Wellington City Council

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Recommendations of Independent Commissioners

Hearing Stream 7

Report 7

Rural Zone
Open Space and Recreation Zones and Wellington Town Belt Zone
Temporary Activities
Signs
Light
Hospital Zone
Tertiary Education Zone

Commissioners

Robert Schofield (Chair)
Jane Black
Lindsay Daysh
Miria Pomare

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INTRODUCTION

1.1 Topics of Hearing

1. This Report addresses the matters heard as part of Stream 7 of the PDP process. It is the second Stream to be heard following completion of the Intensification Streamlined Planning Process. We discuss further the implications of that fact below.

2. The subject matter of the Stream 7 hearing was a mixture of topics, including rural and open space zones, three special purpose zones, and a number of district-wide issues as follows:

    a) Rural Zone (**GRUZ**);

    b) Open Space Zone and Natural Open Space Zone (**OSZ** and **NOSZ**);

    c) Sport and Recreation Zone (**SRZ**);

    d) Wellington Town Belt (Special Purpose) Zone (**WTBZ**);

    e) Hospital (Special Purpose) Zone (**HOSZ**);

    f) Tertiary Education (Special Purpose) Zone (**TEDZ**);

    g) District-wide Temporary Activities provisions (**TEMP**);

    h) District-wide Signs provisions (**SIGN**); and

    i) District-wide Light provisions (**LIGHT**).

3. The hearing also addressed various related matters, including the design guides for the Rural Zone and for Signs, as well as a number of supporting technical appendices.

4. The Council reporting officers for Hearing Stream 7 were:

    a) Josh Patterson – for Rural Zone, Signs

    b) Jamie Sirl – for Open Space, Natural Open Space, Sport and Recreation, and Wellington Town Belt Zones

    c) Lisa Hayes – for Hospital and Tertiary Education Zones, and

d) Hayden Beavis – for Light and Temporary Activities.

5. We record that the principal reporting officer on the Hospital and Tertiary Education Zones, Lisa Hayes, who authored the Section 42A Reports on these topics and subsequent rebuttal evidence, was unfortunately indisposed due to family circumstances during the Hearing, and she was very ably deputised by Anna Stevens.

6. For convenience, our report for Hearing Stream 7 follows the structure of Council reports, with each hearing topic addressed in a separate section of our Report, as follows:

a) Rural Zone;

b) Open Spaces, Natural Open Spaces, Sport and Recreation, and Wellington Town Belt Zones;

c) Temporary Activities;

d) Signs;

e) Light;

f) Hospital Zone; and

g) Tertiary Education Zone.

1.2 Statutory Background

7. As noted above, this was the second hearing stream which proceeded entirely under the provisions of Part 1 of the First Schedule to the RMA. Accordingly, the procedural and substantive matters canvassed in Report 1A specific to the ISPP did not apply to this hearing, or to our Report. Most relevantly, we do not have the power to recommend out-of-scope changes to the Plan provisions that were before us. The scope we have to recommend changes to the notified Plan provisions is determined by reference to the relief sought in relevant submissions. The only exception is minor changes coming within the terms of clause 16 of the First Schedule to the RMA.

8. Having said that, the substantive matters noted in Report 1A that were not specific to the ISPP are equally relevant to this hearing stream, and our Report should be read in conjunction with that discussion. Report 1A also set out background on:

   a) Appointment of Commissioners

   b) Notification and submissions

   c) Procedural directions

   d) Conflict management

   e) General approach taken in reports, and

   f) Abbreviations used.

9. As foreshadowed in Report 1A, we have adopted an exceptions approach to the matters before us, focussing principally on matters put in contention by the parties who appeared before us, and aspects of the relevant Section 42A Reports we felt required closer examination. If we have not addressed a submission point in our report, it is because we agree with the recommendation of the relevant Section 42A Report, particularly where the only submissions were to retain PDP provisions.

10. Report 1B, which addresses strategic objectives, together with the Council's decisions on our recommendations also provides relevant background to this Report.

1.3 Hearing Arrangements

11. The Commissioners who sat on Hearing Stream 7 were:

   a) Robert Schofield as Chair

   b) Jane Black

   c) Lindsay Daysh

   d) Miria Pomare.

12. The Stream 7 hearing commenced on 19 March 2024. We sat for four days of that week, on 19-22 March inclusive.

13. Over the course of the hearing, we heard from the following parties:

a) For Council:

- Joshua Patterson, reporting officer for Rural Zone and Signs;
- Jamie Sirl, reporting officer for Open Space, Natural Open Space, Sport and Recreation, and Wellington Town Belt Zones;
- Anna Stevens, deputising for Lisa Hayes, reporting officer for Hospital and Tertiary Education Zones;
- Hayden Beavis, reporting officer for Light and Temporary Activities;
- Glen Wright, lighting consultant for Wellington City Council; and
- Nick Whittington, legal counsel.

b) For Te Herenga Waka Victoria University of Wellington[1]

- Peter Coop, planning consultant.

c) For Matthew Wells, Adelina Reis and Sarah Rennie[2]:

- Matt Wells.

d) Paul van Houtte[3].

e) Lance Lones[4].

f) For Panorama Property Limited[5]:

- Ian Gordon, legal counsel;
- Martin Shelton, Director; and
- Mitch Lewandowski, planning consultant.

g) For Boston Real Estate Limited[6]:

- Cameron de Leijer, surveying consultant.

h) For Helen Grove[7]:

- Sky Sigal.

[1] Submission #106
[2] Further submission #50
[3] Submission #92
[4] Further Submission #81
[5] Submission #10
[6] Submission #220
[7] Submission #197

i) Barry Ellis[8].

j) For WCC Environmental Reference Group[9]:

- Michelle Rush, Co-Chair.

k) For the Wellington Branch of the New Zealand Deerstalkers[10]:

- Mark Heath.

l) For Wellington International Airport Limited[11]:

- Amanda Dewar, legal counsel;
- Jo Lester, Airport Planning Manager; and
- Kirsty O'Sullivan, planning consultant.

m) For Guardians of the Bays[12]:

- Yvonne Weeber.

n) For Parkvale Road Limited[13]:

- Jon Thompson, Director;
- David Compton-Moen, landscape architect and urban design consultant;
- Gary Clark, transport consultant; and
- Mitch Lewandowski, planning consultant.

o) For Go Media Limited[14]:

- Frank Costello, Commercial Director.

p) For oOh!media Street Furniture Limited[15]:

- Anthony Blomfield, planning consultant.

[8] Submission #47
[9] Submission #377
[10] Submission #299
[11] Submission #404, Further Submission #36
[12] Submission #452, Further Submission #44
[13] Submission #298
[14] Submission #236
[15] Submission #316

q) For the Out of Home Media Association of Aotearoa[16]:

- Simon Berry, legal counsel;
- Natasha O'Connor, Chief Executive;
- Brett Harries, transport consultant; and
- Anthony Blomfield, planning consultant.

r) For KiwiRail Holdings Limited[17]:

- Kirsten Gunnell, legal counsel;
- Michael Brown, Group Manager Planning and Land Use; and
- Catherine Heppelthwaite, planning consultant.

s) For the Johnsonville Community Association[18]:

- Warren Taylor; and
- Mary Therese.

t) For Southern Cross Healthcare Limited[19]:

- Bianca Tree, legal counsel, supported by Courtenay Bennett; and
- Richard James Paul, General Manager of Property and Development.

u) For the Wellington Civic Trust[20]:

- Helene Ritchie, Chair; and
- Sylvia Allan.

v) For the M&P Makara Family Trust[21]:

- Ruth Paul, Trustee.

w) For the Enterprise Miramar Peninsula Inc[22]:

- Thomas Wutzler.

[16] Submission #284, Further Submission #125
[17] Submission #408
[18] Submission #429
[19] Submission #308, Further Submission #127
[20] Submission #388
[21] Submission #159
[22] Further Submission #126

x) For Historic Places Wellington Inc[23]:

- Christina Mackay; and
- Felicity Wong.

y) Andy Foster[24].

z) For Meridian Energy Limited[25]:

- Christine Foster, planning consultant.

14. We also received tabled statements from the following parties:

a) Pauline Whitney, planning consultant for Horokiwi Quarries Limited[26] (re Rural Zone); and

b) Thomas Trevilla, planning consultant for the Fuel Companies[27] (re Signs).

15. Following their appearance, we received the following additional material:

a) Christine Foster, for Meridian Energy Limited, in response to a direction from the Panel (Minute 46) provided maps of the modelled 40dB Noise Contours around the Mill Creek and West Wind wind farms on top of the underlying land parcels.

16. On 20 March 2024, following completion of the day's hearing, we undertook a site visit of 200 Parkvale Road and its vicinity in Karori, which is the subject of a requested rezoning from Rural to Residential. We record we were not accompanied by any other persons on our site visit.

17. Subsequently, following the receipt of additional information prepared by the applicant on the indicative layout of potential development on the subject site, the Panel revisited the site of the requested zoning change at 200 Parkvale Road on 12 June 2024, as well as a number of viewing points of the site from various places in Karori. Again, we record we were not accompanied by any other persons on our site visit.

[23] Submission #182, Further Submission #111
[24] Further Submission #86
[25] Submission #228, Further Submission #101
[26] Submission #271
[27] Submission #372

1.4 Minor Amendments Consequential from Hearing Stream 9

18. A minor matter first identified in the Wrap-Up hearing for the IPI provisions[28], and then more fully addressed in the Transport topic for Hearing Stream 9[29], was the inconsistent use of terminology in regard to *access lot* and *access allotment*. The reporting officer for the IPI Wrap-up hearing recommended deleting the term *access lot*, which is undefined in the District Plan. As part of its 14 March 2024 decisions on the IPI provisions, the Council agreed with these changes, which applied to standards MRZ-S3.3 and HRZ-S3.5.

19. The subsequent Transport S42A report recommended the same changes be made to the equivalent standards in GRUZ-S6.3, HOSZ-S2.2 and TEDZ-S2.2. We agree with the Reporting Officer that these alterations are of minor effect and would implement the earlier ISPP decisions on submission points about the consistent use of the terms *access allotment*, *access lot* and *access strip* in the PDP. It is also recommended that the inconsistent uses of *entrance strip* (which should be *access strip*) and *access site* (which should be *access allotment*) are rectified.

RURAL ZONE

2.1 Introduction and Overview

20. This section of this report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and maps as they apply to the General Rural Zone (**GRUZ**) Chapter. This also includes the Makara Beach and Makara Village Precincts (**GRUZ-PREC01**) and the Rural Design Guide (**RDG**).

21. The introduction to the chapter states that the General Rural Zone is the largest Zone in terms of land area. It generally covers land located to the north and west of the urban boundary of the City, and includes South Karori, Makara, Ohariu Valley, Takapu Valley and Horokiwi. The landform varies from steep hillsides and narrow valleys to areas of rolling countryside. We note there are no other types of rural zoning in the District Plan.

22. The reporting officer was Mr Joshua Patterson who advised that there were 168 submission points and 54 further submission points received on the provisions

[28] Refer to Section 7.1.1.2 of s42A report – Part 1, ISPP Wrap-up Hearing
[29] Refer to paragraphs 111–113, S42A report on Transport

relating to the General Rural Zone Chapter (including on the Makara Beach and Makara Village Precinct) and 11 submission points and three further submission points were received on the Rural Design Guide.

2.2 Definitions and General Submissions

Definitions

23. Two submissions on rural related definitions were received. The first from New Zealand Agricultural Aviation Association (**NZAAA**) supported by WIAL[30] sought to have the use of airstrips and helicopter landing areas for agricultural aviation activities on an intermittent basis adequately provided for in the Proposed District Plan. Accordingly, they sought a new definition of this activity to provide for it to be a Permitted Activity. We note, however, that a new definition for this activity was agreed as part of consideration of the Noise provisions in Hearing Stream 5 so no further change is required.

24. Waka Kotahi[31] sought that the definition of 'Public Accessway' be retained as notified.

General Submissions

25. There were a number of general submissions. Firstly, we acknowledge that Greater Wellington Regional Council[32] (**GWRC**) sought that the chapter be retained, subject to the amendments outlined in its other submission points.

26. EnviroWaste Services Ltd[33] sought that the chapter have a consenting pathway for the establishment of composting facilities for the processing of household food waste. We agree with Mr Patterson[34] who opposed specific enablement of composting operations for a number of reasons including:

    a) It is not a primary activity anticipated within the zone and does not fall within the definition of rural activities or other identified activities.

[30] Submissions #40.1, 40.2
[31] Submission #370.29
[32] Submission #351.264
[33] Submissions #373.25, 373.26
[34] Section 42A Report paragraph 56

b) Composting activities are not anticipated by the zone as primary activities or a key purpose of the zone. Hence, it does not have a specific consenting pathway.

c) Under GRUZ-R14 activities default to being a Discretionary Activity, which provides for a consenting pathway for activities like composting operations to be evaluated, have their effects considered, and their alignment with the purpose, character and amenity values of the zone reviewed by Council's processing planners. Thus, resource consent approval is possible, but this is done on a case-by-case basis.

27. Helen Grove[35] sought that the District Plan removes the objective of a compact city at the expense of the rural space around the city. Ms Grove was represented by Mr Sky Sigal at the hearing to expand on this submission, particularly in respect of the Long Gully area where Mr Sigal contended there needed to be greater recognition of the residents that live there. We are of the view that the plan intends to ensure a compact city and limit upzoning of rural areas in order to preserve the City's limited rural areas and their functions. We note that this was also subject to consideration and confirmation in Hearing Stream 1 through the Strategic Directions Objectives concerning Urban Form and Development.

28. We note that the Long Gully Area has significant value to those that live there but do not see that there are any changes required as a result of this submission.

29. New Zealand Motor Caravan Association (**NZMCA**)[36] sought that the GRUZ chapter be amended to allow for more permissive rules related to campgrounds. Our view aligns with Mr Patterson's in that campgrounds are not anticipated activities within the GRUZ and as such should not have more permissive rule framework. We also note that there is a consent pathway available under the catch all rule GRUZ - R14 for a case-by-case assessment of any such proposal.

30. NZAAA [37] sought that the intermittent use of aircraft for agricultural aviation activities is included in the PDP as a Permitted Activity in the General Rural Zone. We agree with Mr Patterson[38] that intermittent agricultural aviation activities are a component of rural activities generally. To clarify this, and to partly satisfy NZAAA's

[35] Submission #197.2
[36] Submission #314.12
[37] Submission #40.8
[38] Section 42A Report paragraph 60

submission point, Mr Patterson recommended that the Definitions Nesting Tables approved by the Hearings Panel in Hearings Report 1A Appendix 1.78 be amended to include Agricultural Aviation Activity as a subset of Rural Activities.

31. We considered whether or not we had jurisdiction to amend the Definitions Nesting Tables given that they are now operative through decisions made through the IPI process. In this circumstance, we consider that the addition of Agricultural Aviation Activity to the Rural Activity Nesting Tables is a consequential change to make it clear that the use within the confines of the definition Agricultural Aviation is an appropriate activity in the Rural Zone. The definition of Agricultural Aviation Activity was included through the IPI process, but the Hearing Panel did not make a determination on the related submission requesting a clear link to the permitted rule for Rural Activities. We accept that this is a desirable clarification and consider we have jurisdiction to make this recommendation.

32. Rowan Hannah[39] sought that intensification is not enabled in the General Rural Zone. We note that residential development and subdivision within the Zone are tightly controlled for the purpose of limiting intensification.

33. Rowan Hannah[40] also sought that houses in rural areas be required to be of darker colours. We consider that this is best left to a design guide assessment as there are no new permitted residential activities enabled in the Rural Zone, and the consent process can determine the most appropriate design.

34. We note the submission of Waka Kotahi[41] which stated that areas zoned General Rural Zone as notified do not contain land accessed from state highway (and no submitters sought a rezoning of such land), but that, if the extent of General Rural Zones area changes, Waka Kotahi may be interested. No amendment is required as plan changes are public processes.

35. At the hearing, Ms Michelle Rush representing WCC Environmental Reference Group (**WCCERG**)[42] stated that the Group is generally supportive of the chapter including amendments proposed by the reporting officer. This is subject to the amendments specified to address wilding pines which we discuss separately below.

[39] Submission #84.3
[40] Submission #84.4
[41] Submission#370.399
[42] Submission #377.396

36. Wellington Branch of the New Zealand Deerstalkers (**WGTN Branch NZ Deerstalkers**)[43] sought (inferred from submission) that the General Rural Zone provisions be amended to recognise the rifle range located at 109 Rifle Range Road (known as the Hume Range) and protect it from reverse sensitivity from future nearby land uses and activities.

37. We heard from Mr Mark Heath, a representative of the submitter, who outlined the reasons for the submission[44] being to:

    a) Protect the Hume Range from reverse sensitivity;

    b) Protect existing use rights;

    c) Secure the long-term future of the only police-certified centrefire range in Wellington;

    d) Have the value of Hume Range to Wellington recognised as:

        i) A facility where firearm owners can participate in their chosen recreational pursuit and sport;
        ii) A facility where safe and regulated firearm use can occur; and
        iii) A site with cultural and historic significance.

38. Mr Patterson was of the view that the rifle range is an existing 'lawfully established' activity, and thus is covered by GRUZ-P4 (Potentially compatible activities) where any sensitive activity including residential would need to be assessed through the resource consent process against GRUZ-P4.2 as to the potential reverse sensitivity adverse effects on nearby activities.

39. We agree with this position and recommend that no changes to the PDP are required in this regard. We are therefore satisfied that the existence of the rifle range will be considered should any sensitive activity in proximity be subject of a resource consent. The existence of the rifle range may be a factor in terms of reverse sensitivity effects.

[43] Submission #299.1
[44] Submitter Presentation - Wellington Branch of the NZ Deerstalkers Association

2.3 General Submissions on rezoning

40. Caniwi Properties (Boomrock) Limited[45] opposed the PDP in its current form and sought the addition of a Rural Lifestyle Zone (outside of the Natural Environmental Values Overlays and Historical and Cultural Values Overlays). Further the submitter sought the addition of a Settlement Zone (outside of the Natural Environmental Values Overlays and Historical and Cultural Values Overlays).

41. Mr Patterson[46] disagreed with this submission for a number of reasons largely around the lack of an evidential basis and a lack of strategic alignment to support the submission. We did not receive any further evidence from the submitter at the hearing.

42. We agree with Mr Patterson. To give effect to this submission would require a substantial and detailed analysis and evidence that there was a need for such zones to support the Council's Future Development Strategy, and to align with the Spatial Plan. It would also require an assessment of effects including upon infrastructure capacity and supply, as well as any impacts on adjoining properties.

43. Connor Hill[47] sought that Ohariu Valley is rezoned to allow for more housing. The Johnsonville Community Association (**JCA**)[48] sought that both the Takapu Valley and Ohariu Valley is rezoned to residential zones.

44. Mr Warren Taylor and Ms Mary Therese on behalf of the JCA[49] attended the hearing and were of the view that there are opportunities for provision of housing in Wellington's Rural Areas and that infrastructure and transport servicing constraints were not insurmountable.

45. Mr Patterson[50] strongly disagreed with these submissions for the following reasons:

    a) The City has undertaken extensive research, assessment, community engagement and review of zoning in the PDP. From that process there was strong opposition to identifying any further greenfield areas over and above the existing provision in Lincolnshire Farm and Upper Stebbings Valley/Glenside West.

[45] Submission #381.1 381.2, 381.3
[46] Section 42A Report paragraph 80
[47] Submission #76.4
[48] Submission #429.15, 429.16
[49] Submitter Presentation JCA
[50] Section 42A Report, paragraph 81

b) The GRUZ areas of Ohariu and Takapu Valley are characterised as rural environments with low-density housing, with most development being rural or lifestyle developments. These areas are rural in nature and do not have ready access to public transport into the City, as well as other amenities and services.

c) GRUZ zoning gives effect to the widely engaged upon and tested Wellington City Spatial Plan and its 30-year vision for the City: the proposed amended zoning for this area does not.

d) The submitters have not provided any evidence or S32AA assessment to justify why Ohariu and Takapu Valley need to be rezoned or why this is more appropriate, efficient and effective zoning for the land and land uses and development anticipated within this environment. Nor has the submitter provided any analysis on potential social, cultural, economic and environmental benefits, costs and effects of doing so. Mr Patterson also noted that no further submissions were made in support of this requested zoning, including no further submissions from property owners or residents of the areas being proposed to be rezoned.

46. We agree with Mr Patterson that the absence of supporting assessments preclude the ability to give effect to these submissions as part of this process. We therefore endorse Mr Patterson's reasoning, particularly the fact that Council has considered expansion into the areas as an option through the Future Development Strategy and discounted it largely on the basis of lack of alignment with the Strategic Objective of having a compact urban form, as well as significant difficulties with provision of infrastructure and transportation links.

47. Horokiwi Quarries Ltd[51] sought to rezone Pt Sec 18 Harbour District and Pt Sec 17 Harbour District from General Rural Zone to Special Purpose Quarry Zone.

