

# **Wellington City Proposed District Plan**

## **Part 1 Sch 1 wrap up and integration hearing**

### **Plan integration, general and omitted submissions, advice, and requests of Minute 57**

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

## Document Information

**REPORT FOR:** Independent Hearings Commissioners

**SUBJECT:** Wellington City Proposed District Plan – Part 1  
Sch 1 Wrap up Hearing – Part one

**PREPARED BY:** Jamie Sirl

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2024: correction to the title of this report)

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## Executive Summary

1. This report addresses the following matters:
  - a. Advice on matters outlined by the Panel in Minute 57;
  - b. Submission points on matters not yet addressed in earlier hearings; and
  - c. Consequential amendments recommended as a result of Section 42A Reporting Officer recommendations in earlier hearing streams (stream 6 to 11).
2. Given this is a 'wrap up' s42A report, it only addresses issues found to have not been comprehensively addressed, or where further consideration of consequential amendments following s42 reporting officer recommendations in previous Tranche 2 non-ISPP hearings (hearing streams 6 to 11) is required. Where matters have already been addressed in an earlier Section 42A report, the relevant paragraphs of that document are referenced.
3. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to these matters should be retained as notified, amended, or deleted in full.
4. **Appendix A** of this report comprises further recommended changes in addition (or in some cases, instead of, where an error or consequential amendment has been identified) to the recommendations of the Section 42A reporting officer for the relevant topic.
5. **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.
6. **Appendix C** of this report includes a table that details the consequential amendments recommended.
7. For the reasons set out in the Section 32AA evaluation and included in this report, the proposed objectives, and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
  - a) Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - b) Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

## Interpretation

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the ODP/ODP	2000 Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
NRP	Wellington Natural Resources Plan
RPS	Wellington Regional Policy Statement 2013
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Forest and Bird	Royal Forest and Bird Protection Society
KiwiRail	KiwiRail Holdings Limited
Meridian	Meridian Energy Limited
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika a Maui
Telcos	Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone)
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency
WIAL	Wellington International Airport Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

# 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 Independent Hearings Panel (IHP) in their role as Independent Commissioners in making their recommendations 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.
2. The scope of this s42A report has been directed by Minute 57.<sup>1</sup>
3. This report covers the following matters:
  - a. Advice on matters requested by the panel in Minute 57 and raised by submitters as in response to Minute 50<sup>2</sup>; and
  - b. Submission points found to be omitted from earlier Tranche 2 non-ISPP hearings (hearing streams 6 to 11); and
  - c. Consequential amendments required to chapters already considered as a result of recommendations from s42A Reporting Officers from hearing streams 6 to 11.
4. This report is intended to be read in conjunction with the Section 42A Overview Report<sup>3</sup>, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of these reports or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

## 1.2 Authors and Qualifications

### 1.2.1 Part one author and qualifications

6. My full name is James (Jamie) Grant Sirl. I am a Senior Planning Advisor in the District Plan Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.

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<sup>1</sup> [Proposed District Plan hearing panel 9 September 2024 Minute 57 - wrap up hearing](#)

<sup>2</sup> [Proposed District Plan hearings panel, 4 June 2024 - Minute 50 - Remaining Submissions](#)

<sup>3</sup> [Section 42A - Overview Report](#)

8. I hold the qualifications of Master of Planning Practice and Bachelor of Arts majoring in Geography from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have approximately 12 years' experience in planning and resource management roles in Local Government.
10. I have experience with the preparation of council-led, and consideration of developer-led, district plan changes for greenfield growth areas and the preparation of council-led district plan changes relating to the protection of indigenous biodiversity and historic heritage values at Hamilton City Council.
11. In my current role my involvement in the PDP review process has included assisting with the summary of submissions and providing support to reporting officers for earlier hearing streams. I was also the reporting planner for the Natural Hazards and Coastal Hazards topic, the Open Spaces and Recreation topic, and the Coastal Environment, Natural Character and Public Access topic, the Designations topic and prepared the respective Section 42A reports.

### **1.3 Procedural Matters**

12. Minute 50 of the Independent Hearings Panel provided the opportunity for submitters to raise any matters or specific submission points that they considered had not yet been heard or where there may be a need for further consideration.
13. Minute 56 set out the time frames for lodgement of submitter evidence, reporting officer rebuttal and legal submissions.
14. Minute 57 directed the matters to be addressed as part of the Wrap Up hearing process.

### **1.4 Code of Conduct**

15. 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 effective 1 January 2023. I have complied with the Code of Conduct when preparing this document and I agree to comply with it when I give any oral evidence.
16. 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.
17. 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.

## **2.0 Background and Statutory Considerations**

### **2.1 Plan making processes followed**

18. 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) (Tranche 1). There are no appeal rights on ISPP provisions; and
  - b) For all other PDP provisions and content (Tranche 2), the standard Part 1 Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
19. This report relates to matters within Tranche 2 of the plan review process.

### **2.2 Trade Competition**

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

## **3.0 Consideration of Submissions and Further Submissions**

### **3.1 Format for Consideration of Submissions**

22. There are a number of matters contained in submissions and relief sought that would benefit from further consideration to ensure they have been comprehensively addressed or reconciled, as to date they have been addressed across various hearings and s42A reports.
23. Where the matters considered in this wrap up hearing have already been addressed during one or more hearing, and by way of s42A reporting officer recommendations in relation to those hearings, the entire matter has not been reconsidered and the assessment and recommendations relate only to those aspects not previously addressed. This s42A report therefore references paragraphs in earlier s42A reports as relevant for reasons for acceptance or rejection of submissions.
24. Where it has been identified that a matter raised in submissions has not been considered in previous hearing streams, additional assessment has been undertaken within the body of this report.
25. In accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluations have been undertaken for the purposes of this report:
  - a) An issues and provisions based evaluation approach, versus a submission by submission approach, where many similar submissions have been received.



- b) A submission-by-submission evaluative approach where a small number of submissions have been received.
26. For those provisions or matters where there are numerous submission points, the evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA.
27. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions.
28. Recommendations in relation to further submissions reflect the recommendations made on relevant primary submissions.

## **4.0 Matters raised for response by submitters and approved by Minute 57**

### **4.1 Meridian Energy Limited: Infrastructure and Renewable Electricity Generation chapter references for Hearing Stream 11**

29. The panel have directed officers to address the inter-relationship between the Renewable Electricity Generation (REG) Chapter and the ECO Chapter to ensure that it is clear where and how REG activities are managed in the Plan.
30. This is in response to the statement of evidence of Christine Foster for hearing stream 11 which raises issues with the references to the ECO chapter policies within the REG chapter, and the clarification of the officers' position on the function of the REG Chapter as the hearings have progressed.
31. As set out in the rebuttal statement of Adam McCutcheon for hearing stream 11, Ms Foster, Mr McCutcheon and Mr Jeffries had a meeting preceding the lodgement of Ms Foster's evidence where the following was agreed:
- a) REG activities have a specific carve out from the NPS-IB under clause 1.3.3;
  - b) Given the substantial rework of the ECO chapter recommended in the ECO S42A report, where new policies have been added and others renumbered, cross-references to ECO policies recommended to be included in the REG chapter need amending so that (if retained) they cross-refer to policies of the same intent;
  - c) That any correction of references to ECO policies should not have the effect of taking a more restrictive approach to REG activities than that recommended by Mr Jeffries in Hearing Stream 9;
  - d) There is merit in considering Ms Fosters' recommended approach to remove references to ECO policies entirely from the REG chapter; and
  - e) That advice will be provided to the Panel on a way forward in the wrap up hearing.

32. In my view, the REG chapter policies, REG-P3, REG-P5, REG-P7, and REG-PX provide sufficient means of managing effects on indigenous biodiversity without need to reference the ECO chapter policies. For example, REG-P5 includes the following wording:

6. *If located within an area identified in SCHED8 - Significant Natural Areas:*
  - a. *The activity is of a scale that maintains or restores the identified values, including restoration and conservation activities;*
  - b. *Outside the coastal environment, significant adverse effects on the identified values are avoided and any other adverse effects on the identified values are avoided, remedied or mitigated;*
  - c. *Within the coastal environment:*
    - i. *Adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010 are avoided; and*
    - ii. *Significant adverse effects on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 are avoided, and other adverse effects on these matters are avoided, remedied or mitigated; and*
  - d. *There is a functional need or operational need for the activity to be undertaken inside a Significant Natural Area and there are no reasonably practical alternative locations outside of these areas;*

33. REG-P3, REG-P7, and REG-PX provide similar wording to the above to enable management of effects on indigenous biodiversity. These REG chapter policies therefore appropriately reconcile the direction of the NPS-REG, the NZCPS, and the need to protect indigenous biodiversity under s6 of the Act and under the RPS without needing additional references to the ECO chapter policies.

