

**Before Independent Hearing Commissioners Appointed by the Wellington City Council**

**IN THE MATTER OF**        the Resource Management Act 1991 (“the Act”)

**AND**

**IN THE MATTER OF**        the hearing of submissions on the Wellington City Proposed District Plan

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**STATEMENT OF PLANNING EVIDENCE OF GEORGINA MCPHERSON ON BEHALF OF**

**BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z ENERGY LIMITED (“THE FUEL COMPANIES”) (SUBMITTER 372)**

**HEARING STREAM 9 – INFRASTRUCTURE AND RISKS**

**Dated 27 May 2024**

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## **1. INTRODUCTION**

- 1.1 My full name is Georgina Beth McPherson. I have been engaged by bp Oil NZ Limited, Mobil Oil NZ Limited and Z Energy Limited (*the Fuel Companies*) to provide expert planning evidence in relation to their submissions on the Wellington City Proposed District Plan (*PDP*). In this hearing, my evidence relates to the Infrastructure and Risks provisions of the PDP.
- 1.2 My current role is Technical Director – Planning at SLR Consulting New Zealand Limited (“SLR”). I have been at SLR and predecessor companies, 4Sight Consultants Limited and Burton Planning Consultants Limited<sup>1</sup>, since August 2011. I have over 20 years’ experience in the field of resource management and planning in New Zealand and overseas. I hold a Bachelor of Resource and Environmental Planning degree from Massey University and I am a full member of the New Zealand Planning Institute.
- 1.3 My principal role at SLR has been to provide planning and resource management consenting and policy advice to a range of clients in relation to various projects and planning instruments. This has included preparation of applications for resource consent (including AEEs), policy analysis, provision of strategic policy advice and preparation of submissions and evidence, including on behalf of the Fuel Companies. I have provided planning services to a range of infrastructure, Council, commercial and private clients.
- 1.4 Over the years I have been involved in a wide range of matters affecting clients at both regional and district council level across much of the country. This includes service station developments and redevelopments in various zones as well as a broad range of commercial and industrial developments, and participation in the full range of policy processes.
- 1.5 Recent hazardous substances and contaminated land work includes the preparation of submissions, hearing statements and/or presentation of evidence in relation to the New Plymouth District Plan, South Taranaki District Plan, Waikato District Plan and Dunedin 2GP.

## **2. CODE OF CONDUCT FOR EXPERT WITNESSES**

- 2.1 I have read the Environment Court’s Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct, and

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<sup>1</sup> Burton Planning Consultants Limited was acquired by 4Sight Consulting Limited in September 2018. 4Sight was subsequently acquired by SLR in September 2022.

I agree to comply with it in appearing before the Independent Hearings Panel. I am not, and will not behave as, an advocate for my client. I am engaged by the Fuel Companies as an independent expert and SLR provides planning services to the Fuel Companies along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings.

- 2.2 I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person in preparing my evidence.

### **3. SCOPE OF EVIDENCE**

- 3.1 This statement of evidence relates to the Fuel Companies' submissions and further submissions allocated to Hearings Stream 9 – Infrastructure and Risks.

- 3.2 In particular, it addresses the following matters raised in the submissions of the Fuel Companies, where I do not agree with the recommendations of the Reporting Planner, being:

- (a) Hazardous Substances Policy HS-P1 - Residual risk to people and communities
- (b) Rule TR-R2 – Trip Generation
- (c) Electric Vehicle Charging Stations

- 3.3 Where I consider further changes are necessary and appropriate, I make a suggestion as to the relief that could be granted, and this is clearly identified in my evidence, with text underlined for additions and in strikethrough for deletions. My recommended changes are summarised in **Attachment A**.

- 3.4 For completeness, I have set out in **Attachment B**, a summary of the Fuel Companies' remaining submission points allocated to this topic, where I am in support of the recommendations set out in the Section 42A reports. I urge the Panel to adopt the recommendations of the reporting planner in relation to those submission points, but do not address those matters further in my evidence.

- 3.5 In preparing my evidence, I have reviewed:

- (a) The Proposed District Plan and accompanying s32 report;
- (b) The submissions of the Fuel Companies;

- (c) The s42A reports – Contaminated Land and Hazardous Substances; Transport and Infrastructure;
- (d) The statement of evidence of Patricia Wood on behalf of Wellington City Council - Transport

#### **4. THE FUEL COMPANIES**

- 4.1 As detailed in the Fuel Companies' original submissions to the PDP, the Fuel Companies receive, store and distribute refined petroleum products around New Zealand. In Wellington City, the Fuel Companies' core business relates to retail fuel outlets, including service stations and truck stops, and supply to commercial facilities including the Wellington International Airport. The Fuel Companies also operate two bulk fuel storage facilities (terminals) in the district, one at Miramar and one at Kaiwharawhara, with the Miramar terminal being classed as a Major Hazard Facility (MHF) under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

#### **5. HAZARDOUS SUBSTANCES POLICY HS-P1**

##### The Fuel Companies' submission

- 5.1 The Fuel Companies' submission is in general support of the Hazardous Substances Chapter, with the exception of Policy HS-P1. The Fuel Companies (submission 372.82) seek the deletion of Policy HS-P1 on the basis the policy extends to a range of matters that are not specific to hazardous substances and which would be better managed through the provisions set out in the plan chapters relating to those specific areas and overlays. Concern was also raised around the potential for conflict between Policy HS-P1 and the policy direction set by the specific area and overlay chapters, in particular the Natural Hazards chapter.

