

Before the Hearing Panel

Under: the Resource Management Act 1991

In the matter of: Proposed Change 1 to the Regional Policy Statement for the
Wellington Region

Hearing Stream 4

**Statement of evidence of Caroline Horrox on behalf of Wellington Water
(Planning)**

Date: 15th September 2023

INTRODUCTION

- 1 My full name is Caroline Anne Horrox. I am employed as a contractor by Wellington Water Ltd (Wellington Water) to provide planning related advice and support on a range of district and regional planning related matters. I was previously involved in drafting Wellington Water's further submission on the Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region (**PC1**).
- 2 I have prepared this statement of evidence on behalf of Wellington Water in respect of planning related matters arising from submissions, further submissions and the section 42A reports on PC1.
- 3 This statement of evidence relates to Hearing Stream 4 – which covers *'regional form, design and function'*.
- 4 I am authorised to provide this evidence on behalf of Wellington Water.

QUALIFICATIONS AND EXPERIENCE

- 5 I hold a Bachelor of Arts (Psychology and Art History) and Master of Science (Natural Resource Management). I have over 20 years of experience in resource management and planning with roles in state owned enterprise, central government, local government and the private sector. Most of my experience has been associated with infrastructure providers in both technical advisory and management roles. I am currently self employed as a planning contractor undertaking a range of policy and project related planning work.

CODE OF CONDUCT

- 6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code

of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

SCOPE OF EVIDENCE

- 7 My statement of evidence covers the following matters:
- 7.1 Provision structuring and clarity, and terminology.
 - 7.2 Recognition of Te Mana o Te Wai and the role of regionally significant infrastructure in the regional form, design and function provisions.
 - 7.3 Proposed changes to the regional form, design and function provisions to address these matters.

PROVISION STRUCTURING AND CLARITY, AND TERMINOLOGY

- 8 There is a high degree of complexity in the chapter provisions. While the policy explanations help to clarify intent and purpose, I consider that additional changes to some provisions are required to clarify application and purpose and make them more 'user friendly'. Some suggestions are noted below in my comments on specific provisions where they relate to matters raised by Wellington Water in their submission, however a more comprehensive review by Greater Wellington Regional Council would be helpful.
- 9 The term 'development infrastructure' is referred to in Policy 55 and Policy UD.3. It is defined in the explanation of UD.3 (page 25 of

Appendix 1 to the s42A report) but would be unclear to anyone only reading Policy 55. As such it could be interpreted as another category of infrastructure which is potentially confusing. Given that the definition for 'development infrastructure' in UD.3's explanation describes infrastructure in general, I suggest that the word 'development' is deleted (which would also render the explanation unnecessary).

TE MANA O TE WAI AND ENSURING ADEQUATE RECOGNITION FOR REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 10 Wellington Water's submission raised concerns that the regional form, design and function provisions did not sufficiently recognise the role of regionally significant infrastructure (RSI) or Te Mana o Te Wai in well-functioning urban environments.
- 11 In the s42A report, Ms Zöllner and Mr Jefferies have proposed additional references to Te Mana o Te Wai in the chapter 3.9 Introduction, Objective 22(c) and Policy 56(g). I support these inclusions, in particular Objective 22(c), and consider they are sufficient to address the gap in relation to Te Mana o te Wai identified by Wellington Water in their submission.
- 12 With regard to the role of RSI in well-functioning urban environments, there are several aspects to consider, as follows.
- 13 **Recognition of the Wellington region's existing infrastructure constraints.** In principle I support the addition of Issue 4 'Inadequate infrastructure' to the 'issues of significance' in the chapter 3.9 Introduction as proposed by Ms Zöllner (paragraph 367). However, I consider that this issue would benefit from reframing to better articulate the problem. To this end, Mr Smeaton who is providing planning evidence for Porirua City Council, has suggested some alternative wording in his evidence which I support subject to one

minor change (noted below in paragraph 14). Mr Smeaton’s proposed wording is outlined below:

Inadequate infrastructure

‘The development of well-functioning urban environments, including providing for sufficient development capacity, is constrained in many locations within the region by a lack of capacity in existing development infrastructure and additional infrastructure. These constraints include the availability and affordability of funding required for delivery of new or upgrading of existing infrastructure.’