48. Mr Patterson[52] referred us to the Section 42A Report on Hearing Stream 6 Quarry Zone where the reporting officer for that topic, Ms van Haren-Giles, addressed this submission point[53].

[51] Submission #271.8
[52] Section 42A Report paragraph 82
[53] The Reporting Officer recommended rezoning of the part landward of the coastal escarpment: refer to section 6.2 of the Panel Report on Hearing Stream 6

49. Rod Halliday[54] sought to rezone part of the site at 224 Westchester Drive from 'General Rural Zone' to 'Medium Density Residential Zone'.

50. We agree with Mr Patterson[55] who supported the requested rezoning as the area in question adjoins existing residential areas along Westchester Drive, Furlong Crescent, and Edington Grove which have been zoned MRZ under the notified PDP. Mr Patterson considered the rezoning represents a natural extension of the MRZ, with the site being well serviced and with an approved resource consent for a 17 lot subdivision. The land to be rezoned is shown below:

Figure 1: The area at 224 Westchester Drive requested to be rezoned to MRZ (red outline)

200 Parkvale Road

51. Parkvale Road Limited (**Parkvale**)[56] sought:

[54] Submission #25.13
[55] Section 42A Report paragraph 83
[56] Submission #298.1-2

a) That part of site (200 Parkvale Road) immediately adjacent to the existing urban area be rezoned from General Rural Zone to Medium Density Residential Zone (supported by Forest and Bird);

b) That part of the site (200 Parkvale Road at Parkvale Road) be rezoned from General Rural Zone to Large Lot Residential Zone; and

c) That part of property (200 Parkvale Road at Montgomery Avenue) be rezoned from General Rural Zone to a mixture of Large Lot Residential Zone and Open Space Zone.

52. We firstly note that at the hearing Mr Lewandowski, the planner for Parkvale, informed us that the submitter was only pursuing a rezoning of the small part of the site immediately adjacent to the existing urban area described in point a) above as there has been successful negotiations with the Council for the purchase of the remainder of the land as part of the Outer Town Belt.

53. Importantly, we note that Hearing Stream 7 did not deal with all planning matters for the site at Parkvale Road. It was also the subject of detailed analysis in relation to Natural Features and Landscape matters under Hearing 8, particularly in regard to the application of the Ridgelines and Hilltop overlay to part of the site.

54. The determination of the extent of the Ridgelines and Hilltop overlay is highly interrelated to the question of rezoning land from its current Rural Zoning to Medium Density Residential, particularly where the boundary between the zones should be. We were only able to make a conclusion on where the zone boundary should be after consideration of the additional and more detailed urban design and landscape evidence that was presented at the Stream 8 hearing.

55. The area in question can be shown in the following graphic that was produced for Hearing Stream 8.

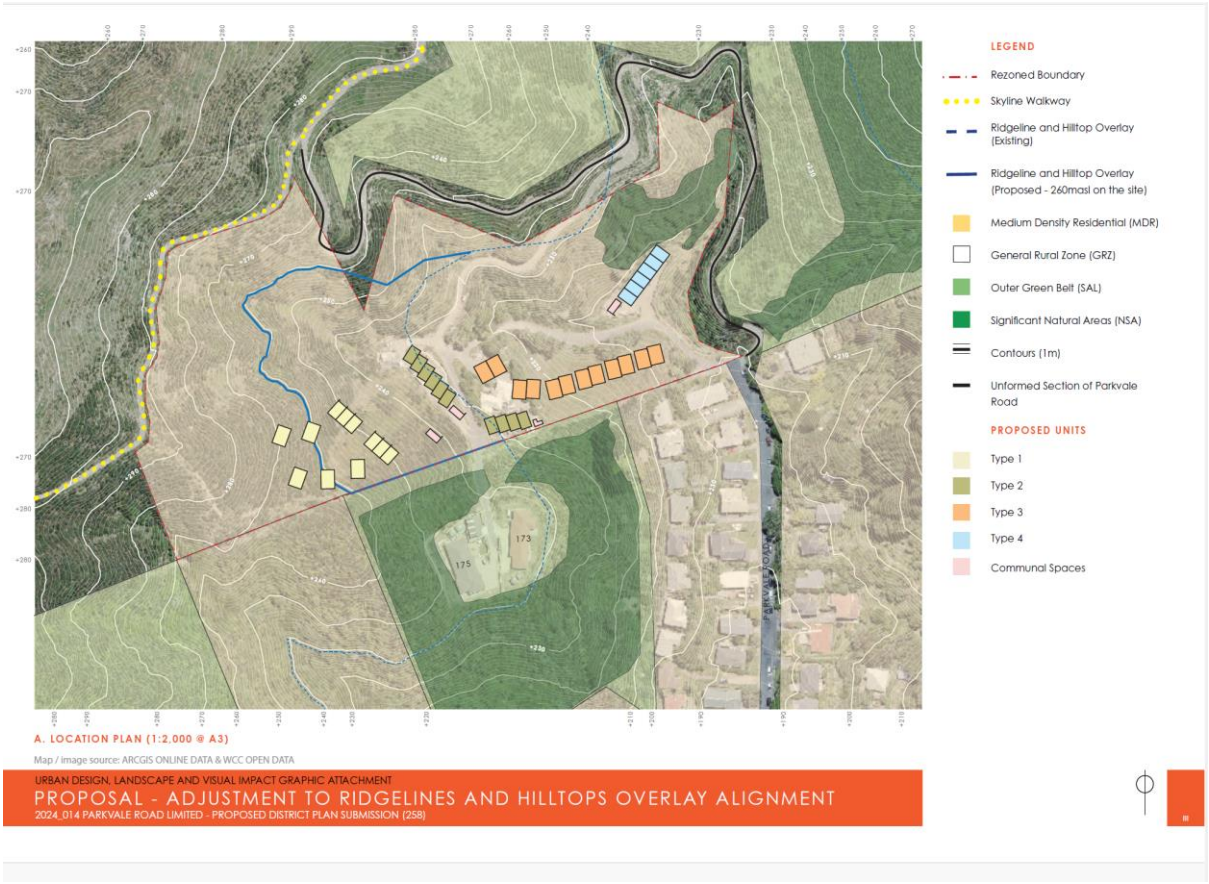

Figure 2: Conceptual potential development of the site at 200 Parkvale Road and requested realignment of the boundary of the Ridgelines and Hilltop overlay

56. In respect of the rezoning request, the reporting officer for the Rural Zone provisions advised that he agreed in part with the requested rezoning of the eastern part of the site to MRZ, as identified in the submitter's submission. His reasoning was as follows:

a) The area adjoins existing residential areas along Parkvale Road which have been zoned MRZ under the notified PDP, and thus represents a natural extension of the MRZ;

b) From a transport, amenities and services perspective, the area is well-serviced and accessed via Parkvale Road and is within walking distance of Karori Centre which contains a variety of commercial and community services within itself and surrounding the centre (e.g. supermarkets, libraries, schools). The nearest bus line (the Number 2 Karori link) runs through the Karori Centre and is approximately 1km away from the site;

c) As noted in the submitter's submission, the area currently contains three existing dwellings, provides access to a further two existing dwellings adjacent to but outside the site and, at the time of the submission, resource consent was being sought for the construction of five additional dwellings;

d) An MRZ zoning would mean that development anticipated within this portion of the site would be in accordance with that anticipated in the adjoining residential environment;

e) Rezoning this small portion of the site to MRZ and any subsequent development would not interfere with the Skyline walkway; and

f) Notwithstanding the rezoning of this portion of the site, any development within the SNA and Ridgelines and Hilltops overlays would need to comply with the relevant requirements. Any development within these areas would have to go through a resource consent process, including providing necessary assessments such as ecological assessments.

57. The owner of the site Mr Thompson[57] explained to us that the 3.8ha proposed development site at the end of Parkvale Rd is directly adjacent to the existing urban edge and currently contains three end-of-life farmhouses, in addition to providing access for two houses to the south. He advised that resource consent for a further 5 lots was also obtained by the previous owner but was not given effect to. That resource consent has since lapsed.

58. He further outlined that, while PRL has not progressed development plans to any significant level of detail, he anticipated the area could accommodate between 30 and 40 residential units as a comprehensive multi-unit development.

59. Traffic Engineer Gary Clark[58] confirmed in evidence that, in his opinion and based on analysis of Parkvale Road and the wider network, the proposed zoning change will not lead to any adverse traffic effects with the change likely to be indiscernible to the existing users of these roads. Overall, in his opinion, any traffic effects of the proposed rezoning are less than minor.

60. Mr Compton-Moen[59], the urban designer advising the submitter, outlined the existing context and the receiving environment, and was of the view that, in terms of

[57] Evidence of John Thompson paragraph 2.2
[58] Evidence of Gary Clark paragraphs 92-94
[59] Evidence of David Compton-Moen paragraph 22

effects on urban and landscape character, the character and land use of the area will shift from its current form, being a mix of residential and rural activities to a more concentrated, high amenity residential development on the edge of rural land.

61. Mr Compton-Moen[60] carried out a Visual Amenity Assessment taken from six positions starting close to the site, then along Parkvale Road to more distant locations on the other side of the Karori Valley. His opinion was as follows:

> *The highest likely visual effects from future residential development will be experienced by those residential properties closest to the proposal on Parkvale Road, including the two properties at 173 and 175 Parkvale Road. Though there would be a change to a residential density of development, from this location the effects are considered less than minor as the proposal is considered a natural extension to existing dwellings on Parkvale Road. Views from the Skyline Walkway of the site will be a mix of open and acute views at a relatively close proximity but are still expected to only be a Low level of change as any new buildings will be viewed in context with existing dwellings that are already visible. The view will also be transitory as people move through the space. Overall, the scale and bulk and location of a future proposal would allow it to appear as a natural extension of existing development, with the anticipated visual effects being Less than Minor.*

62. He further referenced the Ridgelines and Hilltops overlay and was of the opinion that residential development can occur on the site without adversely affecting the purpose of the overlay.

63. Mr Lewandowski for the applicant supported the sought plan change but acknowledged at the hearing that there are substantive matters still to be considered in Hearing Stream 8 in relation to the Ridgelines and Hilltop overlay.

64. We also heard from Mr Andy Foster[61], a further submitter who confirmed that a residential use of the lower or south-eastern part of the site would be a very satisfactory outcome for all parties.

65. After also considering the matters of evidence for Hearing Stream 8, we agree with the principle of rezoning the southeast corner of the land at 200 Parkvale Road to Medium Density Residential. The site physically adjoins the Karori urban area and most of it is below the ridgelines and hilltops overlay. Traffic matters can be

[60] At paragraph 25
[61] Further submission 86.67

addressed and most of the land involved would not be visible from more distant parts of Karori.

66. The largest question for us was where the rural / residential zone boundary should be. We visited the site twice and considered that there was a natural boundary to the zone being the 260 masl contour which equates and follows the ridgeline and hilltop overlay boundary that Mr Compton-Moen recommended in relation to Hearing Stream 8. We also note that the land rises very steeply above that contour and that the Skyline walkway is a valued part of the recreational assets for the City remains as a backdrop. Additionally, in respect of a zone boundary, is the influence of the height of the two adjoining properties at 173 and 175 Parkvale Road which establish an appropriate upper limit to development.

67. We also note the recommendation on ridgetops and hilltops in Hearing Stream 8 that given the consensus of technical evidence supporting it, it was recommended that the ridgeline and hilltop overlay be amended insofar as it applies to 200 Parkvale Road, and the adjoining properties at 173 and 175 Parkvale Road in the manner set out in Mr Compton-Moen's revised Appendix 1: that is, to apply the boundary of the Ridgelines and Hilltop overlay to the 260 masl contour above the development site

68. We recommend rezoning the submitter's land to locate the upper boundary of the MRZ below the 260 masl as structures above that level would potentially be overly prominent from a number of parts of Karori that can view the site. We determined that the 240 masl contour would be the appropriate upper MRZ boundary, taking into account the potential for buildings to be constructed up to 11m high. Above that contour, the site rises steeply and becomes substantially more visible from elsewhere in Karori. The 240 masl contour enables development that would be consistent with the existing adjacent development at 173-175 Parkvale Road and contains nearly all of the land at 200 Parkvale Road envisaged by the owner for future development.

69. This recommended boundary is shown below transposed onto the perspective provided to Hearing Stream 8[62].

[62] In respect of the natural features and landscape provisions of the PDP

Figure 3: Recommended boundary of the MRZ boundary at 200 Parkvale Road.

70. We would acknowledge that the recommended rezoning would create a zoning 'outlier' in terms of the rural zoning of the properties at 173 and 175 Parkvale Road which are accessed through 200 Parkvale Road and which would be almost entirely surrounded by land zoned MRZ. Ultimately, it may be appropriate to rezone these two properties to MRZ, but there is no scope within the current process to undertake such rezoning. We would recommend that Council look to consolidate the boundary in question at the appropriate time in the future.

2.4 New provisions sought

New Policies

71. Horokiwi Quarries[63] sought that a new policy be added within the PDP (outside the Special Purpose Quarry Zone) as follows:

> *When assessing quarrying activities, provide for their functional needs and operational needs, and have regard to their functional constraints.*

[63] Submission #271.4

72. Horokiwi Quarries[64] also sought that a new policy is added to recognise and provide for the benefits of quarrying activities, noting that policy GRUZ-P5 relates to adverse effects and not benefits.

73. In response, Mr Patterson did not agree for the following reasons:

a) Quarrying activities within the GRUZ are not a primary activity anticipated within the zone, noting it does not qualify as enabled in GRUZ-P1 (Enabled activities), rather as a 'potentially compatible activity' as addressed and identified in GRUZ-P4 (Potentially compatible activities);

b) Sufficient policy support for quarrying activities is provided by being listed in GRUZ-P5 (Quarrying and mining site rehabilitation), which, together with Policy GRUZ-P4, indicates that while quarrying is potentially compatible for the zone, its effects have to be managed to avoid adverse effects upon the character and amenity values of the zone; and

c) Adding a tailored policy in the GRUZ recognising the benefits of a 'potentially compatible activity' would be at odds with the current suite of GRUZ policies and would not be consistent with the drafting style of the chapter or wider plan.

74. We endorse this assessment and also note that there is strategic support through SCA-O7 that states:

> *The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.*

75. In her written statement to the hearing, Ms Whitney informed us that, on the basis of the recommended new strategic objective, and the recommended amendment to Rule GRUZ-R12 to clarify its application, Horokiwi Quarries accepted the officer's recommendation.

76. WCC ERG[65] sought to include a policy that signals the risk of wilding species from non-plantation forests (those not covered by the NES-PF) to the indigenous biodiversity of the Rural Zone, and encourages the planting of native species, or sterile exotic species.

[64] Submission #271.60
[65] Submission #377.397

77. We agree with the reporting officer that the relief sought is not necessary for inclusion in the GRUZ. It is not the place of the GRUZ provisions to discuss the risk of wilding species from non-plantation forests to indigenous biodiversity. We also consider that this is a jurisdictional matter for the regional council and should not be managed through the District Plan, given this relates to the management of pest species. We were advised that the Wellington Regional Pest Management Plan 2019-2039 manages specific wilding conifers, firs and pine species through containment programmes and regulations. We note Ms Rush, acting for the submitter, accepted this position.

New Rules

78. Horokiwi Quarries[66] sought that a new rule providing a Restricted Discretionary Activity status for the extension to an existing quarry be added to the chapter.

79. The reporting officer advised us that GRUZ-R12 (quarrying or mining activities) already provides for extensions to existing quarries. In relation to Horokiwi Quarries[67] other submission points, which seek clarity on whether GRUZ-R12 applies to only new quarrying activities or also covers extensions to existing quarries, Mr Patterson acknowledged that more clarity could be provided in the title of GRUZ-R12 to make this clearer that it applied to both. We agree and note that the submitter supported these changes.

80. We also agree that GRUZ-R12's Discretionary Activity status is appropriate as it allows processing planners a greater ability to consider a range of matters, effects and considerations as part of assessing the appropriateness of extending an existing quarry, more so than a Restricted Discretionary Activity status would allow.

81. Ministry of Education (**MoE**)[68] considered that GRUZ rules do not sufficiently provide for additional infrastructure/educational facilities, and sought the inclusion of a new rule. MoE[69] also sought a new rule which aims to ensure that educational facilities can operate in a way that positively contributes to the rural community.

82. The reporting officer noted that such facilities are already provided for through GRUZ-P4 and through GRUZ-R14 (All other activities). We agree and consider that this activity status provides for an appropriate resource consent assessment

[66] Submission #271.61
[67] Submissions #271.64 and 271.65
[68] Submission #400.110
[69] Submission #400.111

process to enable any potentially compatible activity, including educational facilities, to demonstrate its consistency with the matters in GRUZ-P4, the potential effects generated from the activity (both beneficial and adverse) and whether such an activity aligns with the purpose and character of the Zone. We also agree that the potential need for educational facilities in rural areas differs considerably from urban areas where this activity is recognised and provided for.

83. Similarly, we do not consider that a request to add a bespoke rule addressing additional infrastructure/educational facilities in the GRUZ is necessary where rule GRUZ-R19 (Any building or structure activity not otherwise listed in this table) provides for such a circumstance/development proposal.

New Standard

84. Meridian Energy Limited (**Meridian**)[70] (opposed by M&P Makara Family Trust and Mākara-Ōhāriu Community Board) considered that the policy intention of avoiding reverse sensitivity effects in GRUZ-P4 needs to be carried through into the rules for the General Rural Zone by requiring new sensitive activities (a defined term that includes dwellings) to be located a minimum distance away from existing wind turbines that will protect the amenity values of the sensitive activity. It sought the following standard be added to the chapter:

> *New Standard GRUZ-S5:*
>
> *Minimum setback for sensitive activities*
>
> *Setback: no closer than the 40 dBA noise contour in relation to turbines in the existing West Wind and Mill Creek wind farms.*
>
> *[Refer to original submission for attachment of 40 dBA noise contour in relation to turbines in the existing West Wind and Mill Creek wind farms.]*

85. In his Section 42A Report, Mr Patterson was open to considering whether a minimum setback from existing wind farms would be a way to help give effect to Policy GRUZ-4.4: measures in place to manage reverse sensitivity effects.

86. Mr Patterson also noted that the Plan establishes a policy and rule framework in the Infrastructure and the Renewable Electricity Generation (REG) Chapters which seeks to avoid adverse reverse sensitivity effects for existing regionally significant infrastructure. He considered that setting a specific dBA contour may help assessment of resource consent applications for noise-sensitive activities. He was

[70] Submission #228.112

of the view that the setback standard sought by Meridian should be 'housed' in the REG chapter.

87. Evidence in support of the submission was given by Ms Christine Foster[71]. Ms Foster succinctly put the case for amendments to the plan that:

> *The point at issue is essentially whether the rules and standards for the General Rural Zone give effect to the direction set in these REG objectives and policies. The REG objective and policies are clear and Policy REG-P12 is, intentionally, unequivocal and directive. It requires new sensitive activities to be designed, located and undertaken to avoid conflict with existing REG activities (explicitly including reverse sensitivity effects).*

88. Further Ms Foster[72] stated:

> *In this respect, while the policy framework appears to direct avoidance of adverse reverse sensitivity effects, the rules do not follow through for sensitive residential activities. The rules do not achieve the relevant PDP objective in this respect. Meridian's proposed rule does, in my opinion, achieve the relevant REG objective and is more appropriate in terms of s. 32 of the Act. The proposed standard is clear, easily applied and will be effective in ensuring that new residential activities are aware of the wind farms and the setback rule. The proposed standard will be effective in ensuring that new residential and other sensitive activities are, either, located an appropriate distance away from turbines or are required to pursue an application for consent through which appropriate measures can be explored for addressing reverse sensitivity effect.*

89. In rebuttal[73], Mr Patterson remained agreed in principle with the standard for addressing reverse sensitivity effects of the wind farms on Rural activities. However, on further reflection, he did not consider that the Rural Chapter is the appropriate chapter to address this issue. Rather, he remained of the view that this issue is best addressed within the Renewable Electricity Generation Chapter.

90. In her own rebuttal, Ms Foster[74] considered it would be less convenient, less effective and less efficient for the proposed setback standard to be placed in the REG chapter. That is because it may require more words, will not necessarily be obvious to the people it needs to be obvious to, and would require flipping between chapters. She advised that the standard, as proposed by Meridian, and the default

[71] Statement of evidence of Christine Foster paragraph 3.6
[72] At paragraph 3.12
[73] At paragraph 12
[74] Rebuttal evidence of Christine Foster paragraph 2.4

consent considerations form a compact and discrete set of provisions, and, while they could be placed in either chapter, her view was that convenience for the ordinary plan user and plan effectiveness are better served by placing these provisions in the GRUZ chapter. Ms Foster also provided the Panel with digitised maps that could be included in the plan of the areas within the noise contour.