- 5.2 Policy HS-P1 states:

##### ***'Residual risk to people and communities***

*Avoid facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances from locating in:*

1. *Areas where they may adversely affect human health;*
2. *A natural hazard area;*
3. *A significant natural area;*
4. *An outstanding natural feature;*
5. *An outstanding natural landscape;*
6. *A special amenity landscape; and*

7. A Site or area of significance to Māori;

*unless it can be demonstrated that the residual risk to human health, people and communities or these identified areas and their values will be avoided or, if avoidance is not possible, unacceptable risk is adequately mitigated.'*

Section 42A Report

- 5.3 The recommendation in the s42A report is to reject the submission and retain Policy HS-P1 on the basis that:

*I disagree with the notion from the Fuel Companies [372.82] that the matters in HS-P1 are not specific to hazardous substances and would be better managed through provisions specific to the area or overlay chapters. The PDP is to be read as a whole. If a hazardous facility were to be proposed in, for example, an Outstanding Natural Landscape, then the HS objectives and policies would be a relevant consideration for discretionary or non-complying activities. Likewise, the matters in HS-P1 would be relevant for the consideration of an application made under HS-R2.2 and HS-R3 to ensure that MHF avoid locating in sensitive environments.*

*There is also a reliance on provisions in district-wide matter chapters e.g. Natural Features and Landscapes that seek to avoid buildings in identified areas unless effects on the characteristics and values of these areas are avoided. The Natural Hazards chapter also addresses hazardous substances within hazard areas consistent with the direction of the National Planning Standards. Hazardous facilities are identified as a hazard sensitive activity, and there are policies and rules in the NH chapter to manage this type of activity. The Natural Hazards chapter seeks that the risk to people and property is minimised. Therefore, by default, any new hazardous facility building and its effects would be captured by the building and structure rules in these district-wide matters chapters.*

Analysis

- 5.4 I agree with the submission of the Fuel Companies that there are concerns with the wording of Policy HS-P1. In my opinion the requirement set out in the final paragraph (following clause 7) to avoid residual risk in the first instance or to mitigate unacceptable risk where risk avoidance cannot be achieved is inappropriate and inconsistent with both the term 'residual risk' and the approach to risk management set out in Objectives HS-O1 and HS-O2.
- 5.5 Residual risk is defined in the PDP as follows:

*'means, in relation to the Hazardous Substances chapter, **the level of any remaining risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work (Hazardous Substances) Regulations 2017 and any other subordinate instruments, and regional planning instruments have been complied with**.'*[My emphasis]

5.6 Objectives HS-O1 and HS-O2 read as follows:

*HS-O1 Protection from unacceptable residual risk  
People, communities, and identified areas are protected from any unacceptable residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances.*

*HS-O2 Protection of established facilities  
Sensitive activities are appropriately located to avoid reverse sensitivity effects and unacceptable residual risk from established hazardous facilities.*

5.7 Both Objectives HS-O1 and HS-O2 seek the protection of activities and areas from unacceptable 'residual risk'. This, together with the definition of the term 'residual risk' appropriately recognises that there is inherent risk in the use and handling of hazardous substances, which cannot be entirely avoided, even by way of the implementation of best practice measures and compliance with regulatory requirements. Rather, and as set out in HS-O1 and HS-O2, the key consideration will be the acceptability of the remaining residual risk in the context in which the activity is to occur. The sensitivity of the receiving environment to the risk will be relevant to reaching a conclusion on the acceptability of residual risk.

5.8 The requirement in Policy HS-P1 to demonstrate, in the first instance, that residual risk to the locations identified in clauses 1 to 7 is entirely avoided, is therefore inappropriate. The avoidance of residual risk could only be achieved by the hazardous substances activity not occurring in these locations. It is also unclear how the alternative option given by the policy, of mitigating unacceptable risk where avoidance of residual risk is not possible, would be achieved. This would essentially require further mitigation of residual risk, notwithstanding that residual risk is what remains after all reasonable mitigation measures have already been implemented. Given the practical uncertainty around how residual risk can be further mitigated, the effect of Policy HS-P1 appears to be a requirement to completely avoid the locations listed in clauses 1 to 7.

5.9 I also agree with the submission of the Fuel Companies that, as currently worded Policy HS-P1, potentially conflicts with the policy direction set by the other plan chapters specific to the locations listed in clauses of Policy HS-P1.

5.10 I note that while the Hazards Substances Chapter only includes rules applying to Major Hazard Facilities (MHF)<sup>2</sup>, Policy HS-P1 would apply to any resource consent application involving *'facilities or activities involving the storage, use, transportation or disposal of*

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<sup>2</sup> Defined as having the same meaning as MHF under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

*hazardous substances*'. This would include service stations and likely a wide range of other activities involving the storage and handling of hazardous substances, potentially at very low volumes. I also note that collectively, the areas identified in clauses 1 to 7 of the policy potentially cover a very large part of the city, such that the policy potentially has broad consenting implications.

- 5.11 I don't have a particular concern with the direction to avoid locating facilities and activities involving hazardous substances in Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscape, in the first instance, as the nature of these features and locations means they are typically undeveloped in any case. However, I consider an avoidance approach to be inappropriate in relation to the natural hazard and Site or Area of Significance to Māori (SASM) overlays, as these affect existing developed areas across a range of underlying zones. In many cases, they will apply to sites which already store hazardous substances<sup>3</sup>, including Fuel Company sites for example, where complete avoidance of the overlay during upgrade or development work may be impracticable or unnecessary. Similarly, the Special Amenity Landscapes overlay appears to encompass a range of existing development such as sports clubs in the Town Belt and the Southern Landfill at Owhiro Bay, where the application of an avoidance approach to existing use and storage of hazardous substances will likely be inappropriate.
- 5.12 I also note that clause 1 of Policy HS-P1 '*Areas where they may adversely affect human health*' is not spatially mapped or defined and therefore open to interpretation. In my opinion, it is inappropriate to apply an avoidance approach to an area that is this uncertain in scope and it may lead to inconsistent and inappropriate outcomes.
- 5.13 The Natural Hazards chapter is identified in the Fuel Companies submission as an example of where there may be conflict with Policy HS-P1. The natural hazards overlays are widespread across the district. For example, of the approximately 22 service station, truck stops and terminal sites currently operated by the Fuel Companies across the Wellington District, only two are not affected by at least one natural hazard overlay.
- 5.14 As identified by the reporting officer, the Natural Hazards chapter seeks that risk to people and property is minimised. Hazardous facilities and Major Hazardous Facilities are classed as 'hazard sensitive activities' for the purposes of the Natural Hazards provisions and captured by the building and structure rules requiring consideration of natural hazards effects and mitigation measures to minimise risk to people and property. Relevant to this

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<sup>3</sup> Noting there is no threshold associated with the policy, rather it applies to all facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances.

consideration is the respective hazard ranking (low, medium or high) assigned to the specific hazard (e.g. flood hazard – inundation vs flood-hazard – stream corridor etc).