14 For the reasons outlined previously in in my evidence (paragraph 9) I recommend that the phrase ‘development infrastructure’ is revised to simply refer to ‘infrastructure’.

15 **The need for infrastructure requirements to be considered and provided for as part of land development proposals.** This matter includes optimising the use of existing infrastructure where possible and ensuring that required upgrades and new infrastructure are appropriately planned, funded, and delivered, in a timely manner. In my view, additional changes to the provisions are required to address these aspects beyond those suggested in the s42A report. I have discussed these changes further under the sections on specific policies.

16 **Protection of RSI from reverse sensitivity effects and potentially incompatible development.** I support the additional references to reverse sensitivity proposed in the s42A report; in particular those in the Chapter 3.9 introduction (under the sub heading ‘Well-functioning urban environments and areas’), and Policy UD 5 (f).

INTRODUCTION TO CHAPTER 3.9: REGIONAL FORM, DESIGN AND FUNCTION

17 The chapter introduction as redrafted in the s42A report contains a “*how this chapter works*” section which is useful given the complexity of the

provisions. This section appears to establish a 'hierarchy of development' preferences (page 2 of Appendix 1 to the s42A report, C 1-5) that infers a prioritisation of development as follows:

- 17.1 Urban and other intensification in existing urban areas (Policy 31)
- 17.2 Urban development in areas identified for future urban development capacity (policy 55)
- 17.3 Urban development where it adds significantly to development capacity in places connected to existing urban areas (Policy UD.3)
- 17.4 Residential development in the region's rural areas (Policy 56).

18 If the intent is to create a hierarchy, then in my view it needs to be made more explicit to avoid confusion. Wellington Water would support such a hierarchy because it would enable the most efficient use of infrastructure to support growth. I propose adding a new clause to UD.5 to give effect to this (refer to paragraph 38).

19 In terms of drafting, there is crossover between the following regionally significant issues (pages 5-6 of Appendix 1 to the s42A report):

- 19.1 Issue 2 '*Inappropriate development*',
- 19.2 Issue 3 '*Poor quality urban design*' and
- 19.3 Issue 5 '*Sporadic, uncontrolled and/or uncoordinated development*'.

In my view these issues could be consolidated and would benefit from revised titles that better reflected their focus.

OBJECTIVE 22

- 20 Objective 22 has been significantly redrafted in the s42A report.
- 21 As noted in paragraph 11, I support the inclusion of new clause 22(c) to better highlight Te Mana o Te Wai. I also support the deletion of the previous clause (e) as requested in WWL's submission.
- 22 I support the intent of new clauses 22(g) and (h) as proposed in the s42A report, but consider these two clauses require additional changes to adequately reflect the importance of RSI as outlined in paragraph 15 above.
- 23 Regarding 22(g), rather than '*efficient use*' of existing urban-zoned land and infrastructure capacity, I consider the clause would be better reframed to focused on *optimising* these matters. The term 'optimising' is broader than efficiency and infers both efficiency and effectiveness., which are relevant considerations when planning development. The specific reference to 'transport infrastructure' also appears redundant given that this is covered under the broader banner of 'infrastructure' along with all other types of infrastructure as defined in the RPS definitions.
- 24 Regarding 22(h), the critical element in my view is the statement that new or upgraded infrastructure should be integrated and sequenced with development. However, it is unclear to me what is meant by '*development densities are sufficient to support the provision and ongoing maintenance*'. I suggest that this clause would benefit from rephrasing to clarify its intent.

