

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Submissions and Further Submissions on
the Proposed Wellington City District Plan

Minute 29:

Wrap-up Hearing – Plan Integration Matters

Introduction

1. The purpose of this Minute is to record the decisions of the Hearing Panel on requests from submitters for matters of plan integration to be heard at the Wrap-up Hearing that commences on 19 September 2023.
2. In Minute 27, the Hearing Panel provided submitters with an opportunity to raise any cross-hearing matters that they consider have not been fully heard or need to be revisited in the light of subsequent hearings. The Panel's minute emphasised that our discretion will be exercised on an 'exceptions only' basis, and that we will only accept requests if we are satisfied that the matter has not be fully addressed or that it is appropriate to reconsider for plan integration purposes.
3. The Hearing Panel received requests from the following submitters:
 - Kāinga Ora – Homes and Communities
 - Wellington's Character Charitable Trust
 - Johnsonville Community Association
 - Ara Poutama The Department of Corrections

Kāinga Ora – Homes and Communities

4. Outstanding Submission Points – We concur with the submitter's concerns in regard to hearing outstanding submission points, and accordingly we have directed that no repetition is expected and that only new information or evaluation on matters not already addressed in previous hearings will be presented. If a previous s42A evaluation has been undertaken on the same or similar point, we anticipate that the reporting officer will cross-reference back to that earlier evaluation. If additional evidence is given on the same or similar point, the Panel will determine whether leave will be given for submitters to address the Council's updated position.
5. Consistency with the NPS-UD, RMA Amendment Act and the National Planning Standards – The Panel is satisfied that it has received sufficient evidence on how the PDP has given effect to the NPS-UD, RMA Amendment Act and the National Planning Standards, including whether there is sufficient development capacity across the City. In regard to the specific example given, we note that NPS-UD Policy 3(d) does not direct different levels of intensification according to the description of a Centre as a Neighbourhood, Local or Town Centre. The focus is rather on the level of commercial services and community facilities, an issue on which the Panel has heard evidence already, including from Kāinga Ora.
6. City Outcomes Contributions – The Council's reporting officer has made a number of changes to her recommendations in relation to the City Outcomes Contributions provisions, including those for mandatory public notification and the application of the City Outcomes Contributions to the HRZ and LCZ. **Given these changes, Kāinga Ora has leave to address these recommendations.**
7. Notification provisions – The Panel does not consider it obvious that there needs to be a uniform approach to notifications provisions in the PDP; the Panel considers that the Council is entitled to take a context-driven basis for determining notification provisions. However, we do accept that it is appropriate to direct the Council addresses the general

approach that has been followed or applied to determine notification preclusions or requirements in the PDP, and to provide some examples on a like-for-like basis across the Plan.

8. Plan consistency – The Panel does not expect there to be many, if any, recommended changes to policies as an outcome of its direction in Minute 27 to have the Council provide information on the Style Protocol used to guide the policy language in the PDP. However, if a change to the recommended wording of any policies is an outcome of this advice, then any submitter on those provisions will have the ability to respond at the Wrap-up Hearing through pre-circulated statements following receipt of the s42A report according to the timetable set out in Minute 27.
9. Design Guides – As appropriate, submitters will have the opportunity to address the Council’s final position on the Design Guides and associated PDP provisions at the Wrap-up Hearing.
10. Interim Guidance – The Hearing Panel is not proposing to produce any interim guidance on its preliminary considerations on matters heard through Hearing Streams 1 to 5, including those listed in paragraph 6.2 of Kāinga Ora’s request.
 - i. In regard to the *Town Centre Zone* question, the Panel the submitter has had the opportunity to address this matter in Hearing Streams 1, 2 and 4, and the Council’s position is also clear. The evidence to these hearings addressed alternative intensification provisions. The Panel considers it has sufficient information on which to make recommendations.
 - ii. In regard to the evaluation of *Qualifying Matters*, the Panel considers it has sufficient information on which to make a determination on the adequacy of any required assessments.
 - iii. In regard to the *Obstacle Limitation Surface*, the Panel agrees that further information from the Council is desirable as part of the Wrap-up Hearing. In particular, while we heard from WIAL at Hearing Stream 5, we will request that the Council advise how easy or difficult it is for developments to obtain the requiring authority’s s176 approval across the City, and whether the process acts as a material constraint on development in practice. The Panel observes that the s176 approval process is a separate procedure that operates independently of the Plan, and is not administered by the Council.

The Wellington’s Character Charitable Trust

11. As noted above, in regard to the Design Guides and associated PDP provisions, all submitters on these matters will have the opportunity to address the Council’s final position and recommendations.
12. **In regard to the Trust’s submission point (233.24), the Panel agree to grant leave to have this point addressed at the Wrap-up Hearing.**

Johnsonville Community Association

13. The Panel is satisfied that all of the matters raised in the Association’s request have been addressed and considered in Hearing Streams 1 to 5. Revisiting these matters

would result in a repetition of evidence already heard before the Panel. Accordingly, the Panel does not give leave to address these matters.

Ara Poutama – the Department of Corrections

14. The Panel understands the position of the Department and is satisfied that it has been appropriately addressed in previous hearings and supplementary information.

Further Information Sought from the Council

15. The Panel considers that the following information from the Council would assist in the evaluation of Plan Integration matters at the Wrap-up Hearing:
- i. The general approach that the Council has followed or applied to determine notification preclusions or requirements in the PDP, including examples on a like-for-like basis across the Plan; and
 - ii. Information on how easy or difficult it is for developments to obtain the requiring authority's s176 approval for intruding into the Airport's Obstacle Limitation Surface designation across the City, and whether the process acts as a material constraint on development in practice. A cross-section of the OLS from the Airport across the City Centre Zone would assist in understanding the application of the designation on building heights.
16. We direct that this information be provided as part of the s42A report which is due to be circulated on 22 August 2023.
17. If you have any questions or concerns relating to this hearing, please contact our Hearings Co-ordinator at jaskirat.kaur@wcc.govt.nz.



Robert Schofield
For the Wellington City Proposed District Plan Hearings Panel

Dated: 9 August 2023