- 5.15 This approach provides a clear pathway and guidance for considering proposals for development of hazardous facilities in natural hazard areas, and highlights that the requirement set by HS-P1 to avoid hazardous facilities locating in natural hazard areas entirely, where there is any residual risk, is unnecessary. In this regard, I note that the underground location of fuel storage tanks at service station sites, means tanks are not particularly vulnerable to flood hazards, such that a requirement to avoid locating service stations in flood hazard overlays will not necessarily be appropriate, or practicable, noting the large number of existing service station sites affected by flood hazard overlays.
- 5.16 Similarly, I note that in the SASM chapter there is recognition that some SASM have been modified by development and have buildings and structures on them (refer introduction to SASM chapter). Also, that a consenting pathway is available for changes to existing and new development, subject to appropriate consultation with mana whenua and incorporation of mana whenua values into the proposal. This does not equate to a complete avoidance requirement.
- 5.17 I therefore do not support the wording of Policy HS-P1. In my opinion, the focus of Policy HS-P1 should remain on the acceptability or otherwise of residual risk, consistent with the definition of the term and the direction set by Objectives HS-O1 and HS-O2. In order to achieve this, the policy should be reworded along the following lines:

*'Policy HS-P1*

*Avoid ~~f~~Facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances ~~from~~ locating in:*

- ~~1. Areas where they may adversely affect human health;~~
2. A natural hazard area;
3. A significant natural area;
4. An outstanding natural feature;
5. An outstanding natural landscape;
6. A special amenity landscape; and
7. A Site or area of significance to Māori;

*unless it can be must demonstrated that the residual risk to human health, people and communities or these identified areas and their values ~~will be~~ is at an acceptable level avoided or, if avoidance is not possible, unacceptable risk is adequately mitigated.'*



## 6. RULE TR-R2 VEHICLE TRIP GENERATION

### The Fuel Companies' submission

- 6.1 The Fuel Companies (submissions 372.73 and 372.74) supported the intent of Rule TR-R2 – Vehicle Trip Generation. However, amendments were sought to specify that only new service stations would be excluded from the permitted activity pathway provided by TR-R2. The intent was to enable operational changes, maintenance or upgrades to an existing service station, that would not materially alter traffic movements, to occur without triggering a resource consent and the associated requirement to submit an Integrated Traffic Assessment (ITA) in support of the application.
- 6.2 The following change was sought:

#### *TR-R2 Vehicle Trip Generation*

*Activity status: Permitted*

*Where:*

- a. Compliance with TR-S1 is achieved; and*
- b. the activity is not:*
  - i. a new service station; or*
  - ii. a drive-through activity.*

### Section 42A Report

- 6.3 The recommendation in the officer report (para 316) is to reject the submission point on the basis that '*changes to existing service stations may also have significant traffic effects*'. This recommendation is made with reference to the statement of evidence prepared by Ms Patricia Wood, for WCC, which also responds to the Fuel Companies' submission and states (in the table headed 'vehicle trip generation') that '*a change to service station operation beyond its existing use rights can generate significant traffic issues with the number, location, and direction of car movements in and out and could also result in altered site access.*'

### Analysis

- 6.4 While I agree that changes to existing service stations can generate additional traffic effects that need to be appropriately assessed, there are also many situations in which changes to existing service stations do not result in additional traffic movements, and in this regard, I support the intent of the Fuel Companies submission. Based on my experience in consenting numerous service station developments, involving specialist assessment of traffic effects, I note that there are many changes that can be made to existing service station sites without directly resulting in additional traffic generation. Such changes may include replacement of existing underground fuel storage tanks, changes

to the layout of and number of fuel dispensers and internal circulation through the site, installation of EV charging points, and changes to other site features such as signage, landscaping and stormwater management.

- 6.5 In my opinion, the purpose of a vehicle trip generation rule should be to focus on a development threshold at which adverse effects may occur. This is generally achieved by way of the reference in Rule TR-R2 to compliance with the trip generation thresholds set out in TR-S1. However, clause b. of Rule TR-R2 goes on to specifically exclude two activity types, service stations and drive through activities, from this effects-based approach by specifying that resource consent will be required for these activities in all instances, irrespective of their size and scope.
- 6.6 The rule will result in significantly more assessment requirements (both a resource consent and ITA requirement) for service stations and drive through activities, independent of their scale or potential effects. Other activities which may have a similar or greater potential to generate adverse effects will only require assessment when they are over a certain size. This is identified in TR-S1 as being where they generate more than 200 light vehicle movements per day to/from a local road; or 8 heavy vehicle movements per day.
- 6.7 Nor is it clear why service stations have been singled out from other high trip generating activities. While service stations are vehicle-oriented activities, having a primary purpose of refuelling vehicles, the majority of motorists fill their vehicle en-route to another destination rather than undertaking a specific trip, meaning the presence of a service station on a particular road has little influence on the traffic volumes on that road. This contrasts with many other high trip generating activities, such as schools, shopping malls or supermarkets, where a much higher proportion of trips are destination trips.
- 6.8 In my opinion, the specific identification of service stations and drive-through activities as activities that will always require consent under Rule TR-R2 Trip Generation is clearly not an effects-based approach.
- 6.9 Nor is the wording of the rule clear on how the threshold applies to expansions or redevelopment of existing activities. In my opinion, the threshold should only apply to additional trips generated above what already exists, as this would ensure a focus on the effects of the proposal. I do not consider it appropriate or necessary to require a resource consent and full ITA for changes and upgrades to existing sites that do not generate additional traffic. I note, also that transportation effects of activities are controlled by a number of other transportation standards relating to matters such as vehicle crossing width, setback from intersections, on-site parking and manoeuvring, and sight lines, which

play a role in managing localised transportation effects of service station activities. The implication being that changes to an existing service station that do not trigger a trip generation rule would still need to respond to other provisions managing traffic effects.

