

# **Wellington City Proposed District Plan**

## **Hearing Stream 6 Special Purpose Zones:**

### **Special Purpose Stadium Zone**

## **Section 42A of the Resource Management Act 1991**

## Document Information

**REPORT FOR:** **Independent Hearings Commissioners:**  
Trevor Robinson (Chair)  
Robert Schofield  
Liz Burge  
David McMahon

**SUBJECT:** **Wellington City Proposed District Plan –  
Hearing Stream 6  
Special Purpose Stadium Zone (STADZ)**

**PREPARED BY:** Hannah van Haren-Giles

**REPORT DATED:** 19 January 2024

**DATE OF HEARING:** 20 February 2024

## Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps of the Wellington City Proposed District Plan (PDP) as they apply to the Special Purpose Stadium Zone (STADZ).
- ii. There were nine submissions and one further submission received in relation to the Special Purpose Stadium Zone.
- iii. The main issue in contention is active partnership/engagement with Taranaki Whānui.
- iv. This report addresses this issue, as well as any other relevant issues raised in the submissions.
- v. This report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to the Special Purpose Stadium Zone should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the Special Purpose Stadium Zone chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.

## Contents

<b>Executive Summary .....</b>	<b>3</b>
<b>1.0 Introduction.....</b>	<b>6</b>
<b>2.0 Background and Statutory Considerations .....</b>	<b>8</b>
<b>3.0 Consideration of Submissions and Further Submissions .....</b>	<b>9</b>
3.1 Overview.....	9
3.2 All submission points on the Special Purpose Stadium Zone.....	10
<b>4.0 Minor and inconsequential amendments .....</b>	<b>12</b>
<b>5.0 Conclusion .....</b>	<b>12</b>
<b>6.0 Appendices.....</b>	<b>13</b>

## Interpretation

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
NSP-UD	National Policy Statement on Urban Development 2020
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
STADZ	Special Purpose Stadium Zone

**Table 2: Submitters' and Further Submitters' Names**

<b>Abbreviation</b>	<b>Submitters</b>
GWRC	Greater Wellington Regional Council
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika
	Te Rūnanga o Toa Rangatira
	Waka Kotahi
WCC	Wellington City Council

## 1.0 Introduction

### 1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

### 1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps as they apply to the Special Purpose Stadium Zone (STADZ).
3. This report:
  - a. Discusses general issues;
  - b. Considers the original and further submissions received;
  - c. Makes recommendations as to whether those submissions should be accepted or rejected; and
  - d. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.3 Author and Qualifications

6. My full name is Hannah Jane van Haren-Giles. I am a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualification of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have five years' experience in planning and resource management, primarily as a consultant planner working for Hill Young Cooper Ltd. I have background in preparing and processing district and regional resource consent applications, plan and policy development, reviewing and preparing submissions, and providing resource management advice to a range of clients

including local authorities, industry groups, private sector companies, and individuals on various projects and planning processes.

10. My involvement with the Proposed Wellington City District Plan commenced in early 2020 when I was engaged to assist the Council with issues and options reports. I subsequently led the review and drafting of the Special Purpose Port Zone (including the Inner Harbour Port Precinct and Multi-User Ferry Precinct), Special Purpose Quarry Zone (including Kiwipoint Quarry Precinct), Special Purpose Stadium Zone, Hazardous Substances, and Contaminated Land chapters. I also authored the Section 32 Evaluation Reports for the Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.
11. Since joining the District Plan Team in July 2022 I have been involved in summarising submissions and further submissions, as well as developing the systems and database used to capture submissions and further submission points on the PDP.
12. I am also the reporting officer on the General Industrial Zone, Earthworks, Subdivision, Port Zone, Quarry Zone, Future Urban Zone, Development Areas, Natural Features and Landscapes, Hazardous Substances, and Contaminated Land chapters.

#### **1.4 Code of Conduct**

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

#### **1.5 Key resource management issues in contention**

16. Nine submission points and one further submission point were received in relation to the Special Purpose Stadium Zone.
17. Having read the submissions and further submissions, I consider that active partnership/engagement with Taranaki Whānui in the STADZ is the main issue in contention.

#### **1.6 Procedural Matters**

18. There are not considered to be any other procedural matters to note.

## 2.0 Background and Statutory Considerations

### 2.1 Resource Management Act 1991

19. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
  - Section 74 Matters to be considered by territorial authority; and
  - Section 75 Contents of district plans.
20. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the [Section 32 Report for the City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#).

### 2.2 Schedule 1 and ISPP

21. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
  - a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
  - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
22. For the STADZ topic all the relevant zone provisions fall under the Part 1 Schedule 1 process.

### 2.3 Trade Competition

23. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
24. There are no known trade competition issues raised within the submissions.



## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

25. In total there were 10 submission points received in relation to the Stadium Zone, as follows:
- a. 4 original submitters who collectively made 9 submission points; and
  - b. 1 further submitter who made 1 further submission point in support or opposition to the primary submissions.

#### 3.1.1 Format for Consideration of Submissions

26. The consideration of submissions has been undertaken in the following format:
- a. Matters raised by submitters;
  - b. Assessment; and
  - c. Summary of recommendations.
27. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
28. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to the Special Purpose Stadium Zone Chapter
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Special Purpose Stadium Zone Chapter
29. Additional information can also be obtained from the [Section 32 Report for the City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), and the overlays and maps on the ePlan.
30. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, with the associated recommendation provided in the summary of submission table in Appendix B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the Special Purpose Stadium Zone with recommended amendments in response to submissions is contained in Appendix A.
31. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report, and in other relevant s42A reports for different topics.

