

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 51

Stream 9 Hearing Follow Up (1)

Minute 51 - Stream 9 Hearing Follow Up (1)

Introduction

1. Following the completion of the Stream 9 hearing on 14 June there are a number of points that we need to record.
2. First, during the course of the hearing, we gave verbal leave for additional material to be provided as follows:
 - (a) We asked Mr Gary Clark, the expert traffic witness for Stratum Management Limited to provide us with a spreadsheet setting out the details of the survey he had conducted of Stratum Apartment dwellers, including the address of the apartment in each case, the number of units in the apartment block, and the number of bicycles. We indicated that Mr Clark's spreadsheet was to be provided by close of business on Monday 17 June and note it has already been supplied;
 - (b) We requested Mr Horne, who appeared on behalf of Living Streets Aotearoa, to supply us with his list of native species suitable for use as street trees. This also has already been supplied;
 - (c) We gave the Council leave to provide additional supplementary evidence from Ms Harriet Fraser, the traffic engineer who contributed to the notified transport chapter, advising the rationale for the micromobility parking requirements in Table 7 of the Transport Chapter, as they apply to the Central City Zone, the other Centre Zones, and the Mixed Use Zone, and to retirement villages. We emphasise that this is an opportunity to fill a gap in the evidential record as to the basis on which the notified provisions were formulated. It is not an opportunity for Ms Fraser to provide an ex post facto rationalisation for those standards (or any amended standard). Ms Fraser's supplementary evidence is to be lodged with the Hearing Administrator by 1pm on Friday 21 June;
 - (d) Consequent on the leave provided to Council, as above, we indicated that Stratum Management Limited would have the opportunity to reply to Ms Fraser's evidence. We envisaged that this

would principally be a matter for Mr Clark to address, but we do not restrict Stratum's reply in that regard. Stratum's reply is to be filed with the Hearing Administrator by 1pm on Friday 28 June, although we indicated a readiness to consider requests for additional time if required;

- (e) When Wellington International Airport Limited (WIAL) appeared, we discussed with its planning witness, Ms O'Sullivan, the need for an analysis of the costs and benefits of the amendment she proposed (and the Reporting Officer accepted) to alter the Introduction to the Infrastructure Chapter with the effect that the objectives and policies of that chapter would apply to airport activities or airport related activities (as defined) within the Airport Zone, port or operational port activities (as defined) within the Port Zone, and renewable electricity generation activities. Ms O'Sullivan had provided a relatively high level assessment of same in her evidence and we gave her leave to provide a more detailed assessment; such assessment to be with the Hearing Administrator not later than 1pm on Friday 21 June. We requested that, at the same time, Ms O'Sullivan supply the number of the submission point referred to in her evidence in chief at paragraph 55.
- 3. Following the hearing, we realised that we had omitted to ask Ms Foster, the expert planning witness for Meridian Energy Limited, if she had a view on the proposed amendment to the Infrastructure Chapter, to make the objectives and policies of that chapter (but not the rules) apply to renewable electricity generation activities. We give Ms Foster leave to provide a discussion on that suggested change. If she chooses to take up that leave, her commentary must be in the hands of the Hearing Administrator not later than 1pm on Friday 21 June.
 - 4. Turning to the Council Reply, as previously, we have reviewed our notes of the hearing to identify matters on which we would be particularly assisted by further commentary as part of the Council's Reply. Broken into the hearing topics we heard the matters on which we request additional feedback are as follows:
 - (a) **Contaminated land and hazardous substances:**

(i) Can Ms van Haren-Giles please advise whether the National Environmental Standard for Assessing and Managing Contaminants in the Soil to Protect Human Health makes provision for involvement of mana whenua in such assessments and, if not, whether the objectives and policies in the Contaminated Land Chapter of the PDP should be amended to do so in response to the submission of Taranaki Whānui;

(ii) In relation to HS-P1:

- Query whether the focus of this policy should be on whether avoidance is not practicable (as opposed to not being possible) as per Ms van Haren-Giles' rebuttal evidence at paragraph 10;
- Is there scope to amend HS-P1 to make clear that it is talking about off-site effects on human health and wellbeing?
- Can Ms van Haren-Giles please provide suggested wording if the Hearing Panel considers there to be merit in splitting this policy into two, in line with her verbal comments;

(iii) Can Ms van Haren-Giles please advise what guidance the Natural Hazards Chapter gives as to the identification of 'acceptable' levels of risk?

(b) **Infrastructure:**

(i) As discussed, can Mr Anderson's revised version of this chapter please be in the same font as the balance of the PDP;

(ii) Can Mr Anderson's suggested alternative wording in the final sentence of the first full paragraph on page 2 of the Infrastructure Chapter Introduction be clarified, where currently it refers to activities that are 'inconsistent' with definitions, in order to better capture the intended meaning;