- 6.10 For these reasons, I do not support the wording of Rule TR-R2. In my opinion, the rule should only trigger on an effects basis and not in relation to the two specifically identified activities irrespective of the size and scope of those activities. Further, I consider changes are required to clarify the application of the rule to redevelopment of existing activities.
- 6.11 I am aware that some other district plans around the country include distinct thresholds for changes to existing activities, which provide scope for small scale changes to be undertaken without triggering detailed ITA and resource consent requirements for trip generation. For example, under the Whangarei District Plan, assessment of trip generation effects is required for new service stations proposing 4 or more refuelling spaces, with additional consideration of trip generation required for changes to existing service stations involving every additional 4 refuelling spaces per site.
- 6.12 While I acknowledge the Fuel Companies did not lodge a submission on the trip generation standards set by Standard TR-S1, I note that concern was raised by other submitters (e.g. Woolworths New Zealand – submission 359.31) that the thresholds proposed in TR-S1 are very low and lack any nuance in terms of activities and zones. The implication identified in the submission is that almost all activities in commercial zones would require an ITA, irrespective of whether the activity is already contemplated in the PDP. Submission 359.31 further seeks that WCC reconsider the level at which the trip generation thresholds are set and identifies that the Gross Floor Area threshold approach used in the Auckland Unitary Plan provides a widely accepted and workable alternative approach.
- 6.13 I support the concerns raised in submission 359.31, and, based on the scope provided by that submission, would urge the Hearing Panel to accept the submission and direct WCC to reconsider whether the trip generation thresholds in TR-S1 are set at an appropriate level to justify the need for the associated ITA and resource consent application requirements in all instances, particularly for changes to existing activities.
- 6.14 Based on the concerns raised in the Fuel Companies submission, and addressed in my evidence above, I consider Rule TR-R2 should be amended along the following lines:

*Activity status: Permitted*

*Where:*

*a. Compliance with TR-S1 is achieved; ~~or and the activity is not:~~*

*iii. ~~a service station; or~~*

- ~~iv. \_\_\_\_\_ a drive-through activity.~~
- b. trip generation resulting from a change to a lawfully established existing activity is the same or similar in character, intensity and scale as the trip generation associated with the existing activity.

6.15 I note also, the recommendation of the Reporting Officer to specifically preclude applications under TR-R2 (as well as TR-R1 and TR-R7) from public and limited notification, and record my support of that approach. I urge the Hearing Panel to adopt that change.

## **7. ELECTRIC VEHICLE (EV) CHARGING STATIONS**

### The Fuel Companies' submission

7.1 The Fuel Companies (submission 372.71 and 372.72) sought that a new rule and standard be inserted in the Transport Chapter that specifically provides for EV Charging stations as a permitted activity, subject to compliance with appropriate standards, as follows:

#### NEW TR-R7 (Electric Vehicle Charging Stations) All Zones

##### 1. Activity Status: Permitted

###### Where:

- a. Compliance with TR-S7 is achieved; and
- b. Compliance with TR-S10 is achieved;

##### 2. Activity status: Restricted Discretionary

###### Where

- a. Compliance with TR-R7.1 cannot be achieved.

###### Matters of discretion:

- 1. The matters in TR-P3; and
- 2. The extent and effect of non-compliance with standard TR-S10 as specified in the associated assessment criteria for the infringed standard;

#### NEW TR-S10 (Ancillary structures for electric vehicle charging)

##### 1. The structures (excluding poles and cables) must:

- a. Not exceed a maximum height above ground level of 3m; and
- b. Not exceed a maximum combined footprint of 5m<sup>2</sup>; and
- c. Comply with zone Boundary Setback standards.

###### Assessment criteria when the standard is infringed:

1. Streetscape and visual amenity effects; and
2. Whether landscaping is required to mitigate streetscape and visual amenity effects.

#### Section 42A Report

- 7.2 The recommendation in the officer report is to accept in part the submission, but to amend rule INF-R7 in the Infrastructure Chapter to specifically include electric vehicle charging stations rather than including a new a rule for electric vehicle charging stations in the Transport Chapter of the PDP.

The reporting officer (at para 381) specifically comments that *'this would also clarify that commercial electric vehicle charging is managed under the Infrastructure chapter, not under zone rules for retail services.'* In this regard, attention is drawn to the introduction to the Infrastructure Chapter, which states that *"the rules in the zone chapters and earthworks chapter do not apply to infrastructure unless specifically stated within an infrastructure rule or standard."*

#### Analysis

- 7.3 I support the intent of the officer recommendation. However, I note that the recommended change has not been incorporated in the track-change version of the Infrastructure Chapter provisions, referenced as 'Appendix A1 – Infrastructure' to the Council report. This needs to be updated.
- 7.4 I support the stated intent in the officer report that INF-R7 would apply to electric vehicle charging stations for commercial activities, and that the infrastructure rules would prevail over the underlying zone rules applying to the activity as a whole. This is important as the recharging of vehicles is included in the definition of 'service station', which, in turn, is included in the definition of 'yard-based retail' and may otherwise trigger a requirement for resource consent under the applicable zone rules. In the case of 'yard-based retail' activities, the Council's decision on the Centre Zones, issued on 5 April, includes a requirement that any resource consent application made for *'either a new activity or expands the net area of an existing activity'* be publicly notified.
- 7.5 In my opinion, full public notification of a proposal to install EV Charging facilities at an existing service station located in one of the Centres Zones would be inappropriate and

inconsistent with the Council's broader objectives to encourage low-carbon technologies across the city<sup>4</sup>.

