

**Before the Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Stream 7 Reporting Officer Right of Reply of Hayden Beavis on behalf of
Wellington City Council**

Date: 30 April 2024

INTRODUCTION:

1 My full name is Hayden Callum Beavis. I am employed as a Planning Advisor in the District Planning Team at Wellington City Council (the Council).

2 I have prepared this Reply in respect of the matters in Hearing Stream 7 raised during the hearing.

3 I have listened to submitters in Hearing Stream 7 and referenced the written submissions and further submission relevant to the Hearing Stream 7 topics.

4 The Stream 7 Section 42A Report – Temporary Activities section 1.2 sets out my qualifications and experience as an expert in planning.

5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

6 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.

SCOPE OF REPLY

7 This reply follows Hearing Stream 7 held from 20th February to 23rd February 2024. Minute 46: Hearing Stream 7 Follow-up requested that the Section 42A report authors submit a written reply as a formal response to matters raised during the hearing. The Minute requires this response by 30 April 2024.

8 This Reply includes:

- Feedback on specific matters and questions the Panel asks the Section 42A authors and subject matter experts in Minute 46; and
- Commentary on additional matters I consider it useful to clarify or that were the subject of verbal requests from the Panel at the hearing.

Responses to specific matters and questions raised in Minute 46:

Can all reporting officers for Hearing Stream 7 please advise whether the replacement of the term “cannot be achieved” with “is not achieved” in the rules has been fully captured, in line with changes made to rules in previous hearings.

9 This change has not been made within the LIGHT and TEMP chapters and I therefore recommend that where ‘cannot be achieved’ is referenced, this is replaced with ‘is not achieved’. I consider this amendment can be made under Clause 16 of Schedule 1 to the RMA as the change is minor in that it aligns the Chapter with previous recommendations and decisions made during previous hearings. I recommend this amendment is made to the following provisions: LIGHT-R1.2, LIGHT-R2.2, TEMP-R1.2, TEMP-R2.2, TEMP-R3.3, TEMP-R4.2, TEMP-R5.3 and TEMP-R6.2. This is reflected in Appendix A – tracked changes.

In relation to Objective LIGHT-O2, the reporting officer is to consider whether he could recommend better wording for “are limited”.

10 Upon reflection, I agree that there could be better wording for this objective. Specifically for the use of this term, I think “managed” is a more suitable term.

11 *Limiting* light is just one outcome sought by the chapter to address the issues with outdoor artificial lighting. *Managed* is a better reflection of the wider scope of tools the chapter uses to address the issues; light output is not just *limited*, it is *selected, located, aimed, adjusted and/or*

screened through the standards. *Managed* is used in a similar capacity in other chapters with similar objectives, where they use *managed* or *effectively managed* – such as SIGN-O1 which seeks that effects from signage on local amenity are effectively managed.

12 The general intent of the objective as noted in the Section 32 Report on Light uses the term *manage*: “To provide for lighting for security and safety while managing: adverse effects on wildlife, night sky pollution, and nuisance for people”.

13 The policies then go on to implement this objective with more specific direction on each of the individual areas of concern:

13.1 Minimising effects on wildlife in the coastal margin; and

13.2 Maintaining amenity values, health and safety, traffic safety and aviation safety.

14 As such, considering whether better terminology than *are limited* could be used, I consider that *managed* is more appropriate to encompass the direction the chapter takes to address outdoor artificial lighting effects.

LIGHT-O2	Adverse effects of outdoor artificial lighting The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are managed. limited.
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15 As this issue does not have scope in submissions, I recommend that this issue be addressed at a future plan change. I have not included it as an amendment in Appendix A.

Matters arising from the hearing and miscellaneous matters

16 I did not include a “Where” statement in my recommendation for the Restricted Discretionary rule TEMP-R3.4 to define when it is triggered. The intention here was for TEMP-R3.4 to be triggered when compliance

with the matters in TEMP-R3.1 cannot be achieved. Without this statement, there would be no link to a rule from TEMP-R3.1 when the matters in TEMP-R3.1 are not met. As such, I recommend TEMP-R3.4 is amended as follows:

	All Other Zones (Except for Open Space Zones and General Rural Zone)	4. Activity status: Restricted Discretionary <u>Where:</u> a. <u>Compliance with the requirements of TEMP-R3.1 are not achieved.</u> ...
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17 In addition, over the course of the hearing some minor errors were identified in the provisions within the LIGHT and TEMP chapters. I consider amendments to these provisions can be made under Clause 16 of Schedule 1 to the RMA given their minor nature. These amendments are set out in Appendix A in green text and are also included below:

- i. The addition of “Residential” to “Large Lot Zone” in the zone boxes for the standards in the LIGHT chapter. These were recommended to be amended to accurately reflect the title of the chapter, but the changes were not fully carried through into the Appendix A.
- ii. Replacing the term “Impact” with “Effect” in the assessment criteria 7 in LIGHT-S6, for consistency with the recommendation for other equivalent assessment criteria in the chapter.
- iii. In the Temporary Activities chapter rule TEMP-R3, the rules governing the open space and general rural zones sit in R3.2

and R3.3, and the rules governing All Other Zones are found in R3.1 and R3.4 – so the All-Other Zones rules are split. From a plan users perspective, I consider it logical to include the two rules on all other zones together, and then the rules on open space and general rural zones together. I therefore recommend that TEMP-R3.4 is moved to TEMP-R3.2, and subsequently reorder the former TEMP-R3.2 and TEMP-R3.3. These changes will not materially change the application or outcome of the rules.

Hayden Beavis
Planning Advisor
Wellington City Council

A handwritten signature in black ink, appearing to be 'H Beavis', written over a horizontal line.

Appendix A – Tracked changes – TEMP and LIGHT chapters

Red underline and ~~strike-out~~: show additions and deletions to the notified Ngā Mahi Taupua - Temporary Activities and Te Aho – LIGHT chapters, as recommended in the section 42A Report dated 20 February 2024.

Green underline and ~~strike-out~~: show further additions and deletions to the s42A Report version of the Ngā Mahi Taupua - Temporary Activities and Te Aho – LIGHT chapters, as recommended in this Right of Reply dated 30 April 2024.

There were no amendments as a result of any supplementary evidence.