policies for the National Grid would address Transpower's concerns. I consider this provide scope that changes similar to those made above for INF-CE-P26 can be made to INF-CE-P27.
115. As such, I recommend that INF-CE-P27 be amended as follows:

INF-CE-P26: Upgrading of existing National Grid (NG) & Gas Transmission ~~Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; or**
- **Outside of coastal margins and riparian margins**

Allow for the upgrading of existing ~~National Grid (NG) &~~ Gas Transmission ~~Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal margins or riparian margins.

Summary of recommendations

HS8-INF-P2-REC2:

116. HS8-INF-P2-REC2: amend INF-CE-P27 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-P28: Upgrading of existing National Grid (NG) infrastructure within the coastal environment:

- **Within high coastal natural character areas; or**
- **Within coastal margins or riparian margins**

Matters raised by submitters

Amend

117. Transpower (315.96) seeks amendments to reflect that the policy considerations relate to the upgrade, thereby recognising existing assets.

Assessment

118. I consider that upgrading of existing National Grid infrastructure within the coastal environment high coastal natural character areas and within coastal margins or riparian margins in the coastal environment is provided for under the proposed National Grid sub-chapter.
119. As such, I recommend that INF-CE-P28 be deleted in its entirety.

Summary of recommendations

HS8-INF-P2-REC3:

120. HS8-INF-P2-REC3: delete INF-CE-P28 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-P29: Upgrading of existing Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment that is located underground or within an existing road reserve:

- Within high coastal natural character areas; or
- Within coastal margins or riparian margins

121. No matters were raised by submitters in regard to INF-CE-P29. I recommend that a minor correction under clause 16 is necessary to ensure that, as per First Gas submission 305, the Gas Transmission Pipeline Corridor is renamed as the Gas Transmission Network.

INF-CE-P30: Upgrading of existing National Grid (NP) infrastructure within the coastal environment that is located aboveground and outside an existing road reserve -

- Within High Coastal Natural Character Areas; or
- Within coastal margins or riparian margins

Matters raised by submitters

Amend

122. Avryl Bramley (202.23 [opposed by WIAL FS36.68]) seeks to amend the policy so that it is not a permitted activity and so that notification is mandatory.

Assessment

123. For reasons discussed earlier, I consider a permitted activity framework is appropriate, and notification can be determined on a case by case basis.

124. I recommend that a minor correction under clause 16 is necessary to ensure that, as per First Gas submission 305, the Gas Transmission Pipeline Corridor is renamed as the Gas Transmission Network.

INF-CE-P31: New National Grid (NP) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- Outside of high coastal natural character areas; or
- Outside of coastal margins or riparian margins

Matters raised by submitters

Retain

125. Transpower (315.97) seek to retain the policy as notified.

Amend

126. Avryl Bramley (202.24 [opposed by WIAL FS36.69]) seeks to amend the policy so that it is not a permitted activity and so that notification is mandatory.

Assessment

127. For reasons discussed earlier, I consider a permitted activity framework is appropriate, and notification can be determined on a case by case basis.
128. I also consider that, as discussed earlier, the National Grid is appropriately provided for in the recommended National Grid sub-chapter, and therefore that changes similar to those made above for INF-CE-P26 and INF-CE-P27 can be made to INF-CE-P31.
129. As such, I recommend that INF-CE-P31 be amended as follows:

INF-CE-P31: New ~~National Grid (NG)~~ & Gas Transmission ~~Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; or**
- **Outside of coastal margins and riparian margins**

Allow for new ~~National Grid (NG)~~ & Gas Transmission ~~Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal or riparian margins.

Summary of recommendations

HS8-INF-P2-REC4:

130. HS8-INF-P2-REC4: amend INF-CE-P31 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-P32: New National Grid (NP) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- **Within high coastal natural character areas; or**
- **Within coastal margins or riparian margins**

Matters raised by submitters

Delete

131. Transpower (315.98) seeks to delete the policy in its entirety and add a new National Grid specific policy as per separate submission points.

Assessment

132. I agree with the approach proposed by Transpower, which provides for improved alignment with higher order planning statutory planning documents. I also consider that should any new gas transmission infrastructure be proposed within the coastal environment's high coastal natural character areas, coastal margins or riparian margins, it can be done under INF-CE-P25.
133. As such, I recommend that INF-CE-P32 be deleted in its entirety.

Summary of recommendations

HS8-INF-P2-REC5:

134. HS8-INF-P2-REC5: delete INF-CE-P32 in its entirety to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

2.6 Submissions on Rules: Infrastructure Coastal Environment - National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC)

INF-CE-R35: Operation, maintenance, repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure:

- Within the coastal environment

Matters raised by submitters

Amend

135. Avryl Bramley (202.26 [opposed by Powerco FS61.34]) seeks to amend the rule to have controls on gas company activity to ensure that only maintenance necessary to keep the network functioning at a minimal level until final phase out is permitted.
136. Transpower (315.99) seek to delete reference to the National Grid within the rule to avoid confusion and potential errors in the application of rules.

Assessment

137. In regards to Avryl Bramley (202.26 [opposed by Powerco FS61.34]), the rule necessarily allows for the operation, maintenance and repair of the gas transmission network. Regardless of where the gas transmission network is located, operation, maintenance and repair is required.
138. For reasons discussed earlier, I agree with Transpower (315.99).
139. As such, I recommend that INF-CE-R35 be amended as follows:

INF-CE-R35: Operation, maintenance, repair of existing ~~National Grid (NG) &~~ Gas Transmission ~~Network Pipeline Corridor (GTPC)~~ infrastructure:

- Within the coastal environment

Summary of recommendations

HS8-INF-P2-REC6:

140. HS8-INF-P2-REC6: amend INF-CE-R35 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-R36: (Upgrading of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- Outside of high coastal natural character areas; and
- Outside of coastal margins or riparian margins

Matters raised by submitters

Amend

141. Avryl Bramley (202.27 [opposed by Powerco FS61.35]) seeks to amend the rule to have controls on gas company activity to ensure that only maintenance necessary to keep the network functioning at a minimal level until final phase out is permitted.
142. Transpower (315.100) seek to delete reference to the National Grid within the rule to avoid confusion and potential errors in the application of rules.

Assessment

143. Upgrades to the gas transmission network must be provided for, as they can improve the efficiency and effectiveness of the network.
144. As per earlier submission points, I agree with Transpower's submission point's and recommend that the rule is amended accordingly.
145. I recommend that INF-CE-R36 be amended as follows:

INF-CE-R36: Upgrading of existing ~~National Grid (NG) & Gas Transmission Network Pipeline Corridor (GTPC)~~ infrastructure within the coastal environment:

- Outside of high coastal natural character areas; and
- Outside of coastal margins or riparian margins.

Summary of recommendations

HS8-INF-P2-REC7:

146. HS8-INF-P2-REC7: amend INF-CE-R36 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-R37: Upgrading of existing National Grid (NG) infrastructure within the coastal environment:

- Within high coastal natural character areas; or
- Within coastal or riparian margins

Matters raised by submitters

Amend

147. Avryl Bramley (202.28 [opposed by Powerco FS61.36]) seeks to amend the rule to have controls on gas company activity to ensure that only maintenance necessary to keep the network functioning at a minimal level until final phase out is permitted.

Delete

148. Transpower (315.101) seek to delete the rule in its entirety.

Assessment

149. The rule only applies to national grid infrastructure. As per reasons discussed earlier, I agree with Transpower that the rule can be deleted.

150. I recommend that INF-CE-R37 be deleted in its entirety.

Summary of recommendations

HS8-INF-P2-REC8:

151. HS8-INF-P2-REC8: delete INF-CE-R37 to recognise that the National Grid in the Coastal Environment is provided in the National Grid sub-chapter.

INF-CE-R38: Upgrading of existing Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- **Within high coastal natural character areas; or**
- **Within coastal or riparian margins**

Matters raised by submitters

Amend

152. Avryl Bramley (202.29 [opposed by Powerco FS61.37]) seeks to amend the rule to have controls on gas company activity to ensure that only maintenance necessary to keep the network functioning at a minimal level until final phase out is permitted.

Assessment

153. As discussed earlier, it is important to allow for upgrading of infrastructure. Albeit in this instance that there is no gas transmission network within the coastal environment, rendering the rule ineffective.

