

Tim Blackman – speaking notes – HS6

- Tim Blackman – Principal Advisor Environmental Planning at Tiaki Wai. I have been working at Tiaki Wai since March 2023.
- I have read section 42a reporting officer Peter McDonald's response to Tiaki Wai submissions in response to the Infrastructure Chapter (including his rebuttal evidence) and overall, I believe the officers recommendations go part way in addressing the relief sought in Tiaki Wai original submissions.
- Some of the key recommendations that provide relief sought by Tiaki Wai include:
 - Proposed change from non- complying activity to restricted discretionary for INF-R3 (42a)
 - Proposed change to INF-P1 in relation to the recognition of green infrastructure (42a)
 - Amendment to INFSD-O1 and INFSD-O2 to refer to "additional infrastructure" (42a)
- I have also read the section 42A reporting officer Cristal Bennett response to Tiaki Wai submissions in response to the Three Waters chapter (including her rebuttal evidence) and I am also of the view that the officers' recommendations go part way in addressing the relief sought in the original submission by Tiaki Wai. Such as:
 - Update references to the Regional Standard for Water Services
- I will take my evidence as read and will use this time to talk through what are, in my view, the key outstanding concerns in the Proposed District Plan for Tiaki Wai in terms of providing for water infrastructure within environmental limits.
- The two key areas of concern are:
 - A need to provide for minor upgrading in INF - R2, including the Officer's section 42a recommendation to include an additional standard (INF-S3) for maintenance activities
 - A need to work in high flood hazard areas - INF- P9

Providing for minor upgrading under INF-R2

- Tiaki Wai submitted that minor upgrades with the same effects as the existing infrastructure should be provided for as a permitted activity alongside repair and maintenance.
- The section 42a reporting officer recommended that upgrades with the same effects as a permitted activity for maintenance or repair activities should also be permitted, which I support.
- However, it is either the officer has not proposed a change to achieve this outcome or considers that by adding standard INF-S3 (standard for underground infrastructure) to INF-R2 they are achieving this.
- In paragraph 40 of my evidence, I state that I do not consider that adding an additional standard INF-S3 to INF-R2 enables minor upgrades with the same effects as repairs and maintenance.
- In effect, adding INF-S3 to INF-R2 would mean that maintenance activities would also have to achieve the standards for underground infrastructure, such as standard INF-S3(2), which is that:

"trenching for the construction, operation, maintenance and repair, removal, or upgrade of infrastructure must not exceed 1.0m in depth where located within 1.5 m of a building or structure on any adjacent site."

- In his rebuttal evidence (paragraphs 5.61 – 5.64), Mr MacDonald disagreed. Mr MacDonald states that it is an effects-based approach.
- However, I am of the view that the effects of working within close proximity to a structure for a renewal (maintenance) would be the same as a minor upgrade. For example, it is likely that trenching for a 150mm pipe (which is what 80 percent of pipes sizes are) would have the same effects as trenching to install a 225mm pipe – this increase in diameter is only 7.5cm. My understanding is that the equipment used for trenching remains the same whether it is a renewal (maintenance) or a minor upgrade and therefore the potential effects would, in my view, be the same.
- Plausible that many of Tiaki Wai minor upgrades (and also maintenance activities if the s42a recommendation to bring INF-S3 to INF-R2 is accepted by the panel) would require consent as they could not achieve this standard.

- For context, much of Tiaki Wai water networks in downtown Lower Hutt (from my investigation of conversation with key engineering staff around Tiaki Wai) is less than 1.5 metre to a property boundary, such as located in the footpath rather than the road. Further, it cannot always be assumed that a maintenance activity would only be undertaken at depths of less than 1m.
- In paragraph 40 of my evidence, I state that adding “minor upgrades” to Rule INF-R2 in tandem with incorporating the definition of ‘Maintenance and Minor Upgrades’ from the NPS-I 2025 will provide the appropriate degree of clarity to plan users for what constitutes a minor upgrade.
- This recommended amendment also gives effect to the intent of the NPS-I to group Maintenance and Minor Upgrades together, which, in my view, is the most relevant higher order planning document which should be achieved in lower order planning documents like a district plan.
- It will also provide a mechanism to ensure perverse outcomes are avoided for Tiaki Wai, such as, the effects minor upgrades may not go ahead in certain locations as the need to consent the activity may mean the important work cannot be delivered within the timeframe required.
- If these points are not addressed by the panel, there is a risk that Tiaki Wai will be required to apply for consents for minor upgrades (within 1.5m of a property) where there is no visible change in the potential effects undertaken to deliver the infrastructure.

Proposed Changes to INF-P9 – new or upgrading water infrastructure

- Tiaki Wai sought changes to INF-P9 to better balance the need for new or upgraded infrastructure with natural hazard risks from and to flooding. The objective of this submission point was to ensure that new water infrastructure can be provided within flood hazard overlay areas moving forward.
- In paragraph 30 of my evidence, I support the Officer’s drafting in subclause (2) to achieve this within moderate and high flood hazard overlays.
- In my view, the officers drafting provides:

- An achievable outcome for water infrastructure providers delivering water infrastructure projects within moderate and high flood hazard overlay areas, whilst also
 - Managing the potential effects of flooding associated new and upgraded infrastructure
- In paragraph 30 of my evidence, I state that the officer's relief for sub clause (3) does not address the relief that Tiaki Wai seeks, which was to clarify that subclause (3) should not apply in High Flood Hazard Overlays.
- I am of the view that the officers recommended amendments to sub clause (3) when read alongside the officers recommended amendments in sub clause (2) will introduce interpretation issues for consent applicants seeking to provide infrastructure (including water infrastructure) within moderate and high flood hazard overlay areas.
- If these requested amendments are not addressed, it introduces a perverse outcome whereby Tiaki Wai could illustrate how it could:
 - meet the functional and operational need test (in sub clause 1),
 - not impede the conveyancing of floodwaters or cause floodwaters to be diverted to adjacent properties (in sub clause 2), however
 - not be able to illustrate how it could avoid increases in natural hazard risks, which is a more onerous requirement (in sub clause 3).
- For this reason, I stand by the statements in paragraph 31 of my evidence – that high flood hazard areas should be excluded from subclause (3).
- Tiaki Wai own and manage a significant amount of water infrastructure in flood hazard overlay areas. The proposal introduces a risk to Tiaki Wai of not being able to play its role in upgrading or providing new infrastructure (in flood hazard areas) to provide for, at least, the maintenance of a quality of life to the communities it serves. For example, installing a new pump station in a high flood hazard area.
- I have also now read the officers proposed drafting in INF P9, set out in his rebuttal evidence.
- In paragraph 5.52 of the rebuttal, I agree with the officer's statement that "the effects management directive under INF-P9.3 is too

onerous" and "it sets too narrow a gateway for activities in the high natural hazard". I also agree that the further proposed amendments "improves alignment with the directive for managing natural hazard risk under s6 of the RMA".

- Accordingly, if the hearings panel does not agree with my evidence in relation to INF P9, I am of the view that the officer's full suite of recommended amendments (set out his rebuttal evidence) provide a more appropriate policy framework (than in the proposed version of INF P9) to address the effects of providing new or upgraded infrastructure within hazard overlay areas.