91. In light of the apparent disagreement, we requested[75] that, as part of the follow-up after the hearing, the reporting officer in his Reply consider the following:

> *In relation to the submission from Meridian Energy (Submitter #228) on managing reverse sensitivity near existing wind farms (Mill Creek and West Wind), can the reporting officer please advise his final position as to whether this matter is best addressed in the Rural Zone or in the Renewable Electricity Generation chapter. If it were the Rural Zone, the reporting officer is to advise whether the rules as currently framed fully capture the management of potential reverse sensitivity activities.*
>
> *Further, if the Panel were of a mind to accept the Meridian submission in relation to managing new sensitive activities within the modelled 40 dBA noise contour around both wind farms to give effect to the policies on reverse sensitivity, can the reporting officer please advise what new provisions would be recommended.*

92. In his Reply, the reporting officer considered that the main difference between his and Ms Foster's recommended amendments were in relation to the Assessment Criteria in standards GRUZ-S4 and GRUZ-S5. He considered the addition of the recommended assessment criteria to be necessary to ensure that any application which breaches the proposed new addition to the standards can be assessed against relevant criteria.

93. After considering the evidence before us, we find that a reverse sensitivity standard relating to existing wind turbine noise is both necessary and desirable. Each of the two wind farms that have been established in the City operate within a specified limit of 40 dBA to be met in relation to turbine wind noise and existing dwellings. To maintain the operational capacity of these significant renewable electricity generating facilities, a control on the siting of noise sensitive activities close to the wind farms is an appropriate method for giving effect to Policy GRUZ-P4 to manage potential reverse sensitivity effects. A review of the noise contour maps submitted by Meridian does not indicate that such a control would have a significant adverse

[75] Minute 46

effect on many properties nor on the development potential of those properties with land within the contour.

94. Accordingly, with one exception, we agree with the position now reached by Mr Patterson that changes to standards within the Rural Zone is required and a 40dBA Contour Map is the most effective way of managing reverse sensitivity effects if new noise sensitive uses are sought to be established within the contour line.

95. In terms of specific recommended changes, we agree with Ms Foster that these new provisions are best housed in the GRUZ chapter, as these provisions relate to new housing in the Rural Zone. The changes we are recommending are as follows:

a) accept the addition of a new part of Standard GRUZ-S4 – Minimum boundary setbacks for residential buildings that states:

> *3. Residential buildings within the 40dBA noise contour line.*
>
> *No part of the building shall be located closer to any existing wind turbine in the West Wind or Mill Creek wind farms than the 40 dBA noise contour line shown on the Plan maps.*

[We note that this differs from the officer's recommended version in that we have deleted 'accessory buildings and structures' as they are not defined as structures containing sensitive activities.]

b) Adding an additional assessment criterion where the standard is infringed to read:

> *4. The ability to mitigate any reverse sensitivity effects through design and location; and*

c) Insert the addition of a new part of Standard GRUZ-S5 Minimum boundary setbacks for rural buildings, and non-residential buildings that states:

> *3. Buildings for sensitive activities*
>
> *No part of the building shall be located closer to any existing wind turbine in the West Wind or Mill Creek wind farms than the 40 dBA noise contour line shown on the Plan maps.*

d) Add the same additional assessment criterion where the standard is infringed as GRUZ-S4:

> *4. The ability to mitigate any reverse sensitivity effects through design and location; and*

e) Include the 40 dBA contour lines on the planning maps as shown in the plans attached as Appendix 3 to the reporting officer's Reply.

2.5 Objectives – General Rural Zone

GRUZ-O1 (Purpose)

96. Fire and Emergency New Zealand (FENZ), Horokiwi Quarries, and WCCERG[76] sought that objective GRUZ-O1 be retained as notified.

97. Aggregate and Quarry Association[77] considered that the objective excludes quarrying and mining activities. It sought that the objective be amended so that 'primary production' replaces 'rural activities'.

98. We agree with the reporting officer's advice that the Objective does not explicitly exclude these activities, rather it is focused predominantly on the primary activities enabled and anticipated within the zones being rural activities, informal recreation, and other activities that have a functional need for a rural location. In other words, the activities listed within GRUZ-P1 (Enabled activities). However, quarrying and mining activities are acknowledged under GRUZ-P4 as potentially compatible activities.

99. As outlined previously, we also note that the positive benefits of these activities are provided for through strategic objective SCA-O7 and within specific part of policy GRUZ-P4.5. No amendment is therefore considered necessary.

100. Forest and Bird[78] sought to amend the objective to provide for the need to maintain biodiversity. We agree with the reporting officer's view that the best place to add a reference to 'maintaining biodiversity' is in GRUZ-O2 (Character and amenity values) rather than it being an explicit part of the purpose of the zone. GRUZ-O2 addresses the predominant character and amenity values of the zone which includes existing vegetation and natural features. It is noted that we received no additional evidence or clarification from the submitter on any matters raised in its GRUZ related submissions at the hearing.

101. MoE[79] considered that the objective does not adequately provide for educational facilities within the GRUZ. It sought that the objective be amended to explicitly

[76] Submissions #273.230, 271.62, 377.299
[77] Submissions #303.18, 303.19
[78] Submission #345.385
[79] Submissions # 400.112, 400.113

reference this activity. We agree with the reporting officer that there is no necessity for explicitly having educational facilities referred to in the zone purpose objective.

GRUZ-O2 (Character and amenity values)

102. Forest and Bird[80] also sought to amend this objective to provide for the need to maintain biodiversity.

103. We agree with the reporting officer that an amendment is needed to GRUZ-O2 to reference maintaining biodiversity values.

GRUZ-O3 (Managing effects)

104. Two submissions on GRUZ-O3 from FENZ and MoE[81] sought that the objective be retained as notified.

105. Forest and Bird[82] sought that the objective be amended to provide for the need to maintain biodiversity. Mr Patterson was of the view that the amended GRUZ-O2 and the notified GRUZ-O3 provide direction to maintain biodiversity without the need to explicitly reference 'maintaining biodiversity' in GRUZ-O3. GRUZ-O3 is targeted at managing adverse effects within the zone, which applies to any potential adverse effects on the zone's biodiversity. We agree.

GRUZ-PREC01-O1 (Purpose) and GRUZ-PREC01-O2 (Character and amenity values)

106. For completeness, WCCERG[83] sought that GRUZ-PREC01-O1 and GRUZ-PREC01-O2 relating to the Makara Beach and Makara Village Precinct Objectives be retained as notified.

2.6 Policies

GRUZ-P1 (Enabled activities)

107. Department of Corrections and WCCERG[84] sought that the policy be retained as notified.

[80] Submission # 345.386
[81] Submissions # 273.231, 400.14
[82] Submission #345.387
[83] Submissions #377.400, 377.401
[84] Submissions #240.26, 377.402

108. EnviroWaste[85] sought that the policy be amended to enable sites for composting organic waste. We have already outlined under the general submissions above why we consider that explicit reference to composting organic waste is not required.

109. FENZ[86] sought to amend the policy to include emergency service facilities in order to provide for the establishment of fire stations with the GRUZ as a Permitted Activity.

110. Like the reporting officer, while we recognise the importance of emergency service facilities, we agree they are not considered to be a primary activity anticipated within the zone and thus should not be listed within GRUZ-P1. The Discretionary Activity rule status for emergency service facilities under GRUZ-R13 signals these activities may have a role in the rural area but will need to be assessed on a case-by-case basis. Instead, we agree that these activities fall under the umbrella of 'potentially compatible activities' under GRUZ-P4.

GRUZ-P2 (Keeping of goats)

111. GRUZ-P2 concerns the keeping of goats. WCCERG[87] sought that the policy be retained as notified.

112. Forest and Bird[88] sought that the policy be amended to clarify that goats must be excluded from significant natural areas. Mr Patterson considered that the word 'exclude' would create mis-alignment with that used in the policy framework in the Ecosystems and Indigenous Biodiversity (ECO) chapter, which regulates the protection and management of Significant Natural Areas. Instead GRUZ-P2 as notified aligns with the direction given in the ECO chapter and that of the National Policy Statement on Indigenous Biodiversity (NPSIB).

113. Te Kamaru Station Ltd Ratings [89], Te Marama Ltd[90] and Terāwhiti Station[91] considered that reference to significant natural areas in the policy does not consider the potential cost to landowners. The submitters sought that the policy be amended to omit reference to significant natural areas.

[85] Submissions #373.27, 377.28
[86] Submissions # 273.323, 273.233
[87] Submission #377.403
[88] Submission #345.388
[89] Submission#362.5
[90] Submission #337.2
[91] Submissions #411.5, 411.6

114. We do not agree, and endorse the position of the reporting officer that it is necessary to retain the reference to goats being managed to avoid adverse ecological effects within identified SNAs in order to avoid adverse effects on significant indigenous biodiversity within the GRUZ, and to align with the ECO chapter direction and the NPSIB that mandates the protection of SNAs. There are many identified SNAs within the GRUZ, which could be adversely affected if goats were not adequately fenced and managed.

GRUZ-P4 (Potentially compatible activities)

115. GRUZ-P4 was sought to be retained as notified by WCC ERG[92] and Aggregate and Quarry Association.

116. EnviroWaste[93] sought that clause 5 be amended to refer to organic composting. It considered that this will promote a sustainable consenting pathway for the processing of organic food waste.

117. For the same reasons as those outlined in paragraph 26 in relation to a requested reference in the GRUZ objectives to composting organic waste, we consider that no specific reference within the GRUZ policies is required.

118. MoE[94] considered that the policy does not adequately provide for education facilities within the GRUZ. It sought that the policy be amended to explicitly reference to educational facilities.

119. The policy contains a list of matters that activities in the GRUZ must demonstrate in order to be considered potentially compatible activities and to be able to occur within the GRUZ. We agree with Mr Patterson that explicitly referencing educational facilities would therefore not be in accordance with the policy structure.

GRUZ-P5 (Quarrying and mining site rehabilitation)

120. Aggregate and Quarry Association, Taranaki Whānui ki te Upoko o te Ika, and WCCERG[95] all sought that GRUZ-P5 be retained as notified.

121. Horokiwi Quarries[96] considered that the policy is unclear on how it would be applied if the change of use was to a Permitted Activity and sought that the policy be

[92] Submissions #303.20, 377.405
[93] Submissions #373.29, 373.30
[94] Submissions #400.115, 400.116
[95] Submissions #303.21, 389.95, 377.406
[96] Submission #271.63

amended so that it does not apply to changes of use on an existing quarry or mining site.

122. The reporting officer disagreed with this request as, in his view, GRUZ-R12 (Quarrying or mining activities) applies to both new quarrying activities and expanding quarries. In her written statement for the submitter, Ms Whitney stated that she saw merit in amending GRUZ-P5 to clarify how the policy applies to existing quarry activities and their extensions, given the recommended amendments to GRUZ-R12.

123. We consider that it is logical that GRUZ-P5 (Quarrying and mining site rehabilitation) applies as much to an extension of existing quarrying activities as it would to any new areas to be quarried outside of consented or zoned areas. We also consider that the words "*changes of use*" within the policy is helpful to evaluate a proposal for reutilising an existing quarry site for another purpose upon completion of the quarrying operation. The wording of policy GRUZ-P5 is consistent with the equivalent policy for the Special Purpose Quarry Zone, Policy QUARZ-P4. We therefore agree with Mr Patterson, and recommend no changes be made to Policy GRUZ-P5.

GRUZ-P7 (Rural buildings and structures)

124. In relation to GRUZ-P7, Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[97] considered that the rural character of Makara is already compromised by industrial infrastructure. They sought that reference to 'scale and location' be omitted from the policy as what causes it to be compromised, or inconsistent within the Rural Design Guide, is subjective.

125. Given the character and amenity values of the GRUZ, we concur with the reporting officer that it is inappropriate to remove reference to scale and location from this policy. We do not consider that existing infrastructure takes away from the need to maintain these values of the GRUZ with regards to future land use and building activity proposals.

[97] Submissions #362.7, 337.3, 411.7, 411.8

GRUZ-P8 (New Residential Buildings)

126. GRUZ-P8 relates to New Residential Buildings. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[98] sought that the policy be deleted in its entirety.

127. We do not agree and endorse the view of the reporting officer that an allotment limit is appropriate for the anticipated density of the GRUZ and recognises the character values of the zone and anticipated activities. Higher densities are allowed in more compact urban parts of the District. It is therefore unnecessary and unjustifiable to increase density in the GRUZ and not provide policy direction regarding "*design, external appearance, siting and associated site landscaping of any new unit"*.

GRUZ-P9 (Residential additions, alterations, accessory buildings, and structures)

128. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[99] considered that scale and location are subjective, and that they be omitted from policy.

129. The reporting officer disagreed with the relief sought, as do we. He considered that the design guide and resource consent processes ensure sufficient review of the proposed building design and the scale of effects from the proposed development. We agree with Mr Patterson's conclusions that it is important that the end outcome is in keeping with the zone's character and amenity values, and does not cause adverse bulk, dominance and visual effects.

GRUZ-P10 (Potentially compatible buildings and structures)

130. Forest and Bird[100] sought that 'where practicable' be deleted from GRUZ-P10.4 that refers to:

> *Whether indigenous vegetation and visually prominent trees are retained where practicable;*

131. In recommending rejection of this submission, we agree with the reporting officer that 'where practicable' is important to provide some consideration for case-by-case resource consent consideration if not all vegetation can be retained. In Mr Patterson's view, it reflects that in some circumstances it may not be possible to retain the full extent of SNAs on certain sites where a practicality assessment will be required.

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98 Submissions #362.8, 337.4, 411.9
99 Submissions #362.9, 337.5, 411.11, 411.12
100 Submission #345.389

132. Te Kamaru Station Ltd Ratings, Te Marama Ltd, and Terāwhiti Station[101] sought that the policy be deleted in its entirety.

133. We agree with the reporting officer that no change is necessary as GRUZ-P10 provides necessary direction for resource consent process considerations. It is important that potentially compatible developments or activities are considered on a case-by-case basis and the matters listed provide the necessary direction about compatibility or otherwise of buildings and structures within the zone.

GRUZ-P11 (Vegetation clearance)

134. The Director-General of Conservation, Forest and Bird, and WCC ERG[102] sought that policy GRUZ-P11 be retained as notified.

135. FENZ[103] sought that the policy be amended to allow for the removal of vegetation as a preventative measure where it poses a fire risk to property and life. We do not see that this is necessary as the wording is to encourage the outcome sought, which is to retain existing native vegetation and visually prominent trees that may not otherwise be protected. Obviously, any fire risk can be taken into account at the time of assessment.

136. Te Kamaru Station Ltd Ratings, Te Marama Ltd, and Terāwhiti Station[104] considered that the policy is subjective and arbitrary, as it is unclear what qualifies exotic trees such as macrocarpa or Norfolk Pine as protected species.

137. We agree with the reporting officer that the policy as notified should be retained, particularly reference to "*visually prominent trees that may not otherwise be protected*" as existing vegetation provides an important contribution to the character, amenity values, landscape values and sense of place of the zone, as well as providing important habitat for fauna. As stated, we also note that this policy 'encourages' the retention of existing vegetation, it is not a 'require' policy.

[101] Submissions #362.10, 337.6, 411.13
[102] Submissions #385.85, 345.390, 377.408
[103] Submissions #273.234 and 273.235
[104] Submissions #362.11, 337.7, 411.14 411.15

2.7 Rules

GRUZ-R2 (Keeping of goats)

138. Te Kamaru Station Ltd Ratings, Te Marama Ltd, and Terāwhiti Station[105] sought that GRUZ-R2 be deleted in its entirety.

139. Forest and Bird[106] sought that GRUZ-R2 be amended so that a Controlled Activity status applies where goats are kept outside of significant natural areas. Within significant natural areas, it sought a Restricted Discretionary Activity status. It also sought that the matters of discretion refer to the ECO policies.

140. Firstly, we note that that the rule is evidently intended to address the raising and breeding of (in this case) domestic goats as a branch of animal husbandry, which is a form of rural activity. It clearly does not refer to feral goats which are not 'kept' as such, and whose management is largely beyond the ability of the District Plan to address. However, the ability of farmed goats to escape and become feral is a matter to which the District Plan might address.

141. In assessing this matter, we consider, as does the reporting officer, that it is necessary to have a rule and a related fencing standard for the keeping of goats in the GRUZ to be able to manage their adverse effects on SNAs, to implement policy GRUZ-P2. As we confirmed in paragraph 114, it is appropriate to have a policy on this matter, because without effective management, the keeping of goats could potentially cause significant damage to all forms of vegetation and habitats in the Rural Zone, particularly those within SNAs. Further, while a fenced area for the keeping of goats may not be immediately adjacent to an SNA, the ability of goats to wander widely is well understood. As there are SNAs scattered throughout the GRUZ, we are satisfied that a general zone-wide rule and associated standard for goat keeping is an appropriate approach for protecting SNAs from their adverse effects of escaped goats across the City's rural areas.

142. Therefore, we have concluded that GRUZ-R2 together with the associated standard relating to fencing and goat management, is an appropriate method for giving effect to Policy GRUZ-P2, protecting SNAs from goats.

143. In relation to the submission from Forest and Bird, we first observe that the rule for goat keeping in the GRUZ is a binary one: consent is either required as a Controlled

[105] Submissions #362.12, 337.8, 411.14, 411.15
[106] Submission #345.391

Activity if the goat keeping is compliant with standard GRUZ-S8, or as a Restricted Discretionary Activity if not compliant. The rule applies generically across the Zone, with no specific requirements in relation to SNAs. It is only if the proposal is non-compliant with GRUZ-S8 that reference is given to the potential adverse effects on SNAs through the reference to Policy GRUZ-P2 as a matter of discretion.

144. While we agree in principle with Mr Patterson's opinion that provisions relating to the effects of activities within SNAs are envisaged to be addressed through the provisions of the ECO chapter which relates to the management of SNAs, there are no such provisions within that chapter: the closest provision is that relating to plantation forestry within SNAs. So, as we interpret the Plan, a proposal for goat keeping within an SNA located within the GRUZ could occur as a controlled activity, for which consent must be granted, provided it met the fencing and management requirements.

145. We consider it neither appropriate nor logical to enable goat keeping within SNAs, even if fencing and management standards are met. It would be inherently contradictory.

146. We therefore agree with Forest and Bird that the rule should be amended to exclude goat keeping as a controlled activity within an SNA in the GRUZ. This can be achieved by amending Rule GRUZ-R2.1 by adding a second condition as follows:

> *b. The activity does not occur within a significant natural area.*

147. It would also need an associated amendment to Rule GRUZ-R2.2 as follows:

> *a. Compliance with the requirements of ~~GRUZ-S8~~ GRUZ-R2.1 is not ~~cannot be~~ achieved.*

148. In recommending this change, we note that change to GRUZ R2.2 is required from "*cannot be achieved*" to "*is not achieved*" to be consistent with a Plan-wide amendment to the same phrasing. The same change is also recommended to GRUZ-R3, R4, R5, R7, and R8.

GRUZ-R4 (Residential activity)

149. Dept of Corrections[107] sought that rule GRUZ-R4 be retained as notified. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[108] considered that larger buildings should be located together rather than spreading buildings across the landscape for the sake of restricting dwellings to 'one unit per allotment'. They sought that the rule be redrafted to reflect this.

150. In recommending rejection of these submissions, we agree with the reporting officer that the rule should remain as notified for the following reasons:

a) One residential unit per site is appropriate for the GRUZ and reflects the anticipated density within the zone, the rural environment and character, as well as the purpose of the zone under GRUZ-O1 which "*predominantly provides for rural activities, complemented by informal outdoor recreation and other activities that have a functional need for a rural location*";

b) The restricted density reflects the City's Spatial Plan direction and the District Plan's compact city strategic objective, where provision for rural lifestyle development is purposively limited. This is achieved through the limit of one residential unit per allotment, associated with subdivision controls that discourage the fragmentation of land; and

c) Retaining this one allotment limit ensures that GRUZ land is retained within the District and urban sprawl is restricted, therefore giving effect to the Spatial Plan and District Plan's goals of a compact city.

GRUZ-R5 (Recreation activity)

151. While Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[109] sought to delete this rule, Mr Patterson inferred that the submitter was seeking to make recreation activity a Permitted Activity.

152. Permitted recreation activities are limited to those that are informal recreation activities and where participation does not incur a fee. We agree that the narrow Permitted Activity focus of GRUZ-R5 is appropriate as it aligns with the purpose and

[107] Submission #240.27
[108] Submissions #362.13, 337.9, 411, 411.18
[109] Submissions #362.14, 337.10, 411.19

primary activities enabled within the zone. Fee paying recreational activities may also be of some scale and should be assessed by resource consent.

GRUZ-R8 (Visitor accommodation)

153. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[110] sought that the maximum occupancy in the rule be amended from 10 to 20 guests per night.

154. In recommending that there is no change to the rule, we agree with the advice of the reporting officer that the limit of 10 guests per night is consistent with numerous zone chapter approaches across the PDP, as such providing a consistent plan wide approach.

GRUZ-R12 (Quarrying or mining activities)

155. Aggregate and Quarry Association[111] and WCCERG[112] sought that GRUZ-R12 be retained as notified.

156. Horokiwi Quarries[113] sought clarification whether the rule applies to all quarry activities, regardless of whether they are new or an extension. If the rule applies to new quarries, It sought that the rule be retained as notified.