34. I note that REG-R2 provides reference to policy REG-P3 so also provides a means of managing effects on indigenous biodiversity without the need for direct reference to the ECO chapter policies contained in the notified version of this rule. Therefore, the references to the ECO chapter policies within REG-R2 can also be deleted.

35. My recommended amendments to delete references to the ECO chapter policies within REG-P5, REG-P7, REG-PX and REG-R2 are set out in Appendix A of this report.

36. Regarding scope, I consider that these changes are consequential to the relief sought by Meridian, and to the changes recommended to the ECO chapter through the s42A report for that topic.

37. Regarding the functioning of the REG chapter more broadly in relation to other chapters of the PDP, I confirm that:

- a) The REG chapter is a standalone chapter that applies to REG activities; and
- b) No other rules of the plan apply to REG activities unless specifically stated within a REG chapter rule or standard.

38. The following paragraph in the REG chapter introduction accurately captures the points above:

*The provisions within this chapter apply on a City-wide basis and are specific to renewable electricity generation activities. As such, the rules in the Zone chapters, and the rules in the Infrastructure, Noise, Earthworks and Overlay chapters, do not apply to renewable electricity generation activities unless specifically stated within a renewable electricity generation rule or standard.*

39. However, the text following this in the notified version of the REG chapter introduction under the heading 'Other relevant district Plan provisions' somewhat confuses this matter and does

not accurately express the relationship between the REG Chapter and the other chapters of the plan. I therefore recommend deleting this text box as set out in Appendix A of this report.

#### **4.1.1.1 Summary of recommendations**

40. **WUP2-Rec1:** That the Independent Hearing Panel recommend that the REG chapter is amended as set out in Appendix A to this report.

## **4.2 Wellington International Airport Limited**

### **4.2.1 Proposed 'bird strike' provisions**

#### **4.2.1.1 Matters raised by submitters**

41. WIAL [406.11, supported by FS105.1 and FS139.11]] seeks that a bespoke framework to manage the potential for activities to increase the risk of bird strike should be established for refuse dumps and landfills, outdoor sewage treatment and disposal, cattle feed lots, pig farming, fish processing, artificial and natural lakes/waterbodies, and abattoirs and freezing works where located within a fixed distance of the Airport.
42. In response to the Panel's request included in Minute 57, WIAL have provided a proposed set of planning provisions<sup>4</sup> to be located within the Infrastructure chapter.

#### **4.2.1.2 Assessment**

43. In principle, I do not oppose the management of certain land use activities to manage a potential adverse effect that have a low probability of occurrence but could result in a high impact. I also agree in principle with WIAL that the proposed provisions would be best located in the Infrastructure chapter, and that INF-O3 and INF-P7 provide appropriate direction and support for the proposed provisions. While the activities addressed by the proposed rules are not infrastructure, I note that the Infrastructure chapter and associated sub-chapters already include rules that manage potential adverse effects on infrastructure.
44. The documents provided outline the legislative context and CAA regulation and guidance that inform the proposed provisions.
45. While I acknowledge the requirements of the Airport to manage potential hazards to aircraft and passenger safety, in my opinion the submitter has not provided adequate evidence at this stage that the potential adverse effects of bird strike in Wellington justify the proposed land use planning response.
46. I note that WIAL have indicated that expert evidence to support the proposed approach will be provided prior to the hearing. Council will therefore need to engage an appropriately qualified and experienced ecologist to verify the information provided by WIAL to assist the Panel's consideration of this matter.

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<sup>4</sup> [Wellington International Airport Ltd – Wrap up Hearing Memorandum. 17 September 2024.](#)

47. Consequently, prior to receiving compelling evidence that the proposed provisions are appropriate, I recommend the Panel reject the relief sought by WIAL.
48. Accordingly, I have not provided an assessment of the specific wording of the proposed rule and definition. However, I note that although not explicitly clear, the proposed definition is intended to result in the rule applying to new activities and extensions to existing activities.
49. I suggest that the Panel would be assisted if the evidence indicated by WIAL addressed at least the following:
- a. Expert evidence on the issue of bird strike in the Wellington context including an assessment of recorded incidents or near misses;
  - b. Whether bird strike generally occurs at or immediately surrounding airports, during take-off or landing, and greater evidential support for the wide extent of the area WIAL are seeking the suite of bird strike provisions to apply beyond simply relying on CAA guidance and regulations;
  - c. The extent to which the existing wastewater treatment plant, or landfills (and extensions to them) contribute to bird strike risk and any engagement the Airport has had with Council, Wellington Water Limited or landfill operators on this matter;
  - d. What non-statutory methods WIAL currently employs to address the issue. Assuming that they are being undertaken an explanation of why they are inadequate to manage the issue as well as why alternative or expanded non-statutory methods would also be inadequate;
  - e. Further discussion on the activities listed by WIAL, whether they need to be further defined in the plan, and evidence confirming that in a New Zealand / Wellington context these listed activities have a greater potential than most other activities to increase bird strike hazard to justify a land use planning intervention;
  - f. Further consideration of the detail required to be included in the Bird Strike Management Plan (BSMP), and how Council would determine (if required to) whether a submitted plan is of an appropriate standard (noting there is no proposed requirement to obtain Council's approval of a submitted BSMP to be considered a permitted activity, simply that one is provided to Council).
50. I note that the Christchurch, Selwyn and Waimakariri District Plan review processes illustrates how the broad approach to the management of bird strike hazard proposed by WIAL may not be appropriate in a New Zealand context.

## 4.2.2 Definition of 'upgrading'

51. The notified definition of 'upgrading' is as follows:

<b>UPGRADING</b>	<i>as it applies to infrastructure, means the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure, but excludes maintenance, repair and renewal</i>
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### 4.2.2.1 Matters raised by submitters

#### Retain as notified

52. Transpower New Zealand Limited [315.37], Waka Kotahi [370.38], CentrePort Limited [402.32]; and KiwiRail Holdings Limited [408.18].

#### Amend

53. Meridian [228.14, 228.15] considers the definition accurately describes the scope of upgrading activities anticipated for infrastructure (including of renewable electricity generation activities) but would be improved by amending to include also reference to increase in 'output' (e.g. from the replacement of turbines with those having greater efficiency or power output).

54. WIAL [406.45, supported by Guardians of the Bay Inc [FS44.20]; and 406.46, supported by M&P Makara Family Trust [FS41.3], Guardians of the Bay Inc [FS44.21] and Airways Corporation of New Zealand Limited [FS105.3], opposed by Meridian Energy Limited [FS101.12]] considers that the definition requires broadening to encapsulate the range of activities that are involved with the upgrade of infrastructure. They seek the following amendments:

<p><del>As it applies to infrastructure, means the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure, but excludes maintenance, repair and renewal.</del> <u>means the use and development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.</u></p>
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55. Yvonne Weeber [340.4, opposed by KiwiRail [FS72.8]] and Guardians of the Bay Inc [452.3, opposed by Meridian Energy Ltd [FS101.13]] considers the term 'upgrading' is too broad a term in relationship to increasing carrying capacity when relating to special purpose zones (e.g. the Airport), namely in INF-CE-P21. They seek that the definition is amended to remove 'increase in carrying capacity'.

### 4.2.2.2 Assessment

56. I agree with Meridian [228.14, 228.15] that given the definition of upgrading applies to renewable energy generation activities it is appropriate to recognise an increase in 'output' as proposed by the submitter.

57. With respect to the definition of upgrading, and provision for the upgrading of infrastructure, the intention within the plan is to be generally enabling where compliance with standards (e.g. INF-S3, and INF-S4) is achieved. Beyond this, a greater degree of consideration of potential effects and discretion becomes relevant through a consenting process.
58. WIAL [406.45 and 406.46] are seeking a definition similar to the definition of 'upgrade' in the Natural Resources Plan (NRP). While I agree in principle that alignment and standardisation of definitions between related RMA plans is beneficial, there is a nuance between plans that can mean a definition used in one plan may not be appropriate in another.
59. I note that the NRP includes, in addition to the definition of 'upgrade', a definition for 'extension' relevant only to existing Regionally Significant Infrastructure and renewable electricity generation activities. In this context, the NRP definition of 'extension' *applies only* to Regionally Significant Infrastructure provided for in a single rule, R189.
60. Put simply, the PDP essentially treats 'upgrades' and 'extensions' to existing infrastructure within the same term and definition and alignment with the RPS and NRP can be achieved without exact replication of the RPS and NRP definitions in this instance. The PDP approach relies on the relevant policies, rules and standards to manage the nuances with respect to the upgrading of the range of infrastructure managed by the plan.
61. In my opinion, there is no apparent need for the PDP to treat upgrades and extensions separately, and the PDP definition is appropriate. The key test in my view is whether the piece of infrastructure exists, or is new. Clearly in the case of Wellington International Airport, the infrastructure already exists.
62. My concern with amending the PDP definition to closely reflect the NRP definition is that the qualification within the revised definition 'provided that the effects are the same or similar in character, intensity and scale as the existing structure and activity' could result in a misalignment with certain standards of the plan that provide a permitted envelope for works beyond the existing character, intensity and scale. In this case it is unclear whether the definition, or the more enabling standards would prevail.
63. An option to resolve this would be to include a separate definition in the plan for 'extensions' to infrastructure, and a reference to extensions in the relevant rules (similar to the NRP approach) however I do not recommend this approach as it is unnecessarily complicated.
64. Put simply, the PDP treats upgrading and extensions to infrastructure as the same, and alignment with the RPS and NRP can be achieved without exact replication of the RPS and NRP definitions in this instance.
65. I disagree with Yvonne Weeber [340.4] as whilst the definition may be broad, there will be other plan provisions or constraints to the permitted activity status of upgrades, such as INF-S4. I also note that with respect to the Airport Zone, airport activities are permitted subject to compliance with AIRPZ-S3 and S4.

