

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 53

Stream 10 Follow Up (1)

Minute 53 – Stream 10 Follow Up (1)

1. In Minute 52, we addressed issues around the KiwiRail Holdings Ltd designation (KRH1). The purpose of this Minute is to address other matters raised during the course of the Stream 10 hearing that require follow up action.
2. First, we record that, during the hearing, we requested further inputs from the parties who appeared before us, as follows:
 - (a) We asked Mr Rod Halliday, appearing for Best Farm Limited and Lincolnshire Farm Limited, to provide us with a map of the boundaries he suggested should more accurately define Designation WRC6 – Stebbings Dam. While we gave Mr Halliday until 23 July for this purpose, we note that those maps have already been supplied;
 - (b) We requested that by close of 23 July, Wellington International Airport Limited (WIAL) provide us with:
 - (i) An evaluation of the OLS designation (WIAL1) meeting the requirements of Section 77J (for modified controls) and 77K (for continuation of existing controls), together with any covering legal comment WIAL's counsel may wish to make, without prejudice to WIAL's contention that such an evaluation is not required;
 - (ii) An electronic copy of the City Rail decision referred to by counsel;
 - (iii) Amended versions of the cross sections annexed to Mr Thurston's evidence with more reference points along each cross section where they cross urban areas;
 - (iv) Further discussion of the point Mr Thurston made in his summary about the effect of an increase in the OLS, explaining in particular why a 3 metre elevation change in the OLS produces a 40 foot (12.19 metre) response in the minimum ceiling (i.e. why the response does not match the change)?
3. Turning to the Council's Reply, we request that Mr Sirl address the following points:

- (a) In relation to the Chorus and Spark designations, can Mr Sirl please provide further commentary on why the thinking underlying the ODP (that key constraints should be in the conditions rather than reliance being placed on the outline plan process) was no longer valid;
- (b) In relation to the Kordia designations, please provide clarification as to what the suggested purpose of the two designations means (in plain English);
- (c) In relation to the Minister of Courts' and Minister of Education's designations, please provide a version of the recommended designations showing the conditions deleted from the ODP Designations being rolled over;
- (d) In relation to the Minister of Courts' designation MCOU4, can Mr Sirl please provide further advice on the implications of amending the wording of Conditions 2:5 to refer to "*the relevant iwi authority*". In particular, is that intended to suggest that Taranaki Whānui may not be the relevant iwi authority?
- (e) In relation to the Minister of Education's Designations:
 - (i) Please advise the effect of the proposed explanatory note (2) in Conditions 1, in particular whether, if adopted, additions and alternations to the identified heritage features would require an outline plan approval?
 - (ii) Is Conditions 2:1 still required given the more general condition governing recession planes in all designations?
- (f) In relation to the designations of Waka Kotahi NZ Transport Agency, please supply a revised copy of the table contained within Conditions 2:NZTA.36 showing all of the information apparently intended to be included;
- (g) In relation to the designation of the Prime Minister, please clarify whether the reference in Conditions 1:1(c) to 'Weston College' is an error and provide a map showing the boundary of the designation more clearly identified;
- (h) In relation to the Wellington City Council designation WCC6:

- (i) Please set out exactly what change is being recommended at paragraph 279 of the Section 42A Report;
 - (ii) Please identify what statutory provision has the end result described in paragraph 280 of the Section 42A Report;
 - (iii) Has the Committee referred to in Conditions 1:16.1 been established? If so, should that condition be amended to refer to continuation of that existing Committee? If not, should the individuals referred to be replaced by reference to the interest they represented at the time?
- (i) In relation to Wellington City Council designation WCC8, can Mr Sirl please address the adverse effects of leaving the designation in place over the balance of the site described by Mr Payne (for Friends of Owhiro Stream) as part of his presentation (e.g. effectively constraining ecological restoration work within identified SNAs) when it appears from Mr Hoskins' and Matthews' evidence that the designation over that area is unlikely to ever be fully exercised other than to act as a buffer area or, in part, as contingency for earthquake debris. If his view is that the designation should nevertheless be retained, can Mr Sirl suggest conditions which might mitigate those adverse effects?
 - (j) In relation to the Wellington Electricity designation WEL2, we record that Mr Sirl was awaiting information from the Requiring Authority to confirm what amendments needed to be made to Figure 10 on page 43 of his Section 42A Report.
 - (k) In relation to WIAL Designation WIAL2, please check the cross references in Conditions 2:1;
 - (l) In relation to Greater Wellington Regional Council's designation WRC6, please discuss the maps Mr Halliday has supplied, ideally with the benefit of feedback from the requiring authority, addressing whether they more accurately describe the area intended to be designated for the purposes of flood protection and control purposes?
4. As previously, we record that the Council is of course free to reply on any matters it wishes that arose during the course of the Stream 10 hearing. However, we would appreciate if these issues, in particular, were addressed.

5. We record also that while the deadline for provision of the Council's Reply is 16 August, the directions we have made already in relation to the KiwiRail designation and the probable need to make further directions for actions to be taken in relation to that designation may well result in the Council's Reply on that matter being deferred. The Council will, of course, retain the right to make a reply on that matter after all relevant material from KiwiRail is in hand.



Trevor Robinson

Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated 19 July 2024