154. Some minor corrections under Clause 16 are necessary to reflect the nomenclature of how the gas transmission network is provided for.

INF-CE-R39: (New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal or riparian margins)**

Matters raised by submitters

Retain

155. Transpower (315.102) seek to retain the rule as notified.

Assessment

156. The rule has been retained for the National Grid within the National Grid sub-chapter. This recommendation has previously been made.

157. Some minor corrections under Clause 16 are necessary to reflect the nomenclature of how the gas transmission network is provided for.

INF-CE-R40: (New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment:

- **Within high coastal natural character areas; or**
- **Within coastal or riparian margins**

Matters raised by submitters

Retain

158. Transpower (315.103) seeks to retain the rule as notified.

Assessment

159. The rule has been retained for the National Grid within the National Grid sub-chapter. This recommendation has previously been made.

160. Some minor corrections under Clause 16 are necessary to reflect the nomenclature of how the gas transmission network is provided for.

2.7 Submissions Requesting New Infrastructure – Coastal Environment Provisions

Matters raised by submitters – New Policies

161. Transpower (315.92) seeks to add a new policy as follows, if the relief sought in regard to submission points relating to ‘minor upgrades’ are not accepted:

INF-NG-P2 Operation, and maintenance and minor upgrade of the National Grid

Provide for the operation, maintenance and minor upgrade of the National Grid while managing the adverse effects of these activities.

162. Transpower (315.93) considers that INF-CE-P32 does not give effect to the NPS-ET and proposes an amended policy framework specific to the National Grid. They seek to add a new National Grid specific policy 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.

Assessment

163. These policies have been provided for in the previously discussed National Grid sub-chapter, which I consider is the appropriate location for national grid specific matters.

Summary of recommendations

Matters raised by submitters – New Rules

164. Telco (99.49 [supported by WELL FS27.1]) seeks to add a new rule to the chapter providing for

customer connections in the Coastal Environment as a permitted activity, provided any underground connection complies with INF-S3, and any overhead connection is only permitted where it is from existing overhead network reticulation.

Assessment

165. The submission point from the telcos (99.49 [supported by WELL FS27.1]) provides clarity to the sub-chapter, by addressing a matter which has not been made clear in the as notified version. I consider that this clarity can be achieved by amending Rule INF-CE-R27, as follows:

INF-CE-R27: Operation, maintenance, repair of existing infrastructure, and customer connections within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal and riparian margins.**

Summary of recommendations

HS8-INF-P2-REC9:

166. HS8-INF-P2-REC9: amend INF-CE-R27 regarding customer connections.

3.0 Infrastructure – Natural Features and Landscapes

3.1 Submissions on General matters

Matters Raised by submitters

167. Churton Park Community Association (189.5 [opposed by Andy Foster FS86.38, Meridian FS101.66, supported by Matthew Wells, Adelina Reis, and Sarah Rennie FS50.11, Roseneath Residents' Association FS49.4, and Wellington Civic Trust FS83.74) and John Tiley (142.5 [opposed by Andy Foster FS86.27, Meridian FS101.64, supported by Matthew Wells, Adelina Reis, and Sarah Rennie FS50.2, Roseneath Residents' Association FS49.2, and Wellington Civic Trust FS83.74]) seek that all city ridgelines remain free of any development.
168. Forest and Bird (345.78 [opposed by Meridian FS101.67, Powerco FS61.17, Telco FS25.17, Transpower FS29.33, and WIAL FS36.72]) seek that the chapter be amended to mirror the Natural Features and Landscapes and be as protective as that chapter.
169. Meridian (228.29 and 228.30) seeks to amend the preamble to the chapter, under the heading 'Other relevant District Plan provisions' by inserting the following (or similar) clarification note:

The rules applicable to renewable electricity generation activities in the coastal environment are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter INF NFL Natural Features and Landscapes do not apply to renewable electricity generation activities.

170. Taranaki Whānui ki te Upoko o te Ika (389.58 [inclusion and protection of SASMs are supported by GWRC FS84.121) seek to amend 'Other relevant District Plan provisions' to include Sites and Areas of Significance to Māori chapter.

171. Transpower (315.120) seeks to rationalise the number of policies in the INF-NFL chapter specific to the National Grid in the form of a revised set of National Grid specific policies.

Assessment

172. The rule framework sets up different activity statuses for different infrastructure uses in the mapped ridgelines and hilltops overlay. The rule framework recognises that the city ridgelines and hilltops currently have infrastructure on them. As such, I recommend that the outcome sought by Churton Park Community Association (189.5 [opposed by Andy Foster FS86.38, Meridian FS101.66, supported by Matthew Wells, Adelina Reis, and Sarah Rennie FS50.11, Roseneath Residents' Association FS49.4, and Wellington Civic Trust FS83.74] and John Tiley (142.5 [opposed by Andy Foster FS86.27, Meridian FS101.64, supported by Matthew Wells, Adelina Reis, and Sarah Rennie FS50.2, Roseneath Residents' Association FS49.2, and Wellington Civic Trust FS83.74]) is rejected.
173. Likewise, there is existing infrastructure in the outstanding natural features, outstanding landscapes and special amenity landscapes. Therefore the chapter needs to recognise how infrastructure within these overlays is provided for. As such I recommend that the submission point from Forest and Bird (345.78 [opposed by Meridian FS101.67, Powerco FS61.17, Telco FS25.17, Transpower FS29.33, and WIAL FS36.72]) be rejected.
174. I consider that the amendment sought by Meridian (228.29 and 228.30) has been provided for by the recommended changes to the introduction of the overall infrastructure chapter.
175. As previously stated, the interrelationship between infrastructure and Sites and Areas of Significance to Māori is provided for in the Infrastructure – Other Overlays sub chapter. Likewise, the Transpower provisions are addressed in the National Grid sub chapter.
176. As such, I do not recommend any regulations in regard to the general submission points received on the INF-NFL sub chapter.

3.2 Submissions on Infrastructure – Natural Features and Landscapes Introduction

Matters raised by submitters

177. Forest and Bird (345.79 [opposed by Meridian FS101.68 and WIAL FS345.79]) seek that the introduction be amended to acknowledge the potential adverse effects of infrastructure on indigenous biodiversity, landscape and natural character values, and make it clear that these are important values that may be adversely affected and require protection.
178. Forest and Bird (345.80 [opposed by Meridian FS101.69, Transpower FS29.34, and WIAL FS36.74]) seek to amend INF-NFL-R53-57 to give effect to policy changes requested in above submission points, mirror Natural Features and Landscapes rules, and be as protective as the amendments sought to the Natural Features and Landscapes chapter.
179. Transpower (315.121) seeks to amend the introduction of the chapter as follows:

This sub-chapter applies to infrastructure within Natural Features and Landscape Overlays. It applies in addition to the principal Infrastructure Chapter.

Included within the sub-chapter are provisions specific to the National Grid (NG) and Gas Transmission Pipelines Corridor (GTPC). For the avoidance of doubt, other sub-chapter policies and rules within this

sub-chapter do not apply to the National Grid.

Note: The objectives of the Infrastructure Chapter apply.

Assessment

180. In my view, the objectives and policies provide the acknowledgement that infrastructure can effect natural features and landscapes. indigenous biodiversity is not addressed in this subchapter. As such, no amendments are recommended in light of the submission points from Forest and Bird (345.79 [opposed by Meridian FS101.68 and WIAL FS345.79], 345.80 [opposed by Meridian FS101.69, Transpower FS29.34, and WIAL FS36.74]).
181. The matter raised by transpower(315.121) is addressed through the recommended sub chapter on National Grid.

3.3 Submissions on Policies: Infrastructure – Natural Features and Landscapes

INF-NFL-P38: Operation, maintenance, repair of existing infrastructure within ridgelines and hilltops

Matters raised by submitters

Retain

182. KiwiRail (408.72) and Waka Kotahi (370.125) seek that the policy be retained as notified.

Amend

183. Forest and Bird (345.82) oppose the blanket provision for operation of infrastructure without consideration of related policy NFL-P2. They seek that the policy be redrafted to ensure consideration of other relevant policies or include wording in this policy to mirror NFL-P2.

Assessment

184. Forest and Bird (345.82) does not acknowledge that the policy applies to existing infrastructure, and that the operation, maintenance and repair of this infrastructure will not have any noticeable effect on ridgelines and hilltops. As such I do not recommend any changes to INF-NFL-P38.