### 4.2.2.3 Summary of recommendations

66. **WUP2-Rec2:** That the Independent Hearing Panel recommend that the definition of Upgrading is amended as follows and as included in Appendix A to this Report.

UPGRADING	as it applies to infrastructure, means the improvement or increase in carrying capacity <b>or output</b> , operational efficiency, security or safety of existing infrastructure, but excludes maintenance, repair and renewal  <a href="#">Upgrade and upgrades have the corresponding meaning</a>
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67. **WUP2-Rec3:** That the Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) on the definition of Upgrading as outlined in Appendix B of this report.

## 5.0 Additional matters directed to be addressed by Minute 57

### 5.1 Transpower: inter-relationship between Indigenous Biodiversity and the National Grid

68. As noted by the Panel, in Hearing Stream 9 the s42A Reporting Officer for the Infrastructure topic recommended a standalone INF-NG sub-chapter that contains all plan provisions related to the National Grid.
69. Following this, the s42A Reporting Officer for the Ecosystems and Indigenous Biodiversity topic recommended that the rules relating to the National Grid contained in the INF-ECO sub-chapter be deleted on the basis that all provisions relating to the National Grid were to be contained in the INF-NG sub-chapter.
70. I note Ms Whitney<sup>5</sup> has provided general support for the INF-NG sub-chapter policy framework as recommended by the reporting officer in Hearing Stream 9 and further supported and implemented through recommendations of the reporting officer in Hearing Stream 11.
71. Ms Whitney seeks to address *‘the rule gaps in ensuring an appropriate framework for SNAs within the Infrastructure – National Grid sub chapter’*.
72. I agree that there is a gap in the rules and generally agree with Ms Whitney’s suggested amendments that address the gap.

#### Introduction

73. If the provisions that provide for the operation, maintenance and upgrade of existing National Grid infrastructure are retained in INF-NG, Ms Whitney seeks appropriate recognition of this in

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<sup>5</sup> [Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited Dated 28 August 2024](#)

the introduction, including the development of new infrastructure. I agree with this and have included this in Appendix A to this reply.

#### Rules relating to National Grid and SNAs

74. While the NPSIB is clear that it does not apply to the electricity transmission network, the requirements of s6 of the RMA and RPS remain relevant.
75. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) specifically addresses transmission lines within SNAs, and the management of potential adverse effects of the transmission network on significant indigenous biodiversity within the district plan is consistent with the NPSET. Consequently, I recommend that references to SNA are inserted into the relevant INF-NG chapter rules.
76. I agree with Ms Whitney that the proposed restricted discretionary activity status for new National Grid infrastructure within SNAs located outside of the Coastal Environment and discretionary activity for new National Grid infrastructure within SNAs in the Coastal Environment is appropriate.
77. This approach gives effect to the NPSET and NZCPS by seeking to appropriately managing the potential adverse effects of transmission related activities on significant indigenous biodiversity.
78. In addition, as noted by Ms Whitney, the NESETA regulates certain activities relating to existing transmission lines within identified SNAs. I note that the INF chapter introduction states:

*In the case of conflict with any provision of this plan and any national environmental standard (including the NESETA or the NESTF), under Section 43B of the Act the provisions of the national environmental standards will prevail.*

79. I suggest that a similar statement is replicated in the INF-NG chapter introduction to assist plan users.
80. While I agree with Ms Whitney that NESETA provides the appropriate consenting framework for operation, maintenance, repair and upgrade of existing National Grid infrastructure, I consider that retention of the set of rules recommended in HS9 be retained to ensure any activities beyond those regulated by NESTA in the National Grid are provided for in the plan. However, I agree with Ms Whitney that exceptions should be included in the relevant rules to clarify that they only apply where the activity is not controlled under NESETA.

#### **5.1.1.1 Summary of recommendations**

81. **WUP2-Rec4:** That the Independent Hearing Panel recommend that the amendments set out below and as detailed in Appendix A to this Report:
  1. Amendments to the INF-NG chapter introduction to clarify the sub-chapter manages National Grid asset activities in SNAs.



2. Replication of a similar clarification statement on the relationship between the chapter and NESETA in the introduction section.
3. Inclusion of a NESETA exclusion in relevant rules; INF-NG-R61; INF-NG-R64, INF-NG-R65.
4. The inclusion of a reference to SNAs within those rules that apply to existing National Grid assets; INF-NG-R64 and INF-NG-R65.
5. The inclusion of a reference to SNAs within those rules that apply to new National Grid assets; INF-NG-R66 and INF-NG-R67.

## **5.2 Taranaki Whānui submission**

82. Throughout the Tranche 2 Hearing Streams, Taranaki Whānui [389] has expressed concern with respect to the impact various overlays and plan provisions would have on their ability to realise their aspirations for the former Wellington Prison site on Watts Peninsula / Te Motu Kairangi.
83. I agree with the submitter that the zoning, suite of overlays and associated plan provisions significantly constrain the type of activities that can be undertaken in the area of interest to Taranaki Whānui. It is also noted that the Designation for Wellington Prison has been requested by the Minister of Corrections to be rolled-over and retained.
84. In Minute 57 the Hearings Panel considered that Taranaki Whānui should be given the opportunity to present a holistic picture forward with regards to their interests and aspirations for Te Motu Kairangi. I agree with the Hearing Panel, and I encourage Taranaki Whānui to participate in this hearing.
85. I note that on 12 September 2024, the Council's Environment and Infrastructure Committee of resolved to progress work on a broader 'Te Ao Māori Plan Change' and directed Officers to report back to the Committee on the scope of the Plan Change in early 2025.
86. By way of background, Council officers have already started work on the Te Ao Māori Plan Change and are currently meeting with iwi in Wellington to hear their concerns and understand the issues. These are broad in nature and the Plan Change has wide scope at this stage. Once Officers have a better understanding of the issues, these will be framed and options to address them will be developed, in consultation with iwi.
87. Overall, I consider that the Te Ao Māori plan change is the most appropriate way to consider whether a future change in zone at Te Motu Kairangi is appropriate, and any appropriate enablement of development to support iwi aspirations within the various overlay provisions. Consequently, I recommend that no additional amendments are made as part of the Wrap Up Hearing process. Instead, I recommend that any changes are considered in a more holistic way through the Te Ao Māori Plan Change.

### 5.3 Airways Corporation of New Zealand submission: buffer around designations

88. The Panel have highlighted that the Airways submission [100.1] sought a new overlay within a 500 metre radius around the radar installation the subject of Designation ACNZ3 (Hawkins Hill). I note that the Airways submission also sought a similar overlay surrounding ACNZ4 [100.2]
89. This matter was considered in Stream 9 (Infrastructure) [100.3, 100.4] and Stream 10 (Designation) [100.1 and 100.2] and in both cases the reporting officers recommended that the requested overlay be refused. I note that Airways did not submit evidence or attend a hearing to speak to their submission to assist the reporting officers and the Panel to further assist consideration of this matter.
90. Whilst the Designation s42A Report did address the proposed overlay sought by the submitter, the evaluation was not overly detailed with respect to the option of a non-statutory overlay outside of the designations chapter. Instead, it was focussed of the evaluation was the appropriateness of incorporating the overlays sought by Airways as part of the designations chapter.
91. With respect to the Airways designations, as outlined in the Designations topic s42A Report<sup>6</sup>, Airways as the requiring authority initially sought through pre-notification consultation with council that conditions be included in the designation schedules, however these conditions were not included in the notified PDP.
92. In my role as the reporting officer for the Designations hearing, I considered that it was inappropriate to either:
- a) include conditions that applied beyond the designation area, because they would be inconsistent with s176 of the Act and be unenforceable; or
  - b) introduce non-statutory mapping of buffer overlays and add text in the advisory information section within the designation schedule alongside, because I considered the obligations on landowners was unclear.
93. The reporting officer for the Infrastructure topic considered the Airways relief in the context of only the Airport Zone<sup>7</sup>, rather than a wider buffer around the radar infrastructure located on Hawkins Hill. Consequently, it is appropriate to further consider the overlay sought by Airways in this report.
94. Turning to further consideration of the Airways submission and the relief sought as it would relate beyond the Designations chapter, the submission seeks an amendment to (emphasis added):