## 3.2 Submission points on the Special Purpose Stadium Zone

### 3.2.1 Definitions

32. No submissions were received in relation to the definition of 'stadium activities'. No further assessment is required.

#### Summary of Recommendations

33. **HS8-STADZ-Rec1:** That the definition of 'stadium activities' be confirmed as notified.

### 3.2.2 All submission points on the STADZ chapter

#### Matters Raised by Submitters

34. Waka Kotahi [370.443] seek that STADZ-P2 is retained as notified.
35. Waka Kotahi [370.444] seek that STADZ-P3 is retained as notified.
36. Waka Kotahi [370.445] seek that STADZ-P5 is retained as notified.
37. Wellington City Council [266.161] submit that there are no ecological values within the highly modified Stadium Zone, and as such 'ecological values' should be removed from the heading of STADZ-P6 as follows:

#### **STADZ-P6 Cultural, and historical ~~and ecological~~ values**

Ensure that use and development within the Stadium Zone recognises and has regard to the cultural and historical significance of the area, in particular:

1. The cultural, spiritual and historical values and interests and associations of importance to tangata whenua and other Māori, including scheduled sites and areas of significance within or adjoining the site; and
2. Recognises and incorporates public artwork, and the provision of interpretation and references to the area's heritage and culture.

38. Taranaki Whānui [389.121] seek two amendments to STADZ-P6:
- a. [389.122] (opposed by Te Rūnanga o Toa Rangatira [FS138.62]) that STADZ-P6 is amended to include "Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City".
  - b. [389.123] that STADZ-P6 be amended to provide triggers for active partnership or engagement with Taranaki Whānui in respect of design opportunities with Taranaki Whānui specific associations.
39. GWRC [351.307 and 351.308] seek an amendment to STADZ-R5 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

## Assessment

40. In response to Wellington City Council [266.161], I agree that the Stadium Zone is a highly modified environment that has no ecological values. I consider that the amendment is appropriate as the clauses of the policy do not reference 'ecological values' and therefore I agree with the relief sought that ecological values be removed from the chapeau.
41. In response to Taranaki Whānui [389.121, 389.122, and 389.123] I disagree that only Taranaki Whānui should be mentioned as holding ahi kā and primary mana whenua status in the Stadium Zone. I agree with Mr McCutcheon's assessment in the Hearing Stream 1 Section 42A Report<sup>1</sup> that it would be inappropriate for the Plan to specify different levels of mana whenua status. Treaty of Waitangi settlement legislation identifies both mana whenua as having interests in Te Whanganui ā Tara. Both are acknowledged as mana whenua in the Council's [Tākai Here agreement](#) signed by both Taranaki Whānui and Ngāti Toa Rangatira.
42. For this same reason, I disagree that STADZ-P6 should be amended to require Taranaki Whānui specific design opportunities. As notified, STADZ-P6 ensures that the values, interests and associations of importance to tangata whenua and other Māori are recognised and had regard to. As such, in my view the policy already provides a trigger for engagement.
43. I disagree with the amendment sought by GWRC [351.307 and 351.308] to STADZ-R5 relating to the requirement for disposal of building waste at approved facilities. As I addressed in Hearing Stream 4<sup>2</sup>, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.

## Summary of Recommendations

44. **HS6-STADZ-Rec2:** In response to submissions received on the Stadium Zone chapter, I recommend one amendment to STADZ-P6 as set out below and in Appendix A:

### **STADZ-P6 Cultural, ~~and~~ historical ~~and ecological~~ values**

Ensure that use and development within the Stadium Zone recognises and has regard to the cultural and historical significance of the area, in particular:

1. The cultural, spiritual and historical values and interests and associations of importance to tangata whenua and other Māori, including scheduled sites and areas of significance within or adjoining the site; and
2. Recognises and incorporates public artwork, and the provision of interpretation and references to the area's heritage and culture.

45. **HS6-STADZ-Rec3:** That STADZ-O1, STADZ-O2, STADZ-O3, STADZ-O4, STADZ-P1, STADZ-P2, STADZ-P3, STADZ-P4, STADZ-P5, STADZ-R1, STADZ-R2, STADZ-R3, SATDZ-R4, SATDZ-R5, STADZ-R6, STADZ-S1, and STADZ-S2 be confirmed as notified.

<sup>1</sup> [Hearing Stream 1 Section 42A Report](#), Paragraph 487.

<sup>2</sup> [General Industrial Zone s42 Report prepared for Hearing Stream 4](#), Paragraph 186.

46. **HS6-STADZ-Rec4:** That submission points relating to the Stadium Zone are accepted/rejected as detailed in Appendix B.

## **4.0 Minor and inconsequential amendments**

47. There are no minor and inconsequential amendments to note.

## **5.0 Conclusion**

48. This report has provided an assessment of submissions received in relation to the Special Purpose Stadium Zone Chapter.
49. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.

## **5.1 Recommendations**

50. It is recommended that:
- a. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## 6.0 Appendices

### Appendix A: Recommended Amendments to the Special Purpose Stadium Zone Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

### Appendix B: Recommended Responses to Submissions and Further Submissions on the Special Purpose Stadium Zone Chapter