INF-NFL-P39: Operation, maintenance, repair of existing infrastructure within special amenity landscapes (including within the coastal environment)

Matters raised by submitters

Retain

185. Waka Kotahi (370.126) seeks that the policy be retained as notified.

Amend

186. Forest and Bird (345.83 [opposed by Meridian FS101.71]) seek that the policy be amended as follows:

INF-NFL-P39: Operation, maintenance, repair of existing infrastructure within special amenity landscapes (including within the coastal environment)

Allow for the operation, maintenance and repair of existing infrastructure located within special amenity landscapes where:

1. Associated earthworks and vegetation removal are of a scale that maintains or restores the ~~identified~~-values as described in SCHED12.

2. [\[Insert reference to relevant NFL and ECO provisions for biodiversity protection\]](#)

3. [\[Insert direction that effects are not only need to be managed but protected in certain areas\]](#)

187. Powerco (127.34) and Telco (99.52) seek that the policy be amended so that it refers to SCHED 11 rather than SCHED 12.

Assessment

188. Schedule 11 identifies Special Amenity Landscapes in Wellington City. It is appropriate that the policy references those identified values. The policy only concerns special amenity landscapes. Effects on other natural features and landscapes and effects on biodiversity are provided for elsewhere in the INF-ECO chapter.

189. The incorrect cross reference raised by Powerco (127.34) and Telco (99.52) has been addressed as a minor correction.

INF-NFL-P40: Operation, maintenance, repair of existing infrastructure within outstanding natural landscapes (including within the coastal environment)

Matters raised by submitters

Retain

190. Waka Kotahi (370.127) seeks that the policy be retained as notified.

Amend

191. Forest and Bird (345.84 [opposed by Meridian FS101.72, Powerco FS61.19, Telco FS25.19, and WELL FS27.24]) seek that the policy be amended as follows:

INF-NFL-P40: Operation, maintenance, repair of existing infrastructure within outstanding natural landscapes (including within the coastal environment)

Allow for the operation, maintenance and repair of existing infrastructure located within outstanding natural features and outstanding natural landscapes where:

1. Associated earthworks and vegetation removal are of a scale that protects the ~~identified~~-values described in SCHED1~~4~~0.

[\[Add direction to enable assessment of effects at consenting stage, and amend overall policy to give effect to policy 11 of the NZ Coastal Policy Statement\]](#)

192. Telco (99.53) seeks that the policy be amended to refer to SCHED 10 rather than SCHED 11.

Assessment

193. I consider it appropriate to have a policy framework that allows, within reason, for the operation, maintenance, repair of existing infrastructure within outstanding natural landscapes. In terms of NZCPS Policy 11, I consider that this is more appropriately dealt with in the INF-ECO subchapter, as it relates to indigenous biological diversity as opposed to natural features and landscapes matters.

194. The incorrect cross reference raised by Telco (99.53) has been addressed as a minor correction.

INF-NFL-P41: Upgrading of existing infrastructure within ridgelines and hilltops

Matters raised by submitters

Retain

195. KiwiRail (408.73) and Waka Kotahi (370.128) seeks that the policy be retained as notified.

Amend

196. Forest and Bird (345.85) seek that the policy be amended so say 'only allow' to ensure matters considered are provisional on meeting this policy.

Assessment

197. I do not consider there to be any additional direction to the policy by adding the word 'only' as sought by Forest and Bird (345.85). The policy only applies to the specific instance of a proposed upgrade to existing infrastructure within ridgelines and hilltops.

INF-NFL-P42: Upgrading of existing infrastructure within special amenity landscape (including within the coastal environment) that is located underground or within an existing legal road

Matters raised by submitters

Retain

198. Waka Kotahi (370.129) seeks that the policy be retained as notified.

Amend

199. Forest and bird (345.86 [opposed by Powerco FS61.20 and Telco FS25.20]) consider that a blanket "allow" policy is inappropriate as it gives no direction as to whether the effects of undergrounding may be appropriate.

Assessment

200. I consider that encouraging the undergrounding of infrastructure in an area identified as a Special Amenity Landscape is appropriate. It is noted that standards are proposed which manage the effects of undertaking earthworks associated with undergrounding infrastructure.

INF-NFL-P43: Upgrading of existing infrastructure within special amenity landscape (including within the coastal environment) that is located aboveground and outside an existing legal road

Matters raised by submitters

Retain

201. Waka Kotahi (370.130) seeks that the policy be retained as notified.

Amend

202. Forest and Bird (345.87 [opposed by KiwiRail FS72.39, Meridian FS101.73, Powerco FS61.21, and Telco FS25.21]) seek that the policy be amended as follows:

INF-NFL-P43: Upgrading of existing infrastructure within special amenity landscape (including within the coastal environment) that is located aboveground and outside an existing legal road

Provide for the upgrading of existing infrastructure that is located above ground and outside an existing legal road within a special amenity landscape where:

1. The activity is of a scale that maintains or restores the identified values as described in SCHED12;
2. If located outside the coastal environment any adverse effects on the identified values can be avoided, remedied or mitigated;
3. If located within 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; and
- ~~4. There is a functional need or an operational need for the activity to be undertaken within the special amenity landscape.~~
- ~~4. It aligns with the matters set out in [the relevant ECO and NFL policies].~~

203. Powerco (127.35) and Telco (99.54) considers that the policy incorrectly refers to SCHED 12 and seek that it be amended to refer to SCHED 11.

Assessment

204. As I have previously stated, values for Special Amenity Landscapes are identified in the PDP. However, functional and operational needs of infrastructure is a specific consideration, and there may be valid functional and operational reasons as to why existing infrastructure in a Special Amenity Landscape be upgraded. The policy provides an opportunity for the applicant to outline the functional and operational need, and the Council to assess it. As such, I recommend that the matters raised by Forest and Bird (345.87 [opposed by KiwiRail FS72.39, Meridian FS101.73, Powerco FS61.21, and Telco FS25.21]) are rejected.

205. The incorrect cross reference raised by Powerco (127.35) and Telco (99.54) has been addressed as a minor correction.

INF-NFL-P44: Upgrading of existing infrastructure within outstanding natural features and landscapes (including within the coastal environment) that is located underground or within an existing legal road

Matters raised by submitters

Retain

206. Waka Kotahi (370.131) seeks that the policy be retained as notified.

Amend

207. Forest and Bird (345.88) seek that the policy be amended as follows:

INF-NFL-P44: Upgrading of existing infrastructure within outstanding natural features and landscapes (including within the coastal environment) that is located underground or within an existing legal road

Provide for the upgrading of existing infrastructure within outstanding natural features and outstanding natural landscapes where the infrastructure is located underground or within an existing legal road with consideration given to the appropriateness of effects as set out in ECO-P1, NFL-P5, NFL-P6 [and any other relevant ECO and NFL policies]

Assessment

208. As I have stated, the INF-NFL sub chapter is stand alone, and indigenous biodiversity matters are addressed elsewhere in the INF-ECO chapter where appropriate. As such I recommend that the amendments sought by Forest and Bird (345.88) are rejected.

INF-NFL-P45: Upgrading of existing infrastructure within outstanding natural features and landscapes (including within the coastal environment) that is located aboveground and outside an existing legal road

Matters raised by submitters

Retain

209. Waka Kotahi (370.132) seeks that the policy be retained as notified.

Amend

210. Forest and Bird (345.89 [opposed by KiwiRail FS72.40, Meridian FS101.74, Powerco FS61.22, and Telco FS25.22]) seek that the policy be amended as follows:

INF-NFL-P45: Upgrading of existing infrastructure within outstanding natural features and landscapes (including within the coastal environment) that is located aboveground and outside an existing legal road

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:

1. The activity is of a scale that protects the identified values described in SCHED10;
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;
3. If located within the coastal environment any adverse effects on the **identified** values can be avoided; and

~~4. There is a functional need or operational need for the activity to be undertaken within the outstanding natural features and outstanding natural landscapes.~~

4. It aligns with the matters set out in NFL-P5, NFL-P6, INF-NFL-PX, and ECO-P1.

[Amend overall policy to give effect to Policies 11 and 15 of NZ Coastal Policy Statement]

211. Telco (99.55 [supported by WELL FS27.3]) seeks that the policy be amended as follows:

INF-NFL-P45: Upgrading of existing infrastructure within outstanding natural features and landscapes (including within the coastal environment) that is located aboveground and outside an existing legal road

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:

1. Having regard to the matters in Policy INF-P6, the activity is of a scale that protects the identified values described in SCHED10 from inappropriate development;

Assessment

212. As I have stated, the INF-NFL sub chapter is stand alone, and indigenous biodiversity matters are addressed elsewhere in the PDP. Also, values associated with outstanding natural features and landscapes are identified. As such I recommend that the amendments sought by Forest and Bird (345.89 [opposed by KiwiRail FS72.40, Meridian FS101.74, Powerco FS61.22, and Telco FS25.22]) are rejected.