#### Option A

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<sup>6</sup> [Section 42A Report – Designations, para 68.](#)

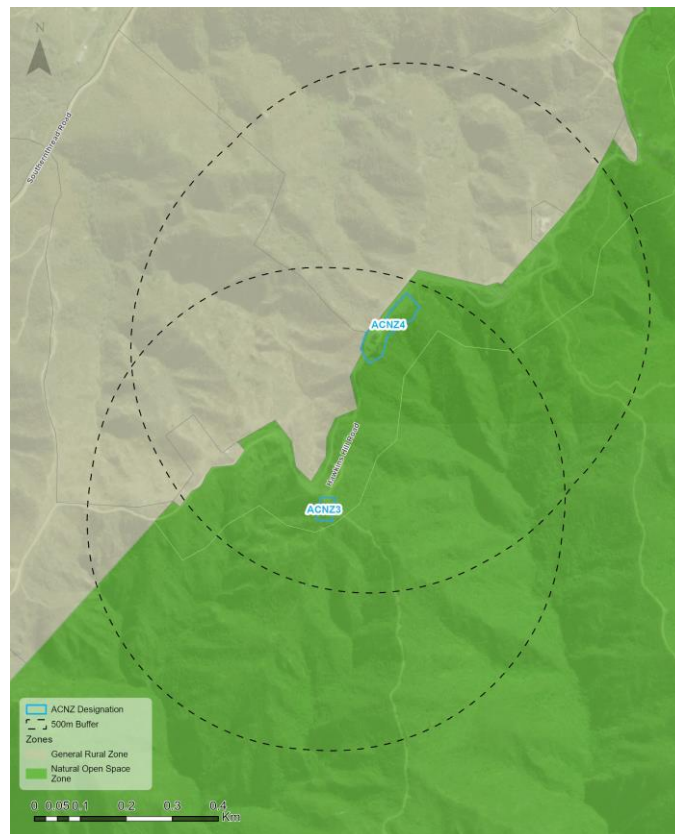
<sup>7</sup> [Section 42A Report – Infrastructure – Part 1, para 64.](#)

Update the planning maps to show a new 'Air Traffic Control Information Overlay' with a 500m radius around the radar designations. The information overlay would **require plan users to consult** with Airways before undertaking **any activity** within the overlay. The purpose of this would be to provide Airways with the opportunity to adjust its technology in advance of the activity occurring if required, to prevent planes being displaced

Option B

Alternatively, update the planning maps to allow for a new 'Air Traffic Control Overlay' with associated changes to the plan provisions to **include specific restrictions and/or consultation requirements** for development and infrastructure within the overlay.

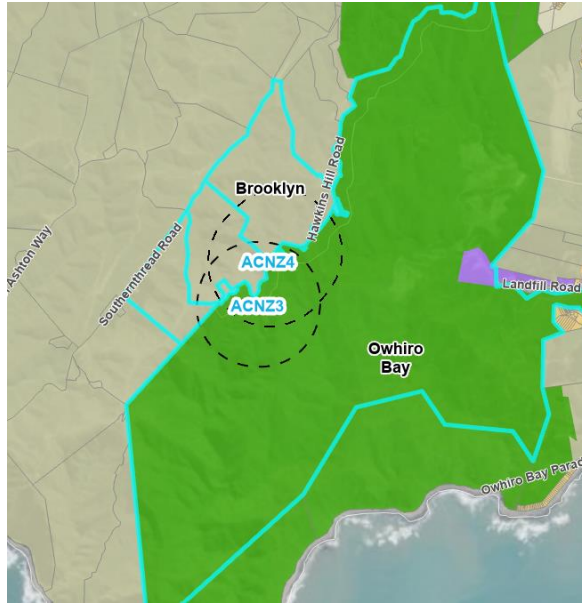
95. To assist the Panel, the following maps illustrate the spatial extent and number of parcels (beyond Airways owned parcels there four in total, three privately owned and one Council) impacted by the proposed overlay.



500m buffer around Designations ACNZ3 and ACNZ4 Date: 10/09/2024  
Credit: City Insights GIS Team

Absolutely Positively  
Wellington City Council  
Baseemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, TomTom, Garmin, Foursquare, METI/NASA, Me Heke Ki Pōneke

**Figure 1.** Proposed Airways overlays surrounding radar designation sites.



**Figure 2.** Parcels impacted by proposed Airways overlay

96. Firstly, Option B, in my opinion lacks the detail necessary to undertake an evaluation needed to support this option. No detail has been provided on the specific types of land use activities or heights of buildings or structures that would necessitate provisions in the District Plan to manage any impact on the radar infrastructure. It is also unclear whether this approach is intended to trigger resource consent outright for activities that are otherwise permitted under zone provisions or only where consultation with Airways has not occurred. Paragraph 5.5 of the Airways submission<sup>8</sup> indicates that the intent is not to restrict structures at all, and is simply to ensure that Airways can update radar technology accordingly. While I accept at face value that would be the approach that would be taken, it would be useful to know what would be unacceptable and should accordingly be the focus of plan provisions. I suggest that Airways provide more information for the hearing in support of their preferred option to assist the Panel.
97. Whilst the proposed buffer would only impact a small number of properties, including Council-owned land designated for landfill purposes, the lack of clarity on the extent of activities (and the evidential basis to support the extent of activities) that would be controlled makes it difficult to understand the costs of this approach.
98. With respect to the Option A, there appears to be an inconsistency with respect to the proposed 'information' overlay in that it requires anyone undertaking any activity within the overlay to consult Airways. It is not merely an information overlay if the intention is to require other parties to take action.
99. I remain of the opinion that if Airways wish to have the authority to oppose activities within this buffer under the RMA framework, a variation to the designation area would be the most effective option for them as requiring authority. However, if it is specific to certain structures of a certain height then maybe an overlay/simple rule framework could work but Airways would need to provide a set of proposed provisions for consideration.

<sup>8</sup> [Submission 100 Airways Corporation of New Zealand Limited](#)

100. As an alternative, an ‘information-only’ overlay could advise parties to consult with Airways on any activities or structures within the proposed buffer. However, this raises the question of what has been happening to date, and whether, particularly given the small area, the small number of landowners and low likelihood of new large-scale structures within 500m of existing radar sites, the matter necessitates a response within the District Plan. For example, a wind turbine would not simply pop-up out of nowhere and presumably Airways would have adequate time to update their radar technology.
101. **WUP2-Rec5:** That no statutory or non-statutory overlays and associated planning provisions are introduced around existing radar sites in response to the submission of Airways [100].

#### **5.4 Moa Point Seawalls: any reconciliation needed across various relevant chapters**

102. The enablement of maintenance, repair, and upgrade of existing seawalls that protect the Airport and other infrastructure has been considered in Hearing Streams 5, 7, 8, and 9.
103. In Hearing Streams 7 and 8, I recommended an approach that provided the general relief sought by WIAL through recognising the highly modified state of this section of the coastline.
104. In Hearing Stream 9, Mr Anderson, in part taking direction from the relevant RPS Change 1 s42A Report recommendations, recommended that the seawalls should be treated as infrastructure and consequently the maintenance, repair, and upgrade of existing seawalls that protect the Airport should be managed by the Infrastructure chapter and the Infrastructure – Coastal Environment sub-chapter. The INF and INF-CE chapters are standalone and zone provisions do not apply.
105. Considering the recommendations of Mr Anderson, my recommended amendments to the Natural Open Space Zone chapter to recognise or provide for the seawalls are no longer needed.
106. However, the recommended amendments to the Coastal Environment with respect to the recognition of the Moa Point Seawall Area remains necessary and appropriate. These would address activities unrelated to infrastructure which may occur in this location.

##### **5.4.1.1 Summary of recommendations**

107. **WUP2-Rec6:** That consequential amendments are made to remove specific reference to the Moa Point Seawall Area from the NOSZ as included in Appendix A to this report.

## **6.0 Identified issues, plan integration, and consequential amendments**

### **6.1 Identified issues**

108. The following matters have been identified following a comprehensive review of the consolidated officer chapter recommendations for hearing streams 6 – 11.

#### **6.1.1 Quarry zone**

109. After the close of Hearing Stream 6 on the Quarry Zone, the Panel, via Minute 47, detailed a tentative conclusion for a potential Horokiwi Quarry Precinct, and directed expert conferencing to consider drafting of provisions on this basis.

