

BEFORE THE WELLINGTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Wellington District Plan:
Hearing Stream 9 in regard to
Infrastructure

Statement of evidence of **CHRIS HORNE** on behalf of Powerco Limited

(Submitter 127, Further Submitter 61)

27 May 2024

INCITE
Resource and Environmental Management
PO Box 3082
Auckland 1140
Ph: 09 369 1465



Statement of Professional Qualifications and Experience

1. My name is Chris Horne. I am a principal planner and director of the resource and environmental management consulting company Incite (Auckland) Limited. I hold the qualifications of the Bachelor of Arts (Geography), and Master of Regional and Resource Planning, both gained at the University of Otago. I am a member of the New Zealand Planning Institute.
2. I have approximately 30 years of professional experience in the field of resource management and have represented a variety of public and private clients on a range of matters that raise planning issues. A significant part of my experience relates to network utility infrastructure, including both project consenting, and planning advice and assistance on resource management documents and changes that may affect the operation or deployment of infrastructure.
3. I have previously acted or currently act for a number of infrastructure clients. This includes Powerco Limited (**Powerco**), Chorus, Spark, One New Zealand (formally Vodafone New Zealand), 2degrees. new telecommunication network companies Connexa and Fortysouth, Transpower, Ultra-Fast Fibre, Vital (previously branded as Teamtalk), New Zealand Police (radio network), KiwiRail, Vector, Watercare Services and Waka Kotahi NZ Transport Agency. Work for these clients has related to both linear infrastructure networks (e.g. lines, submarine cables, pipes and transport corridors), and site-specific facilities (e.g. substation works, radio communication facilities, exchanges, cable stations and a satellite earth station).
4. I assisted Powerco in preparing their submission to the Proposed Plan. I have reviewed the s42A reports prepared on behalf of Wellington City Council to the extent that they address the matters raised in Powerco's submission and further submissions.

Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts I am aware of which might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

6. My evidence relates to the two s42A reports on Infrastructure prepared by Tom Anderson who is a part owner and principal planner at Incite Wellington 2012 Limited. I refer to these as s42A reports 1 and 2. Incite is a group of three separate limited liability companies with joint branding, a joint website and a cooperative relationship. However, we remain as separate companies with no financial linkages, and I have had no discussions with Mr. Anderson in regard to the s42A reports on this topic, Powerco's submission/further submissions or the preparation of this evidence.

Evidence Outline

7. Powerco made a relatively large number of submissions and further submissions. However, a significant proportion of these were seeking to retain provisions as notified. Accordingly, requests for changes were relatively confined.
8. In general, the recommendations of the s42A report are either supported or are accepted by Powerco. Accordingly, there are only very limited outstanding matters where I support additional amendments or where there was no recommendation identified in the reports. These matters relate to:
 - a) Definition of *Regionally Significant Infrastructure*.
 - b) Upgrading existing underground infrastructure and customer connections within the High Hazard Area of the Coastal Hazard Overlay.
 - c) Allowing for infrastructure works over piped awa.
 - d) Permitted allowances for utility cabinets in roads within Heritage Areas.

Definitions – *Regionally Significant Infrastructure*

9. Powerco sought an amendment to the definition of *Regionally Significant Infrastructure*. Clause (a) of the notified definition relates to pipelines for the distribution or transmission of natural or manufactured gas or petroleum. Powerco sought that the wording in the first bullet point of the proposed amended definition was aligned with the proposed amended definition of *Regionally Significant Infrastructure* in Proposed Change 1 to the Greater Wellington Regional Policy Statement (**RPS**) that also recognises pipelines may include ancillary equipment to enable them to function (127.1).
10. The requested amendment is:

- a. *Pipelines for the distribution or transmission of natural or manufactured gas or petroleum, **including any associated fittings, appurtenances, fixtures or equipment.***

11. I was not able to find a recommendation in the s42A reports in regard to this definition. I understand that decisions on Proposed Change 1 to the RPS are still pending and accordingly consideration of this definition has been pushed to the Stream 10 wrap up hearing. I request that the reporting planner confirms this is the case or provides a supplementary recommendation prior to the Stream 9 hearing.