- 7.6 I have some concern around the ability for commercial EV operators to rely on the provisions in the Infrastructure Chapter, for an activity (EV charging stations) that the reporting officer acknowledges is not infrastructure, and at a facility such as a service station that would also not, typically, fall within the scope of 'infrastructure' provisions. As such, I consider the additional text added to rule INF-R7 should be worded in a way that clearly reflects the intent stated in the s42A report, that rule INF-R7 does indeed apply to commercial EV charging facilities.
- 7.7 I also support the officer's clarification (at para 375) that vehicle parking while charging occurs is covered by Rule TR-R5 'On-site vehicle parking and manoeuvring' in the Transportation Chapter.
- 7.8 Due to the inclusion of 'recharging of vehicles' in the definition of 'service station' and the associated resource consent and ITA triggers for service stations under Rule TR-R2, as identified in the previous section of my evidence, I consider Rule TR-R5 should be amended to clarify that 'on-site vehicle parking and manoeuvring' is intended to include EV parking while charging occurs.
- 7.9 As such, I consider the following changes should be made to ensure full effect is given to the officer's recommendation to make clear provision for EV charging facilities across the Infrastructure and Transport Chapters:

***TR-R5 On-site vehicle parking and manoeuvring, including parking for electric vehicle charging***

*All Zones*

*Activity status: Permitted*

*Where:*

*Compliance with TR-S7 is achieved.*

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

- 1. Substations (including switching stations);*
- 2. Transformers;*

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<sup>4</sup> Note also that the Fuel Companies have appealed the Council's decision on the public notification requirement for yard-based retail activities in the Centres Rule.

3. *Gas transmission and distribution structures;*
4. *Energy storage batteries not enclosed by a building;*
5. *Communications kiosks; and*
6. *Electric vehicle charging stations, including where electric vehicle charging stations are located on private property that is not otherwise managed as an infrastructure activity.*

## **8. CONCLUSION AND RECOMMENDED RELIEF**

8.1 For the reasons expressed in my evidence, I consider the additional amendments set out in this statement of evidence provide a more efficient and effective means of achieving the hazardous substances, transport and infrastructure objectives in the Proposed Plan. The proposed amendments will provide greater consistency and avoid inappropriate overlap and conflicting direction on management of the same activity under different parts of the Proposed Plan.

8.2 Overall, I consider the amendments proposed are more appropriate in achieving the purpose of the RMA than the Proposed Plan and changes set out in the section 42A report.

**Dated this:** 27 May 2024

**Georgina McPherson**

### **Attachments:**

Attachment A – Summary of proposed changes to text

Attachment B – Summary of Fuel Company submissions where officer recommendation is supported.

## Attachment A – Summary of proposed changes to text

Black Text – Original wording of the proposed plan change.

Red Text – Officer’s recommended changes, as set out in the Council Officer Report.

Blue Text – Additional changes recommended in this statement of evidence

Hazardous Substances	
<b>HS-P1</b>	<b>Residual risk to people and communities</b>
	<p><del>Avoid</del> <del>of</del> facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances <del>from</del> locating in:</p> <ol style="list-style-type: none"> <li><del>1. Areas where they may adversely affect human health;</del></li> <li><del>1. 2. A natural hazard area;</del></li> <li><del>2. 3. A significant natural area;</del></li> <li><del>3. 4. An outstanding natural feature;</del></li> <li><del>4. 5. An outstanding natural landscape;</del></li> <li><del>5. 6. A special amenity landscape; and</del></li> <li><del>6. 7. A Site or area of significance to Māori;</del></li> </ol> <p><del>unless it can be</del> <u>must</u> demonstrate <del>d</del> that the residual risk to human health, people and communities or these identified areas and their values <del>will be is at an acceptable level avoided or, if avoidance is not possible, unacceptable risk is adequately mitigated.</del></p>
Transport	
<b>TR-R2</b>	<b><u>Vehicle</u> <del>Trip</del> generation</b>
<u>Airport Zone’s Terminal Precinct or East Side Precinct</u>	<u>1. Activity status: Permitted</u>
<u>All Zones except Terminal Precinct, East Side Precinct</u>	<p><u>2. Activity status: Permitted</u></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance with TR-S1 is achieved; <del>or and the activity is not:</del></li> <li><del>i. a service station; or</del></li> <li><del>ii. a drive-through activity.</del></li> <li><u>b. trip generation resulting from a change to a lawfully established existing activity is the same or similar in</u></li> </ol>



	<u>character, intensity and scale as the trip generation associated with the existing activity.</u>
All Zones <u>except Terminal Precinct, East Side Precinct</u>	<p><b>3. Activity status: Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with any of the requirements of TR-R2.42 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in TR-P1.</p> <p><u>Notification status: An application under Rule TR-R2 is precluded from being publicly notified.</u></p> <p>Section 88 <b>information requirements</b> for applications:</p> <p>Applications under Rule TR-R1.2-a 2.3 must provide an Integrated Transport Assessment by a suitably qualified transport engineer or transport planner. The Waka Kotahi NZ Transport Agency guidelines “Research Report 422: Integrated Transport Assessment Guidelines, November 2010” should be used to inform any Integrated Transport Assessment.</p>
TR-R5	<b>On-site vehicle parking and manoeuvring</b> <u>including parking for electric vehicle charging</u>
All Zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance with TR-S7 is achieved; <u>and</u></p> <p><u>b. It does not include ramps, turntables, lifts or stackers.</u></p>
<b>Infrastructure</b>	
INF-R7	<p><b>Structures associated with infrastructure including:</b></p> <p>1. <b>Substations (including switching stations);</b></p> <p>2. <b>Transformers;</b></p> <p>3. <b>Gas transmission and distribution structures;</b></p>

	<p>4. <b>Energy storage batteries not enclosed by a building; <i>and</i></b></p> <p>5. <b>Communications kiosks; <u>and</u></b></p> <p><b><u>6. Bus Shelters; and</u></b></p> <p><b><u>7. Electric vehicle charging stations, including where electric vehicle charging stations are located on private property that is not otherwise managed as an infrastructure activity.</u></b></p>
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**Attachment B – Summary of Fuel Company submissions where officer recommendation is supported.**