110. Following this, consolidated officer chapter recommendations were uploaded to each hearing webpage. The QUARZ chapter uploaded to the webpage was a version that the reporting officer, Ms van Haren-Giles, and Ms Whitney, on behalf of Horokiwi Quarries, prepared on the basis of the Panel's directions. It included an objective, policies, and rule for a potential Horokiwi Quarry Precinct.

111. Subsequently however, in their Joint Witness Statement dated 16 April 2024 both parties agreed that a Precinct is unnecessary, and the relief outlined by the Panel could be achieved by a bespoke rule for the three specific land parcels.

112. Therefore, for clarity, the Wrap Up Appendix A tracked change version of the QUARZ Chapter has been prepared. It shows what was eventually agreed between parties through the JWS as being most efficient approach should the Panel conclude that the submission of Horokiwi Quarry be accepted to rezone additional land parcels to QUARZ. I note that this is not the recommendation of the reporting officer.

#### **6.1.2 Consequential Amendments**

113. The following amendments are recommended for plan alignment and integration reasons. Whilst many of the following recommended amendments have not been specifically sought by submitters, they are considered to be within scope of the general relief sought. These amendments are detailed in Appendix C and included in Appendix A to this Report.

##### **Open Space Zone chapter**

- Addition of the new standard OSZ-S5 to OSZ-R14.

##### **Infrastructure chapter and sub-chapters**

- Simplification of INF-R7 rule title and structure of INF-R7.1.
- deletion of standard INF-S14 (new numbering) in INF-R14 on the basis that INF-R14.1a. and R14.1b provide the appropriate height limitations for this rule.
- Updated reference to Moa Point Seawall Area in INF-CE-R29.
- Updated references to standards as a result in changes to numbering.

### **Coastal Environment chapter**

- Minor changes to introduction.

### **Transport chapter**

- Updated references to standards as a result in changes to numbering.
- Updated references to figures as a result in changes to figure location.

### **Quarry Zone**

- A new rule QUARZ-R4 has been added and shown in green text. This rule reflects the JWS dated 16 April 2024 following the RoR dated 28 March 2024.
- Consequential renumbering of rules.

### **DEV2**

- Delete reference to identified ridgetop area in DEV2-P7.4.
- Update numbering or rules.

### **DEV3**

- Recommendation from HS8 RoR to include specific reference to Marshall Ridge in DEV3-O4, DEV3-P4.6, DEV3-P6.4, DEV3-R33 and planning maps.
- Update to rule numbering.

### **APP12 and APP13**

- Update policy and rule references as a result in changes to numbering.

### **APP13**

- Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.

### **Plan-wide**

- Replace 'cannot be' with 'is not' for plan consistency.

#### **6.1.2.1 Recommendation**

114. **WUP2-Rec7:** That either:

1. If the Panel recommends rezoning additional land parcels to QUARZ, that amendments to QUARZ chapter set out in Appendix A to this report are recommended; or
2. If the Panel does not agree with the rezoning sought by the submitter, that the Panel recommend the amendments to QUARZ as provided as [part of the s42A Report](#).

115. **WUP2-Rec8:** That the Independent Hearing Panel recommend that the consequential amendments summarised in section 6.1.2 of this report, detailed in Appendix C, and included in Appendix A to this report.

## 6.2 Plan integration / how the plan works

116. I have reviewed the way that hearing streams 6 – 11 chapters reference one another to ensure that it is clear how they are intended to apply. My review included chapter introductions and the ‘Other Relevant District Plan Provisions’ boxes explaining the relevance of other plan provisions. The following recommendations address the results of my review.

### Deletion of the ‘Other Relevant District Plan Provisions’ sections of the REG, INF and INF sub-chapter introductions

117. Throughout the Tranche 2 hearing streams (6 – 11) submitters have questioned how Infrastructure and Renewable Electricity Generation activities are intended to be managed by the plan. This has resulted in recommendations to the introductions of relevant chapters.
118. REG and INF are standalone to the extent that they are the only rules that apply to infrastructure (with the exception of infrastructure within the Airport and Port zone which are managed by those chapters) and renewable electricity generation activities.
119. In respect of these chapters the ‘Other Relevant District Plan Provisions’ sections contribute to the confusion whether the rules in other chapters apply to infrastructure and renewable energy generation activities. They do not.
120. With respect to submissions of WIAL [406.83, 406.84], I note that this recommended amendment would result in the introduction chapter no longer referencing the Designations chapter as sought by this submitter.
121. In my opinion, the ‘how the plan works’ section should be used to establish the relationship between different chapters. With respect to INF and REG, I consider that the “General Approach’ explanation is clear:
- The Infrastructure, Renewable Electricity Generation, Subdivision and Temporary Activities chapters generally operate as standalone chapters containing all relevant objectives, policies, rules and standards relating to those activities, unless otherwise specifically identified in those chapters*
122. However, I recommend a minor reordering of the explanatory text contained in the ‘General Approach’ section to emphasis to plan users the standalone nature of the REF and INF chapters as set out in Appendix A.
123. This information does not need to be repeated in every chapter. Additional commentary in specific chapters should only be used to explain exceptions where there are exceptions to this approach or where it is useful to remind plan users to ensure the plan is applied correctly. The ‘Other Relevant District Plan Provisions’ should only be used to point plan users in the direction



of other chapters they should *consider whether are relevant*, and not appear to function as an exhaustive list of every chapter that *will be relevant* to a given activity.

#### Modification to the 'Other Relevant District Plan Provisions' section of NFL

124. The reference to the Infrastructure - Natural Features and Landscapes sub-chapter should be deleted as the relationship is already explained in the introduction text.
125. Minor amendments to the NFL, INF, and AIRPZ chapters have also been identified as part of this review and are recommended as included in Appendix A to this Report.
126. **WUP2-Rec9:** That the 'Other Relevant District Plan Provisions' sections of the REG, INF and INF sub-chapter introductions are deleted, and the General Approach section of the plan is amended, as included in Appendix A to this report

### **6.3 Further work to clarify 'Other relevant District Plan provisions' boxes**

127. While the above recommendations will improve clarity of the relationships between chapters I have considered I recommend that a more comprehensive plan wide assessment of the 'Other relevant District Plan provisions' boxes be undertaken to consider their role and purpose.
128. This would include a full review of the 'Other relevant District Plan provisions' boxes of those chapters already determined.
129. I recommend that this plan-wide exercise be undertaken and actioned through either clause 16 or 20A amendments or alternatively through an upcoming plan change.

## **7.0 Any identified remaining submission points not addressed in previous hearings**

### **7.1 Definitions**

#### **7.1.1 Regionally Significant Infrastructure**

##### **7.1.1.1 Matters raised by submitters**

130. FENZ [273.14], WIAL [406.41, opposed by BARNZ [FS139.30 in so far that it relates to the airport]], and Meridian [228.8] support the definition as notified as the definition matches the definition in the Proposed Natural Resources Plan (following settlement of appeals) and is consistent with the Greater Wellington Regional Policy Statement definition of regionally significant infrastructure. Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.1], Transpower [315.32] and Waka Kotahi [370.32] also support retention as notified.
131. KiwiRail [408.14] seek addition of the 'Interislander Ferry Terminal' to clause (h) of the definition and NZDF [423.3] (opposed by Meridian [FS101.7]) seek the addition of 'defence facilities'.

132. CentrePort [402.22 and 402.26] seeks an amendment to the Regionally Significant Infrastructure definition clause (j) [Commercial] Port so that it includes Burnham and Miramar Wharves. This is due to them being “located in the Coastal Marine Area and Burnham Wharf is used for Operational Port Activities. It is included in the Regional Policy Statement definition of Regionally Significant Infrastructure as being one of the three locations in Wellington Harbour for Commercial Port Activities. The land immediately adjoining Burnham Wharf is zoned General Industry there is an interrelationship with Port Activities. An alternative is to cross reference this matter in introductions of the Special Purpose Port Zone and Miramar/Burnham Precincts in the General Industrial Area.”
133. Powerco [127.1] seeks that the first clause should be amended to include a statement “including any associated fittings, appurtenances, fixtures or equipment”. This is supported by FirstGas [FS97.2]. Firstgas Limited [304.9, 340.10] similarly seek that the ‘Gas transmission network’ including any associated above or below-ground fitting, appurtenance, fixture or equipment required for the conveyance of the product or material in the pipeline and/or for its safe, efficient or effective operation is included in the definition.
134. Similarly, WELL [355.15 and 355.16] seeks inclusion of the electricity network 11kV and above to align with the plan change to the RPS. Further submissions in support were received by M&P Makara Family Trust [FS41.1 and FS41.2] and Transpower [FS29.40].
135. Forest and Bird [345.10] seek refinement of the area to which the Port component of the definition applies. Further submissions were received in support by Guardians of the Bays [FS44.16] and in opposition by Powerco [FS61.1], Kiwirail [FS72.6] Firstgas [FS97.3] Meridian [FS101.6] NZDF [FS104.1].

