

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 44

Stream 6 Hearing Follow Up

Minute 44 – Stream 6 Hearing Follow Up

1. Following the completion of the Stream 6 hearing on 27 February, there are a number of procedural issues we need to address.
2. First, we record that shortly before commencement of the resumed hearing on 27 February, counsel for Wellington International Airport Limited (**WIAL**) tabled a supplementary brief of Ms Lester. In the brief time we had available to scan its contents before the commencement of the hearing, we noted that Ms Lester's supplementary brief appeared to include a detailed reply to the case advanced by Ms Weeber for herself and Guardians of the Bays, as well as addressing points that we had discussed with Ms Weeber. We raised with counsel for WIAL our concern that Ms Lester's supplementary brief both contravened the hearing procedures established in our Minute 1 and prejudiced other submitters (i.e. Guardians of the Bays and Ms Weeber).
3. Ms Dewar advised that the supplementary brief was provided in an endeavour to assist the Panel.
4. After a brief adjournment, the Chair advised that the Panel's decision was to decline to receive Ms Lester's supplementary brief. Our reasons, in summary, turn on the prejudice to other submitters (Guardians of the Bays and Ms Weeber). We did not consider it fair on those parties that WIAL have the opportunity to reply to their case, utilising for this purpose, an adjournment obtained for other reasons.
5. Accordingly, Ms Lester's supplementary brief does not form part of the record of this hearing.
6. The second issue we need to address again relates to the presentation of WIAL's case on 27 February. During that presentation, we identified a number of areas where the Panel would be assisted by additional material to clarify WIAL's case:
 - (a) a map of the Bridge Street area showing both properties purchased by WIAL in order to mitigate Airport noise related effects and properties not yet purchased but which are the subject of an ongoing offer for purchase for that purpose;

- (b) a map of the Airport Zone and environs, showing the areas the subject of designation, both by WIAL and by other requiring authorities;
 - (c) a revised version of the amended provisions Ms O'Sullivan tabled on 27 February identifying the submission point giving scope for the suggested amendments in each case;
 - (d) advice as to whether WIAL would accept a 7 metre height limit on the former Bridge Street residential properties, subject to an exception for Airport navigation aids, and if not, the rationale for its position;
 - (e) advice as to whether, if renumbered AIRPZ-S3.2 is deleted, additional rule conditions and/or standards are required for activities in the South Miramar Precinct;
 - (f) advice as to what if any consequential changes might be required to the assessment criteria in AIRPZ-S3 as a result of the deletion of notified provisions recommended by Ms O'Sullivan;
 - (g) a Section 32AA evaluation of all changes Ms O'Sullivan suggested from the notified version that have not previously been evaluated.
7. We directed that all of this material be provided on or before 13 March.
8. Thirdly, the Hearing Panel has reviewed its notes of the hearing and identified a number of issues on which it would be assisted by comment/information from the relevant reporting officer. Arranged by subject matter:
- (a) Airport Zone:
 - (i) Can the Reporting Officer please advise if he agrees with Ms O'Sullivan that renumbered AIRPZ-S3.2 is more restrictive of activities in the South Miramar Precinct than the relevant designation? If that is the case, and if the Hearing Panel wishes to align the Plan provisions with the designation, how would the Reporting Officer suggest we might do that?

- (ii) What is the Reporting Officer's view of Ms O'Sullivan's suggestion of a change in terminology to describe the identified 'Precincts' as 'Specific Control Areas'?
- (iii) Can the Reporting Officer please comment on the additional changes Ms O'Sullivan suggested in her revised Chapter provisions that were not the subject of conferencing;
- (iv) Can the Reporting Officer please provide a table of activity status based on the three types of activities in the Chapter (Airport Activities, Airport Related Activities and Non Airport Activities);
- (v) Can the Reporting Officer please comment on the appropriateness of cross reference to the 'Intent' of the Centres and Mixed Use Design Guide, given that that Intent refers only to the Centres and Mixed Use Zones, and what alternatives are available to provide guidance on design issues if the CMUDG is not suitable;
- (vi) Can the Reporting Officer please confirm whether WIAL's submissions regarding the overlap between the Airport Zone and the Coastal Environment Overlay have been allocated to Stream 8;
- (vii) Can the Reporting Officer please provide a Section 32AA evaluation of changes to the chapter he is recommending from the notified version to the extent that that has not already been provided;
- (viii) Can counsel for the Council please provide legal input on the question of whether, if WIAL applies for a resource consent for an activity/location the subject of designation, what if any relevance does the designation have to determination of the resource consent application;

(b) Corrections:

- (i) Can the Reporting Officer please advise what the underlying zone of Arohata Prison is in the ODP;
 - (ii) Can the Reporting Officer please advise what alternative zones the Section 32 evaluation considered;
- (c) Port:
- (i) What is the Reporting Officer's recommendation about potential cross reference in PORTZ-P5 to the Noise and Light Chapters?
 - (ii) What is the Reporting Officer's recommendation on PORTZ-P5 given the recommendation of the Airport Zone Reporting Officer for deletion of a similar policy purporting to provide direction regarding activities outside the zone?
 - (iii) What is the Reporting Officer's view on substituting a meter squared figure for the current reference to 10% of the Precinct in PORTZ-R7.1(b)(ii)?
 - (iv) What is the Reporting Officer's recommendation regarding the ambit of PREC01-R3? In particular, should operational Port activities be excluded from it?
 - (v) Can the Reporting Officer please provide a revised Chapter picking up points discussed in her presentation of the Section 42A Report and any additional amendments she recommends, together with a Section 32AA evaluation of suggested changes where appropriate.
- (d) Development Areas:
- (i) What is the Reporting Officer's response to submitter concern that the identified ridgeline is too confined given the gradient of slopes below the ridgeline boundary?
 - (ii) What is the Reporting Officer's response to Mr Halliday's advice that existing schools in the area all have an underlying

Residential Zone? – does Plan consistency indicate that that would be appropriate in this case?

- (iii) Does the Reporting Officer consider that greater clarity is required in policies and rules about the range of acceptable activities in No-Build areas?
 - (iv) Can the Reporting Officer please provide a response to Mr Halliday's analysis of areas where spatial relief is still in contention, once that is available?
- (e) Quarry Zone:
- (i) As an input to Council's Reply, can counsel for the Council please provide advice as to his view of the status of the Existing Use Certificate dated 15 August 2012? – in particular, is it superseded by the subsequent Existing Use Certificate dated 26 November 2012, and if so, by what legal mechanism?
 - (ii) Is Council able to source a copy of the Town and Country Planning Appeal Board decision dated 9 February 1977 referred to in the Existing Use Certificate, noting that from the wording of the certificate, it appears to have been provided by Horokiwi Quarries Limited with its application?
 - (iii) Can the Reporting Officer please comment on the Plan Ms Whitney provided to the Panel? In particular does the pink line on that Plan correctly show the ridgeline on the eastern (harbour) side of the site and, therefore, the area excluded from the existing use Certificate. If the Reporting Officer's view is that it does not, can she please provide an alternative Plan, and her reasons for that view?
 - (iv) Can the Reporting Officer please comment on the potential to extend the Quarry Zone into the areas the subject of dispute, but with a restricted discretionary activity rule applying to quarrying activities within the expanded area. Such comments should address both the merits of that option and, the Plan provisions she would recommend, if the Hearing Panel

determined that that was an appropriate way to address the zoning issue?

9. Once again, we emphasise that Council is of course free to address any issues arising in the hearing that it considers worthy of reply. However we would be grateful if that reply includes the matters we have listed above.



Trevor Robinson

Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated 29 February 2024