213. An only allow policy direction in outstanding natural features and landscapes is appropriate in my view. These are limited areas which have been identified for their outstanding values, and as such a robust framework is necessary to consider changes to structures within those areas. The policy does allow for consideration of functional need and operational need, which can be considered by decision makers when upgrades to existing infrastructure are necessary in the overlay.

214. As such, I do not recommend any amendments to INF-NFL-P45.

INF-NFL-P46: New infrastructure within identified ridgelines and hilltops

Matters raised by submitters

Retain

215. KiwiRail (408.74) and Waka Kotahi (370.133) seek that the policy be retained as notified.

Amend

216. Forest and Bird (345.90) oppose the 'allow' direction of the policy and seek that it be amended to 'only allow'.

Assessment

217. As the policy only applies in a specific circumstance, I consider there to be no need to rephrase it to "only allow" as per Forest and Bird (345.90).

INF-NFL-P47: New infrastructure within a special amenity landscape (including within the coastal environment) that is located underground or within an existing legal road

Matters raised by submitters

Retain

218. Waka Kotahi (370.134) seeks that the policy be retained as notified.

Amend

219. Forest and Bird (345.91) seek that the matters for consideration include the relevant ECO and NFL provisions.

Assessment

220. As previously stated, the infrastructure provisions are standalone, and therefore should not refer to the relevant ECO and NFL provisions as per Forest and Bird (345.91).

INF-NFL-P48: New infrastructure within a special amenity landscape (including within the coastal environment) that is located above ground and outside existing legal road

Matters raised by submitters

Retain

221. Waka Kotahi (370.135) seeks that the policy be retained as notified.

Amend

222. Forest and Bird (345.92 [opposed by KiwiRail FS72.41, Meridian FS101.75, Powerco FS61.23, and Telco FS25.23]) seek that the policy be amended as follows:

INF-NFL-P48: New infrastructure within a special amenity landscape (including within the coastal environment) that is located above ground and outside existing legal road

Only allow for new infrastructure that is located outside an existing legal road and above ground within a special amenity landscape where:

1. The activity is of a scale that maintains or restores the ~~identified~~ values as described in SCHED11;
2. If located outside the coastal environment any adverse effects on the identified values can be avoided, remedied or mitigated;
3. If located within 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; and

~~4. There is a functional need or an operational need for the activity to be undertaken within the special amenity landscape~~

~~4. It aligns with the matters set out in NFL-P5, NFL-P6, INF-NFL-PX, and ECO-P1.~~

~~[Amend overall policy to give effect to Policy 11 of NZ Coastal Policy Statement]~~

Assessment

223. As I have stated, the INF-NFL sub chapter is stand alone, and indigenous biodiversity matters are addressed elsewhere in the PDP (noting that Significant Natural Areas identified in the PDP include Significant Natural Areas identified in the Coastal Environment, thereby giving effect to

Policy 11 of the NZCPS). Also, values associated with outstanding natural features and landscapes are identified.

224. As such I recommend that the amendments sought by Forest and Bird (345.92 [opposed by KiwiRail FS72.41, Meridian FS101.75, Powerco FS61.23, and Telco FS25.23]) are rejected.

INF-NFL-P49: New infrastructure within outstanding natural features and outstanding natural landscapes outside the coastal environment

Matters raised by submitters

Retain

225. Waka Kotahi (370.136) seeks that the policy be retained as notified.

Amend

226. Forest and Bird (345.93 [opposed by KiwiRail FS72.42 and Meridian FS101.76]) seek that the policy be amended as follows:

INF-NFL-P49: New infrastructure within outstanding natural features and outstanding natural landscapes outside the coastal environment

Only allow new infrastructure within outstanding natural features and outstanding natural landscapes when located outside the coastal environment, where:

1. The activity is of a scale that protects the identified values described in SCHED10;
2. Any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated; and

~~3. There is a functional need or operational need for the activity to be undertaken within an outstanding natural feature or outstanding natural landscape in the coastal environment.~~

~~3. It aligns with the matters set out in NFL-P5, NFL-P6, INF-NFL-PX, and ECO-P1.~~

227. Telco (99.56 [supported by WELL FS27.4]) seeks that the policy be amended as follows:

INF-NFL-P49: New infrastructure within outstanding natural features and outstanding natural landscapes outside the coastal environment

Only allow new infrastructure within outstanding natural features and outstanding natural landscapes when located outside the coastal environment, where;

1. Having regard to the matters in Policy INF-P6, the activity is of a scale that protects the identified values described in SCHED10 from inappropriate development;

Assessment

228. For the reasons given above for INF-NFL-P45, I recommend that the submissions from both Forest and Bird (345.93 [opposed by KiwiRail FS72.42 and Meridian FS101.76]) and Telco (99.56 [supported by WELL FS27.4]) are rejected.

INF-NFL-P50: New infrastructure within outstanding natural features and outstanding natural landscapes within the coastal environment

Matters raised by submitters

Retain

229. Waka Kotahi (370.137) seeks that the policy be retained as notified.

Amend

230. Forest and Bird (345.94 [opposed by Meridian FS101.77 and WELL FS27.25]) seek to remove the word 'identified' from the policy.

Assessment

231. As has previously been stated, values are identified in the PDP Schedules, and as such it is appropriate for the policy to be cognisant of those values.

3.4 Submissions on Rules: Infrastructure – Natural Features and Landscapes

INF-NFL-R48: Operation, maintenance and repair of existing infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops (including within the coastal environment)

Matters raised by submitters

Retain

232. Firstgas (304.34), KiwiRail (408.75), and Waka Kotahi (370.138) seek to retain the rule as notified.

Assessment

233. As there are no submissions seeking amendments or deletions of INF-NFL-R48, no recommendations have been made.

INF-NFL-R49: Upgrading of existing infrastructure within the special amenity landscapes or identified ridgelines and hilltops

Matters raised by submitters

Retain

234. Firstgas (304.35) and Waka Kotahi (370.139) seek to retain the rule as notified.

Amend

235. KiwiRail (408.76) seeks that the rule be amended as follows:

INF-NFL-R49: Upgrading of existing infrastructure within the special amenity landscapes or identified ridgelines and hilltops

Activity status: Permitted

Where:

- a. The infrastructure is located underground; or
- b. The infrastructure is located within an existing rail or road reserve; or
- c. The upgrade is contained entirely within an existing building or structure.

Assessment

236. While I understand KiwiRail's concerns as expressed in their submission point (408.76), I have reviewed their designation against the special amenity landscapes or identified ridgelines and hilltops mapped in the PDP, and there is no overlap. As such, the amendment sought would not achieve anything.

INF-NFL-R50: Upgrading of existing infrastructure within outstanding natural features and outstanding landscapes

Matters raised by submitters

Retain

237. Waka Kotahi (370.140) seeks to retain the rule as notified.

Assessment

238. As there are no submissions seeking amendments or deletions of INF-NFL-R50, no recommendations have been made.

INF-NFL-R51: New infrastructure within outstanding natural features and outstanding landscapes

Matters raised by submitters

Retain

239. Waka Kotahi (370.141) seeks to retain the rule as notified.

Assessment

240. As there are no submissions seeking amendments or deletions of INF-NFL-R51, no recommendations have been made.

INF-NFL-R52: New infrastructure within special amenity landscapes or identified ridgelines and hilltops

Matters raised by submitters

Retain

241. Waka Kotahi (370.142) seeks to retain the rule as notified.

Amend

242. KiwiRail (408.77) seeks that the rule be amended as follows:

INF-NFL-R52: New infrastructure within special amenity landscapes or identified ridgelines and hilltops

Activity status: Permitted

Where:

- a. The infrastructure is located underground; or
- b. The infrastructure is located within an existing rail or road reserve.