### **7.1.1.2 Assessment**

136. The PDP definition of RSI essentially relies on the RPS-PC1 definition. The starting point for the definition of RSI is the RMA definition of Infrastructure<sup>9</sup>, with a regionally significant lens.
137. The benefit of having consistency between the RPS and district plan definition of RSI was emphasised in hearing stream 1 and hearing stream 9. The reporting officers both recommended final consideration of this definition being deferred to the Wrap Up hearing with the intention this would provide for alignment with RPS Change 1 process.
138. Much like the RPS Change 1 process, submitters on the PDP definition of RSI have sought a range of amendments to include specific references to their particular activities to increase the scope of those activities in the notified definition. The [Change 1 Panel recommendations](#) report considers similar matters, which is helpful context for the matter of consistency between planning documents.

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<sup>9</sup> [STATEMENT OF REBUTTAL EVIDENCE OF SHANNON JOHN WATSON ON BEHALF OF WELLINGTON REGIONAL COUNCIL HEARING STREAM 7 – DEFINITIONS \(NATIONAL GRID, REGIONALLY SIGNIFICANT INFRASTRUCTURE AND STRATEGIC TRANSPORT NETWORK\)](#), page 5.

139. In my opinion the definition of RSI does not need to provide an endless list of all components of each subset of infrastructure and additional detail should only be included where there is an existing gap or lack of clarity.
140. In response to KiwiRail [408.14], I disagree with the addition of the ‘Interislander Ferry Terminal’ to clause (h) of the definition, as the terminal is adequately provided for under ‘j’.
141. Relatedly, whilst I agree with CentrePort [402.22 and 402.26] that Burnham and Miramar Wharves are used for Operational Port Activities, I do not consider that specific recognition is needed with in the PDP definition of RSI as ‘j’ already provides for these areas.
142. I disagree with NZDF [423.3] (opposed by Meridian [FS101.7]) as ‘defence facilities’ do not fall within the RMA definition of Infrastructure, and I do not consider it appropriate to provide for defence facilities under the infrastructure provisions. I note that the Minister of Defence is a requiring authority, with existing designations for two NZDF sites.
143. I agree with Powerco [127.1] and Firstgas Limited [304.9, 340.10], but that the recognition of gas and petroleum pipelines should be amended to also include a statement “including any associated fittings, appurtenances, fixtures or equipment” which I prefer as this addition is consistent with the RPS Change 1 definition of RSI.
144. Similarly, I agree with WELL [355.15 and 355.16] that the RSI definition be amended to reference the electricity network 11kV and which also aligns with the RPS definition of RSI.
145. I disagree with Forest and Bird [345.10] on the basis that the area referred to is an appropriately accurate description of where port activities occur.

## **7.1.2 Additional Infrastructure**

### **7.1.2.1 Matters raised by submitters**

146. Ministry of Education [400.3] and KiwiRail Holdings [408.5] support the definition of additional infrastructure as notified.

### **7.1.2.2 Assessment**

147. No further assessment required.

## **7.1.3 Cabinet**

### **7.1.3.1 Matters raised by submitters**

148. Wellington Electricity Lines [355.9 and 355.10] seeks that the definition of Cabinet is amended to include ‘storage batteries’ as this equipment is commonly contained within a “Cabinet”.

### **7.1.3.2 Assessment**

149. I agree that this amendment is appropriate for the reason outlined by the submitter.

## 7.1.4 Infrastructure

### 7.1.4.1 Matters raised by submitters

150. Horokiwi Quarries Ltd [271.13] notes that quarries are not recognised as ‘Infrastructure’ within the PDP but appreciates the definition of infrastructure within PDP reflects that in the RMA, and seeks no specific amendment to the definition.
151. Transpower New Zealand Limited [315.21], Wellington Electricity Lines Limited [355.14] and KiwiRail Holdings Limited [408.7] support the definition of infrastructure as notified.
152. Envirowaste Services Ltd [373.4 and 373.5] seeks that the definition of ‘Infrastructure’ is retained with amendment to include ‘waste processing and disposal facilities’.
153. NZDF [423.1 and 423.2] opposes the definition and seeks that it is amended to add ‘Defence Facilities’.

### 7.1.4.2 Assessment

154. The definition of infrastructure used in the PDP reflects the definition of infrastructure in Section 2 of the RMA.
155. In hearing stream 9<sup>10</sup>, Mr Anderson addressed the matter of whether the definition of infrastructure should be expanded to include district or regional resource recovery or waste disposal facilities. For this reason, I do not reconsider this matter in this report. However, I note that I agree with Mr Anderson.
156. While I disagree Envirowaste Services Ltd [373.4 and 373.5] that waste disposal facilities generally should be included in the district plan definition of Infrastructure, I note that regionally significant landfills are included in the RPS and NRP definitions of RSI. On this basis I would be supportive of the inclusion of the Southern landfill within the district plan definition of Regionally Significant Infrastructure to achieve consistency with the RPS and NRP.
157. Mr Anderson, recommended that in response to the submissions from the Fuel Companies [372] that the definition of Infrastructure be amended to include ‘Electric Vehicle Charging Stations’ (with an associated definition for ‘Electric Vehicle Charging Stations’ also recommended).
158. Consequently, beyond the addition of ‘Electric Vehicle Charging Stations’ I disagree with the submissions that seek to modify the definition and consider that those matters are adequately provided for elsewhere in the plan.

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<sup>10</sup> [Statement of supplementary evidence of Tom Anderson – Infrastructure.](#)

## **7.1.5 Land Disturbance**

### **7.1.5.1 Matters raised by submitters**

159. Transpower New Zealand Limited [315.22] supports the definition as notified.

### **7.1.5.2 Assessment**

160. No further assessment required.

## **7.1.6 National Grid**

### **7.1.6.1 Matters raised by submitters**

161. Transpower New Zealand Limited [315.25] supports the definition as notified.

### **7.1.6.2 Assessment**

162. No further assessment required.

## **7.1.7 Network Utility Operator**

### **7.1.7.1 Matters raised by submitters**

163. Transpower New Zealand Limited [315.2, supported by Firstgas Ltd FS97.4]], and KiwiRail [408.1] seek the retention of the definition of Network Utility Operator as notified.

### **7.1.7.2 Assessment**

164. No further assessment required.

## **7.1.8 Operating Speed**

### **7.1.8.1 Matters raised by submitters**

165. Waka Kotahi [370.28] supports the definition of 'Operating Speeds' as notified.

### **7.1.8.2 Assessment**

166. No further assessment required.

## **7.1.9 New definition – Temporary Infrastructure**

### **7.1.9.1 Matters raised by submitters**

167. Director-General of Conservation [385.9, opposed by Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited FS25.1, supported by KiwiRail Holdings Limited FS72.2] seek a definition for temporary infrastructure.

### **7.1.9.2 Assessment**

168. I agree with the Telcos that there is no need for a definition of temporary infrastructure as the 12-month time limit and relevant permitted activity standards contained in the relevant rule (INF-R6) adequately determine the effects envelope.

## **7.1.10 New definition - Gas Transmission Pipeline Corridor**

### **7.1.10.1 Matters raised by submitters**

169. Rod Halliday [25.18, supported by Firstgas Ltd [FS97.1]] requests a new definition for 'Gas Transmission Pipeline Corridor' as without a definition, it may capture minor residential supply pipes down to individual stubs to dwellings.

### **7.1.10.2 Assessment**

170. I note that in response to submissions seeking a definition of Gas Transmission Pipeline corridor, the s42A reporting officer for hearing stream 9 recommended amendments to use the term Gas Transmission Network and also that the planning maps be updated to reflect the Gas Transmission Network and considered that this mapping negates the need for specific definitions in the PDP. Based on this recommendation, I disagree with Rod Halliday [25.18] that a definition is required.

## **7.1.11 New definition – Repowering**

### **7.1.11.1 Matters raised by submitters**

171. M&P Makara Family Trust [159.1, supported by Meridian Energy [FS101.1]] seek the addition of a definition for 'Repowering' (if it is different to 'Upgrading').

### **7.1.11.2 Assessment**

172. I do not consider that it is necessary to insert an additional definition for “repowering”. The concept of “repowering” in relation to renewable energy is covered by the defined term “upgrading”. Additionally, REG-P11, which provides direction on upgrading existing renewable electricity generation activities, makes it clear that this includes “repowering”.