- (iii) In relation to the same paragraph of the Introduction, can Mr Anderson please consider the scenario where the objectives and policies in the Infrastructure Chapter overlap and are potentially inconsistent with those of the sub-chapters or the REG Chapter, and whether the Introduction should specifically provide how such situations should be dealt with;
- (iv) Can Mr Anderson please provide his view on the merits of CentrePort's suggested alternative wording to INF-02;
- (v) Query both the scope and merits of referring to navigation 'aids' in INF-P2.1, rather than navigation activities;
- (vi) Query whether INF-P2.3 should be reframed to make it clear that upgrades could be to existing infrastructure, and also to make that sub-policy more forward looking;
- (vii) Query whether there is both scope and merit in amending the Infrastructure Rules and Standards so that substantial upgrades/new underground infrastructure such as a large tunnel are not categorised as permitted activities;
- (viii) Can Mr Anderson please provide his final view on whether the Moa Point Road seawalls are infrastructure in light of the legal submissions and evidence provided by WIAL, and if so, whether it is appropriate to make that clear in some way in the Infrastructure Chapter;
- (ix) Query whether in INF-R10, the reference to 'associated support structures' should be shifted to the end of the rule to better convey the intended meaning;
- (x) Can Mr Anderson please consult with Wellington Electricity and advise if electricity lines that have a capacity of 110kV or greater form part of its network, or are likely to do so in future;
- (xi) Can Mr Anderson please provide a final view on the provision for trenchless drilling in riparian margins and under waterways in light of the evidence provided by Mr Horne on behalf of the Telcos;

- (xii) Does Mr Anderson have any further comments on the merits of making provision in the Infrastructure Chapter for waste processing activities having heard Mr Dolan's presentation for Enviro NZ?
- (xiii) Query both the scope and merits for amending INF-CE-P14 to provide for management of effects on natural character where it exists, in light of NZCPS Policy 13;
- (xiv) Query the lack of definition and/or controls over the scale of upgrading in INF-CE-P21 and the rules giving effect to it;
- (xv) Query the lack of definition and/or controls over the scale of upgrading in INF-CE-P21 and the rules giving effect to it;
- (xvi) Query both the scope and merits of qualifying the reference in INF-CE-P25 to adverse effects, so it relates to adverse effects on coastal natural character;
- (xvii) Query whether INF-NFL-S17.1(a) should be deleted consequent on shifting of National Grid provisions to its own sub-chapter;
- (xviii) Can Mr Anderson please provide the assessment which is missing in Section 4.7 of his Section 42A Report;
- (xix) Can Mr Anderson please provide his view as to whether provisions such as INF-NFL-P38.2 which currently refer to what 'can be' done should be amended to reference what 'will be' done?
- (xx) Query whether INF-OL-R62 should be restricted to situations where land is disturbed by the same infrastructure. In particular, why should it matter what has previously disturbed the ground?
- (xxi) Does Mr Anderson have any comments on the apparent inconsistency of the suggested height limit in INF-OL-R57 with the height limit provided for in the rules governing heritage areas generally (HH-R21);

- (xxii) Query whether the instruction in INF-OL-P62 to 'give priority' requires clarification;
- (xxiii) As regards the suggested INF-NG sub-chapter, query whether amendments are required to the sub-chapter to better align the suggested objectives and policies with the NPSET;

(c) **Transport:**

- (i) As regards TR-R2:
 - Query the merits of identifying what the reference in R2.2(a) to 'the activity' is referring to and whether more specific reference to vehicle trip generation created by upgrades to service stations and drive-through retail operations is required;
 - In relation to the suggested information requirement, what is Mr Wharton's view as to the merits of stating specifically that the detail and scope of an integrated traffic assessment needs to be proportionate to the complexity of the proposal and its traffic context;
- (ii) Can Mr Wharton please consider both the readability and clarity of the tables of the Transport Chapter (in the case of Table 7 for example, that might include clarification as to the zones within which the notified standards apply) and whether he considers there is merit and scope to amend them to address those issues;
- (iii) In relation to TR-01.3, query whether this sub-objective needs to be reframed to make it clear that it depends on whether on-site parking is required rather than as at present, implying that on-site parking is required, contrary to NPSUD Policy 11;
- (iv) Can Mr Wharton please clarify the apparent inconsistency between his Section 42A Report at paragraph 180 and the suggested amendments to the Transport Chapter in Appendix A?

- (v) Query whether the suggested amendment to TR-P2.4 requires clarification to better express the intended meaning;
 - (vi) Can Mr Wharton please advise the Council's view on the merits of the Plan providing direction about giving priority to use of native species as street trees, either generally, or with specific reference to the list of species provided by Mr Horne;
- (d) **In relation to renewable electricity generation matters:**
- (i) Query whether there is merit in adding reference to upgrading in the headings to REG-P9 and PX;
 - (ii) Can Mr Jeffries please advise as to the extent of duplication between NZS6808 on the one hand, and REG-S9 and S10 on the other. In particular, are there any substantive requirements in the New Zealand Standard not captured in the latter standards?- and if not whether there is nevertheless value in retaining reference to the New Zealand Standard, e.g. because it provides the methodology for assessing potential compliance with S9 and S10?
 - (iii) Does Mr Jeffries have any comments in relation to Ms Foster's supplementary statement, and in particular to the concern she expressed about the breadth of the definition of renewable electricity generation activity, when used in the context of the REG provisions governing upgrades?
 - (iv) Query both the scope and merits of clarifying the reference in REG-P3 to effects being 'minimised';
 - (v) Does Mr Jeffries have any further comments on the reasoning set out in paragraph 282 of his Section 42A Report?
 - (vi) In relation to REG-S1, should the second assessment criterion reference identified cultural values (where there are some)?
 - (vii) Does Mr Jeffries have any response to Mr Hodge's presentation, and in particular to his suggestion that the policy

enabling small scale renewable electricity generation activities in the form of on-roof wind turbines is effectively rendered nugatory by the 60 metre separation standard?

(viii) Can Mr Jeffries please provide a wiring diagram showing the links between REG policies and rules?

5. As previously, we emphasise that the Council is of course free to reply to any matters raised in the Stream 9 hearing it considers worthy of a response.



Trevor Robinson

Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated 17 June 2024