243. Taranaki Whānui ki te Upoko o te Ika (389.59) seek that the rule be amended to include triggers for active engagement with Taranaki Whānui in relation to SASM as matter of discretion under rule.

Assessment

244. As per INF-NFL-R49, there is no overlap between existing rail and special amenity landscapes or identified ridgelines and hilltops.

245. In regard to Taranaki Whānui ki te Upoko o te Ika (389.59), they seek that the rule be amended to include triggers for active engagement with Taranaki Whānui in relation to SASM as a matter of discretion. Such triggers exist in the Infrastructure – Other Overlay chapter

246. As such, I do not recommend any changes to INF-NFL-R52.

3.5 Submissions on Policies: Infrastructure Natural Features and Landscapes - National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC)

INF-NFL-P51: Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within identified ridgelines and hilltops

INF-NFL-P52: Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within special amenity landscapes (including within the coastal environment)

INF-NFL-P53: Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes (including within the coastal environment)

INF-NFL-P54: Upgrading of existing National Grid (NG) and Gas Transmission Pipeline Corridor (GTPC) infrastructure within identified ridgelines and hilltops

INF-NFL-P55: Upgrading of existing National Grid (NG) or Gas Transmission Pipeline Corridor (GTPC) infrastructure within a special amenity landscape (including within the coastal environment) that is located underground or within an existing legal road

INF-NFL-P56: Upgrading of existing National Grid (NG) and Gas Transmission Pipeline Corridor (GTPC) infrastructure within special amenity landscapes (outside of the coastal environment)

INF-NFL-P57: Upgrading of existing National Grid (NG) or Gas Transmission Pipeline Corridor (GTPC) infrastructure within a special amenity landscape (including within the coastal environment)

INF-NFL-P58: Upgrading of existing National Grid (NG) and Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes (including within the coastal environment

INF-NFL-P59: New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within the coastal environment

INF-NFL-P60: New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified landscapes or identified ridgelines and hilltops, outside the coastal environment

Matters raised by submitters

Amend

247. Transpower (315.126 to 315.140) sought that these policies be deleted or amended to not include reference to the National Grid.

Assessment

248. As per my assessments earlier, with the recommendation to include a National Grid sub-chapter I consider that Transpower's submission points can be accommodated.

249. As such, I recommend that INF-NFL-P51 to INF-NFL-P59 be amended as per Appendix A (noting a minor correction is necessary to the nomenclature of the gas transmission network).

Summary of recommendations

HS8-INF-P2-REC10:

250. HS8-INF-P2-REC10: amend INF-NFL-P51 to INF-NFL-P60 to recognise that the National Grid in the Natural Features and Landscapes is provided in the National Grid sub-chapter.

4.6 Submissions on Rules: Infrastructure Natural Features and Landscapes - National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC)

INF-NFL-R53: Operation, maintenance and repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops (including within the coastal environment

INF-NFL-R54: Upgrading of existing National Grid (NG) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes, or identified ridgelines and hilltops

INF-NFL-R56: New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops

INF-NFL-R57: New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes, within the coastal environment

Matters raised by submitters

Amend

251. Transpower (315.141 to 315.147) sought that these rules be deleted or amended to not include reference to the National Grid.

Assessment

252. As per my assessments earlier, with the recommendation to include a National Grid sub-chapter I consider that Transpower's submission points can be accommodated.
253. As such, I recommend that INF-NFL-R53, INF-NFL-R54, INF-NFL-R56 and INF-NFL-R57 be amended as per Appendix A (noting a minor correction is necessary to the nomenclature of the gas transmission network).

Summary of recommendations

HS8-INF-P2-REC11:

254. HS8-INF-P2-REC11: amend INF-NFL-R53, INF-NFL-R54, INF-NFL-R56 and INF-NFL-R57 to recognise that the National Grid in the Natural Features and Landscapes is provided in the National Grid sub-chapter.

INF-NFL-R55: Upgrading of existing Gas Transmission Pipeline Corridor (GTPC) infrastructure within outstanding natural features and outstanding landscapes, special amenity landscapes or identified ridgelines and hilltops

255. No submissions were received on INF-NFL-R55. However a minor correction is necessary to reflect the name of the gas transmission network.

4.7 Submissions on Standards: Infrastructure Natural Features and Landscapes

INF-NFL-S21: Earthworks

Matters raised by submitters

Retain

256. Waka Kotahi (370.143) seeks to retain the standard as notified.
257. Transpower (315.148) seeks to retain the standard as notified on the basis that it is not applicable to the National Grid.

Amend

258. Firstgas (304.36) seeks that the policy be amended to allow for excavation up to a maximum volume of 350m³ per project during maintenance and repair works on existing infrastructure.
259. GWRC (351.98 [supported by WCC ERG FS112.8]) seeks to amend wording to remove 'identified'

before 'significant biodiversity values' when referring to adverse effects caused by activities or maintenance of biodiversity values.

3.8 Submissions Requesting New Infrastructure Natural Features and Landscapes Provisions

Matters raised by submitters

260. Forest and Bird (345.81 [opposed by Meridian FS101.70, Powerco FS61.18, Telco FS25.18, Transpower FS29.35, and WIAL FS36.75]) seek to add a new policy to give effect to Policy 11 of the NZCPS as follows:

Only allow activities within a significant natural area in the coastal environment where it can be demonstrated that they:

1. Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;
2. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010; and
3. Protect other indigenous biodiversity values in accordance with ECO-P1.

261. Transpower (315.122) seeks to add a new policy as follows:

NF-NFL-X Operation, maintenance, repair and minor upgrade of existing National Grid (NG) infrastructure within identified ridgelines and hilltops, special amenity landscapes, and outstanding natural features and outstanding landscapes (including within the coastal environment)

Allow for the operation, maintenance, repair and minor upgrade of existing National Grid (NG) infrastructure within identified ridgelines and hilltops, special amenity landscapes, and outstanding natural features and outstanding landscapes (including within the coastal environment), while managing the adverse effects of these activities.

262. Transpower (315.123) seek that a new policy specific to the National Grid be added if the relief sought in (315.122) is not accepted:

INF-NG-P2 Operation, and maintenance and minor upgrade of the National Grid

Provide for the operation, maintenance and minor upgrade of the National Grid while managing the adverse effects of these activities

263. Transpower (315.124 and 315.125) seeks to add a new National Grid specific policy for Outstanding Natural Features and Landscapes and Significant Amenity Landscapes as follows:

NF-NFL-XX Upgrade of existing National Grid (NG) infrastructure within special amenity landscapes, and outstanding natural features and outstanding landscapes (including within the coastal environment)

In providing for the upgrade of existing National Grid (NG) infrastructure within special amenity landscapes, and outstanding natural features and outstanding landscapes (including within the coastal environment):

1. Seek to avoid adverse effects on special amenity landscapes, and outstanding natural features and

outstanding landscapes

2. When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection;

3. Recognise the constraints arising from the operational needs and functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects; and

4. Recognise the potential benefits of upgrades to the National Grid to people and communities.

Assessment

264. As stated under my assessment on submission points on INF-NFL-P40, I consider that the NZCPS Policy 11 is a matter for indigenous biodiversity considerations, and dealt with under that chapter.
265. I also have stated that I consider the matters raised by Transpower are more appropriately addressed in the now proposed National Grid sub chapter.

4.0 Infrastructure – Natural Hazards – General submissions

4.1 Submission on General matters

Matters raised by submitters

266. CentrePort (402.71 and 402.71 [opposed by Powerco FS61.28, Telco FS25.24, and supported by WIAL FS36.76 and FS36.77]) seeks that the Infrastructure Natural Hazards provisions are located within the Natural Hazards Chapter.
267. Taranaki Whānui ki te Upoko o te Ika (389.60 [supported by GWRC FS84.122]) seeks to amend 'Other relevant District Plan provisions' to include Sites and Areas of Significance to Māori chapter.

Assessment

268. As has been a common theme throughout this report, the suite of infrastructure chapters provide a standalone location for all infrastructure matters, and therefore do not need to cross reference to the Natural Hazards chapter.
269. SASM matters are addressed in the Infrastructure – Other Overlays chapter.