## **Summary of recommendations**

173. **WUP2-Rec10:** That the definition of Regionally Significant Infrastructure is amended as set out below and included in Appendix A to this report:

<p><b>REGIONALLY SIGNIFICANT INFRASTRUCTURE</b></p>	<p>means regionally significant infrastructure including:</p> <ul style="list-style-type: none"> <li>a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum, <u>including any associated fittings, appurtenances, fixtures or equipment</u>;</li> <li>b. facilities and structures necessary for the operation of telecommunications and radiocommunications networks operated by network utility operators;</li> <li>c. the National Grid;</li> <li>d. facilities for the generation and/or transmission of electricity where it is supplied to the National Grid and/or the local distribution network;</li> <li>e. <u>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network</u>;</li> <li>f. the local authority water supply network and water treatment plants;</li> <li>g. the local authority wastewater and stormwater networks, systems and wastewater treatment plants;</li> <li>h. the Strategic Transport Network, as identified in the operative Wellington Regional Land Transport Plan;</li> <li>i. Wellington City bus terminal and Wellington Railway Station terminus;</li> <li>j. Wellington International Airport; <del>and</del></li> <li>k. Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines; <u>and</u></li> <li>l. <u>Southern Landfill</u>.</li> </ul>
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174. **WUP2-Rec11:** That the definition of Cabinet is amended to include ‘storage batteries’ as set out below and included in Appendix A to this report:

<p><b>CABINET</b></p>	<p>means a three-dimensional structure that houses radio and telecommunication equipment, traffic operations and monitoring equipment, gas distribution enclosures and electrical equipment associated with the operation of infrastructure, which includes single transformers, <u>storage batteries</u>, and associated switching gear distributing electricity at a voltage up to and including 110KV. For telecommunication equipment only, has the meaning defined in Section 4 of the NES for Telecommunication Facilities</p> <p>means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:</p> <ul style="list-style-type: none"> <li>a. a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line;</li> <li>b. a casing that is wholly underground;</li> <li>c. a casing that is inside a building;</li> <li>d. a building.</li> </ul>
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175. **WUP2-Rec12:** That the submission points related to Definitions assessed in Section 7.1 of this report are accepted/rejected as detailed in Appendix A.

## 7.2 Omitted submissions

### 7.2.1.1 Matters raised by submitters

176. A review of whether submission points that were allocated as part of the summary of submission to hearing streams, but were then deferred to a more appropriate hearing stream has been undertaken.
177. In hearing stream 7, the following submission points of John Bryce [354.2 and 354.3] were deferred to hearing stream 11. However, although the matters raised by the submitter were adequately addressed in hearing stream 11, the submission point were not included in the report or the s42A reporting officer’s recommendations.

John Bryce 354.2	Considers that if SNAs are to be on residential properties, there should be a comprehensive and meaningful strategy to incentivize willing private participation in the rezoning of residential areas to SNA. These properties should have significant natural features and not just be any area observed on an aerial photograph to be covered in native plants, such as serial Mahoe. SNAs originally proposed for private residential property represented less than 2% of Wellington's SNAs. If WCC incentives are sufficient to outweigh loss of property rights caused by the imposition of SNAs on residential property, then “most people” will willingly participate in the SNAs process, while the remaining ratepayers who do not agree with the imposition of SNA designation on their property, would represent a tiny portion of the total SNAs in Wellington. [Refer to original submission for full reason]	Seeks that if Significant Natural Areas are to apply to private residentially zoned land, incentives should be offered to incentivise willing private participation in the rezoning of residential areas to Significant Natural Areas.
John Bryce 354.3	Considers that natural environmental feature identified as being of genuine “National Significance” on private property should not be designated an SNA without willing consent of the landowner. Private individuals should not be made to bear the cost of the public benefit of SNA against their will.	Supports that Significant Natural Areas do not apply to private residentially zoned land without landowners' consent.
John Bryce 354.4	[No specific reason given beyond decision requested - refer to original submission].	Seeks that if Significant Natural Areas are to be imposed, site coverage rules be put in place to limit buildings to a maximum allowable percentage of a residential site include any Significant Natural Area in the total area of the site.

178. For this reason, a recommendation on these submission points is included in Appendix B to this Report and should John Bryce wish to present verbal evidence on these matters, it is recommended that the Panel allow this.

### 7.2.1.2 Assessment

179. As the matters raised by John Bryce have been adequately addressed in Hearing Stream 11, I consider it unnecessary to undertake any further assessment.

### 7.2.1.3 Summary of recommendations

180. **WUP2-Rec13:** That submission points 354.2, 354.3, and 354.4 are accepted/rejected as detailed in Appendix A.



#### **7.2.1.4 Matters raised by submitters**

181. Waka Kotahi [370.176] proposes a new rule to enable relocation, removal, or destruction of notable trees for maintenance and development of infrastructure. They consider a restricted discretionary activity status is appropriate as it enables Council to assess whether the activity is necessary for the specified purposes, methods, and whether alternatives have been sufficiently explored. The sought the following rule to be inserted into the Notable Tree chapter:

<p><u>TREE-RX.</u></p> <p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where</u></p> <p>a. <u>The relocation, removal, or destruction of notable trees is for the purposes of maintaining or upgrading infrastructure.</u></p> <p><u>Matter of discretion are:</u></p> <p>a. <u>Methods of relocation, removal, or destruction</u></p> <p>b. <u>Feasibility of alternatives Public safety and benefit</u></p>
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182. Waka Kotahi [370.2] also seeks the replacement of references to “Network Utility Operator” throughout the plan and with “Network Utility Operator and State Highway Network Operator”.

#### **7.2.1.5 Assessment**

183. While the consideration of this proposed rule was not specifically addressed in Hearing Stream 9, the general matter has been addressed in HS9. The INF-OL rules provide permitted and consenting pathways for the development of infrastructure where notable trees are present. Considering the specific relief recommended in HS9, a new rule is not required. If the submitter has remaining concerns, I suggest they lodge or table their position on this specific submission point to assist the Panel, with the option of attending the Wrap Up hearing on the basis that this specific submission was not accepted/rejected in hearing stream 9.

184. With respect to Waka Kotahi’s request for ‘State Highway Network Operator’ to be inserted following every plan reference to ‘Network Utility Operator’, it is not clear to me why Waka Kotahi does not consider part f. of the definition ‘constructs, operates, or proposes to construct or operate, a road or railway line’ adequate recognition of their role, particularly given the plan definition of road, which includes motorways and highways. On that basis, I disagree with the relief sought.

#### **7.2.1.6 Summary of recommendations**

185. **WUP2-Rec14:** That submission points 370.176, and 370.2 are accepted/rejected as detailed in Appendix A.

## 8.0 Minor and inconsequential amendments

186. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its PDP to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
187. The following minor and inconsequential amendments relevant to this report are identified below and are proposed to be corrected.
- a) That hyperlinks be added where definitions terms are included in plan provisions;
  - b) General Rural Zone: The Introduction to the General Rural Zone and GRUZ-P8 refers to 'allotment'. I recommend that these references are deleted and replaced with 'site'. GRUZ-R4 refers to 'site' whereas the relevant policy, which is GRUZ-P8, refers to 'allotment'. This has created confusion for plan users due to the inconsistent use of the terms. I consider that these amendments can be made under Clause 16 (3) of the RMA as the change will have no effect to the chapter or any plan users given that, in the context of the chapter, allotment has the same meaning as site.
  - c) That Temporary Activities Introduction is updated to reflect that Part 5 of consolidated bylaw was replaced with Public Places Bylaw 2022 shortly after PDP was notified.
  - d) Minor spelling or grammatical corrections to DEV3-P2.4, INF-NFL-P46 and INF-NFL-P54
  - e) Correction of APP12 DEV2-APP-R1 and figure numbering.
  - f) Correction of minor numbering errors to DEV3-APP-R1.1.b, DEV3-APP-R1.4, DEV3-APP-R5.2, STADZ-R5, and REG-P7.
  - g) Correction to schedule references in NFL-P1 and NFL-P9
188. I also note that in reviewing the INF-NFL sub-chapter an error has been identified in notified rule INF-NFL-R52 (now R44) where the policies referenced in the matters of discretion do not include the correct and relevant policies, which are INF-NFL-P39 and INF-NFL-P41. However, the amendment required to resolve this issue is beyond scope of submissions and is considered to be a material change beyond the scope of clause 16 of Part 1 Schedule 1 of the RMA.

## 9.0 Conclusion

189. Submissions have been received both in support and opposition of the chapters, schedules and appendices addressed in this report. A range of consequential amendments and minor corrections have been identified and are recommended.

