

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Submissions and Further Submissions on  
the Proposed Wellington City District Plan

---

**Minute 33:**

**Directions Following Hearing Stream 5**

---

## Introduction

1. The purpose of this Minute is to record the direction of the Hearing Panel for Hearing Stream 5 in relation to information we are seeking following the conclusion of that hearing on 7 August 2023.

## Council Reply

2. We have identified a number of points on which the Hearing Panel would be assisted by further input as part of the Council Reply. The Council is, of course, free to reply on any matters it wishes arising out of the hearing, but we request that, at the least, the following matters are addressed:

### Earthworks

- i. The proposed wording of a proposed standalone Earthworks section policy on Sites and Areas of Significance to Māori.
- ii. Whether the Introduction should make more explicit reference to earthworks objectives in other chapters of the PDP (as an alternative to the relief sought by Heritage New Zealand Pouhere Taonga in relation to EW-O1)?

### Subdivision

- iii. Whether there is a correction required to SUB-R13 in relation to subdivision inside the coastal environment.
- iv. In relation to references to Wellington Water standards, consideration of whether there are opportunities to reduce the degree of potentially irrelevant standards that apply to subdivision.
- v. A further evaluation of the proposed change to the definition of 'cut' in response to the evidence of David Gibson for Spatial and Survey NZ: in particular, additional explanation of the reasons for the recommended change.
- vi. A further evaluation of the provisions for boundary adjustments in response to the evidence of David Gibson for Spatial and Survey NZ.

### Natural Hazards

- vii. In relation to the natural hazards policies, confirmation as to whether there is a consistent use of 'minimise' and 'reduced or not increased', particularly in relation to the ensuing rules, as well as the use of 'operational need or functional need/requirement'.
- viii. Address whether the 'language' and framing of Policy NH-P6 is appropriate for a (short) rule cascade that ends with a non-complying activity status, and consider whether this policy would be better separated into two arms or two policies.
- ix. To consider whether, if enabled by the National Planning Standards, the natural hazards rules could be restructured to improve their ease of understanding and use; in particular, by collating all rules relating to each natural hazard together to show the 'cascade' of activity statuses.

- x. Identify whether there are any circumstances for the construction or addition to buildings in overland flow that should be a non-complying activity.
- xi. For the rules relating to the construction or alteration of buildings within the Flood Hazard Overlay Inundation Area, consider whether there could be any permitted activity standards or conditions developed.
- xii. Consider whether an advisory note or similar could be inserted into the rules for the Flood Hazard Overlay Inundation Area to direct Plan users to Wellington Water for the technical advice required to confirm compliance with the conditions for restricted discretionary activity.
- xiii. Consider whether any rationalising of the mapping of Flood Hazard Overlay Inundation Areas could be undertaken; in particular, to remove the very small areas that are either included within or excluded from the inundations overlay.
- xiv. Whether further information and guidance around the provisions for the natural hazards risks relating to fault rupture can be provided (for example, in the Introduction) to assist in understanding the terminology and approach to managing activities: for example, by plain English description of technical terms, supported by graphics/maps to illustrate terms.
- xv. Consider whether the mapping of fault overlays could be made more 'user friendly'.
- xvi. Whether Policies NH-P10 and P11 could be made simpler and easier to understand, such as by restructuring or potentially divided into separate policies.
- xvii. For the rules relating to the maintenance and repair of coastal mitigation structures could be made to align or be more consistent with the equivalent rules in the Natural Resources Plan.
- xviii. Whether Policy CE-P26 should be amended to enable the maintenance and repair of hard mitigation measures in the coastal environment in all hazard overlays.
- xix. Consider whether the language around the descriptions of the natural hazards rankings is appropriate in relation to the matters of national importance under section 6(h) RMA (that is, in relation to 'significant' risks from natural hazards).
- xx. Are the recommended changes to Policies CE-P15, P16 and P17 consistent with the New Zealand Coastal Policy Statement 2010? Similarly, the exceptions for the Airport and CCZ in Policy CE-P18?
- xxi. Consider whether the clarity of CE-P25 could be improved by replacing 'planned' with 'public' or similar.
- xxii. Advice as to whether there is appropriate scope to make changes to natural hazards provisions that are not IPI provisions.
- xxiii. Should Policy CE-P26 be extended to include all coastal hazard areas, or at least medium coastal hazard areas in addition to high coastal hazard areas?
- xxiv. A response to the evidence of Mr Morgan for Argosy.

- xxv. A response to the alleged inconsistency (through the evidence for Argosy) in relation to classifying coastal inundation without sea level rise as medium risk and tsunami inundation with sea level rise as high risk, and the consequential policy response.

#### **Noise**

- xxvi. Further advice on the preferred approach to exempting agricultural aviation activities.

#### **Three Waters**

- xxvii. Advice from legal counsel on the proposed policy approach for hydraulic neutrality (THW-O3, THW-P5 and subsequent rules) that will require developers to reduce the stormwater runoff from sites as if the sites were undeveloped – that is, under pasture. In particular, what authority is there for policies and rules that seek to retrospectively reduce the stormwater effects of existing development through requirements on new development?
- xxviii. If the Panel did not accept the proposed approach to hydraulic neutrality as recommended by the Council’s reporting officer (in terms of the meaning of ‘undeveloped site’), and concluded that the existing environment should be baseline for determining hydraulic neutrality, what changes to the PDP would be required?

### **Timetabling**

- 3. The Hearing Panel directs that the Council reply to Hearing Stream 5 be circulated by 1pm on Monday 28 August 2023.

### **Expert Conferencing**

#### **Standards for Mechanical Ventilation**

- 4. In response to suggestions made during the hearing, the Hearing Panel directs that the two mechanical ventilation experts who provided evidence to the Hearing (Mr Owen Brown for the Council and Mr Jimmieson for Kāinga Ora), together with any other appropriate experts, conference to determine whether agreement on the mechanical ventilation standards for new buildings within the Air Noise Overlay can be obtained.
- 5. The conferencing is to be facilitated by the Council’s reporting planner for Noise, who will be responsible for the report back to the IHP. The results of this expert conferencing is to be circulated by 1pm on Monday 15 September 2023.

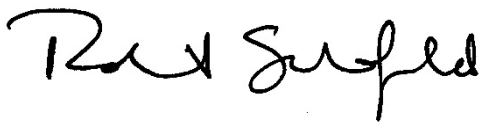
#### **Standards for Internal Noise Insulation**

- 6. While we acknowledge there may be no consensus reached, the Hearing Panel considers there would be value in having the acoustic advisers who provided the hearing with evidence (Mr Hunt for the Council, Mr Humpheson for WIAL, Mr Chiles for Waka Kotahi NZ Transport Agency/KiwiRail, and Mr Styles for Kāinga Ora) to conference together on the suggested internal noise insulation standards for the Air Noise Overlay and Major Transport Corridors. In particular, we would consider there would be value in

understanding the various experts' current positions on the advantages/disadvantages, costs/benefits and efficiencies/inefficiencies of the internal dBA approach compared with Mr Hunt's preferred differential approach.

7. The conferencing is to be facilitated by the Council's reporting planner for Noise, who will be responsible for the report back to the IHP. The results of this expert conferencing is to be circulated by 1pm on Friday 15 September 2023.
- 

8. If you have any questions or concerns relating to this hearing, please contact our Hearings Co-ordinator at [jaskirat.kaur@wcc.govt.nz](mailto:jaskirat.kaur@wcc.govt.nz).



**Robert Schofield**  
**For the Wellington City Proposed District Plan Hearings Panel**

Dated: 14 August 2023