4.2 Submissions on Policies: Infrastructure – Natural Hazards

INF-NH-P61: Infrastructure and structures in Natural Hazard and Coastal Hazard Overlays

Matters raised by submitters

Retain

270. GWRC (351.99), KiwiRail (408.78), Transpower (315.149), VUWSA (123.14), and Waka Kotahi (370.144) seek that the policy be retained as notified.

Amend

271. CentrePort (402.73 and 402.74) seek that policy be relocated to the Natural Hazards chapter.
272. FENZ (273.44) seek that the typo in the policy be corrected as follows:

INF-NH-P61: Infrastructure and structures in Natural Hazard and Coastal Hazard Overlays

...

When located in an overland flow path, stream corridor, or high coastal ~~hazard area~~ ~~hazard~~ ~~Area~~, have a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives.

273. WIAL (406.151, 406.152, and 406.153 [supported by KiwiRail FS72.43]) seek that the policy be amended as follows, however if the relief sought is not accepted, they seek that the policy be deleted in its entirety:

INF-NH-P61: Infrastructure and structures in Natural Hazard and Coastal Hazard Overlays

Only allow for new infrastructure, and any associated structures in the Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure or associated structures:

1. Do not ~~create an intolerable level of~~ ~~increase the~~ risk from the natural hazard to people, or other property or infrastructure;
2. Incorporate design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event to the extent reasonably practicable; ~~and~~
3. Have an operational or functional need to locate within Natural Hazard Overlays and Coastal Hazard Overlays; and

~~3-4.~~ When located in an overland flowpath, stream corridor, or high coastal hazard area, have a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonably ~~practicable~~ practicable alternatives.

Assessment

274. The CentrePort submission point (402.73 and 402.74) is recommended to be rejected on the basis that the subchapter is to apply to applicable infrastructure in an identified natural hazard area.
275. The FENZ submission point (273.44) has been addressed as a minor correction.
276. Regarding the WIAL submissions (406.151, 406.152, and 406.153 [supported by KiwiRail FS72.43]), I agree that the additions of the words "*to the extent reasonably practicable*" recognise that there is a level of practicability when incorporating design measures. From my experience, infrastructure providers only place their assets in areas at risk of natural hazards when there is a need to do so, and it is important that the need for that infrastructure outside the times of when it is being affected by a hazard is serving its purpose. I am also of the opinion that infrastructure providers will do what they can to ensure their assets are resilient, and in many instances are required to do so as lifeline utility providers under the Civil Defence Emergency Management Act 2002.

277. However I do not recommend the amendments to subclause 1 as sought, as there is no certainty as to what an intolerable level of risk is, whereas current risk is known and increasing it is measurable. Further, I consider that operational and functional needs are provided for in the policy under the as notified subclause 3, and therefore the proposed insertion of a subclause 3 is not required.

278. As such, I recommend that INF-NH-P61 be amended as follows:

INF-NH-P61: Infrastructure and structures in Natural Hazard and Coastal Hazard Overlays

Only allow for new infrastructure, and any associated structures in the Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure or associated structures:

1. Do not increase the risk from the natural hazard to people, or other property or infrastructure;
2. Incorporate design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event to the extent reasonably practicable ; and
3. When located in an overland flowpath, stream corridor, or high coastal hazard area , have a functional need or operational need that means the infrastructure’s location cannot be avoided and there are no reasonable alternatives.

Summary of recommendations

HS8-INF-P2-REC12:

279. HS8-INF-P2-REC12: amend INF-NH-P61 to recognise the practicability of incorporating design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event.

4.3 Submissions on Rules: Infrastructure – Natural Hazards

INF-NH-R58: New underground infrastructure (including customer connections), and maintenance or upgrading of existing underground infrastructure in Natural Hazard and Coastal Hazard Overlays

Matters raised by submitters

Retain

280. Firstgas (304.37), KiwiRail (408.79), Transpower (315.150), VUWSA (123.15), and Waka Kotahi (370.145) seek that the rule be retained as notified.

Amend

281. CentrePort (402.75) seeks that the Special Purpose Port Zone be excluded from the rule.

282. Powerco (127.36) seek that the rule be amended so that to reflect that an existing gas distribution network in this hazard area may need to be maintained or upgraded, and adjacent properties if already established should be able to have a connection from this network.

283. Toka Tū Ake EQC (282.3 [opposed by Powerco FS61.39 and Telco FS25.25]) seeks that the rule be amended as follows:

INF-NH-R58: New underground infrastructure (including customer connections), and maintenance or upgrading of existing underground infrastructure in Natural Hazard and Coastal Hazard Overlays

1. Activity status: Permitted

Where:

- a. The underground infrastructure does not result in a permanent change to the ground level within the:
 - i. Ponding or overland flow path areas of the flood hazard extent; or
 - ii. Stream corridor area of the flood hazard extent; and
- a. The underground infrastructure is not located within the high hazard area of the Coastal Hazard Overlays; or
- b. If the underground infrastructure is located within the high hazard area of the Coastal Hazard Overlay it is also within the City Centre Zone: And where it can be demonstrated that the infrastructure does not increase hazard impacts in a coastal hazard event;
- c. New infrastructure with the potential to increase impacts of the hazard in the event of an earthquake is not located within the Wellington, Ohariu, or Shepherd’s Gully Fault Overlay; and
- e. New and existing infrastructure include resilience features to reduce damage from natural hazard events.

Assessment

284. The amendment sought by CentrePort has been addressed earlier.

285. In regard to the submission point raised by Powerco (127.36), in my view the rule as notified already achieves what their submission point seeks, in that it allows for the maintenance and upgrading of existing underground infrastructure, and provides for customer connections.

286. I have considered the submission point from Toka Tū Ake EQC (282.3 [opposed by Powerco FS61.39 and Telco FS25.25]), and I do not believe placing infrastructure underground in a manner which does not result in a permanent change to the ground level increases the level of coastal hazard risk (or hazard impacts as expressed by the submitter). I also do not believe new underground infrastructure has the potential to increase impacts on the hazard in the event of an earthquake. Further evidence explaining this assertion would be welcomed however. Finally, I have addressed infrastructure resilience earlier.

287. Overall I do not recommend any amendments as a result of submissions received on INF-NH-R58.

INF-NH-R59: Temporary infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays

Matters raised by submitters

Retain

288. KiwiRail (408.80), Transpower (315.151), VUWSA (123.16), and Waka Kotahi (370.146) seek that the rule be retained as notified.

Amend

289. CentrePort (402.76) seeks that the Special Purpose Port Zone be excluded from the rule.
290. WIAL (406.154, 406.155, and 406.156 [opposed by Toka Tū Ake EQC FS70.88 and FS70.89]) seek that the rule be amended as follows, however if the relief sought is not accepted, they seek that the rule be deleted in its entirety:

<p>INF-NH-R59: Temporary infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The temporary infrastructure is not located within the:</p> <p>....</p> <p><u>iv. The high hazard area of the Coastal Hazard Overlay outside of the Natural Open Space Zone located between Lyall Bay and Moa Point</u></p> <p>...</p>

Assessment

291. The matters raised by both CentrePort (402.76) and WIAL (406.154, 406.155, and 406.156 [opposed by Toka Tū Ake EQC FS70.88 and FS70.89]) have been addressed elsewhere. In my view they do not warrant an amendment to rule INF-NH-R59.

INF-NH-R60: New above ground infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays

Matters raised by submitters

Retain

292. KiwiRail (408.81), Transpower (315.152), VUWSA (123.17), and Waka Kotahi (370.147) seek that the rule be retained as notified.

Amend

293. CentrePort (402.77) seeks that the Special Purpose Port Zone be excluded from the rule.
294. Toka Tū Ake EQC (282.4 [opposed by Powerco FS61.40 and Telco FS25.26) seeks that the rule be amended as follows:

<p>INF-NH-R60: New above ground infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The infrastructure is located within:</p> <p>i. The ponding area of the flood hazard extent;</p>
--

- ii. The low and medium hazard areas of the Coastal Hazard Overlays;
 - ii. The ~~Sheppards Gully Fault Overlay, Ohariu Fault Overlay or the~~ Terawhiti Fault Overlay;
 - iv. The Liquefaction Overlay; or
 - v. High hazard area of the Coastal Hazard Overlay within the City Centre Zone-, where it can be demonstrated that the infrastructure does not increase the hazard impacts in a coastal hazard event.
- b. The infrastructure includes resilience features to reduce damage from natural hazards

295. WIAL (406.157, 406.158, 406.159 [opposed by Toka Tū Ake EQC FS70.87 and FS70.90]) seek that rule be amended as follows, however if the relief sought is not accepted, they seek to delete the rule in its entirety:

INF-NH-R60: New above ground infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays

1. Activity status: Permitted

Where:

a. The infrastructure is located within:

...

vi. High hazard area of the Coastal Hazard Overlay within the Natural Open Space Zone between Lyall Bay and Moa Point.