157. We agree in part with the submission as the rule heading does not provide the necessary clarity and an amendment is needed to provide this. We have already outlined our agreement that GRUZ-R12 relates both to new quarrying or mining activities and to expansions to existing quarrying or mining activities. This is appropriate as a Discretionary Activity and would apply to both new activities and spatial expansions of existing. These activities are considered potentially compatible activities, rather than primary activities, within the GRUZ. Sufficient assessment is therefore required through the consent process for extensions as well as new quarrying and mining activities.

GRUZ-R16 (Demolition or removal of a building or structure)

158. FENZ[114] sought that GRUZ-R16 be retained as notified.

[110] Submissions # 362.15, 337.11, 411.10
[111] Submission #303.22
[112] Submission #377.418
[113] Submission #271.64, 271.65
[114] Submission #273.238

159. GWRC[115] sought to include a rule requirement in GRUZ-R16 that Permitted Activity status is subject to building and demolition waste being disposed of at an approved facility. We agree with the reporting officer that it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 manages construction waste and all persons undertaking demolition are required to comply with this obligation.

GRUZ-R17 (Construction, alteration or addition to buildings and structures associated with rural activities)

160. FENZ[116] sought that rule GRUZ-R17 be retained as notified.

161. Meridian[117] sought that the rule be amended to include reference to a new standard the submitter is seeking. We have evaluated the primary issues around the amended standards above and consider that this is a necessary change as a result of amending Standards GRUZ-S4 and GRUZ-S5 to refer to the 40dBA noise contour line for wind farm noise.

> *3. For non-compliance with standard GRUZ-S5.3, the matters in Policy REG-P12.*

GRUZ-R18 (Construction, alteration or addition to buildings and structures)

162. FENZ[118] sought that GRUZ-R18 be retained as notified.

163. Investore Property Ltd[119] sought to remove the Design Guide as a matter of discretion and replace it with the specific design outcomes that are sought.

164. The reporting officer agreed in part with the relief sought by Investore Property Ltd, but only in so far as he agreed with the suggestion to remove the RDG as a matter of discretion from GRUZ-R18. We agree with his position that referring to design guides in GRUZ's policy framework and then having GRUZ-R18's matter of discretion being "*the matters in*" the associated policies containing the design guides, is the best approach to ensuring development fulfils the intent of the design guide.

[115] Submissions #351.66 and 351.267
[116] Submission #273.239
[117] Submission #228.113
[118] Submission #273.240
[119] Submissions #405.57 and 405.58

165. Meridian[120] sought that this rule be amended to include reference to standard GRUZ-S5 that the submitter is seeking to amend to include a minimum setback for sensitive activities.

166. As with GRUZ-R17, we have evaluated the primary issues around the amended standards above and consider that this is a necessary change as a result of adding the additions to Standards GRUZ-S4 and GRUZ-S5 to refer to the 40dBA noise contour line for wind farm noise.

167. Therefore, we agree to the following addition to the matters of discretion for GRUZ-R18:

> *6. For non-compliance with standard GRUZ-S4.3, the matters in Policy REG-P12.*

2.8 Standards

GRUZ-S1 (Maximum height)

168. WCC ERG[121] sought that standard GRUZ-S1 be retained as notified.

169. FENZ[122] sought that the standard be amended to exempt emergency service facilities up to 9m in height and hose drying towers up to 15m in height. The submitter considered that the amendment it sought will enable the efficient functioning of FENZ in establishing and operating fire stations.

170. We agree with the position of the reporting officer that should FENZ propose an activity which breaches the standard, a resource consent can be applied for as a Restricted Discretionary Activity. It is considered that these types of activities do not occur often enough to warrant a specific carve out, and that an assessment through a resource consent application is appropriate should higher buildings and hose drying towers be contemplated in the Rural zone.

171. MoE[123] sought that a maximum building height limit of 8m be required under the standard for buildings and structures associated with other activities.

172. We agree with the submitter and Mr Patterson, who recommended adding a maximum building height limit of 8m for buildings and structures associated with

[120] Submission #228.114
[121] Submission #377.419
[122] Submissions #273.241 and 273.242
[123] Submissions #400.117 and 400.118

other activities. MoE's submission points have highlighted a gap in GRUZ-S1 (Maximum height) in that it contains:

- *Residential buildings and structures outside the Makara Beach and Makara Village Precinct;*
- *Residential buildings and structures within the Makara Beach and Makara Village Precinct; and*
- *Buildings and structures associated with rural activities.*

173. It does not provide a maximum height limit for any other buildings and structures associated with other activities in the GRUZ, which are provided for through GRUZ-P10 (Potentially compatible buildings and structures) and GRUZ-R19 (Any building or structure activity not otherwise listed in this table). As such, there is a gap that needs to be addressed through an amendment to GRUZ-S1's height limit table. We agree that allowing for 8m as sought by MoE is appropriate given this is the height limit enabled for other buildings within the GRUZ.

174. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[124] sought that the maximum height limit for buildings and structures associated with rural activities be increased from 8m to 10m.

175. We disagree with the relief sought. The submitters provided no additional evidence or analysis to justify why this height limit is more appropriate, efficient or effective than the 8m in the notified PDP, which has been carried over from the ODP.

176. In terms of this standard, please refer to subsection 3.10 of this report for our discussion on the recommended inclusion of a new assessment criterion and advice note for over height buildings and structures within the Air Traffic Control Overlay.

GRUZ-S2 (Maximum gross floor area)

177. WCCERG[125] sought that the standard be retained as notified while the MoE[126] sought that the standard be amended so that a maximum gross floor area is required under GRUZ-S2 for buildings and structures associated with other activities. As with maximum height, MoE's submission points highlighted a gap in GRUZ-S2 (Maximum gross floor area) in that it does not contain limits for buildings

[124] Submissions #362.16, 337.12, 411.20
[125] Submission #377.420
[126] Submissions #400.119 and 400.120

and structures associated with other activities outside those specified in this standard.

178. We therefore agree that GRUZ-S2 should be amended to provide a gross floor area limit at the same limit for residential buildings and structures outside the Makara Beach and Makara Village Precinct (400m^2). We further consider that a clarification be provided here to add the words "*on the site*" at both GRUZ-S2.1 and GRUZ-S2.3 to avoid any misinterpretation.

GRUZ-S4 (Minimum boundary setbacks for residential buildings)

179. Rimu Architects Limited[127] and WCCERG[128] sought that standard GRUZ-S4 be retained as notified.

180. Arising from our assessment and recommendations in relation to the submission from Meridian seeking a minimum setback for buildings used by sensitive activities from the two wind farms in the GRUZ (refer to our discussion in paragraphs 84 to 95), we are also recommending including a new setback in GRUZ-S4 for buildings from the 40 dBA noise contour line around the wind farms.

GRUZ-S5 (Minimum boundary setbacks for rural buildings)

181. WCC ERG[129] sought that standard GRUZ-S5 be retained as notified. MoE[130] sought that the standard be amended so that minimum boundary setbacks are required under the standard for buildings and structures associated with other activities.

182. We agree with the relief sought by MoE seeking that a setback is required under GRUZ-S5 for buildings and structures associated with other activities. MoE's submission points have highlighted the same gap as in GRUZ-S1 (Maximum height) and GRUZ-S2 (Maximum gross floor area): a standard for 'other activities'. Therefore, we agree with the reporting officer to recommend accepting the relief sought and recommend applying the setback limits specified in the standard to non-residential buildings.

183. In regard to this standard, please refer to our discussion on the submission from Meridian to include a setback for sensitive activities from the two wind farms in the

[127] Submission #318.32
[128] Submission #377.42
[129] Submission #377.422
[130] Submissions #400.121 and 400.122

GRUZ in paragraphs 84 to 95, which includes the recommendation to include a new setback in GRUZ-S5 for buildings used for sensitive activities.

GRUZ-S6 (Height in relation to boundary within the Makara Beach and Makara Village Precinct)

184. WCC ERG[131] sought that standard GRUZ-S6 be retained as notified.

185. FENZ[132] sought that the standard be amended to exempt emergency service facilities up to 9m in height and hose drying towers up to 15m in height. It considered that amendments sought would enable the efficient functioning of FENZ in establishing and operating fire stations.

186. As with standard GRUZ-S1, should FENZ propose an activity which breaches the standard, a resource consent can be applied for as a Restricted Discretionary Activity. Similarly, we do not consider that these types of activities occur often enough to warrant a specific carve out and consider that an assessment under a resource consent application is appropriate.

GRUZ-S7 (Fences and standalone walls)

187. FENZ[133] sought that standard GRUZ-S7 be amended to ensure that the erection of fences and walls will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

188. The reporting officer agreed that an amendment to ensure walls and structures do not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities is appropriate. This is to ensure the safety of the public. We agree that this is a useful addition to the standard. We also agree with the other minor changes to the wording of GRUZ S7.1 Mr Patterson recommended to improve the structure and clarity of the standard.

GRUZ- S8 (Fencing requirements for the keeping of goats)

189. Forest and Bird[134] sought to amend standard GRUZ-S8 so that the matters of discretion refer to the ECO policies. We agree with the reporting officer that it is

[131] Submission #377.423
[132] Submissions #273.243 and 273.244
[133] Submissions #273.245 and 273.246
[134] Submission #345.392

inappropriate to refer to the ECO policies as there is already a reference to the protection of SNAs in policy GRUZ-P2 which we consider sufficient to address any relevant indigenous biodiversity matter.

190. The assessment criteria referenced in GRUZ-S8 concerns those circumstances where the detailed standard is infringed, which is '*whether the proposed alternative fence design or other means of containment (by enclosure or tether) will adequately contain the keeping of goats within the site'*. The accompanying rule (GRUZ-R2) references Policy GRUZ-P2 which in turn discusses the protection of SNAs. We consider that this provides appropriate safeguards in the Standard for potential effects on SNAs.

191. Te Kamaru Station Ltd Ratings, Te Marama Ltd and Terāwhiti Station[135] sought that GRUZ-S8 be deleted in its entirety. We consider that this standard is required to give direction to plan users about the control and management of goats. Mr Patterson was of the view that, left unchecked, goats can have a detrimental effect on biodiversity and the wider natural environment. A standard prescribing appropriate fencing requirements is necessary in our view.

2.9 Rural Design Guide

General Matters

192. Te Kamaru Station Ltd Ratings and Te Marama Ltd[136] sought that the Design Guide be retained as notified while Terāwhiti Station[137] sought that clause G30 regarding 'locating the building' be retained as notified.

193. GWRC[138] sought to strengthen reference to the Design Guide to require consistency with, or appropriate consideration of, its guidelines. GWRC[139] (opposed by RVA and Ryman and supported by WCC ERG) sought to apply ratings for freshwater matters equally between the Rural Design Guide and the Urban Design Guide. In the absence of further clarification, we agree that this is a matter that needs to be addressed given the recommendation below to remove the point system, in keeping with previous decisions made on urban design guides[140].

[135] Submission #362.17
[136] Submissions #362.18, 337.14
[137] Submission #411.23
[138] Submission #351.13
[139] Submission #351.344
[140] Refer to Panel Reports 2A and 4A

194. GWRC[141] sought that the Design Guide be amended to include mention of on-site wastewater system installation, discharge fields, treatment/maintenance, and potential adverse effects. We agree with Mr Patterson who considered that this is a matter best dealt with by the matters of discretion throughout the rural chapter. We also agree with his view that this is not a design matter that the Rural Design Guide needs to manage and is predominantly addressed through rules in the Natural Resources Plan.

195. M&P Makara Family Trust[142] sought to amend the Design Guide to name specific areas, clarify areas by map, or use more explicit locational wording instead of referring to "*buildings in centres or central areas*". We agree with the reporting officer that, as there are no references to "*buildings in centres or central areas*" in the Rural Design Guide, no change is necessary. In addition, we agree that it is unnecessary to use maps and more specific locational wording given the Rural Design Guide applies across the entire rural zone.

196. M&P Makara Family Trust[143] sought that where "*providing roof gardens and vegetation on surfaces which would typically be covered by cladding or other external materials*" is mentioned in the Design Guide, practical provision for the collection of rainwater from roof surfaces must be an over-riding consideration in the Rural Zone. We note that guideline G24 relating to capturing roof runoff largely covers this matter.

197. M&P Makara Family Trust[144] sought that the Design Guide be amended to adjust the recommendation *"Place services underground where possible, otherwise use simple utilitarian timber posts"*. We were advised that G43 does not refer to timber posts, and thus the relief sought is not necessary.

198. Meridian[145] sought that the Design Guide be amended to include a statement clarifying that it does not apply to renewable electricity generation activities (including renewable electricity generation investigation activities and upgrading of renewable electricity generation activities) in the General Rural Zone. We agree with the reporting officer that the Renewable Electricity Generation Chapter already

[141] Submission #351.341
[142] Submission #159.10
[143] Submission #159.11
[144] Submission #159.12
[145] Submissions #228.121 and 228.122

addresses renewable electricity generation activities. Noting this exclusion from the Rural Design Guide is not in our view necessary.

199. The Council[146] sought to amend G26, G27, and G28 in the Design Guide to reference natural wetlands. In supporting this amendment, we note that the requested amendment is desirable given the distinction in the definitions for natural wetlands and constructed wetlands. Mr Patterson was also of the view that the request would also result in consistency with the NPS-FM 2022.

200. McIndoe Urban Ltd[147] submitted that all design guides are amended to provide greater clarity, eliminate repetition, and remove reference to detailed technical requirements. We agree with the reporting officer's recommendation that the Rural Design Guide be amended to be consistent with the Residential and Centres and Mixed-Use Design Guides, which have been through comprehensive review in previous hearing streams. This includes amending the introduction, removing the points-based system, and amending the guidelines so they are clearer in what they are seeking.

201. Having considered all the submissions and evidence and taking into account the Section 42A Report and the Council's reply, it is recommended that the PDP should be amended as set out in Appendix A of this report.

OPEN SPACE, NATURAL OPEN SPACE, SPORT AND RECREATION & WELLINGTON TOWN BELT ZONES

3.1 Introduction and Overview

202. There were 361 submission points including further submission points to the provisions of these zones. The submissions were assessed in a Section 42A Report authored by Mr James Sirl.

203. This section of the Panel's report focuses on the main issues in contention, where there was some discussion on the points raised, or where the matter is of wider interest. The main issues in contention are:

a) The requested rezoning of 1 Upland Rd;

[146] Submission #266.179
[147] Submission #135

b) The notified zoning and provisions relating to the area of seawall between Lyall Bay and Moa Point (protecting the Airport); and

c) The objectives, policies, rules and standards of the WTBZ.

3.2 Rezoning Request 1 Upland Rd

204. Panorama Property Limited[148] sought the rezoning of 1 Upland Rd from OSZ to MUZ or appropriate equivalent.

205. The land is owned by the Council and is classified as Local Purpose Reserve (Public Gardens) under the Reserves Act 1977. It is managed under the provisions of the Botanic Gardens of Wellington Management Plan 2014 and is zoned Open Space (OSZ) under the notified PDP. The submitter considered that the existing commercial use of the buildings is not consistent with the purpose, objectives and policies of the OSZ. In his Section 42A Report, Mr Sirl noted the submitter's concerns in this regard but concluded that, regardless of the incompatibility of the activity with the purpose and provisions of the OSZ, the current use could continue as it has existing use rights, having been established prior to the PDP becoming operative. He noted that under the ODP the site was zoned Outer Residential rather than a commercial zoning.

206. Mr Martin Shelton presented evidence at the hearing as a director of Panorama Property Limited. Mr Shelton outlined the complex history of the site and the background to the zoning, leasing and management regime that is in place over the site. Panorama has a registered ground lease of the majority of the site, which is owned by the Council, and which largely contains the Skyline building. Panorama also holds an unregistered 'additional premises' ground lease of 78m^2 over a small area that contains a conservatory, balcony and verandah at the north end of the Skyline building. This latter part of the Skyline building, which faces the Cable Car Terminus building, is legally within the lot containing the Cable Car Terminus site and which was zoned MRZ under the notified PDP. We shall refer to the total site with both leases and two zonings as the 'Skyline site' for the purpose of this report. The lease of the site from the Council commenced in 1984, with two 20-year rights-of-renewal that were taken up: thus, the current lease runs until 2044.

[148] Submission #10.1

207. To complicate matters further, the land immediately outside the Skyline building to the east and south, within which a public footpath and two lookouts are contained, is zoned Open Space, including part of the deck used by the restaurant for outside seating.

208. The existing commercial activities on the site comprise the Kelburn and Northland Medical Centre, pharmacy, perfumery, restaurant, viewing platform and carpark.

209. While the site is classified by the Council as a Local Purpose Reserve under the Reserve Act 1977, the Reserves and Other Lands Disposal Act 1964 enables the Council to lease the site for commercial purposes, notwithstanding the Wellington Botanic Garden Vesting Act 1891. The latter vested the land and its control with the Council.

210. In addition, an Existing Use Permit was granted to Panorama in 2010 confirming the existing use rights for the commercial activities. The medical centre and pharmacy were established by resource consent in 2016 as a non-residential activity in the Outer Residential Zone of the ODP. Additional recognition of the site's use for commercial activities was initiated in 1985 with a change to the District Scheme to rezone the land 'Tourist A – Skyline Special Development Zone'. However, this rezoning was not carried over into the ODP.

211. Mr Shelton's evidence contains a detailed chronology of the history of the site and our summary seeks only to record the long history of commercial use of this site and a complex if not fully comprehensible pattern of zoning.

212. Mr Mitch Lewandowski presented planning evidence on behalf of Panorama. In his view, the evaluation of the site to determine what the appropriate zoning should be under the PDP should have taken into account the current use of the site and the likely use of the site for the next 60 years. He stated that *"it is not sufficient to assume (as it appears the Council position has) that a reserve classification necessitates an Open Space zoning. It is equally important to consider existing land use (and its likely continuity) and any other site particulars (such as the Reserves and Other Land Disposal Act 1964) that inform an appropriate zoning."*[149] On this basis, he concluded that the OSZ is not the most appropriate zoning. He also referred to the purpose and provisions of the OSZ that clearly do not anticipate the type of commercial use currently being made of the site.

[149] M Lewandowski statement of evidence, at paragraph 5.6

213. Mr Lewandowski advised that the result of the current OSZ of the site is that any expansion to the existing commercial use or new activity would require a resource consent for a Discretionary Activity. This would then be assessed against the provisions of the OSZ which are entirely inconsistent with the use.

214. Mr Lewandowski then proceeded to assess what he considered would be the most appropriate zoning for the site. The applicant had sought through its submission an MUZ or other appropriate equivalent zoning. Mr Lewandowski examined the zoning options. He concluded that the Neighbourhood Centre Zone best reflected the current and anticipated use of the site. He also considered the MUZ and LCZ, but they provide for a wider range of activities and are generally larger in area, reflecting the extent and character of existing MUZ and LCZ areas.

215. He also sought that the zoning should apply to the total leased area, including the small area of leased land at the north end of the site that was zoned MRZ in the notified PDP as part of the Cable Car Terminus site. He argued that it was within the Skyline site and building and that a different zoning for this small area would be likely to lead to a convoluted consenting pathway should an application be sought.

216. In response to the applicant's evidence, Mr Sirl provided supplementary evidence that recorded a revision of his opinion. He agreed with Mr Lewandowski that the NCZ better reflected the existing and anticipated use of this site. Mr Sirl also considered the extent of the zoning and what areas of the site he would recommend applying it to. He concluded that the NCZ zoning should be applied to the entire leased area within 1 Upland Road which he said included the building footprint and carparking area: this area was illustrated in his Appendix B to his supplementary evidence (refer to Figure 4 below).

Figure 4: Recommended Rezoning – Appendix B, Sirl Reply

217. During the hearing it was clarified that the total leased area includes a small part at the northern end of the premises (within the Council property containing the Cable Car Terminus), which was zoned as MRZ in the notified PDP. However, any consideration of this aspect became a redundant matter, as at the time of the hearing, the land zoned MRZ was part of the land under consideration by the Minister as a result of the Council's rejection of a number of the Panel's recommendations on the IPI. The Minister's decision was issued on May 8 and upheld the Council's decisions, which confirmed a zoning of HRZ for this part of the site. This zoning is therefore now operative and cannot be revisited as part of this process.

218. In regard to the remainder of the leased site, located within the OSZ, the Panel agrees with both Mr Lewandowski and Mr Sirl that a NCZ zoning, as shown in Figure 4 above, best reflects the current and anticipated use of the site.

219. We had also asked Mr Sirl to consider what appropriate height limit should be applied to the site given that as the surrounding area is now zoned HRZ with a 22m height limit, it appeared to follow that this should also apply to the Skyline site. In his reply, Mr Sirl advised that Council's decisions considered by the Minister expressly included a height limit of at least 22m applying to all centres within the proposed 15-minute walking catchment of the City Centre Zone, which would include the residential areas to the north, east and south of the Skyline site. He further advised that a 22m height limit would be generally consistent with aligning enabled building height limits in the NCZ to that of the immediately adjacent residential zone.