Submitter Name	Sub No / Point No	Sub-part / Chapter /Provision	Position	Summary of Submission	Decisions Requested	Officers Recommendation	Fuel Companies' position
<b>Transport</b>							
BP Oil New Zealand, Mobil Oil New Zealand Ltd and Z Energy Ltd (the Fuel Companies)	372.70	Energy Infrastructure and Transport / Transport / General TR	Support in part	<p>The Transport chapter is generally supported, but needs provisions to enable EV charging stations.</p> <p>The submitter considers that the use of EVs to be a key utilisation of new renewable technologies that will help achieve Wellington’s carbon reduction and climate change goals. INF-S18 provides for EV charging stations but only as optional ancillary infrastructure for when a new road is created (through Rule INF-R25 (New Roads)). EVs are also not defined in the PDP and there are no objectives, policies or rules that seek to enable the use of EVs, specifically through the provision of EV charging stations.</p> <p>As such, as it stands, the submitter notes that it appears that the only directly</p>	Retain the Transport chapter with amendment.	Accept in part	Support officer recommendation

				<p>enabling EV provision is Standard INF-S18. There does not appear to be any other provisions in the PDP that recognise or enable EV charging stations and it is therefore assumed that where such EV charging is ancillary to a proposed or existing activity, the same activity status of the primary activity applies.</p> <p>[Refer to original submission for full reason]</p>			
The Fuel Companies	372.71	Energy Infrastructure and Transport / Transport / New TR	Amend	<p>Considers that a new provision should be added to the Transport chapter to recognise or enable EV charging stations as a permitted activity in all zones, subject to compliance with specific standards. This rule would support a broader network of EV charging stations and therefore greater uptake of EV use in the district and would contribute to Wellington’s carbon reduction and climate change goals.</p> <p>[See original submission for full reason]</p>	<p>Add new Rule in the Transport chapter as follows:</p> <p><u>TR-R7 (Electric Vehicle Charging Stations) All Zones</u></p> <p><u>1. Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. Compliance with TR-S7 is achieved; and</u></p> <p><u>b. Compliance with TR-S10 is achieved;</u></p> <p><u>2. Activity status: Restricted Discretionary Where</u></p> <p><u>a. Compliance with TR-R7.1 cannot be achieved.</u></p>	Accept in part	Support officer recommendation in part subject to additional changes, as set out in evidence

					<p><u>Matters of discretion:</u></p> <p><u>1. The matters in TR-P3; and</u></p> <p><u>2. The extent and effect of non-compliance with standard TR-S10 as specified in the associated assessment criteria for the infringed standard;</u></p>		
The Fuel Companies	372.72	Energy Infrastructure and Transport / Transport / New TR	Amend	<p>Considers that a new provision should be added to the Transport chapter to provide height, boundary setbacks and amenity standards for EV charging stations. As the plan stands, EV charging stations are currently interpreted as an ancillary activity and ancillary structure(s) to a site's primary activity and would only subject to building and structure standards to ensure appropriate built form outcomes are achieved.</p> <p>[See original submission for full reason]</p>	<p>Add new Standard in the Transport chapter as follows:</p> <p><u>TR-S10 (Ancillary structures for electric vehicle charging)</u></p> <p><u>1. The structures (excluding poles and cables) must:</u></p> <p><u>a. Not exceed a maximum height above ground level of 3m; and b. Not exceed a maximum combined footprint of 5m<sup>2</sup>; and</u></p> <p><u>c. Comply with zone Boundary Setback standards.</u></p> <p><u>Assessment criteria when the standard is infringed:</u></p>	Accept in part	Support officer recommendation in part subject to additional changes, as set out in evidence

					<p><u>1. Streetscape and visual amenity effects; and</u></p> <p><u>2. Whether landscaping is required to mitigate streetscape and visual</u></p>		
The Fuel Companies	372.73	Energy Infrastructure and Transport / Transport / TR-R2	Support in part	TR-R2 is supported but clarity and/or relief is sought in relation to Rule TR-R2 (Trip Generation).	Retain TR-R2 (Trip generation) with amendment.	Accept in part	Disagree with officer recommendation as set out in evidence
The Fuel Companies	372.74	Energy Infrastructure and Transport / Transport / TR-R2	Amend	Considers that TR-S2 should be amended to clarify whether Rule TR-R2.1(b)(i) relates to changes to existing operations, maintenance and upgrades of existing service stations. where compliance with Rule TR-R2.1 cannot be achieved, restricted discretionary consent is required. It is not considered appropriate to require resource consent for trip generation purposes for changes to existing operations, in particular where operations, maintenance and upgrades will not materially change vehicle movements to / from an existing lawful activity. It is considered that sub-standard	Amend TR-R2 (Trip generation) as follows: <i>All Zones</i> <i>1. Activity status: Permitted</i>  <i>Where:</i> <i>a. Compliance with TR-S1 is achieved; and b. The activity is not:</i>  <i>i. A <u>new</u> service station; or</i>  <i>ii. A drive-through activity</i>	Reject	Disagree with officer recommendation as set out in evidence

				TR-R2.1(b)(i)) need only apply to new service stations.			
<b>Contaminated Land</b>							
The Fuel Companies	372.8	Interpretation Subpart / Definitions / CONTAMINATED LAND	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain the definition of 'Contaminated Land' as notified.	Accept	Support officer recommendation
The Fuel Companies	372.75	Hazards and Risks / Contaminated Land / General CL	Support	The Contaminated Land chapter is generally supported. The chapter contains objectives and policies for the assessment of resource consent applications required under the NESCS, noting that the NESCS only contains rules and standards. In terms of rules, it is considered that the NESCS provides appropriate land use controls for both land disturbance activities and changes of use in relation to contaminated soils. As such, given there are no rules in this chapter, this approach is supported.	Retain the Contaminated Land chapter as notified.	Accept	Support officer recommendation
The Fuel Companies	372.76	Hazards and Risks / Contaminated Land / CL O1	Support	CL-O1 is supported as drafted, as it seeks that contaminated land is identified and managed to protect human health.	Retain CL-O1 (Protection of human health from contaminants) as notified.	Accept	Support officer recommendation