2. Activity status: Restricted Discretionary

Where:

a. The infrastructure is located within the:

...

iv. High hazard area of the Coastal Hazard Overlay outside of the City Centre Zone or outside of the Natural Open Space Zone between Lyall Bay and Moa Point.

...

Assessment

296. The matters raised by CentrePort (402.77), Toka Tū Ake EQC (282.4 [opposed by Powerco FS61.40 and Telco FS25.26] and WIAL (406.157, 406.158, 406.159 [opposed by Toka Tū Ake EQC FS70.87 and FS70.90]) have been addressed elsewhere. In my view they do not warrant an amendment to rule INF-NH-R59.

5.0 Infrastructure – Other Overlays

5.1 Submissions on General matters

Matters raised by submitters

297. Powerco (127.37) seek to amend the rules relating to Sites and Areas of Significance to Māori as necessary to clarify that work not directly affecting a piped awa (e.g. infrastructure work in the roads above) is not affected by the overlay and related rules.
298. Telco (99.57 and 99.58) seeks to amend the other Infrastructure Overlays Sub-Chapter as necessary such that the general notable trees chapter does not apply and all rules and standards for infrastructure work affecting notable trees is included within the Infrastructure Other

Overlays Sub-Chapter.

Assessment

299. I agree with Powerco (127.37) that the rules relating to Sites and Areas of Significance to Māori as necessary to clarify that work not directly affecting a piped awa (e.g. infrastructure work in the roads above) is not affected by the overlay and related rules. I address this below.
300. I also agree with Telco (99.57 and 99.58). The reference in the “Other relevant District Plan provisions” section to Trees – The Notable Tree chapter is an error and should be removed from this section in the infrastructure chapter and all subchapters.

5.2 Submissions on Policies: Infrastructure – Other Overlays

INF-OL-P62: Adverse effects of infrastructure on: Historic heritage; Notable trees; Sites and areas of significance to Māori; and Viewshafts

Matters raised by submitters

Retain

301. CentrePort (402.78), KiwiRail (408.82), and Waka Kotahi (370.148) seeks that the policy be retained as notified.

Amend

302. Transpower (315.153) considers that the term ‘give priority’ may give rise to interpretation issues and seeks that it be replaced with ‘seek’. They further seek to amend the policy so that ‘where possible’ be replaced by ‘practicable’.
303. WIAL (406.161, 406.162, and 406.163) considers that the term ‘where possible’ sets an unreasonably high threshold and seeks that it be replaced by ‘practicable’. If the relief sought is not accepted, they seek that the policy be deleted in its entirety.

Assessment

304. In regard to Transpower (315.153), the policy framework is set up to create an avoid regime in the first instance, and a remedy or mitigate approach if avoidance is not achievable. I do however agree that the word possible should be replaced by practicable, as what is possible is not always practicable. This also addresses the point raised by WIAL (406.161, 406.162, and 406.163).
305. As such, I recommend that INF-OL-P62 be amended as follows:

INF-OL-P62: Adverse effects of infrastructure on:	
1.	Historic heritage;
2.	Notable trees;
3.	Sites and areas of significance to Māori; and
4.	Viewshafts.

In the overlays identified in clauses 1-4 above:

- a. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new infrastructure, on the values and attributes of the above overlays; and
- b. Where the avoidance of adverse effects under clause a. is not possible practicable, the appropriateness of the substantial upgrades to, or the development of, new infrastructure will be determined by having regard to the matters listed in INF-P6.

Summary of recommendations

HS8-INF-P2-REC13:

306. HS8-INF-P2-REC13: amend INF-OL-P62 to address practicability rather than possibility.

5.3 Submissions on Rules: Infrastructure – Other Overlays

INF-OL-R61: Maintenance or upgrading of existing underground infrastructure in Other Overlays

Matters raised by submitters

Retain

307. CentrePort (402.79), KiwiRail (408.83), Transpower (315.154), and Waka Kotahi (370.149) seek that the rule be retained as notified.

Amend

308. Powerco (127.38 [supported by WELL FS27.15]) seeks that the rule be amended as follows:

INF-OL-R61: Maintenance or upgrading of existing underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located within a viewshaft listed in SCHED5; and/or
- b. The maintenance or upgrading does not involve earthworks on ground previously undisturbed by the infrastructure, or is located within a formed road corridor; or
- c. In the case of works within the protected root zone of a notable tree, complies with TREE-S4.

309. Telco (99.59) seeks that the rule be amended as follows:

INF-OL-R61: Maintenance or upgrading of existing underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located on a site within a viewshaft listed in SCHED5; ~~and/or~~
- b. The maintenance or upgrading does not involve earthworks on ground previously undisturbed by the infrastructure, or is located within a formed road corridor; or
- c. In the case of works within the protected root zone of a notable tree, complies with [new rule reference on Overlays Sub-Chapter for TREE-S4]

Assessment

310. I agree in part with the amendments sought by Powerco (127.38 [supported by WELL FS27.15]) and Telco (99.59) regarding recognising the formed road corridor, as it means the works are in a location where the ground has previously been disturbed. I also agree that a cross reference to TREE-S4 is appropriate for works within the protected root zone of a notable tree.

311. As such, the following recommendation is made:

INF-OL-R61: Maintenance or upgrading of existing underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located within a viewshaft listed in SCHED5; and/or
- b. The maintenance or upgrading does not involve earthworks on ground previously undisturbed by the infrastructure, or is located within a formed road corridor.
- c. Any maintenance or upgrading within the protected root zone of a notable tree complies with TREE-S4

Summary of recommendations

HS8-INF-P2-REC14:

312. HS8-INF-P2-REC14: amend INF-OL-R61 to permit underground infrastructure in legal road, and meet TREE-S4.

INF-OL-R62: New underground infrastructure in Other Overlays

Matters raised by submitters

Retain

313. CentrePort (402.80), KiwiRail (408.83), Transpower (315.155), and Waka Kotahi (370.150) seek that the rule be retained as notified.

Amend

314. Powerco Limited (127.39 [supported by WELL FS27.16]) seeks that the rule be amended as follows:

INF-OL-R62: New underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located on a site identified in SCHED5 (viewshafts); or
- b. The infrastructure does not involve earthworks on ground previously undisturbed by infrastructure, or is located within a formed road corridor; or
- c. In the case of works within the protected root zone of a notable tree, complies with TREE-S4; or
- d. Is a customer connection (including the above ground connection to the customer premises) and the site is not an archaeological site identified in SCHED 4 or a Category A or B Site of Significance to Māori identified in SCHED 7. and any consequential changes to the restricted discretionary activity clause.

And any consequential changes to the Restricted Discretionary activity rule.

315. Telco (99.60) seeks that the rule be amended as follows:

INF-OL-R62: New underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located on a site identified in SCHED5 (viewshafts) or
- b. The infrastructure does not involve earthworks on ground previously undisturbed by the infrastructure, or is located within a formed road corridor; or
- c. In the case of works within the protected root zone of a notable tree, complies with [new rule reference on Overlays Sub-Chapter for TREE-S4]; or
- d. Is a customer connection and the site is not an archaeological site identified in SCHED4 or a Category A or B Site of Significance to Māori identified in SCHED7.

And any consequential changes to the restricted discretionary activity clause.

Assessment

316. The submissions from Powerco Limited (127.39 [supported by WELL FS27.16]) and Telco (99.60) seek a similar outcome. I agree that amendments are necessary to make the rule clearer in circumstances where ground has previously been disturbed. Again I note this accords with Mr McCutcheon’s Section 42A Report for Hearing Stream 3 - Historic Heritage, Notable Trees, Sites and Areas of Significance to Māori.