220. We agree with Mr Sirl, and further note that a lower height limit, say 11m (the height limit of the MRZ to the west of the site), would be incongruous with the site's surrounding zoning of HRZ which has a height limit of 22m. We therefore recommend that Height Control Area 3 (under NCZ-S1) include reference to 'Part of 1 Upland Road (Kelburn)'.

3.3 Rezoning Request Miramar Peninsula

221. Taranaki Whānui ki te Upoko o te Ika[150] sought rezoning of former Defence land parcels within Miramar Peninsula from Natural Open Space Zone to Medium Density Residential Zone/Special Purpose Zone – Māori Purpose Zone, and to remove all overlays to allow Permitted development. The affected parcels are shown in *Figure 5* below.

[150] Submissions #389.12; #389.13; #389.17; #389.18; #389.111; #389.19; #389.20

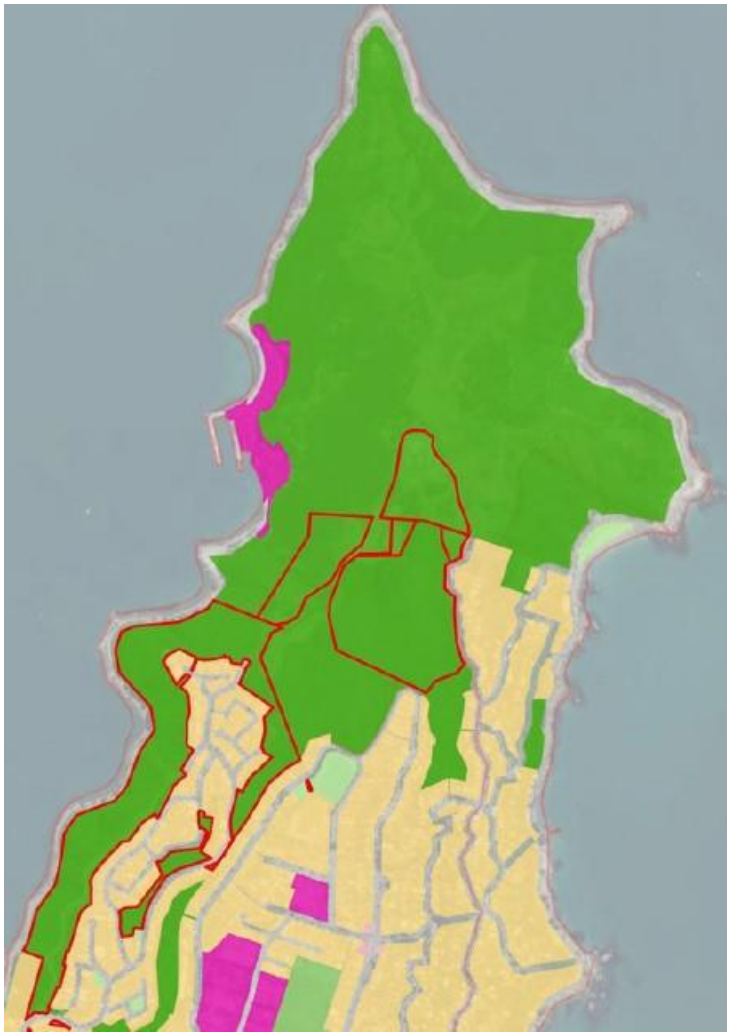

Figure 5: Requested rezoning of land parcels (outlined in red), Miramar Peninsula – S42A report page 34

222. Mr Sirl outlined in his Section 42A Report his view that, while rezoning of the land to enable permitted development on these sites to meet the aspirations of Taranaki Whānui may be beneficial, insufficient evidence was provided to support such a significant request. He considered that a separate plan change process would be the best method to enable full consideration of effects and to undertake consultation. He also commented that Plan provisions for papakāinga that Council will be developing with iwi may be relevant. In addition, he noted that the submitter was not currently the landowner and consideration of this request was premature.

223. Taranaki Whānui did not appear at the hearing, but we did hear from a number of submitters in relation to the open space values and amenity of Watts Peninsula.

224. Lance Lones spoke in support of his opposition to rezoning the land to MRZ, contending the land should be retained as Open Space Zone[151]. He talked about the birdlife, the community garden, and the community involvement in that activity. He said that it was an important recreational area for walkers, cyclists and people who enjoy being in the natural environment.

225. Felicity Wong and Christina Mackay from Historic Places Wellington[152] talked jointly to a presentation about the area. They provided a history of the area through to the current use of the prison gardens as community gardens. They also commented on the value of the area to the local and wider Wellington communities.

226. Andy Foster[153] spoke in support of Mr Sirl's recommendation to reject the requested zone change and talked of the high value of Watts Peninsula as a natural open space and recreational area.

227. The Panel agreed with Mr Sirl's recommendation that the request be declined and agreed that there was insufficient evidence to support the request. We considered that there would be considerable public interest in any proposed rezoning of the site and that a specific plan change would be necessary to examine the evidence.

3.4 Rezoning Request: 62 Kaiwharawhara Road

228. Boston Real Estate Limited[154] sought the rezoning of part of the land at 62 Kaiwharawhara Road from NOSZ to MRZ shown in Figure 6 below. As notified, the site at 62 Kaiwharawhara Road has a split zoning, with the flat part adjoining Kaiwharawhara Road (containing several buildings) zoned Mixed Use and the steeply sided vegetated slopes rising up to Old Porirua Road zoned NOSZ.

229. Addressing the submission in the Section 42A Report, Mr Sirl stated that the NOSZ zoning appeared to have been applied because of the presence of significant ecological values on this part of the site: a SNA overlay applies to the part of the site as shown in Figure 7 below. The SNA also applies to part of the site zoned MUZ.

[151] Further submission FS81
[152] Further Submission FS 111.97
[153] Further Submission FS 86.12
[154] Submissions # 220.1, 220.3

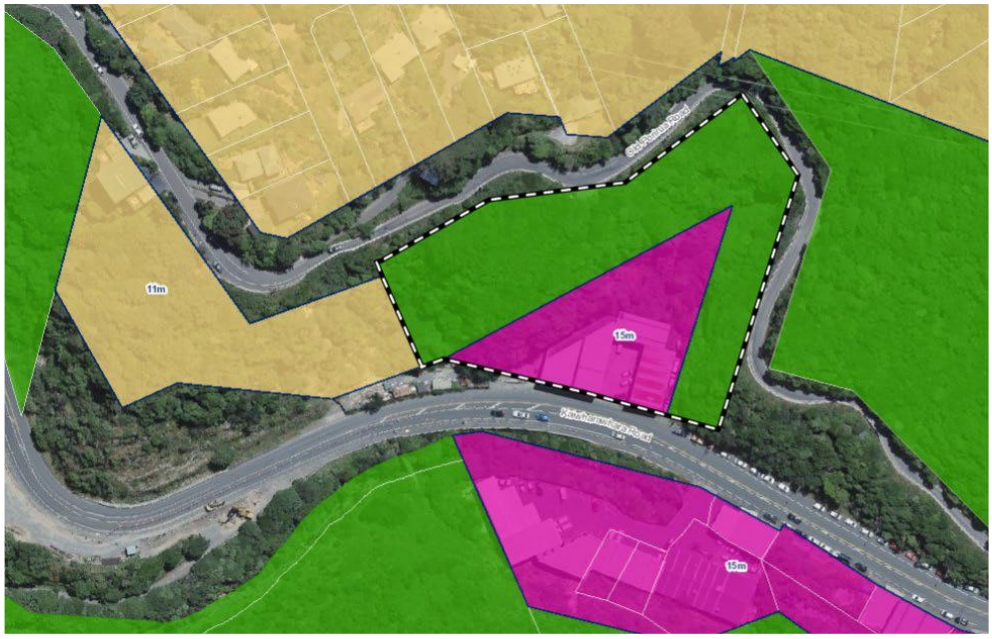

Figure 6: Requested rezoning of land at 62 Kaiwharawhara Rd - S42A report page 31 (NOSZ – green, MUZ – magenta, MRZ - pale orange; site boundary in black dash)

Figure 7: SNA overlay (in purple) at 62 Kaiwharawhara Rd - S42A report page 31

230. Mr Sirl noted that the land to the west was zoned MRZ and not NOSZ, yet similar ecological values were present. The SNA was also not applied to that land. Mr Sirl considered that the NOSZ zoning was not consistent with the approach taken to zoning of sites affected by a SNA overlay, where the underlying zone is consistent with the rest of the site where a SNA is not applied. In his view, the NOSZ was

inappropriate, albeit that the characteristics of this part of the site reflected the NOSZ and concluded that the part of the site zoned NOSZ should be rezoned MRZ.

231. Mr Cameron de Leijer presented evidence on behalf of Boston Real Estate Limited and supported Mr Sirl's recommendation. The submitter also sought the removal of the SNA overlay from the land as it was consistent with the Council decision to remove SNAs from private residential land. He noted that the Council had issued a Certificate of Compliance for Vegetation Removal for the site. As implementation of this CoC would result in the removal of the ecological values of the land, the SNA will no longer be appropriate. The Panel noted that this latter request was a matter for consideration by Hearing Stream 11. As part of that hearing Mr ~~Sirl~~ McCutcheon recommended the removal of the SNA notation on the site based on his advice to this hearing where consideration has been given to the consistent approach of the District Plan to not identify any SNAs within residential zones.

232. The Panel agrees with Mr Sirl's recommendation that the identified part of the site be rezoned from NOSZ to MRZ as requested by the submitter as this is consistent with the zoning of the adjacent site.

3.5 Other Rezoning and Site Specific Requests

233. A number of other rezoning and minor site-specific requests were sought by submitters. No evidence was provided to support these changes or to challenge the evaluation of the Reporting Officer which was contained in paragraphs 81 – 101 of the S42A report. We have no reason to disagree with the evaluation or recommendations to reject these requests.

3.6 Building setbacks for land adjoining the rail corridor

234. KiwiRail[155] sought setbacks for buildings and structures of 5m from a rail corridor boundary in the OSZ and NOSZ. This matter was addressed in Hearing Stream 2 and the Panel recommended that a building setback of 1.5m was appropriate and consistent with side yard standards and provides sufficient space for access to and maintenance of buildings. The Council adopted the Panel's recommendation on this matter.

[155] Submissions # 408.131; 408.132;

235. According to Ms Hepplethwaite's evidence, the rail corridor is in proximity to the OSZ and NOSZ in seven locations. The Panel considered that the purpose and characteristics of these zones are such that any buildings are likely to be located away from the rail corridor and would not be residential in nature. Matters of reverse sensitivity are not therefore likely to be a significant issue.

236. For the reasons provided, we agree with and support the reporting officer's recommendation to reject KiwiRail's submission on imposing setbacks from the rail corridor in the OSZ and NOSZ.

3.7 Provision for seawalls between Lyall Bay and Moa Point

237. WIAL[156] sought specific provision for the Airport seawalls between Lyall Bay and Moa Point in order to reflect their critical function in supporting and protecting regionally significant infrastructure. WIAL is also embarking on a renewal project of these seawalls as they are reaching the end of their economic life and the increasing frequency and severity of storms requires planning for sea level rise. Ms Lester and Ms O'Sullivan, presenting evidence for WIAL, outlined the significance of the function of the seawalls in their role of protecting roading, three waters and WIAL infrastructure.

238. The seawalls are located within the NOSZ, and the PDP provides for them through the rule framework for buildings and structures: there is no specific provision for seawalls. The Coastal Environment Overlay also permits activities that are Permitted in the underlying zone in addition to providing for activities to protect property from coastal hazards. In his Section 42A Report to the hearing, Mr Sirl noted that the reporting officer for the natural hazards provisions within the Coastal Environment Chapter recommended to Hearing Stream 5 that a new policy be included to specifically provide for repair and maintenance of existing hard engineering hazard mitigation structures[157]. Mr Sirl did not consider that any additional provisions were required to the NOSZ objectives and policies given that in his view, seawalls were adequately provided for in the Coastal Environment Chapter and the NOSZ. He did, however, recommend that NOSZ-R14 be amended to trigger a new standard to enable minor works that could increase the height of

[156] Submissions #406.499; 406.498; 406.23; 406.506; 406.507; 406.500; 406.503; 406.504; 406.512; 406.513; 406.514; 406.518; 406.519; 406.520; 406.521; 406.522; 406.523; 406.501; 406.524; 406.525; 406,526; 406.529; 406.530; 406.531; 406.532; 406.533; 406.534; 406.535; 406.536; 406.505;
[157] This was policy was accepted by the Council, as Policy CE-P27

seawalls by 1m were Permitted. This amendment would avoid minor work becoming a Discretionary Activity.

239. In her evidence, Ms O'Sullivan acknowledged that seawalls are not within the definition of 'infrastructure' under the PDP and therefore would not fall under the provisions of the Infrastructure Chapter (she did, however, explain that WIAL would also be pursuing their submission to address this issue through Hearing Stream 9 in relation to the Infrastructure Chapter). She maintained that as a result, seawalls would be considered under the provisions of the NOSZ, the Coastal Environment Overlay and the Earthworks Chapter (we note that, subsequent to this hearing, Ms O'Sullivan's opinion changed based on new evidence presented at Hearing Stream 9 on the Infrastructure Chapter, which we address at the end of this section). In this respect, she considered that there was a disconnect between the purpose of the NOSZ and the seawalls and that a new objective, policies and amendments to NOSZ-R14 were necessary to ensure that the zone recognised and provided for the seawalls.

240. To illustrate the disconnect between the NOSZ purpose and the provision for seawalls she quoted the Introduction of the NOSZ which describes the natural character of the zone and the lack of structures:

> ***Introduction***
>
> *The purpose of the Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological, landscape and historic heritage values.*
>
> .....
>
> **Objective NOSZ-O1 Purpose**
>
> *Natural open space areas are predominately used by the public for informal recreation activities, within undeveloped natural areas, in such a way that protects, and where possible enhances, the predominant character and amenity values of the Natural Open Space Zone which include:*
>
> 1. *Large undeveloped open areas;*
> 2. *High natural, ecological, landscape and historic heritage values;*
> 3. *A low level of built form and scale, with buildings, structures and roads principally ancillary to informal recreation activities or conservation activities; and*
> 4. *A general absence of urban infrastructure.*

241. Ms O'Sullivan did not consider that the zone was a good fit for the seawalls, although she acknowledged that the area is identified as a Local Purpose Esplanade Reserve under the Reserves Act 1977 and the area is managed through the South Coast Management Plan 2002. Specific provision would need to be made in order for the anomaly of these structures in the zone to be provided for. She proposed an objective, polices and further amendments NOSZ-R4 to make explicit provision for seawalls.

242. In his supplementary evidence in response to Ms O'Sullivan's evidence, Mr Sirl agreed with her evidence and recommended a new objective, a new policy and amendments to his recommended NOSZ-R14. He acknowledged that while he had considered that the provisions in the Coastal Environment Chapter provided for sea walls, the underlying zone – NOSZ – was not expressly supportive of the works. He also acknowledged that there was not an efficient and effective alternative to recognise the importance of the seawalls.

243. In her supplementary evidence, Ms O'Sullivan generally agreed with the direction that Mr Sirl had taken with the proposed provisions, she sought further amendments. In particular, she preferred two new policies as follows:

> ***NOSZ-P8 Enabling seawalls that protect regionally significant infrastructure between Lyall Bay and Moa Point***
>
> *Enable the ongoing maintenance, repair and upgrade of the sea wall and associated activities between Lyall Bay and Moa Point.*
>
> ***NOSZ-P9 Adverse effects of seawall construction, alteration and additions***
>
> *Manage the adverse effects of construction, alterations and additions to the seawalls between Lyall Bay and Moa Point, including effects on:*
>
> *1. Natural and physical resources;*
> *2. Amenity values;*
> *3. The identified values of Overlays;*
> *4. The safe and efficient operation of other infrastructure; and*
> *5. The health, well-being and safety of people and communities.*

244. In Mr Sirl's view, only NOSZ-P8 was required as the management of adverse effects from the maintenance, repair and upgrade of seawalls is addressed in NOSZ-P4 and NOSZ-P6. Later, in his reply, Mr Sirl stated that NOSZ-P8 signals that seawalls are provided for, and that NOSZ-P4 and NOSZ-P6 would provide the

policy direction for any upgrades to seawalls not Permitted by NOSZ-R14: that is, the policies do not work in isolation.

245. Ms Weeber from GOTB[158] spoke to its submission at the hearing. She acknowledged the importance of the seawall and its use for recreational purposes such as access for surfers to the sea and fishing. While she supported Mr Sirl's proposed provisions for the seawall she had concerns about the recommended new standard NOSZ-S7, which, in her view, goes beyond maintenance, repair and upgrade by allowing an additional height of 1m. She questioned the basis for the measurement and considered that this height would affect the use of the seawall as a surf break and for recreational use. Ms Weeber therefore sought removal of the height allowance from NOSZ-S7.

246. In his reply, Mr Sirl clarified the origin of the 1m vertical increase allowed for in this proposed standard. He said that this was informed by the relief sought by WIAL in its submission and it was consistent with the Natural Resources Plan provisions in relation to seawalls. While there was no discussion about this specific measurement through evidence, Ms O'Sullivan did discuss it at the hearing and referenced the equivalent standard in the NRP. She also said that it was difficult to measure the height given the variable heights of the placed akmons[159].

247. The Panel considered that an appropriate rule framework had been developed to the general satisfaction of WIAL and Mr Sirl. Ms Weeber also largely supported the provisions. In relation to NOSZ-S7, we are satisfied that the 1m height projection is a reasonable baseline for upgrading of the seawalls given the need to increase protection to regionally significant infrastructure as a result of changing climatic conditions and sea level rise.

248. While hearing evidence and submissions on this matter, the Panel was interested in how other seawalls in Wellington were provided for and asked Mr Sirl to report back to us following the hearing. Specifically, we asked him if he could provide information on the extent of seawalls and other structures within and adjoining the Coastal Marine Area elsewhere in the NOSZ and whether the zone provisions appropriately recognise and provide for the management of such structures. Mr Sirl responded that seawalls on the Council's asset data base (of Council-owned seawalls) are located throughout a number of zones and not just the NOSZ. Where

[158] Further Submisison FS44.186
[159] An akmon is a specially shaped multi-ton concrete block used for breakwater and seawall armouring

seawalls and other hazard mitigation structures are located within the NOSZ, maintenance and repair are Permitted under NOSZ-R13. Construction, alterations and additions are addressed in NOSZ-14.1.b.

249. While seawalls are present in other parts of the City and often in other zones, WIAL requested that the significance of the infrastructure that this particular stretch of seawall (subsequently referred to as the "Moa Point Road Seawall Area") is protecting, Wellington International Airport, warrants specific provision in the NOSZ given the incongruity of the seawalls with the purpose of the zone as 'natural open space'. We agree with WIAL, and we are satisfied that some specific policy recognition in the NOSZ has been justified and agreed by parties.

250. Subsequent to Hearing Stream 7, WIAL, which had also submitted on the Infrastructure chapter, presented evidence to the Hearing Stream 9 Panel that provision for seawalls should be made in the Infrastructure chapter.

251. Ms O'Sullivan, giving evidence for WIAL, said that WIAL had submitted on the definition of Regionally Significant Infrastructure (**RSI**) as part of Proposed Change 1 to the RPS seeking that seawalls were included within this definition. Since Ms O'Sullivan filed her evidence for Hearing Stream 9, the Section 42A author reporting on Plan Change 1 to the RPS had recommended that the definition of RSI be amended to read:

> "*Wellington International airport including infrastructure and any buildings, installations and equipment required to operate, maintain, upgrade, and develop the airport located on, or adjacent to, land and water used in connection with the airport. This includes infrastructure, buildings installations and equipment not located on airport land*."

252. In her view, with which Mr Anderson, the Section 42A author of the Infrastructure Chapter report, agreed, this definition makes it clear that seawalls should be considered as part of the airport. At the time of the hearing on Infrastructure, it was unknown as to whether the Regional Council had made a decision on this matter. Since that time, the Regional Council's decisions on RPS Change 1 have been released, modifying the RPS definition of infrastructure, and Mr Sirl has recommended reversing the changes out of the NOSZ through his S42A report for the Wrap-up Hearing[160].

[160] Refer to Panel Report on Hearing Stream 9.

253. Given the recommended changes to the Infrastructure provisions, including those for infrastructure within the coastal environment, we have reviewed our thinking on which chapter the provisions for seawalls should be made in. The definition of RSI makes it clear that seawalls are part of the airport, being installations that are required to develop and use the airport. They are a critical part of the airport infrastructure. It is logical to the Panel that the Infrastructure Chapter is the most appropriate location for the provisions relating to seawalls.

254. In his reply to the Panel following Hearing Stream 9, the Reporting Officer, Mr Anderson, recommended that, on the basis that the Infrastructure Chapter was the appropriate location for the provisions, the provisions recommended by Mr Sirl for the Natural Open Space Chapter should be moved to the Infrastructure Chapter, but with an appropriate cross-reference in the NOSZ to assist Plan users.