The Fuel Companies	372.77	Hazards and Risks / Contaminated Land / CL P3	Support	CL-P3 is supported as the wording is considered appropriate. Particular regard to management options and best practice remediation options that ensures risks to human health are minimised, whilst ensuring the land is suitable for its intended use is supported.	Retain CL-P3 (Management of contaminated land) as notified.	Accept	Support officer recommendation
<b>Hazardous Substances</b>							
The Fuel Companies	372.6	Interpretation Subpart / Definitions / New definition	Amend	Considers that Hazardous Facilities are not defined in the PDP and clarification is sought on this matter.	Add a new Definition for 'Hazardous Facilities'.	Accept	Support officer recommendation
The Fuel Companies	372.1	Interpretation Subpart / Definitions / MAJOR HAZARD FACILITY	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain the Definition of 'Major Hazard Facility' as notified.	Accept	Support officer recommendation
The Fuel Companies	372.78	Hazards and Risks / Hazardous Substances / General HS	Support in part	The approach to hazardous substances and the Hazardous Substances Chapter as set out in the section 32 report is supported. In particular, efforts to only control matters in relation to hazardous substances that are not covered by other more specific legislation including the Hazardous Substances and New Organisms Act 1996 (HSNO) and the	Retain the Hazardous substances chapter as notified, with amendments.	Accept in part	Support officer recommendation



				Health and Safety at Work Act 2015 (HSWA).			
The Fuel Companies	372.79	Hazards and Risks / Hazardous Substances / General HS	Support	Supports the introduction to the chapter.	Retain the introduction to the Hazardous Substances chapter. [Inferred decision requested].	Accept	Support officer recommendation
The Fuel Companies	372.80	Hazards and Risks /Hazardous Substances / HS-O1	Support	HS-O1 is supported, as it seeks to protect people and communities from unacceptable residual risks from facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances.	Retain Objective HS-O1 (Protection from unacceptable residual risk) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.81	Hazards and Risks / Hazardous Substances / HS-O2	Support	HS-O2 is supported, as it seeks that sensitive activities are appropriately located to minimise reverse sensitivity effects and unacceptable residual risk from established hazardous facilities.	Retain Objective HS-O2 (Protection of established facilities) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.82	Hazards and Risks / Hazardous Substances / HS-P1	Oppose	HS-P1 is opposed as it extends to a range of matters which are not specific to hazardous substances and which would be better managed through provisions applicable to all activities affected by these specific areas or overlays (i.e. in their own chapters). HS-P1 could potentially conflict with these chapters including, for example, the Natural	Delete HS-P1 (Residual risk to people and communities) in its entirety and instead determine hazardous activities on a case-by-case basis.	Reject	Disagree with officer recommendation and seek changes to HS-P1, as set out in evidence.

				Hazards chapter which does not explicitly seek to avoid hazardous substances in natural hazard areas. Instead, hazardous substance activities would be more appropriately determined on a case-by-case basis depending on, for example, the specific activity's sensitivity to natural hazard risk.			
The Fuel Companies	372.83	Hazards and Risks / Hazardous Substances / HS-P2	Support	HS-P2 is supported as it seeks to appropriately locate hazardous activities and facilities to mitigate individual and cumulative residual risk associated with multiple hazardous activities and facilities and to avoid unacceptable residual risks to people and sensitive activities by internalising effects through site layout and design.	Retain HS-P2 (Location of hazardous facilities and activities) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.84	Hazards and Risks / Hazardous Substances / HS-P3	Support	HS-P3 is supported as it seeks to avoid locating sensitive activities in close proximity to MHF where there is potential to be exposed to unacceptable residual risks and/or constrain the development, operation, upgrading or maintenance of an existing MHF.	Retain HS-P3 (Sensitive activities) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.85	Hazards and Risks / Hazardous Substances / HS-R1	Support	HS-R1 is supported as it enables the manufacture, use, storage, transportation or disposal of hazardous substances as a	Retain HS-R1 (The manufacture, use, storage, transportation or disposal of	Accept	Support officer recommendation

				permitted activity and provides an appropriate rule framework relating to new and existing MHFs and the requirements for Quantitative Risk Assessments (QRA) in specific situations (e.g. greater than a 10% increase in the volume of hazardous substances).	hazardous substances) as notified.		
The Fuel Companies	372.86	Hazards and Risks / Hazardous Substances / HS-R2	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain HS-R2 (Existing major hazard facility) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.87	Hazards and Risks / Hazardous Substances / HS-R3	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain HS-R3 (New major hazard facility) as notified.	Accept in part	Support officer recommendation
<b>Infrastructure</b>							
The Fuel Companies	372.23	Energy Infrastructure and Transport / Infrastructure / General INF	Support	Supports the Infrastructure chapter in general, specifically the recognition of the critical role of this infrastructure, including that necessary for the effective, secure, and efficient transmission or distribution of fuel and the intent of the corresponding provisions which are generally enabling of infrastructure activities. Supports the zone and earthworks chapters not applying to infrastructure, unless specifically stated.	Retain the Infrastructure chapter as notified.	Accept in part	Support officer recommendation

The Fuel Companies	372.24	Energy Infrastructure and Transport / Infrastructure / INF-O1	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O1 (The benefits of infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.25	Energy Infrastructure and Transport / Infrastructure / INF-O2	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O2 (Adverse effects of infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.26	Energy Infrastructure and Transport / Infrastructure / INF-O3	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O3 (Adverse effects on infrastructure) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.27	Energy Infrastructure and Transport / Infrastructure / INF-O4	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O4 (Infrastructure availability) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.28	Energy Infrastructure and Transport / Infrastructure / INF-O5	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O5 (Transport network) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.29	Energy Infrastructure and Transport / Infrastructure / INF-O6	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-O6 (Amateur radio configurations) as notified.	Accept	Support officer recommendation