317. As such I make the following recommendations.

INF-OL-R62: New underground infrastructure in Other Overlays

1. Activity status: Permitted

Where:

- a. The infrastructure is located on site identified in SCHED5 (viewshafts).
- b. The infrastructure does not involve earthworks on ground previously undisturbed by the infrastructure, or is located within a formed road corridor; or

- c. In the case of works within the protected root zone of a notable tree compliance is achieved with TREE-S4; or
- d. Is a customer connection and the site is not an archaeological site identified in SCHED4 or a Category A or B Site of Significance to Māori identified in SCHED7.

Summary of recommendations

HS8-INF-P2-REC15:

318. HS8-INF-P2-REC15: amend INF-OL-R62 to address formed legal road, root zones and customer connections.

INF-OL-R63: (New aboveground customer connection lines in Other Overlays

Matters raised by submitters

Retain

319. Waka Kotahi (370.151) seeks that the rule be retained as notified.

Amend

320. Wellington Heritage Professionals (412.27 and 412.28 [opposed by Powerco FS61.43 and Telco FS25.29]) seeks that the rule be amended so that within heritage areas and archaeological sites it is a controlled activity.

Assessment

321. I disagree with Wellington Heritage Professionals (412.27 and 412.28 [opposed by Powerco FS61.43 and Telco FS25.29]) that controlled activity status is necessary for above ground customer connections lines within heritage areas and archaeological sites. Archaeological sites are generally underground and heritage areas include buildings which are not necessarily heritage listed. I note that customer connections to heritage buildings are a controlled activity, given that these can affect the values that contribute to a heritage building being listed.

INF-OL-R64: Operation, maintenance and repair, or removal, of existing aboveground infrastructure in Other Overlays

Matters raised by submitters

Retain

322. CentrePort (402.81), KiwiRail (408.85), Transpower (315.156), Waka Kotahi (370.152), and WIAL (406.163) seek that the rule be retained as notified.

Assessment

323. As no amendments are sought to this rule no recommendations are made.

INF-OL-R65: Upgrading of existing aboveground infrastructure in Other Overlays

Matters raised by submitters

Retain

324. CentrePort (402.82), KiwiRail (408.86), Transpower (315.157), and Waka Kotahi (370.153) seek that the rule be retained as notified.

Amend

325. Taranaki Whānui ki te Upoko o te Ika (389.61) seeks clarification on how Category A Sites and areas of significance fit in the rule.
326. Wellington Heritage Professionals (412.29 [opposed by Powerco FS61.44 and Telco FS25.30]) seek that the rule be amended so that within heritage areas, sites and areas of significance to Māori and archaeological sites it is a restricted discretionary activity.
327. WIAL (406.164, 406.165, 406.166, 406.167) seeks that the rule be amended to refer to either Category A or Category B areas, not both. They further seek that the rule be amended to refine the matters of discretion to reflect that operational and functional constraints of infrastructure mean that adverse effects cannot always be avoided, remedied, or mitigated. If this relief is not accepted, they seek that the rule be deleted in its entirety.

Assessment

328. There is an error in INF-OL-R65(1)(a)(iii). This should refer to Category C of SCHED7 (Sites and areas of significance to Māori), not category A. This can be addressed as a minor correction. To clarify the submission point raised by Taranaki Whānui ki te Upoko o te Ika (389.61), the rule requires that a resource consent is sought as a restricted discretionary activity for Category A Sites and areas of significance to Maori.
329. For reasons detailed above, I do not consider that any changes need to be made for Wellington Heritage Professionals (412.29 [opposed by Powerco FS61.44 and Telco FS25.30]). Likewise, I do not consider there to be a basis for amendments as sought by WIAL (406.164, 406.165, 406.166, 406.167) in regard to differentiating between Category A or Category B Sites and areas of significance to Maori. Further, the matters of discretion, through referring to INF-OL-P62 which in turn refers to INF-P6 means that operational and functional matters of infrastructure must be considered.

INF-OL-R66: New aboveground infrastructure and temporary infrastructure in Other Overlays not otherwise provided for

Matters raised by submitters

Retain

330. CentrePort (402.83), KiwiRail (408.86), Transpower (315.158), and Waka Kotahi (370.154) seek that the rule be retained as notified.

Amend

331. Powerco (127.40 [supported by WELL FS27.12]) seeks that the rule be amended as follows:

INF-OL-R66: New aboveground infrastructure and temporary infrastructure in Other Overlays not otherwise provided for

Activity status: Permitted

Where:

a. The infrastructure is located on a site identified in SCHED3 (Heritage areas) and is within a road; and

b. Any minor network utility structures in roads do not exceed 2m high x 2m2 footprint area

332. Telco (99.61 [sub clause a supported by WELL FS27.5]) seek that the rule be amended as follows:

INF-OL-R66: New aboveground infrastructure and temporary infrastructure in Other Overlays not otherwise provided for

Activity status: Permitted

Where:

a. The infrastructure is located on a site identified in SCHED3 (Heritage areas) and is within a road; and

b. Complies with the permitted activity standards (size, footprint area and group rules) of the NES-TF.

333. WIAL (406.168 and 406.169) seek that the rule be retained as notified, provided that the amendment sought in INF-OL-R62 is adopted. If the relief sought is not accepted, they seek that the rule be to refine the matters of discretion to reflect that operational and functional constraints of infrastructure mean that adverse effects cannot always be avoided, remedied or mitigated.

Assessment

334. INF-OL-R66 is a catch all rule which allows New aboveground infrastructure and temporary infrastructure in Other Overlays not otherwise provided for to be assessed on a case by case basis. As such, I do not consider that a permitted activity status is appropriate.

6.0 Section 32AA evaluation

335. In my opinion, the recommended amendments to the notified provisions provide clarity rather than change the intent and effect, and as such do not warrant a need for a s32AA evaluation.

7.0 Minor and inconsequential amendments

336. 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.
337. The following Aside from the deletion of the cross reference to the Notable Trees chapter in the Other relevant District Plan provisions section of each sub-chapter (which was addressed in Part 1 of this s42A report, 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. The deletion of the cross reference to the Notable Trees chapter in the Other relevant District Plan provisions section of each sub-chapter (which was addressed in Part 1 of this s42A report);
- c. Ensuring reference to the Gas Transmission Network not the Gas Transmission Pipeline Corridor (which was addressed in Part 1 of this s42A report);
- d. INF-NFL-P39 – Correct a cross reference to Schedule 12 with a cross reference to Schedule 11;
- e. INF-NFL-P40 – Correct a cross reference to Schedule 11 with a cross reference to Schedule 10;
- f. INF-NFL-P43 – Correct a cross reference to Schedule 12 with a cross reference to Schedule 11;
- g. INF-NH-P61 – Correct a typographical error in the words “hazard area”; and
- h. INF-OL-R65(a)(a)(iii) – Correct a cross reference to SASM Category A with a cross reference to SASM Category C;

338. The recommended amendments are set out in Appendix A.

8.0 Conclusion

339. Submissions have been received in support of, and in opposition to the PDP. These submissions relate, for the most part, to the infrastructure sub-chapters as notified.
340. 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.
341. 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

342. 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 and Sub Chapters

For the purposes of this report, Appendix A has split into six sub-appendices to refer to the Infrastructure Chapter and its Sub-Chapters.

Appendix A1: Recommended Amendments to the Definitions

Where I recommend changes in response to submissions or as minor corrections, 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 A2: Recommended Amendments to the Infrastructure Chapter

Where I recommend changes in response to submissions or as minor corrections, 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 A3: Recommended Amendments to the Infrastructure – Coastal Environment Sub Chapter

Where I recommend changes in response to submissions or as minor corrections, 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 A4: Recommended Amendments to the Infrastructure – Natural Features and Landscapes Sub Chapter

Where I recommend changes in response to submissions or as minor corrections, 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 A5: Recommended Amendments to the Infrastructure – Natural Hazards Sub Chapter

Where I recommend changes in response to submissions or as minor corrections, 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 A6: Recommended Amendments to the Infrastructure – Other Overlays Sub Chapter

Where I recommend changes in response to submissions or as minor corrections, 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 A7: Recommended Text to be inserted as the Infrastructure – National Grid Sub Chapter

Changes in this chapter are not shown in red, as the entire chapter is recommended to be added to the PDP

Appendix B: Recommended Responses to Submissions and Further Submissions on the Infrastructure Chapter and Sub Chapters

The recommended responses to the submissions made on this topic are presented in Table 1 below.

Table 1: Recommended responses to submissions and further submissions

6.1