Upgrading existing underground infrastructure and customer connections within the High Hazard Area of the Coastal Hazard Overlay (Rule INF-NH-R58)

12. Rule INF-NH-R58 applies to new underground infrastructure (including customer connections), and maintenance or upgrading of existing underground infrastructure in Natural Hazard and Coastal Hazard Overlays. As Mr Scholfield from Powerco will set out in his evidence, Powerco has existing gas distribution network in the road running along the coastal margin of the Island Bay area. This road along with several adjacent properties who may require connection to the gas network, are located within the High Hazard Area of the Coastal Hazard Overlay as shown in the Figure below:



Figure 1: Extent of High Hazard Area of Coastal Hazard Overlay in Island Bay coastal margin (Purple Hatch)

13. From my reading of the rule, maintenance and repair of the existing underground gas distribution infrastructure or providing a customer connection to an adjacent customer would require resource consent in this overlay. Powerco submission 127.36 sought an amendment to the rule to reflect that the existing gas distribution network in this hazard area may need to be maintained or upgraded, and adjacent activities if already established should be able to have a connection from this network. The relief sought is as follows:

Amend Rule INF-NH-R58 as follows:

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 flowpath areas of the flood hazard extent; or*
 - ii. *Stream corridor area of the flood hazard extent; and*
- b. *The underground infrastructure is not located within the high hazard area of the Coastal Hazard Overlays (other than in regard to maintenance and upgrading of infrastructure in a road or customer connections); or*
- c. *If the underground infrastructure is located within the high hazard area of the Coastal Hazard Overlay it is also within the City Centre Zone.*

14. The reporting planner considers that this relief is already provided for and accordingly no change to the rule is required¹:

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.

15. From my reading of the rule, permitted activity status for maintenance and upgrading of underground Infrastructure or customer connections in this overlay is contingent on Clause (b) which does not provide for these activities in the High Hazard Area of the

Coastal Hazard Overlay, unless located in the City Centre Zone as provided for in Clause (c).

16. It appears that the reporting planner is not opposed to the outcome Powerco is seeking but considers it is already provided for. In my view allowing for the ongoing maintenance and upgrading of existing gas infrastructure in this overlay and connections to adjacent customers is entirely appropriate as it reflects existing development in and adjacent to this area. Accordingly, I support the relief sought by Powerco. It would be helpful if the reporting planner could confirm prior to the Stream 9 hearing as to how this relief is already provided for in the rules in case I have misinterpreted the provisions, or alternatively provide his view on the requested relief.

Requested Relief

17. Adopt the relief requested by Powerco in Submission 127.36.

Allowing for Infrastructure Works over Piped Awa

18. There are a number of piped awa identified in the Sites and Areas of Significance to Māori (SASM) overlay. They are within existing urban areas including roads where regular 'business as usual' work by network utilities is likely to be undertaken.
19. Powerco lodged a submission (127.37) seeking that Other Overlays rules relating to SASM are amended as necessary such that it is clarified that work not directly affecting a piped awa (e.g. infrastructure work in roads above) is not affected by the overlay and related rules.
20. The reporting planner states that he agrees with this requested relief and this it is addressed [in the s42A report] below. However, I was unable to find any recommendation or any relevant track change in the appendices. This may be a simple oversight. It would be helpful for the reporting planner to address this in a supplementary statement prior to the Stream 9 hearing.

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.

¹ Para 285, s42A report 2.

21. Where an awa is piped in an urban area and is not physically altered by works above, I am not aware of any specific adverse effects including cultural effects that would arise. There was no further submission from mana whenua against this submission point identified in the s42A report assessment of this matter.

Requested Relief

22. Amend SASM rules as necessary such that it is clarified that work not directly affecting a piped awa (e.g. infrastructure work in roads above) is not affected by the overlay and related rules.

Permitted allowances for cabinets in roads within Heritage Areas

23. Rule INF-OL-R66 is a restricted discretionary activity catch all rule in Other Overlays for above ground infrastructure and temporary infrastructure not otherwise permitted in these overlays. Powerco (127.40) sought that the rule be amended to include a permitted activity allowance for some equipment in roads on the basis they would have minimal impact as follows:

Amend Rule INF-OL-R66 by adding a new permitted activity clause are follows:

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;**

24. The reporting planner does not support this change given that Rule INF-OL-R66 is intended to be a catch all rule for above ground infrastructure not otherwise provided for². I agree that this is not the best location to address this matter, but the submission provides scope to simply provide for this as a separate permitted activity rule for Other Overlays. Similar relief has been sought by the joint Telecommunications Submitters (Submission Point 99.61).