25 Proposed rewording for Objective 22(g) and (h) is outlined below with changes in **bold and underlined**:

(g) **Development optimises** existing urban-zoned land, and infrastructure capacity ~~including transport infrastructure~~, is used efficiently;

(h) **the provision of** new or upgraded infrastructure, ~~including transport infrastructure~~, is integrated and sequenced with development, ~~and development densities are sufficient to support its provision and ongoing maintenance~~;

POLICY 55

26 Policy 55 has many subsections to it, with additional subsections proposed in the s42A report (for example Policy 55(a)(3)). Its complexity makes it challenging to follow. I have focussed my comments on the most important points for Wellington Water. However, in my view, the entire policy would benefit from further redrafting to simplify the various subsections to improve readability and assist interpretation. I also consider that changes are required to adequately address the RSI issues outlined in paragraph 15 above.

27 The availability of existing infrastructure and the need for upgraded or new infrastructure is a relevant matter for the location, design and layout of urban developments. In relation to water services, the ability to service developments outside of established urban areas, and the need for new or upgraded water infrastructure can be a significant issue. However, these matters are not currently mentioned under 55(a) (which deals with development location, design and layout) except in a limited way, in relation to building heights and densities (clause (a)(3)(i)).

- 28 To address this issue, I suggest that clause (a)(3)(i) of Policy 55 is deleted and that the infrastructure considerations relevant to urban development location, design and layout are relocated to Policy UD.5. Policy 55(a)(1) has a direct reference to UD.5 as it requires the location, design and layout of urban developments to contribute to well-functioning urban areas as articulated in UD.5. I have proposed changes to this effect in my discussion on Policy UD.5 later in my evidence.
- 29 I also note that the chapeau does not include consideration of notices of requirement (NORs) along with resource consents. Some policies require consideration of NORs (for example Policies 57, 58, UD.2) and others do not (for example Policies 55, 56, UD.5). The reason for the inclusion of NORs in some policies (where resource consents require consideration) and not in others is not clear.

POLICY 58

- 30 I support the intent of the changes to Policy 58(a), and 58(c) as proposed by Mr Jefferies in the s42A report regarding the coordination and sequencing of infrastructure in relation to development. However, I consider that additional changes are required for the policy to achieve its stated intent in the policy explanation which is to:
- 30.1 avoid isolated urban development not serviced by infrastructure
 - 30.2 require urban development to be sequenced to ensure existing infrastructure capacity is efficiently and effectively used and
 - 30.3 require that infrastructure necessary to service the development will be provided

- 31 For the reasons outlined above in paragraph 23, I consider that Policy 58(a) would be better reframed to focus on '*optimising*' existing infrastructure rather than making '*efficient use*' of it.
- 32 Wellington Water has concerns regarding the ability for consenting authorities to implement some of the matters covered in 58(b). Mr Slyfield covers this matter in his legal submission.
- 33 Policy 58(c) states that infrastructure required to service a development must be delivered in a '*timeframe commensurate to the scale and type of infrastructure*'. What is meant by '*timeframe commensurate to the scale and type of infrastructure*' is unclear. In my opinion this clause should be reframed to more clearly state that infrastructure needs to be delivered in an appropriate timeframe to service the needs of the development and that this may require timing or staging development accordingly.

POLICY UD.5

- 34 Policy UD.5 is a new policy proposed in the s42A report which intends to outline what is meant by contributing to well-functioning urban areas in the Wellington Region.
- 35 As noted in paragraph 29, the chapeau does not mention notices of requirement. It is unclear why this has been omitted.
- 36 I support the intent of Policy UD.5(d) to avoid effects from urban development on the ability to manage, use, and operate existing infrastructure, and UD.5(f) to protect RSI from reverse sensitivity effects and consider that this address the concerns Wellington Water raised in their submission on this matter.
- 37 Wellington Water has concerns regarding some of the language used in UD.5 (e). Mr Slyfield covers this matter in his legal submission.

38 As discussed earlier in relation to Policy 55 (paragraphs 27 and 28), to ensure a sufficiently encompassing reference is included on infrastructure considerations when considering urban developments (as outlined in paragraph 15), I recommend that a new clause is added to Policy UD.5 to address these matters as follows:

(g) **“maximising access to, and efficient use and maintenance of, existing infrastructure in priority to upgrading infrastructure, and upgrading infrastructure in priority to creating new infrastructure.”**

Caroline Horrox
15th September 2023