255. The Stream 9 Panel agreed with Mr Anderson's recommendation. The Infrastructure Chapter is recommended to be amended accordingly, and a statement be added to the introductory section of the NOSZ chapter to refer Plan users to the Infrastructure-Coastal Environment Chapter in relation to infrastructure activities within the coastal environment.

256. During the wrap up hearing, there was further discussion regarding the relationship between the infrastructure and the zone chapters.[161] In relation to the seawalls matter specifically, Mr Sirl reinforced that the intention of the District Plan is that the Infrastructure Chapter provide the policy framework and rules relevant to seawalls in the NOSZ (as part of infrastructure), and not the provisions of the NOSZ. Mr Sirl recommended changes to the Introductory part of the Infrastructure – Coastal Environment sub-chapter to make this division clear.

257. At the wrap up hearing, Ms O'Sullivan's initial view in relation to this matter was that the policy framework for seawalls needed to be maintained in NOSZ to make it clear that seawalls are anticipated for in that zone albeit that they are managed through the provisions of the Infrastructure Chapter[162]. However, Ms O'Sullivan did accept that, "alternatively, if the Infrastructure introduction is updated to reflect that the provisions (i.e. the objectives, policies and methods) of the wider plan do not

[161] Hearing Stream 9 report, paragraph 438.
[162] Ms K O'Sullivan's summary statement for the Wrap-up Hearing, at paragraph 1.6.

apply, then the need for policy recognition within the Natural and Open Space Zone diminishes."[163]

258. The Panel considers that this matter would be satisfactorily resolved by the amended Introduction to the Infrastructure Chapter as recommended by Mr Sirl. However, to make this division clear in the NOSZ, we recommend that a consequential amendment is made to the Introduction of the NOSZ, using the recommended wording for the introduction to the Infrastructure-Coastal Environment Chapter. It is recommended that the following sentence be added to that section:

> *The policy framework and specific rules for infrastructure activities within those parts of the NOSZ within the coastal environment, including infrastructure within the mapped Moa Point Road Seawall Area, are provided by the Infrastructure-Coastal Environment Chapter.*

3.8 Wellington Town Belt Zone

259. The Wellington Civic Trust[164] submitted on a number of provisions in the WTBZ and were represented by Ms Sylvia Allan and Ms Helene Ritchie at the hearing.

260. They sought additions to WTBZ-O1 that better encompassed the values of the WTBZ that should be maintained and enhanced. In her statement, Ms Allan said that the predominant values of the zone referred to in WTBZ-O1 did not reflect the principles of the Town Belt Act. In response to the Civic Trust's evidence, Mr Sirl recommended an amendment to include recognition of historical and cultural heritage values, including Sites and Areas of Significance to Māori, notable trees and heritage structures. He did not, however, accept that amendments were necessary in respect of the additional matters referred to by the Civic Trust, namely:

> *WTBZ-O1.1 Large areas of public open space with a high degree of accessibility, and landscape values which must be protected and enhanced*
>
> *WTBZ-O1.3 A patchwork of vegetation of varying types, with the proportion of native vegetation increasing through continued planting and regeneration, to support healthy indigenous ecosystems.*

[163] Ms K O'Sullivan's evidence-in-chief for the Wrap-up Hearing, at paragraph 3.7.
[164] Submissions #388.106; 388.109; 386.110; 386.111; 386.112; 386.113; 386.114; 386.114; 386.115; 386.116

261. In considering the evidence, the Panel agreed with Ms Allan that the amendments sought by the Civic Trust better reflected the values that the zone is seeking to maintain and enhance.

262. The Civic Trust[165] also sought an amendment to WTBZ-P2 to provide consideration of compatibility between activities when a resource consent is sought. The amendment sought to add another matter to the policy to read:

> *Adverse effects between activities are able to be avoided or limited to an appropriate level.*

263. Ms Allan considered that this matter would become increasingly important as development of the City intensifies and there is increasing pressure on open space, including the Town Belt. Mr Sirl did not consider that this explicit consideration was necessary as, where an activity is not Permitted, it would fall to a full Discretionary Activity which enables a wide discretion on resource consents to consider suitability and appropriateness in the zone, including compatibility matters.

264. Considering this matter, the Panel agrees with Ms Allan that making compatibility between activities explicit in the policy would provide greater direction to consideration of resource consents for proposals in the Town Belt. While a full Discretionary Activity process would enable a wide discretion, the Panel concluded that it would assist decision-making to have compatibility to be a specifically directed matter.

265. We agree that the wording provided by Ms Allan is appropriate and should be added to WTBZ-P2.

266. The Civic Trust[166] also submitted that WTBZ-R6 *construction of and alteration and additions to footpaths and tracks* as Permitted Activities was too permissive and could lead to adverse effects on the Town Belt. It sought that maintenance should only be Permitted and that new footpaths and tracks should be considered as Discretionary Activities.

267. Mr Sirl responded that the construction of new paths and tracks would be undertaken by the Council or people approved by the Council, and that this work would be undertaken in accordance with the Town Belt Management Plan. He noted that all proposed activities must be assessed under the Wellington Town Belt

[165] Submission 388.111
[166] Submissions #388.112; 388.113

Management Plan and that this is specified in the note to the Introduction to the chapter. In response, Ms Allan was concerned that there were no accompanying standards such as earthworks, removal of vegetation and track width that would control the effects of this work. Mr Sirl responded that other chapters of the PDP were relevant to the control of effects of this work including earthworks, activities in Sites and Areas of Significance to Māori, and activities in Heritage Areas.

268. We agree with Mr Sirl and consider that the provisions as proposed, together with the controls under the Town Belt Management Plan, are appropriate to maintain the values of the Town Belt and control the effects of development.

269. Similarly, the Civic Trust[167] submitted that WTBZ-R7 *construction of and alteration and additions to car parking areas and vehicle access* as Permitted Activities would allow for major new works that could damage the natural character of the Town Belt. It sought that maintenance of these areas be Permitted Activities while construction would be considered as Discretionary Activities.

270. Mr Sirl considered that it was reasonable for the PDP to provide for these activities where they are consistent with, and support Town Belt uses such as recreation and are anticipated in this zone. Turning to the Town Belt Management Plan, the Panel notes that Section 9.5 *Decision Making Guidelines* requires consideration of the:

> *assessment of the effects of the location, extent, design and cumulative effect of any infrastructure (such as earthworks, lighting, fencing, car parking, access roads and so on) associated with a development or activity proposal*

271. We agree with Mr Sirl that there are sufficient safeguards for the maintenance of the values of the Town Belt from new car parking and vehicle access, and that the appropriate mechanisms are in place to enable consideration of the potential effects.

272. The Civic Trust[168] opposed WTBZ-S4 which sets a maximum 5% building coverage standard. Ms Allan considered that it was confusing and unnecessary and that the maximum gross floor area for buildings of 30m^2 in WTBZ-S3 was sufficient control. Mr Sirl agreed to the extent that it was likely that WTBZ-S3 would be sufficient, but he considered that WTBZ-S4 would manage the cumulative effects that could arise

[167] Submissions #388.114; 388.115;
[168] Submission #388.116

from multiple buildings Permitted on one site or where there is an existing large building.

273. We asked Mr Sirl to advise us on whether there is any site within the WTBZ where the maximum building coverage of 5% under WTBZ-S4 is likely to be exceeded by additional buildings or structures. While acknowledging that Council records of buildings is not easily accessible, Mr Sirl was able to undertake a high level assessment. He made three observations:

274. very large sites of over 10 ha (e.g. Newtown Park, WCC depot and Wellington Zoo; Hataitai Velodrome area; National Hockey area) are highly unlikely to exceed the maximum 5% building coverage standard;

275. large to medium sites of between 1 to 10ha are also highly unlikely to ever exceed the maximum 5% building coverage standard, although a minority of which likely already do or would as a result of additional buildings (e.g. Te Whaea building/turf area; and Chest Hospital); and

276. very small sites (less than 1ha) where parcels have been created around existing buildings with very little land included within them, in which case most if not all of these will exceed the maximum 5% building coverage standard.[169]

277. In summary, he found that the maximum building coverage of 5% is not likely to be triggered for a large amount of the WTBZ. However, where there are buildings on small sites, as noted in Mr Sirl's third point, additions could result in being treated as a Discretionary Activity. All new building, additions and alterations are treated as Restricted Discretionary Activities and elevated to Discretionary Activity status if any of the relevant standards have not been met. As a result of the starting point being Restricted Discretionary, Mr Sirl's opinion was that the building coverage standard is not really necessary or relevant. He also alerted us to a drafting error in WTBZ-R11 which requires rectifying to enable the Restricted Discretionary rule to work. The rule requires compliance with the standards and the first matter of discretion in WTBZ-R11.1 refers to the assessment criteria of the 'infringed' standard. In order to correct this, Mr Sirl recommended that the word 'infringed' be replaced with reference to the standards 'WTBZ-S1 to S4'.

278. The Panel considers that Mr Sirl's assessment of the usefulness and relevance of the building coverage standard was helpful. The rule framework is such that there is no permitted building activity so all new buildings, including additions and alterations to existing buildings, would require a resource consent and this will be

[169] Reporting Officer Reply 30 April 2024 paragraph 29

assessed against the criteria of the standards. The criteria of WTBZ-S3 Maximum gross floor area largely address the matters that are considered in WTBZ-S4 Maximum building coverage. In addition, given the small likelihood of this standard being triggered in the WTBZ we agree with the Civic Trust and Mr Sirl's revised position that the standard is not necessary. We consider that the objectives, policies, rules and standards are appropriate to achieving the purpose of the WTBZ.

3.9 Sport and Active Recreation Zone

279. The Sport and Active Recreation Zone received only a small number of submissions, all from NZTA Waka Kotahi, which was primarily in support of the zone provisions[170]. The only matter in contention was whether the SARZ-P1 (Enabled Activities) and SARZ-P3 (potentially compatible activities) should make reference to adverse effects on the wider environment, including the transport network. The submitter also sought to have new rules in the Chapter to require compliance with a permitted trip generation threshold of 100 equivalent car movements per day for any activity accessed from the State highway. No evidence was produced for the hearing by NZTA Waka Kotahi.

280. The Reporting Officer for the topic, Mr Sirl, considered that the effects on the wider transport network are adequately addressed through the Transport chapter, and recommended rejecting these submission points. We agree with Mr Sirl's evaluation and recommendations.

3.10 Overlays around Airways Designations on Hawkins Hill

281. In Hearing Stream 10 – Designations, the Section 42A Report noted that Airways Corporation sought overlays around two of their designations on Hawkins Hill to ensure that new over height development does not adversely affect the operational capability of their navigation equipment. The Reporting Officer recommended that the submission not be accepted, because Airways Corporation had not sought to enlarge the area covered by its designations. Airways Corporation did not appear in Stream 10.

282. However, on behalf of Airways Corporation, Michael Connolly attended the wrap up hearing and presented evidence seeking an amendment to the rules of the NOSZ and the GRUZ. Mr Connolly is employed by Airways Corporation as the Central

[170] Submissions #370.416 to 427

and Lower North Island Maintenance Manager. In a previous role he was a Systems Engineers and the design authority for various Airways Air Traffic Control systems.

283. He explained that the different types of technology utilised by Airways Corporation at the designated locations provide a three dimensional picture of air traffic. Airways Corporation's key concern therefore is that tall buildings and structures can cause radio wave disturbances which impact radar and navigation technology. He further outlined the potential consequences of this. He gave the example of a windfarm development that would impact the radar and navigation systems and, in that case, as they were informed of the proposal, they were able to mitigate the risk to airspace safety. Airways Corporation is therefore seeking an overlay around two key designation sites in Wellington and provisions to safeguard these facilities. Mr Connolly stressed that if Airways Corporation is aware of a development above the height limits, it is able to adjust the technology to maintain airspace safety.

284. In respect of the two designations on Hawkins Hill this would mean that overlays of 500m around the two sites with provisions requiring consideration of the potential effects of a development above the permitted height would enable them to safeguard the system. He proposed that in the GRUZ and NOSZ an assessment criterion be added to GRUZ- S1.1[171] and NOSZ-S1.1:

> *….7. Within the Air Traffic Control Overlay, the potential effects of the building or structure on the Airways navigation equipment.*

285. The Panel considered that this was a pragmatic approach to the issue and that, given the zoning and location of this site, the likelihood of over height buildings was fairly low. We did, however, suggest to Mr Connolly that the type of equipment should be more specific. He agreed that the accurate description of the equipment should be *"…radar and communication navigation…"*

286. The Panel considered that the standard also needed to be clear how this was going to be assessed and therefore that an advice note should be added to the GRUZ-S.1.7 and NOSZ-S1.1.7 to ensure that Airways are informed of over height proposals within the overlays. The purpose of applicants contacting the Airways Corporation should be part of the Advice Note. Accordingly, we recommend the advice note read:

[171] Refer to section 2.8 in relation to GRUZ-S1

Advice Note: The applicant should inform the Airways Corporation of New Zealand Limited where the maximum height of buildings and structures is proposed to be exceeded and seek its advice as to the potential effects on its operations.

TEMPORARY ACTIVITIES

4.1 Introduction and Overview

287. Temporary Activities are described in the introduction to the chapter as:

> *'short-term activities and events that occur on public and private land, which can include but are not limited to temporary activation of spaces, cultural, community, musical, recreational or sporting orientated events. These can include events such as concerts, parades, fairs, markets, pop-up spaces, ceremonies, art exhibitions and circuses. In addition this chapter also provides for public firework displays, temporary military training, and filming'.*

288. The Temporary Activities chapter consists of two objectives, six policies, six rules and nine standards. There are also two appendices concerning Permitted Noise Standards for Temporary Activities (APP6) and requirements for a Temporary Activities Event Management Plan (APP7).

289. We were advised by the reporting officer Mr Hayden Beavis that there were 64 submission points and 5 further submission points received on the provisions relating to this topic on behalf of 13 submitters. We heard from no individual parties at the hearing in respect of this chapter.

290. Mr Beavis outlined his report at the hearing and advised that the key issues in contention in the chapter are:

a) Temporary Military Training Activities;

b) Temporary Emergency Services Training Activities; and

c) Safety of the transport network.

291. Mr Beavis also advised that he recommended that there were also a number of consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters that meant a number of minor changes were required as consequential amendments.

4.2 Definitions and General Submissions

292. Massey University and New Zealand Defence Force (**NZDF**)[172] supported the definition of temporary activity as notified.

293. Fire and Emergency New Zealand[173] sought that the definition of Temporary Activities is amended to provide for the exclusion of temporary military and temporary emergency training activity from the definition.

294. We agree with Mr Beavis[174] that the addition of an exception for temporary military training activities and temporary emergency services training activities would not work with the way the rule framework is laid out, but rather should be included in the list of matters within the definition. We also recognise that specific provision for temporary military training activities has been made through a specific rule. Both activities are temporary activities and do not, in our view, warrant a specific exclusion.

295. WIAL[175] sought that the definition of "*Temporary Activities*" is amended to include a timeframe that provides clarity around a "short term" activity and seek that cranage and building wrap be listed as a specific matter.

296. In agreeing with Mr Beavis[176], we consider that Temporary Activities vary in length and putting a strict length within the definition may exclude certain activities from being captured under the chapter. "*Short-term*" is interpreted as "*Non-permanent*", and the standards then respond to the activity based on their length. We also do not consider it necessary to include cranage and building wrap as a specific matter as it is not necessary to go to this level of specificity.

297. On the wider matter of providing for temporary emergency services training activities Fire and Emergency New Zealand[177] sought:

a) A new definition for Temporary Emergency Services Training Activity;

b) A related bespoke policy;

c) A new rule; and

[172] Submissions #253.4, 423.4
[173] Submissions #1273.18-19, FS #104.2
[174] Section 42A Report paragraphs 46-48
[175] Submissions #406.43, 406.44, FS #FS44.18, FS44.19, FS139.32, FS139.33
[176] Section 42A Report paragraph 49
[177] Submissions #273.3, 161, 165, 166

d) A new standard to the NOISE chapter designed to assess Temporary Emergency Services Training Activity (TESTA) noise.

298. Mr Beavis[178] was of the view that without evidence of the specific adverse effects arising from temporary emergency services training activities, it was hard to assess whether the submitted regulatory response is appropriate. The regulatory response is not a large deviation from what is otherwise provided for in the Temporary Activities and Noise chapters.

299. Having considered these matters and receiving no supporting evidence from the submitter, we agree that this activity and its effects are adequately covered by other rules in other plan provisions and therefore no specific framework for temporary emergency services training is required.

300. The Gibson Group Limited[179] sought that the Temporary Activities Chapter is retained as notified and with Paul Yates[180] supported short-term filming being managed externally through the Screen Wellington process.

301. Screen Production and Development Association (**SPADA**)[181] sought that the Temporary Activities chapter is retained as notified. SPADA and The Gibson Group Limited[182] supported consultation with iwi over temporary film activities on sites and areas of significance to Māori but opposed resource consenting for temporary film activities on sites and areas of significance to Māori.

302. We note the advice that while temporary buildings and structures for filming are managed under the PDP, the short-term filming activity itself is managed through a Film Permit Process separate from the district plan.

303. We also agree with Mr Beavis[183] that temporary activities on sites and areas of significance to Māori may also require a resource consent, if features are modified or destroyed, or new buildings/structures are added within these areas. Earthworks in these areas may also require a resource consent under the Earthworks Chapter. This level of control is considered appropriate for temporary activities which may

[178] Section 42A Report paragraphs 62-70
[179] Submissions #26.1, 122.1 and 3
[180] Submission #26.1
[181] Submissions #217.1-3
[182] Submissions #122.2,122.3
[183] Section 42A Report paragraphs 72-73

risk causing long-term damage to these sites and areas of significance, despite their temporary nature.

304. Paihikara Ki Pōneke Cycle Wellington[184] sought that the temporary activity provisions prioritise the safety of vulnerable users over efficiency of the network. We note that there are specific amendments to assessment criteria in the standards which we consider address this matter of vulnerable user safety where consent is required.

305. Waka Kotahi[185] sought to amend the chapter to include trip generation triggers, above which the activity status of a temporary activity should be Restricted Discretionary, with discretion restricted to traffic and safety effects.

306. We agree with Mr Beavis[186] that the Transport Chapter applies to the Temporary Activities Chapter, with specific reference to TR-R2 – the Trip Generation provision. We also note that if the requirements to be a Permitted Activity are not met, TEMP-R1.2 requires an Events Management Plan outlined in Appendix 7, which includes a requirement for a traffic management plan.

307. WIAL[187] sought that a note is added to the introduction of the chapter, so that temporary activities involving temporary structures such as cranes in the vicinity of Wellington International Airport are also alerted to the requirements of the Wellington International Airport Obstacle Limitation Surface (**OLS**) designation.

308. We did not receive supporting evidence from the submitter and do not agree that this note is required. The OLS is a factor in most of the area specific and district wide matters that have the potential to impact heights. In addition, the term "*in the vicinity of"* is too imprecise to be of any useful guidance.

4.3 Objectives and Policies

309. The two objectives and five of the six policies were not in contention or needing further consideration, because either there were no submissions on them, or they only had submissions in support that seek that the respective provisions be retained as notified.

[184] Submission #302.30
[185] Submission # 370.257
[186] Section 42A Report paragraphs 75 and 76
[187] Submissions #406.494-495

310. In relation to the remaining Policy TEMP-P5, NZDF[188] sought a minor rewording of TEMP-P5 relating to temporary military training activities as follows:

> *Enable temporary military training activities in appropriate locations~~,~~ where ~~they remedy or mitigate their~~ adverse effects on the amenity values of the site and the surrounding area are remedied or mitigated.*

311. This is supported by Mr Beavis[189] and we agree that this minor amendment is an improvement.

4.4 Rules

312. Massey University and NZDF[190] sought that TEMP-R1 Temporary activities, excluding short term filming and temporary military training activities is retained as notified.

313. While the support is acknowledged, Mr Beavis[191] identified that TEMP-R1.2 lists TEMP-P6 as a matter of discretion and that TEMP-P6 addresses special entertainment events at the Basin Reserve and Wellington Regional Stadium, which are regulated under TEMP-R5 and not TEMP-R1. We agree that TEMP-P6 should be removed as a matter of discretion from TEMP-R1.2 as an alteration of minor effect pursuant to RMA Schedule 1 Clause 16(2), because no temporary activity that would need to consider TEMP-P6 is going to be addressed under TEMP-R1.2.

314. In relation to Rule TEMP-R3, NZDF[192] sought that TEMP-R3.1 is amended to explicitly provide for temporary military training activities (TMTAs) as a Permitted Activity in all zones subject to compliance with Permitted Activity standards. In detail, the specifics of how NZDF sought to amend TEMP-R3 is to alter clause 1.b relating to permitted activities to read:

> *No permanent structures are constructed unless provided for elsewhere in this plan as a permitted activity (or resource consent is obtained for the structure);*

315. In addition, the submission requested that where the Permitted Activity rule could not be met the activity status should be Controlled, meaning consent cannot be

[188] Submission #423.21
[189] Section 42A Report paragraph 81
[190] Submissions #253.15 and 423.22
[191] Section 42A Report paragraph 85
[192] Submissions #423.24, 423.23, 423.26, 423.28, 423.25, 423.27, 423.29, 423.31 and 423.32

declined, rather than a Restricted Discretionary Activity in the PDP as notified. This would apply to all zones.