25. The s42A report does not assess the merits of the submission other than its incompatibility with proposed insertion in the catch all rule. Infrastructure cabinets are small-scale built elements that are common street furniture. Heritage Areas still require infrastructure services to be viable as residential or commercial areas. In my view equipment of this nature in existing formed roads would not unreasonably impact on the heritage values of any heritage areas that extend across adjacent roads. Examples of such areas in central Wellington including those extending over roads is shown in the figure below snipped from the online planning maps:

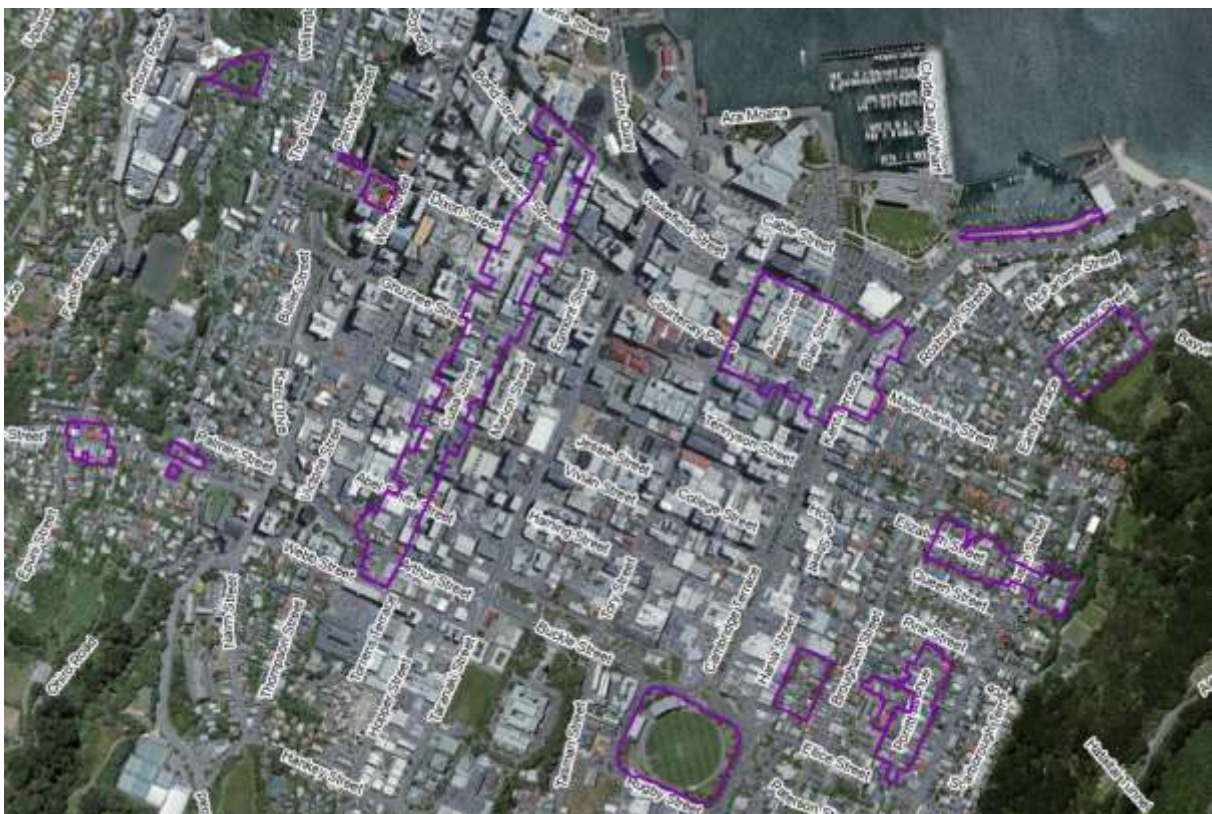


Figure 2: Extent of Heritage Areas (Purple Outline) in Central Wellington

Requested Relief

26. Add a new permitted activity rule for Other Overlays that provides for utility cabinets within Heritage Areas identified in Schedule 3 where located within roads, subject to any cabinets not exceeding 2m high and a footprint of 2m².

² Paragraphs 332 and 224, s42A report 2.