### 9.1 Recommendations

190. I recommend 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 Appendix A of this report.

## **List of Appendices**

**Appendix A** – s42 reporting officer recommended changes to planning provisions

**Appendix B** – s42 reporting officer recommendations on submissions

**Appendix C** – Consequential amendments

Appendix C – Consequential Amendments			
Chapter/Section	Part or provision (notified numbering)	Amendment (shown in strikethrough or underline)	Reason
INF	INF-S18	INF-S <del>1418</del>	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R7	<del>Infrastructure S</del> structures <del>for associated with infrastructure including:</del>	Correction to improve clarity and conciseness
INF	INF-R7.1	<p>a. Compliance is achieved with INF-S7;</p> <p>b. Structures located within the road reserve or rail corridor comply with INF-S14;</p> <p>c. Structures located outside the road reserve or rail corridor in the General Rural <u>Zone Production, Rural Lifestyle</u> or General Industrial Zone comply with that zone’s maximum building and structure height standards</p> <p>d. Structures located outside the road reserve or rail corridor and outside the General Rural Zone and General Industrial Zone comply with INF-S6:</p> <p>e. Any substation, <del>gas regulation valve and/or</del> takeoff station or energy storage batteries are set back at least 2m from a residential site <u>side or rear</u> boundary <u>(but not a road boundary); and</u></p> <p>f. Compliance is achieved with INF-S1.</p>	Correction to improve clarity and conciseness
INF	INF-R7.3	<p>3. Activity status: Non-Complying</p> <p>Where:</p> <p>a. Compliance with the requirements of INF-R7.1.<del>df cannot be</del> <u>is not</u> achieved</p>	Consequential amendment to the reordering of INF-R7.1
INF	INF-R7	Compliance is achieved with INF-S7 and INF-S <del>1415</del>	Correction to ROR consequential renumbering due to deleted standards

INF	INF-R14	c. Compliance is achieved with INF-S7 <del>and INF-S15</del> .	Deletion of standard S14 as 1.a. and 1.b. More onerous than S14.  The idea with INF-R14(a) and (b) is to provide parameters larger than NESTF for Controlled Activities. This isn't achieved by having recourse back to INF-S14 due to height limitations.
INF	INF-R15	Compliance is achieved with INF-S7 and INF-S <del>14</del> <u>15</u>	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R18	INF-S <del>14</del> <u>15</u> .	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R19	INF-S <del>14</del> <u>15</u> .	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R25	INF-S <del>12</del> <u>18</u> ;	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R26	INF-S <del>13</del> <u>14</u>	Correction to ROR consequential renumbering due to deleted standards
INF	INF-R1, INF-R2, INF-R3, INF-R4, INF-R5, INF-R6, INF-R7, INF-R8, INF-R9, INF-R10, INF-R11, INF-R12, INF-R13, INF-R14, INF-R15, INF-R18, INF-R19, INF-R21, INF-R25	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency

CE	Introduction	Council has also identified areas of outstanding natural features and landscapes (ONFL), special amenity landscape (SAL), and significant natural areas (SNA) within the district <del>using the relevant criteria of the RPS.</del>	Unnecessary detail and for consistency with ECO chapter
CE	Introduction		Immaterial correction to recommended wording of INF-CE and REG paragraphs
INF-NG	INF-NG-R61	The matters in INF-NG-P671	Update to numbering
INF-CE	INF-CE-R28, INF-CE-R29, INF-CE-R31, INF-CE-R32, INF-CE-R37	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
INF-CE	INF-CE-R29	<u>Moa Point Seawall Area</u>	Consequential amendment for consistency
INF-OL	INF-OL-R61	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
INF-NFL	INF-NFL-R52	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
TR	TR-S11	7. Vehicle crossings must not be located within 10_m of an intersection tangent point as shown as the heavy line between Points A and B in Figure 2 – <del>INFTR</del> : Vehicle Crossings in Relation to Intersections. In addition, vehicle crossings for Driveways Level 2 and 3 must not be located at the top of a T-intersection as shown as the heavy line between Points C and D in Figure 2 – <del>INFTR</del> : Vehicle Crossings in Relation to Intersections;	The reference in the standard was not updated with the Figure moving from INF to TR chapter.
TR	TR-S11	9. Connections to the road reserve must provide clear visibility splays for pedestrian safety from 1.0 m above ground level as shown in Figure 3 – <del>INFTR</del> : Driveway Visibility Splays and Sight Distances.	The reference in the standard was not updated with the Figure moving from INF to TR chapter.

TR	TR-S11	10. Sight distances from vehicle crossings <u>must be</u> as shown in Figure 3 – <del>INF</del> TR: Driveway Visibility Splays and Sight Distances; and	The reference in the standard was not updated with the Figure moving from INF to TR chapter. The sentence is also missing the directive verb, although it was implied.
TR	TR-Table 5	Driveway level 1 Minimum sight distance (m) (see Figure 3 – <del>INF</del> TR: Driveway Visibility Splays and Sight Distances)	The reference in the table was not updated with the Figure moving from INF to TR chapter.
TR	TR-Table 5	Driveway levels 2 & 3 Minimum sight distance (m) (see Figure 3 – <del>INF</del> TR: Driveway Visibility Splays and Sight Distances)	The reference in the table was not updated with the Figure moving from INF to TR chapter.
TR	TR-R1, TR-R2, TR-R3, TR-R4, TR-R5, TR-R6, TR-R7	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
HOSZ	HOSZ-R5.2, HOSZ-R5.3, HOSZ-R6.2, HOSZ-R6.3, HOSZ-R7.2	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
OSZ	OSZ-R14	1. Activity status: Permitted  Where:  a. Compliance with the following standards is achieved: i. OSZ-S1; ii. OSZ-S2; iii. OSZ-S3; <del>and</del> iv. OSZ-S4 <del>and</del> <u>v. OSZ-S5.</u>	Consequential amendment required to reflect the recommended new standard OSZ-S5
STADZ	STADZ-R4.2, STADZ-R6.2	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
HS	HS-R2.2	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency



APP13	DEV3-APP-R1.1.a	This includes cul de sac connections and connections to <del>the ridgetop</del> Marshalls Ridge, streams, and the Redwood Bush Reserve;	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.
APP12	DEV2-APP-R1.1	in accordance with the matters outlined in Policy <del>DEV2-P7-DEV2-P6</del>	Update cross referencing
APP12	DEV2-APP-R4.1.e.iii	<del>DEV2-APP-4.e</del> <u>DEV2-APP-R4.1.d</u>	Update to numbering
APP12	DEV2-APP-R4.1.f	<del>DEV2-APP-4.e</del> <u>DEV2-APP-R4.1.d</u>	Update to numbering
DEV2	DEV2-P7.4	<del>Avoids adverse effects on significant natural areas, the identified Ridgetop area, and loss of stream extent.</del>	There is no Ridgetop area in Lincolnshire Farm. This part of the clause is only relevant to the Upper Stebbings and Glenside West Development Area.
DEV2	DEV2-R1.2.a, DEV2-R1.3.a	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
DEV2	DEV2-R10 to DEV2-R24, DEV-R48	Renumbering of rules	Update numbering
DEV3	DEV3-O4	<del>The natural green backdrop provided by the ridgetop</del> Marshalls Ridge	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.
DEV3	planning maps	Will need to ensure planning maps are updated with the new name in the key/legend	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.
DEV3	DEV3-P4.6	Protects the natural ridgetop <u>of Marshalls Ridge</u> around the Upper Stebbings valley to provide a natural backdrop to Upper Stebbings and Tawa valleys and a connected reserves network;	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.
DEV3	DEV3-P6.4	<del>Avoids adverse effects on significant natural areas, the identified Ridgetop area-Marshalls Ridge, and loss of stream extent.</del>	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.

DEV3	DEV3-R1.2.a, DEV3-R1.3.a	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
DEV3	DEV3-R33	Construction of buildings and structures in <del>the Ridgetop</del> <u>Marshalls Ridge</u>	Recommendation from HS8 RoR to rename the Ridgetop area to Marshalls Ridge for clarity.
DEV3	Various	Renumbering of rules	Update numbering
QUARZ		New QUARZ-R4 and consequential renumbering of rules	A new rule QUARZ-R4 has been added and shown in green text. This rule reflects the JWS dated 16 April 2024 following the RoR dated 28 March 2024.
QUARZ	Various	Renumbering of rules	Update numbering
QUARZ	QUARZ-PREC01-R1.2, QUARZ-R8.2, QUARZ-PREC01-R3.2	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency
QUARZ	QUARZ-R8.2	Compliance with any of the requirements of QUARZ-R78.1 <del>cannot be</del> <u>is not</u> achieved.	Update numbering
PORTZ	PORTZ-R1.2, PORTZ-R2.2, PORTZ-PREC01-R2.2, PORTZ-R5.2, PORTZ-PREC01-R6.2, PORTZ-PREC01-R7.2, PORTZ-PREC01-R8.2, PORTZ-PREC02-R4.2, PORTZ-PREC02-R5.2, PORTZ-PREC02-R7.2	<del>cannot be</del> <u>is not</u>	Replace 'cannot be' with 'is not' for plan consistency