316. In recommending rejection of most of these submission points, Mr Beavis[193] outlined that –

a) TEMP-P6 is a matter of discretion within TEMP-R3. TEMP-P6 addresses special entertainment events specifically, and it is likely that this was a drafting error, and it should refer to TEMP-P5 (the TMTA specific policy) as a matter of discretion;

b) Temporary structures and buildings for TMTAs are regulated by TEMP-R3, which states that no permanent structures are constructed. It is necessary to consider this in conjunction with TEMP-S6 (TMTA standard) which also states that TMTAs must return their site to their original condition after the TMTA is completed. We agree on this basis that the words "*No permanent structures*" can be removed from Rule R3.1;

c) The chapter intends to permit temporary buildings and structures where they are constructed and removed within a reasonable time either side of the temporary activity. This too can be solved by regulating TMTAs under the general temporary buildings and structures rule; and

d) He did not agree with Controlled Activity status for any TMTA that does not meet the Permitted Activity status as he considered the potential effects and degree of such effects from a TMTA that does not meet the requirements for a Permitted Activity status are too unclear to write effective matters of control, nor have NZDF provided any matters of control for the activity status.

317. NZDF also submitted a twofold approach to managing noise from weapons and explosives use in TMTAs: either approach could be used to achieve Permitted Activity status. The first approach is to utilise peak sound level limits of either 85dBC during the day, or 95dBC at night. The second approach is a use of a minimum separation distance (MSD) from noise-sensitive activities. This would apply to all zones.

318. Mr Beavis did not consider that a Permitted Activity pathway for TMTA in all zones was appropriate due to the urban area of Wellington being 'densely packed' with

[193] Section 42A Report paragraphs 91-107

residential activities. His proposal was that there would be a significant portion of land available for the Permitted Activity status pathway within the General Rural Zone and Open Space Zones. As such, he considered that it was appropriate to retain those zones open for this pathway, but otherwise weapons firing and/or explosives use (**WFE**) should be considered as a Restricted Discretionary Activity.

319. In our view, TMTAs should be recognised and provided for, subject to meeting the standard. We agree that WFE is an appropriate exclusion and note that we had no supporting evidence from the submitter to suggest otherwise. We therefore adopt the changes to Rule TEMP-R3 recommended by Mr Beavis.

320. While there were no specific submissions, Mr Beavis[194] considered that TEMP-R6 – Temporary buildings or structures ancillary to a temporary activity should also be amended as a result of the changes to TEMP-R3. We agree that this is a consequential amendment required to remove the exception for TMTAs and ensure that the rule applies to all zones that Temporary Activities which engage this rule can operate.

4.5 Standards

321. Massey University and NZDF[195] sought to retain TEMP-S1, which relates to the maximum duration of a temporary activity excluding short-term filming activities and temporary military training activities, as notified.

322. Paihikara Ki Pōneke Cycle Wellington[196] sought to amend the assessment criteria where standard TEMP-S1 is infringed to read.

> *c. The safety and efficiency of the transport network, and cycle and micromobility facilities*

323. In recommending acceptance of this submission in part, we agree with Mr Beavis that safety is an important factor and should be included in the relevant assessment criteria. However, it is not necessary to include the words "*and cycle and micromobility facilities*" as the definition of transport network already includes these activities.

[194] Section 42A Report paragraphs 110-112
[195] Submissions #253.18 and 423.35
[196] Submissions #302.31, 302.32

324. Paul Yates[197] sought that the hours of operation restrictions at TEMP-S3 not be applied to short film activities, while Massey University[198] sought to retain TEMP-S3 as notified.

325. We agree with Mr Beavis[199] that, in response to Mr Yates' submission, TEMP-S3 does not apply to short term film activities. TEMP-S3 is only required for Permitted Activity status under TEMP-R1, which specifically excludes short-term filming because it is managed through an external Screen Wellington process.

326. NZDF[200] sought that TEMP-S6 relating to Temporary Military Training Activities be amended to:

a) Remove Assessment criteria 1,5 and 6 relating to transport efficiency and safety;

b) Remove reference to an exclusion for Sundays;

c) Increase the duration period of TMTA to 31 days from 14 in the notified plan; and

d) Make the standard apply to all zones.

327. On these matters, we firstly consider that it is appropriate for the assessment criteria to include consideration of traffic effects where consent is necessary.

328. We do, however, concur that a reference to Sunday exclusions is not necessary and the advice from Mr Beavis was that there is no evidence for this exception to be in the PDP. Sunday restrictions in principle were also recommended for removal by noise experts in evidence during Hearing Stream 5 in respect of other applicable noise standards.

329. Mr Beavis[201] supported the recommendation to extend the duration of TMTAs that do not involve the use of WFE to 31 days but did not support the extension of TMTAs involving the use of WFE to 31 days. We agree as the TMTA activity with the most likely effects are those that encompass WFE and a longer duration for this activity is inappropriate.

[197] Submission #26.2
[198] Submission # 253.19
[199] Section 42A Report paragraph 123
[200] Submission #423.37, 423.38, 423.39, 423.40, 423.41, 423.42
[201] Section 42A Report paragraph 131

330. As a consequential amendment in light of the recommendation to expand some TMTA's to all zones as a Permitted Activity, we agree that TEMP-S6 should be amended to apply to all zones for those activities that do not involve WFE.

331. Standard TEMP-S7 relates to temporary buildings and structures. Massey University[202] sought to retain TEMP-S7 as notified. Paihikara Ki Pōneke Cycle Wellington[203] sought to amend TEMP-S7 to include the explicit provision of safety cycle and micromobility facilities in respect of assessment criteria, as it did in relation in relation to the TEMP-S1. As with that standard, we agree with the inclusion of safety but not the inclusion of cycle and micromobility facilities for the same reasons.

4.6 Appendices APP6 and APP7

332. Claire Nolan et al[204] sought that APP6 (Permitted noise standards for temporary activities), is retained as notified while NZDF[205] sought that Table 26 – Noise standards for temporary military training activities be amended to be replaced with the standards provided in Appendix 3 of their original submission.

333. We note that there was evidence presented during the Noise considerations in Hearing Stream 5 where NZDF's and Council's acoustic consultants assessed the submissions and made amendments that were accepted. Mr Beavis recommended amendments to the Appendix concerning noise from TMTA in respect of 4 noise standard categories:

a) Weapons firing and/or the use of explosives;

b) Mobile noise sources;

c) Fixed (Stationary) noise sources; and

d) Helicopter landing areas.

334. We accept Mr Beavis's amendments and the rationale behind them, as these changes are based on technical advice at Hearing Stream 5 where decisions have

[202] Submission #253.21
[203] Submissions #302.22, 302.34
[204] Submission #275.40
[205] Submissions #423.45 425.46

been made. We also note that we had no further evidence or comment from NZDF on the officer's recommendations.

335. Appendix App 7 relates to the requirements for a Temporary Activities Management Plan. Nick Ruane and Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir[206] sought that Appendix 7 - Temporary Activities Event Management Plan is retained as notified.

336. Taranaki Whānui ki te Upoko o te Ika (opposed by Te Rūnanga o Toa Rangatira[207]) sought that Appendix 7 be amended to include "*Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City*", and that Appendix 7 is amended further to remove any other references to iwi. Consistent with the reasoning on this point in Hearing Stream 1 on the same point about mana whenua status in Wellington City, this submission is recommended to be rejected.

337. There are also three minor and inconsequential amendments that are recommended to be corrected under Schedule 1, clause 16(2) of the Act being:

a) Amend the numbering of the standards to account for the lack of a TEMP-S2 and the cross references to standards;

b) Amend references of mauri to mouri, as per the decisions relating to Strategic Directions in Hearing Stream 1; and

c) The consistent use of terminology in the chapter where the term "*cannot be achieved*" has been utilised in respect of Rules. In all cases this should now read "*is not achieved*".

338. Having considered all the submissions and reviewed the Section 42A Report it is recommended that the PDP should be amended as set out in Appendix A of this report.

SIGNS

5.1 Introduction and Overview

339. This section of the Panel's report on Hearing Stream 7 considers submissions received by Council in relation to the relevant objectives, policies, rules, definitions,

[206] Submissions #61.3 and 274.41
[207] Submissions #389.135, 389.136 FS138.70, 389.136

appendices and maps of the Proposed District Plan as they apply to the Signs Chapter, as well as the Signs Design Guide.

340. There were 328 submission points received on the Signs Chapter and 19 submission points received on the Signs Design Guide. The submissions received were diverse and sought a range of relief. This report assesses and makes recommendations in response to the issues and submission points raised.

341. The following are considered to be the key issues in contention:

a) Digital Signs as a Restricted Discretionary Activity: several submitters requested that they be amended to become a Permitted Activity subject to standards;

b) The size/height of signs permitted under the provisions: some submitters requested enabling larger or higher signs while others requested that they remain as notified or are decreased in size;

c) The treatment of digital versus static signs: several signs companies requested that digital signs be treated the same as static signs;

d) The treatment of signs which are oriented to be read from the State Highway Network: several signs companies requested that signs on State Highways be treated the same as other signs; and

e) The Signs Design Guide: some submitters requested that the Signs Design Guide is deleted in its entirety.

342. This section of the report on Hearing Stream 7 addresses each of these key issues, as well as other relevant issues raised in the submissions. Where we have not addressed specific submission points, we have adopted the evaluation and recommendations of the reporting officer.

343. This report includes recommendations to address matters raised in submissions, including whether the provisions in the PDP relating to the Signs Chapter and the Signs Design Guide should be retained as notified, amended, or deleted in full. Appendix 1 contains a full set of the recommended amendments to the PDP Signs provisions in accordance with our evaluation and recommended decisions.

344. The Section 42A Report author on this topic was Mr Josh Patterson. Our report follows the general approach of the Section 42A Report, as follows:

- Definitions related to signs;
- General submissions on signs;
- Signs objectives;
- Signs policies;
- Signs rules;
- Signs standards; and
- Signs design guide.

5.2 Definitions

345. The PDP recognises and makes provisions for a range of different signs, managed according to their purpose and potential adverse effects. The definitions' nesting table below summarises the types of signs managed under the PDP as notified:

Primary definition	Secondary definitions
Signs*	Digital Sign
	Freestanding sign
	Illuminated sign
	Official Sign*
	On-site Sign
	Temporary Sign
	Third-Party Signs

* Terms defined by the National Planning Standards

346. As indicated, the National Planning Standards only defines two of the terms, with the PDP defining the remainder – these secondary definitions are 'nested' under the primary definition of signs.

347. Go Media sought a new definition of 'Plain Wall Surface', a term used in two signs standards[208]. We agree, however, with the reporting officer who considered that a definition for 'plain wall surface' was not required, as the term would be generally widely understood as a wall that contains no windows or other architectural features.

[208] Submission #236.2

348. Council[209] sought to add a new definition for 'Interpretation signs' as follows, with consequential changes in the PDP:

> *INTERPRETATION SIGNS means signs that provide information to the public on the environmental, historic, cultural or other values of an area, often with photos, drawings or maps.*

349. We agree with the reporting officer that it would be beneficial for plan users to have a definition for 'interpretation signs' to reduce any ambiguity, as such signs have a distinct purpose not fully covered in the definitions of other signs.

350. In relation to the definition of 'digital sign', Waka Kotahi sought to include 'and/or' between "electronic graphics" and "text using electronic screens" to make it clear that the clauses are not necessarily conjunctive[210]. The definition as notified reads:

> *DIGITAL SIGN means a sign which displays electronic graphics and text using electronic screens. Digital Signs can include both moving and static signage.*

351. The reporting officer did not consider it necessary to include an 'or' to clarify that a digital sign did not have to contain both text and graphics. While we agree in principle with the reporting officer, we concluded that it would assist in interpretation to include 'and/or' to ensure no ambiguity occurs.

352. In supporting the definition of 'official sign', Waka Kotahi[211] sought to remove the apparent duplication in the PDP which includes the definition from the National Planning Standards as well as another version of this same definition but with examples given of official signs. There was no explanation of any necessity for two separate definitions, particularly as the only difference appeared to be that the PDP definition included some examples of 'official signs'. We therefore recommend deleting the first definition and retaining the definition from the National Planning Standards.

353. In summary, we recommend:

a) Deleting the first definition of 'official signs' and retaining the second National Planning Standards' definition as follows:

[209] Submission #266.51
[210] Submission #370.20
[211] Submissions #370.26 and 370.27

~~*OFFICIAL SIGN means all signs required or provided for under any statute or regulation or are otherwise related to aspects of public safety.*~~

~~*Official signs include:*~~

~~*a. traffic / pedestrian / cycling signs;*~~

~~*b. railway signs;*~~

~~*c. airport signs;*~~

~~*d. port signs; and*~~

~~*e. signs for the purpose of health and safety.*~~

OFFICIAL SIGN means all signs required or provided for under any statute or regulation or are otherwise related to aspects of public safety.

b) Amending the definition of 'digital signs' as follows:

DIGITAL SIGN means a sign which displays electronic graphics and/or text using electronic screens. Digital Signs can include both moving and static signage.

c) Including a definition for 'interpretation signs' as follows:

INTERPRETATION SIGNS means signs that provide information to the public on the environmental, historic, cultural or other values of an area, often with photos, drawings or maps.

5.3 General Submissions on Signs

354. There were a range of submissions points made generally on signs:

a) Paul van Houtte sought to not permit digitally internally illuminated signs for commercial purposes or at least not have them be visible from any road. He also sought to restrict commercial advertising/signs on public transport routes and public transport infrastructure[212];

b) Go Media sought a range of changes as summarised in the s42A report, including recognition of the positive effects of billboards including digital signs, more enabling provisions for signs, provisions that treat digital and static signs in the same way, deleting the provisions relating to signage visible from

[212] Submissions #92.3 and 92.4

State Highways, and to qualify the term "*visual clutter*" with the terms "*unacceptable*" or "*adverse*"[213];

c) Kay Larsen sought changes in relation to digital signs, including preventing LED billboards near residential properties and hotels, as well as near roads to prevent hazards to motorists[214];

d) Lumo Digital Outdoor sought the incorporation of standards that reflect current practice without specific relief[215];

e) Out of Home Media Association Aotearoa (**OOHMAA**) and Lumo Digital Outdoor sought a range of changes, or the retention of provisions, which were summarised in the Section 42A Report, including incorporating appropriate matters of discretion and assessment criteria to provide a clear framework for the assessment of signs that require a resource consent, and to permit digital signs that can comply with relevant standards[216];

f) oOh!media sought to amend the introduction to reference the Public Places Bylaw 2022 and to confirm that the Council's approval is required in all instances for signs in the road reserve[217];

g) Taranaki Whānui ki te Upoko o te Ika sought that, within the 'Other relevant District Plan provisions', the Sites and Areas of Significance to Māori Chapter is included[218];

h) Waka Kotahi sought to amend the rule table in the chapter to ensure the links between the table and Rules are clear[219];

i) Council sought to amend the introduction to cover signage for local body election hoarding[220];

j) WIAL sought to amend the chapter to recognise and provide for signage in the Airport environment to ensure that potential effects of aircraft safety are considered[221]; and

[213] Submissions #236.3-12
[214] Submissions #447.8-12
[215] Submission #285.5
[216] Submissions #284.1-9 and 285.1-4 and 285.6-9
[217] Submission #316.3
[218] Submission #389.87
[219] Submissions #370.233-234
[220] Submission #266.127
[221] Submissions #406.460-461

k) Woolworths New Zealand sought to amend the chapter to be less restrictive with respect to free-standing signage in certain commercial zones and to have signage assessments consider the importance of corporate branding for consistency and coherence and ensure that consideration sits alongside the urban design aspirations of the PDP[222].

355. Dr van Houtte gave a presentation to the hearing on his submission, focusing on the reasons he considers digital signs can pose a safety issue in some contexts, including traffic safety and on the safety of cyclists and pedestrians. In response, the reporting officer considered that digital signs are a "*reality of modern advertising*" and that the plan provisions strike an appropriate balance between providing for signs while addressing the potential adverse effects.

356. We carefully considered Dr van Houtte's submission and presentation. However, as Mr Patterson observed, digital signs are an increasing feature of urban environments, and while we accept that there may be circumstances where it would not be appropriate to locate digital billboards, they may be quite appropriate in other contexts, including on main traffic routes. The urban environment is far too complex and too varied to conclude that such signs would pose an unacceptable risk in all or most situations. Noting that all digital signs require resource consent, the consenting process under the PDP should be able to assess specific proposals against specific contexts on a case-by-case basis.

357. We apply the same reasoning to those submissions seeking to enable digital signs, particularly billboards, to be Permitted Activities. While there may be many contexts in which such signs would be acceptable, there would be others where it would be inappropriate to locate electronic signage: again, this would require the consenting process to assess and determine. While setting standards such as illumination limits are important, standards cannot always address all the variabilities involved in determining appropriateness and acceptability.

358. We also agree with the reporting officer that it would be inappropriate to manage static signs and digital signs on the same basis. Digital signs do have a different visual appearance to static signs, whether or not static signs are externally illuminated, and therefore can have different effects. We also agree with Mr Patterson that, with a number of minor amendments as we address later, the regulatory framework for signs is not overly prescriptive and onerous. A consenting

[222] Submissions #359.36-38

pathway as a Restricted Discretionary Activity for digital signs is an enabling approach, sufficient to address the multitude of different contexts within the City while not being particularly onerous.

359. In relation to the submission from Kay Larsen on digital signs, we are satisfied the consenting process for proposed LED billboards appropriately addresses traffic safety matters. We also note that these forms of signs are Non-Complying Activities in residential areas, which provides a strong signal that such signs are not generally considered appropriate in such environments.

360. The issue of whether "*visual clutter*" should be further qualified was questioned during the hearing. We concluded that the term is itself implicitly negative or adverse, with its meaning being "*a lot of objects being in an untidy state*". The term is clearly applied in an adverse sense as demonstrated in the Introduction to the Signs Chapter in the statement: "*If not managed appropriately, signs have the potential to result in adverse environmental effects including visual clutter, degradation of heritage features, and erosion of the amenity of the local and wider environment*". The term is also inherently subjective, in that one person's sense of 'untidy' may not be another's. Adding a qualifier such as "*unacceptable*" will not necessarily assist in further clarifying the meaning: again, its interpretation will depend largely on context and circumstances.

361. We were satisfied that the formatting and cross-referencing of the Signs Chapter is appropriate and workable: given the Signs' provisions are a district-wide matter, applicable across all zones, and addressing all potential contexts, we have concluded that the provisions are more than sufficient and are not unduly unworkable and complex.

362. In response to Taranaki Whānui ki te Upoko o te Ika, we agree with the reporting officer that specific mention of the SASM Chapter is required[223]. The Signs Chapter refers to all Part 2 chapters, of which SASM is one.

363. We agree with the reporting officer that the submission from Council seeking to have the Introduction clarify the exemptions for local body election hoardings as follows would be a useful elucidation:

Introduction

[223] Submission #389.87

> *The purpose of the Signs chapter is to manage the potential for adverse environmental effects that can result from the erection and placement of signs across the city. This chapter addresses digital signs, freestanding signs, illuminated signs, official signs, third-party signs, and on-site signs. ~~Electoral signs~~ Hoarding signs for local or central government elections are exempt from these rules and are managed under the Electoral Act 1993, the Local Electoral Act 2001, and the Council's Election Hoarding Guideline. …*

364. In relation to WIAL's submission, we agree with the reporting officer that the Chapter makes sufficient recognition of the operational safety requirements of the Airport through Policy SIGNS-P6.

365. In relation to the submission from Woolworths, we do not consider there is a need for sign assessments to require explicit consideration of the branding requirements of commercial activities alongside urban design matters. In our view, it is generally accepted that branding is an important element to signage, and no evidence was provided to indicate otherwise. We were satisfied that the notified standards for commercial signage make sufficient allowance to accommodate the branding requirements of commercial activities.

5.4 Signs Objectives

SIGN-O1 Role of Signage

366. Go Media sought to have the word "*effectively*" removed from the objective[224].

367. OOHMAA[225] and Lumo Digital Outdoor[226] sought to have the objective amended by adding the following matters:

> *Signs support the needs of the community to advertise and inform while the effects on local amenity, historic heritage, archaeological sites, sites of significance to Māori, and the efficiency and safety of transport networks are effectively managed.*

368. We agree with the reporting officer that the word "*effectively*" is redundant and unnecessary – it also inappropriately shifts the focus to *how* signs are managed not the outcomes being sought.