The Fuel Companies	372.30	Energy Infrastructure and Transport / Infrastructure / INF-P1	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P1 (Recognising and providing for infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.31	Energy Infrastructure and Transport / Infrastructure / INF-P2	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P2 (Coordinating infrastructure with land use, subdivision, development and urban growth) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.32	Energy Infrastructure and Transport / Infrastructure / INF-P3	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P3 (Technological advances) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.33	Energy Infrastructure and Transport / Infrastructure / INF-P4	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P4 (Undergrounding of infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.34	Energy Infrastructure and Transport / Infrastructure / INF-P5	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P5 (Adverse effects of infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.35	Energy Infrastructure and Transport / Infrastructure / INF-P6	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P6 (Consideration of the adverse effects of	Accept	Support officer recommendation

					infrastructure) as notified.		
The Fuel Companies	372.36	Energy Infrastructure and Transport / Infrastructure / INF-P7	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P7 (Reverse sensitivity) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.37	Energy Infrastructure and Transport / Infrastructure / INF-P8	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P8 (Amateur radio configurations ) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.38	Energy Infrastructure and Transport / Infrastructure / INF-P9	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P9 (Upgrading and development of the transport network) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.39	Energy Infrastructure and Transport / Infrastructure / INF-P10	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P10 (Classification of roads) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.40	Energy Infrastructure and Transport / Infrastructure / INF-P11	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P11 (Connections to roads) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.41	Energy Infrastructure and Transport / Infrastructure / INF-P12	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P12 (Infrastructure within roads) as notified.	Accept	Support officer recommendation

The Fuel Companies	372.42	Energy Infrastructure and Transport / Infrastructure / INF-P13	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-P13 (Infrastructure within riparian margins) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.43	Energy Infrastructure and Transport / Infrastructure / INF-R1	Support	INF-R1 is supported as it enables the operation, maintenance, repair and removal of existing above ground and underground infrastructure, and provision of new underground infrastructure, as permitted activities subject to compliance with standards.	Retain INF-R1 (Operation, maintenance and repair, or removal of existing above and underground infrastructure and ancillary vehicle access tracks) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.44	Energy Infrastructure and Transport / Infrastructure / INF-R2	Support	INF-R2 is supported as it enables the operation, maintenance, repair and removal of existing above ground and underground infrastructure, and provision of new underground infrastructure, as permitted activities subject to compliance with standards.	Retain INF-R2 (New underground infrastructure (including customer connections), and upgrading of existing underground infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.45	Energy Infrastructure and Transport / Infrastructure / INF-R3	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R3 (Upgrading of existing aboveground infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.46	Energy Infrastructure and Transport /	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R4 (New vehicle access tracks for infrastructure) as notified.	Accept	Support officer recommendation

		Infrastructure / INF-R4					
The Fuel Companies	372.47	Energy Infrastructure and Transport / Infrastructure / INF-R5	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R5 (New aboveground customer connection line) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.48	Energy Infrastructure and Transport / Infrastructure / INF-R6	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R6 (Temporary infrastructure) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.49	Energy Infrastructure and Transport / Infrastructure / INF-R7	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R7 (Structures associated with infrastructure) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.50	Energy Infrastructure and Transport / Infrastructure / INF-R8	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R8 (New infrastructure contained within existing buildings) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.51	Energy Infrastructure and Transport / Infrastructure / INF-R9	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R9 (Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)) as notified.	Accept	Support officer recommendation



The Fuel Companies	372.52	Energy Infrastructure and Transport / Infrastructure / INF-R10	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R10 (New overhead lines and associated support structures that convey electricity below 110kV ) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.53	Energy Infrastructure and Transport / Infrastructure / INF-R11	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R11 (Telecommunications or radiocommunication activities (not otherwise provided for by another rule in this table and not regulated by the NESTF)) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.54	Energy Infrastructure and Transport / Infrastructure / INF-R12	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R12 (New telecommunications poles and new antennas (regulated by the NESTF that do not meet the permitted activity standards in those Regulations)) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.55	Energy Infrastructure and Transport / Infrastructure / INF-R13	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R13 (New antenna attached to a building (regulated by the NESTF that do not meet the permitted	Accept	Support officer recommendation

					standards in the NESTF)) as notified.		
The Fuel Companies	372.56	Energy Infrastructure and Transport / Infrastructure / INF-R14	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R14 (New telecommunications cabinets (regulated by the NESTF that do not meet the permitted standards of the NESTF)) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.57	Energy Infrastructure and Transport / Infrastructure / INF-R15	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R15 (Infrastructure buildings and structures not provided for by any other rule in this table) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.58	Energy Infrastructure and Transport / Infrastructure / INF-R16	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R16 (New electricity lines and associated support structures (including poles and towers) that convey electricity of 110kV or above) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.59	Energy Infrastructure and Transport / Infrastructure / INF-R17	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R17 (New aboveground pipelines) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.60	Energy Infrastructure and Transport /	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R18 (New water, wastewater and stormwater pump stations ) as notified.	Accept	Support officer recommendation

		Infrastructure / INF-R18					
The Fuel Companies	372.61	Energy Infrastructure and Transport / Infrastructure / INF-R19	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R19 (New water treatment plants) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.62	Energy Infrastructure and Transport / Infrastructure / INF-R20	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R20 (New wastewater treatment plants) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.63	Energy Infrastructure and Transport / Infrastructure / INF-R21	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R21 (Amateur radio configuration) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.64	Energy Infrastructure and Transport / Infrastructure / INF-R22	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R22 (Buildings, structures and activities in the National Grid Yard) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.65	Energy Infrastructure and Transport / Infrastructure / INF-R23	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R23 (Sensitive activities, including the erection of buildings for sensitive activities, within the Gas Transmission Pipeline Corridor) as notified.	Accept in part	Support officer recommendation

The Fuel Companies	372.66	Energy Infrastructure and Transport / Infrastructure / INF-R24	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R24 (Connections to roads) as notified.	Accept in part	Support officer recommendation
The Fuel Companies	372.67	Energy Infrastructure and Transport / Infrastructure / INF-R25	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R25 (New roads) as notified.	Accept	Support officer recommendation
The Fuel Companies	372.68	Energy Infrastructure and Transport / Infrastructure / INF-R26	Support	[No specific reason given beyond decision requested - refer to original submission]	Retain INF-R26 (Structures near railway level crossings) as notified.	Accept in part	Support officer recommendation