[224] Submission #236.13
[225] Submissions #284.10 and 284.11
[226] Submissions #285.10 and 285.11

369. We also agree with Mr Patterson that the additional matters that are sought to be included with this objective by OOHMAA and Lumo Digital Outdoor are appropriate to include as the potential adverse effects of signs are not confined solely to local amenity but also include matters such as historic heritage and transport safety. We would note, however, that the objective should more correctly refer to "sites and areas of significance to Māori". Thus, the recommended amendment to Objective SIGNS-O1 should be as follows:

> *Signs support the needs of the community to advertise and inform while the effects on local amenity, historic heritage, archaeological sites, sites and areas of significance to Māori, and the efficiency and safety of transport networks are ~~effectively~~ managed.*

370. We would note our preference would have been to fully reframe this objective, as "*to manage*" is not an outcome as such: however, we had no scope to recommend such a change, and consider the objective as worded would still be functional.

5.5 Signs Policies

SIGN-P1 (Appropriate signs)

371. In addition to submitters seeking to retain this policy, several submitters sought amendments:

a) Go Media sought to have the policy refer to "*enable*"[227];

b) OOHMAA[228] and Lumo Digital Outdoor[229] sought to have the policy amended to include a qualifier to the management of visual clutter effects;

c) Paul Van Houtte sought to have digitally internally illuminated signs for commercial purposes not Permitted in Wellington or at least not be visible from any road[230];

d) Retirement Villages Association of New Zealand Incorporated (**RVA**) sought to amend SIGN-P1 so that proposed signs are not required to comply with all of the listed matters, particularly (4) and (7)[231];

[227] Submission #236.14
[228] Submissions # 284.12 and 284.13
[229] Submissions #285.12 and 285.13
[230] Submission #92.5
[231] Submission #350.80

e) WIAL sought to amend the policy as follows[232]:

> *Allow signs where:*
>
> *1. They are of an appropriate size, design, and location; ~~and~~ or*
>
> *2. They do not result in visual clutter; ~~and~~ or*
>
> *~~3. Any potential cumulative effects are managed; and~~*
>
> *~~4.~~3. They are required to meet regulatory or statutory requirements; and*
>
> *~~5.~~4. Any potential cumulative effects are managed; and*
>
> *~~6.~~5. They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and*
>
> *~~7.~~6. In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and*
>
> *~~8.~~7. They maintain the character and amenity values of the site and do not significantly detract from the surrounding area.*

372. The reporting officer agreed that '*enable*" was preferable to '*allow*" as "*enable*" is more consistent with the terminology used in the PDP. We agree. We also agree with his recommendations that the other changes are not necessary.

373. In response to the submissions from OOHMAA and Lumo Digital Outdoor, the reporting officer disagreed with the request for a qualifier of "*unacceptable*" visual clutter. However, in his supplementary evidence, the reporting officer did agree with the planning evidence of Anthony Blomfield for OOHMAA to reword this clause to read "*enable signs where visual clutter is minimised*". Through his Reply, Mr Patterson reconsidered his position in response to questions from the Hearing Panel, because it was unclear in his recommended amendment to what extent visual clutter is required to be minimised, or what "*minimised*" means in this context (noting the Plan only defines 'minimise' in relation to natural hazards). He considered the notified wording is clear in that signage should not result in visual clutter.

374. For the reasons we set out in paragraph 360, we agree with the reporting officer that adding any qualifiers would not assist in the interpretation and application of the policy in relation to assessing "*visual clutter*", and the notified wording of Policy SIGN-P1.2 should be retained.

[232] Submissions #406.463 and 406.464

375. For the reasons we provide in paragraph 356, we disagree with the relief sought by Dr van Houtte in relation to digital signs.

376. In relation to the submission from WIAL, we agree with the reporting officer that the amendments do not assist in the application of this policy, and the order of the listed outcomes is not consequential. However, we agree with WIAL and the RVA that the use of the conjunctive "*and*" at the end of each clause is inappropriate, as this would require a proposed sign having to meet all seven outcomes. We therefore recommend deleting "*and*" from the end of each clause, except for the penultimate clause, which should have "*and/or*" at the end.

SIGN-P2 (Digital and Illuminated Signs)

377. Policy SIGN-P2 seeks to provide for digital and illuminated signs in certain identified circumstances.

378. Go Media sought to amend the policy to clarify the meaning of "*not visible*"[233].

379. OOHMAA[234] and Lumo Digital Outdoor[235] considered that the policy as notified would result in not allowing digital and illuminated signs where they are visible from the State Highway.

380. Paul Van Houtte sought to have the policy not provide for digital signs[236].

381. Waka Kotahi[237] sought to amend the policy as follows:

> *...*
>
> *The sign is not visible from a state highway or any road with a speed limit of 70km/h or higher; and*
>
> *Cumulative effects of digital billboards are managed.*

382. WIAL[238] sought to amend the policy as follows (or, if this relief is not accepted, they sought to delete the policy in its entirety):

> *Provide for digital and illuminated signs where: …*
>
> *5. The sign is not directed at users of the ~~visible from a~~ state highway.*

[233] Submissions #236.16 and 236.17
[234] Submissions #284.14-16
[235] Submissions #285.14-16
[236] Submission #92.6
[237] Submission #370.237
[238] Submissions #406.465-467

383. We addressed the submission of Dr van Houtte in paragraph 356, where we concluded that it may be appropriate to enable digital signs in many circumstances.

384. In relation to the other submissions, the visibility of signs from State Highways was one of the key issues in contention in relation to signs. Initially, the reporting officer considered the term "*not visible*" did not need clarification, as the meaning could be determined on a case-by-case basis through the resource consent process.

385. In relation to the submission from Waka Kotahi seeking to limit digital signs to only being enabled where they are visible to State Highways or other roads with a speed limit of less than 70km/h, we agree with the reporting officer that there is no evidence to indicate that such signs are inappropriate. This was also the evidence put to the hearing for OOHMAA by Mr Harries, an experienced traffic engineer. No contrary traffic evidence was produced by the Waka Kotahi in support of its submission. We note that a number of digital signs facing or visible from State Highways with speed limits greater than 70km/h have been consented in the City, based on the information provided by OOHMAA. In those cases, the resource consent process would be able to address the direct effects on traffic safety as well as the cumulative effects of multiple signs on traffic safety.

386. Mr Harries, on behalf of OOHMAA, and Mr Costello, on behalf of Go Media, both sought that the provisions differentiate between speed zones. On consideration of the evidence, both written and verbal, the reporting officer through his reply, recommended that the provisions relating to the State Highway Network should be amended to differentiate between low speed (less than 80km/h) and high-speed environments (80km/h or greater).

387. In particular, the reporting officer agreed with the evidence by Mr Harries and Mr Costello which demonstrated that, with no differentiation of speed environments, the provisions as currently recommended are more onerous for low-speed environments on the State Highway Network than they are for the same speed environments on other roads in the City. Mr Patterson agreed that this is illogical and would result in resource consents being required for signs on roads such as Vivian Street and Cobham Drive (both part of State Highway 1) where the speed limits are 50km/h and 60km/h respectively, where resource consent might otherwise not have been required if located on another City street.

388. We further agree with the submitters that the term "*not visible from*" is problematic, as there could be many circumstances where a proposed sign may be visible to

some degree from some part of a State Highway or other road with a speed limit of greater than 70km/h and yet create minimal adverse effects on traffic safety. We agree with the reporting officer's final position that a more appropriate reference point is whether the sign is intentionally located and oriented to be read from a State Highway with a speed limit greater than 70km/h (i.e., 80km/h or higher).

389. Mr Patterson recommended that the Panel adopt the recommendation by Mr Harries (in paragraph 2.24 of Mr Harries' evidence) to differentiate between low speed (less than 80km/h) and high-speed environments (80km/h or greater). The reporting officer agreed with Mr Harries' reasoning for using 80km/h as the differentiation point, as Wellington's roading network does not have any streets which have speed limits more than 80km/h, whereas the urban motorways all have speed limits which are more than 80km/h. Adopting Mr Harries' recommendation would mean that any part of the State Highway Network in Wellington City that is not a part of the urban motorway will fall under the 80km/h metric. We consider this is an appropriate approach.

390. Mr Patterson advised that his original reasoning for rejecting this differentiation was on the basis that the State Highway Network, regardless of speed limits, carries much larger traffic volumes than other City roads. However, on further evaluation, he did not consider that this should be a factor in determining traffic safety and that the speed environments are the more critical factor to consider. This is particularly the case because there are many roads in the City that carry high traffic volumes, such as the Quays, which are not on the State Highway Network.

391. We agree with Mr Patterson's reasoning, based on the evidence before the hearing, and recommend introducing the differentiation that he proposed.

392. We would note that, where a proposed digital sign may not be deliberately oriented towards a State Highway but is still visible from the road, the resource consent process would still assess traffic safety as a matter under Policy SIGN-P1.

393. In terms of motorway off-ramps and on-ramps, we agree with the reporting officer's final position that these are clearly part of motorways, where vehicles are either speeding up and down from the higher speed environments, and therefore should be explicitly referenced in the policy.

394. Finally, as with Policy SIGN-P1, we recommend deleting 'and' from the end of clauses 1-3 to prevent these outcomes being interpreted as conjunctive tests.

395. In summary, we recommend Policy SIGN-P2 be amended as follows:

> *Provide for digital and illuminated signs where:*
>
> 1. *The sign is compatible with the zone and any overlay; ~~and~~*
> 2. *The sign does not compromise aircraft safety or the safe and efficient functioning of the Airport; ~~and~~*
> 3. *The sign does not compromise traffic, pedestrian, or cycling safety; ~~and~~*
> 4. *Any light spill or glare effects are managed so they do not compromise amenity values; and*
> 5. *The sign is not ~~visible~~ oriented to be read from a state highway, including on-ramps and off-ramps, where the speed limit is 80 km/h or greater.*

SIGN-P3 (Signs and Historic Heritage)

396. Policy SIGN-P3 seeks to enable interpretation and wayfinding signs on heritage structures and within heritage areas, and only allow for other signs where they do not detract from the identified heritage values.

397. Restaurant Brands sought to remove the cross-reference to the Signs Design Guide from this policy[239]. The reporting officer did not consider it appropriate to remove reference to the Signs Design Guide, which provides useful guidance on the design and placement of signs. We agree and recommend retaining this reference in the policy.

398. Council sought to amend the policy to state the full name of the Heritage Design Guide[240]. In response, the reporting officer recommended the deletion of any reference to the Heritage Design Guide, which was deleted as an outcome of hearings in 2023. We agree that it is necessary to remove reference to the Heritage Design Guide.

399. Wellington Heritage Professionals sought to amend the policy so that the rate of change is considered when assessing digital signage, as frequent and rapid change (minimal transitions) draws the eye and has the potential to detract from heritage buildings, structures and areas. The submitter also sought to delete the benefits of additional signage from this policy[241]. The reporting officer disagreed with adding the rate of change of digital signs as this is a matter addressed in Standard SIGN-

[239] Submission #349.38
[240] Submission #266.128
[241] Submissions #412.66 and 412.67

S8. He did not recommend deleting the consideration of the benefits of signage from the policy.

400. We agree with Mr Patterson that the effects of changing digital signs would be addressed as a result of any non-compliance with Standard SIGN-S8, and that any adverse effects of any proposed digital sign would be addressed in the consideration of the matters listed in the policy. We also agree that it would be important to consider the benefits of signage in sustaining any long term use of a heritage item.

401. In summary, no changes are recommended to be made to Policy SIGN-P3 other than removing the reference to the Heritage Design Guide.

SIGN-P4 (Signs on scheduled archaeological sites and sites of significance to Māori)

402. Policy SIGN-P4 seeks to enable safety and interpretation signs within scheduled archaeological sites and sites and areas of significance to Māori, and only allow other signs under certain identified circumstances.

403. Restaurant Brands sought to remove the cross-reference to the Signs Design Guide from this policy[242]. We agree with the reporting officer that this reference is appropriate and should be retained.

404. Taranaki Whānui ki te Upoko o te Ika sought to amend this policy to include a requirement for Taranaki Whānui to lead the decision-making around what is appropriate regarding bilingual signage and appropriate naming opportunities[243]. In response, the reporting officer did not support this amendment as he did not consider that a policy in a District Plan is an appropriate way of managing appropriate naming decisions, and this can be managed outside of the District Plan and RMA processes in general. We agree with Mr Patterson that this would be an inappropriate matter for this policy to address. However, as an outcome of the discussion at the hearing, we recommend amending the title of the Policy to correctly reference for full term, "*sites and areas of significance to Māori*".

405. As a result of questioning during the hearing, Mr Patterson was asked to review the wording of Policy SIGN-P4 as to whether cultural values related to SASMs should also be referenced (as the policy does with the archaeological values associated

[242] Submission #349.39
[243] Submission #389.88

with scheduled archaeological sites) to ensure that signs established within the extent of SASMs do not detract from the identified cultural values (in the same way as the policy provides for archaeological values).

406. In reply, Mr Patterson agreed that the policy should address cultural values as it does archaeological values, which is a noticeable omission in policy SIGN-P4. However, he did not consider there to be scope within submissions to make these changes, nor could it be considered a minor clause 16 amendment. He therefore recommended this matter be addressed as part of a future plan change. Reluctantly, we have to agree with the reporting officer that there is no current scope to make these changes, and recommend the Council consider this matter as part of a future plan change.

407. Wellington Heritage Professionals sought to amend this policy so that the rate of change of any proposed digital sign is a matter to consider. The submitter also sought to delete reference to the benefits of additional signage[244]. For the same reasons he gave in regard to the submitter's relief sought for Policy SIGN-P3, Mr Patterson recommended rejecting these submission points. We also agree that no amendments to the policy are necessary.

408. For the same reason as Policy SIGN-P3, we recommend deleting reference to the Heritage Design Guide which was removed from the PDP as an outcome of the hearings in 2023.

409. In summary, we recommend Policy SIGN-P4 be amended as follows:

> *SIGN-P4 Signs on scheduled archaeological sites and sites and areas of significance to Māori.*
>
> *Enable signs that relate to safety and interpretation within the extent of scheduled archaeological sites and sites and areas of significance to Māori, and only allow other signs that do not detract from the identified archaeological values, having regard to:*
>
> *1. The extent to which:*
>
> *a. Land disturbance required for the sign and impacts on archaeological features is minimised;*
>
> *b. Damage from methods of fixing to any feature of the site, including supporting structures, is minimised or reasonably reversible;*

[244] Submissions #412.68 and 412.69

c. *The location and placement of signs obscure appreciation of features integral to the significance of the scheduled archaeological site;*

d. *The area, height and number of signs are appropriate for the scale of the scheduled archaeological site or sites and areas of significance to Māori, or result in visual clutter;*

e. *The quality of the design of the sign complements the scheduled archaeological site or sites and areas of significance to Māori;*

f. *The intensity of any illumination adversely affects archaeological values; and*

g. *The sign fulfils the intent of the ~~Heritage and~~ Signs Design Guide~~s~~; and*

2. *The benefits of allowing additional signage to support sustainable long term use.*

New Policy – 'Integrated Signage'

410. oOh!media sought a new policy be added as follows[245]:

> *SIGN-PX Signs that are integrated with buildings and structures in the road reserve, except signs on building verandahs*
>
> *Enable signs where they are an integrated component of buildings and structures in the road reserve, including ancillary road network infrastructure.*

411. The reporting officer considered that the new policy was unnecessary as the notified provisions strike an appropriate balance between providing for signage across the city whilst managing the effects.

412. We agree. There is no need for such a specific policy, the intent of which is already captured by other policies on signs, particularly Policy SIGNS-P1.

413. We address the submitter's other relief sought in relation to 'integrated signage' later in this report (refer paragraphs 545-547).

5.6 Signs Rules

SIGN-R1 (Official signs)

414. WIAL sought to amend this rule to exclude its application in the Airport Zone, or, alternatively, if this relief is not accepted, to delete the rule in its entirety[246].

[245] Submission #316.4
[246] Submissions #406.469-471

415. The reporting officer did not consider it appropriate to either remove the applicability of this rule to the Airport Zone or delete it in its entirety, as the rule sufficiently and appropriately enables such signs to occur within the Zone.

416. We agree with the reporting officer that this rules appropriately enables official signs throughout the City and see no purpose in removing its applicability to the Airport Zone.

SIGN-R2 (Temporary signs)

417. Waka Kotahi sought to amend the rule to ensure that it does not apply to the State Highway Network[247].

418. WIAL sought to either amend this rule to exclude its application in the Airport Zone or, if this relief is not accepted, to delete the rule in its entirety[248].

419. We agree with the reporting officer that temporary signs along the State Highway network are appropriate, provided they meet the specified standards. If they do not meet the standards, resource consent is required. Waka Kotahi did not provide any evidence on this point. Therefore, we recommend rejecting this submission point.

420. In relation to the submission from WIAL, we agree with the reporting officer that this rule appropriately enables temporary signs throughout the City and see no purpose in removing its applicability to the Airport Zone. However, he did recommend some amendments to Signs Standard SIGN-S14, which we address below.

SIGN-R3 (On-site signs)

421. OOHMAA and Lumo Digital Outdoor did not consider it was justifiable to classify digital signs in a different manner from static signs. They sought to amend this rule to include a reference to SIGN-S8[249].

422. Restaurant Brands sought to amend this policy by removing the cross-reference to the Signs Design Guide[250].

[247] Submission #370.239
[248] Submissions #406.472-474
[249] Submissions #284.17 and 285.17
[250] Submissions #349.42 and 349.43

423. RVA supported this rule but considered the associated standards too restrictive, particularly Standards SIGN-S1 and S2[251]. The submitter sought to provide for two signs of up to 3m^2 per site as a Permitted Activity for retirement villages.

424. WIAL considered that, while this rule is intended to apply to the Airport Zone, it does not engage with the Airport Zone rules, and sought that the rule be amended to cross-reference SIGN-R3.2. If this relief is not accepted, WIAL sought to amend the rule to exclude application to the Airport Zone or, if this is not accepted, delete the rule in its entirety[252].

425. Woolworths sought to clarify the matters listed in relation to the Signs Design Guide with a straightforward assessment and clear direction parameters[253].

426. In response to the submission by OOHMAA and Lumo Digital Outdoor, we agree with the reporting officer that there should be a differentiation between the management of static signs and digital signs, given that there are differences in effects, with digital signs having potentially a much larger range of effects compared with static signs.

427. No reference to Standard SIGN-S8 is required in this rule, as that standard relates to digital signs which are managed separately under Rule SIGN-R5.

428. In response to the submission by Restaurant Brands, the reporting officer did not recommend removing the reference to the Signs Design guide, as he considered the Signs Design Guide provides useful guidance on the design and placement of signs and that it should accordingly be retained. We agree with his reasoning and recommendation.

429. We address the submission point by the RVA in relation to this rule under the two standards that this submitter also references: Standards SIGN-S1 and S2. No changes to this rule are recommended in relation to this submission point.

430. In relation to the submission from WIAL, the reporting officer did not agree that the rule should be amended to exclude the Airport Zone, as the rule references the specific Airport Zone Standard (SIGN-S14 through Rule SIGN-R3.2.a), and

[251] Submission #350.80
[252] Submissions #406.476-478
[253] Submission #359.39

therefore the framework appropriately addresses on-site signs within the Airport Zone. We agree and recommend rejecting this submission point.

431. In response to Woolworths' submission, we provide an analysis of the Signs Design Guide later in this report which addresses the concerns raised by this submitter.

SIGN-R4 (Third-party signs)

432. OOHMAA and Lumo Digital Outdoor sought to amend this rule to include a reference to SIGN-S8[254]. These submitters also sought to delete the reference to the Signs Design Guide from this rule[255].

433. In response, the reporting officer disagreed with adding a reference to Standard SIGN-S8, which is a standard for digital signs, as all matters relating to digital signs are captured by Rule SIGN-R5. He also considered that the Signs Design Guide provides useful guidance on the design and placement of signs and that it should be retained. We agree with Mr Patterson's evaluation.

434. WIAL[256] sought to delete clause SIGN-R4.4, which makes a proposed sign in the Miramar South Specific Control Area of the Airport Zone a Non-Complying Activity if compliance with Standard SIGN-S14.7 is not achieved. Standard SIGN-S14.7 is:

> *In relation to requiring authority signage in the (Airport Main Site) Terminal Specific Control Area, any free-standing sign or sign located on a structure shall not exceed a maximum height of 9 metres (above ground level).*

435. In response, the reporting officer advised that the purpose of the Non-Complying Activity status for the Miramar South Specific Control Area is to align with the conditions of the designation in this area that specifies that signage within the Miramar South Specific Control Area shall not be for third party advertising.

436. However, following the circulation of the planning evidence for WIAL by Ms O'Sullivan, Mr Patterson through his supplementary evidence, acknowledged that Ms O'Sullivan raised a legitimate concern in relation to SIGN-R4 whereby third-party signs within the Miramar South Specific Control Area are not a Permitted Activity subject to the same standards as other signs are within the Airport Zone. He therefore reconsidered his position and agreed with Ms O'Sullivan's requested

[254] Submissions #284.22 and 285.22
[255] Submissions #284.23 and 285.23
[256] Submissions #406.479-481

amendment to SIGN-S14 to resolve this issue. Mr Patterson agreed that third party signage within the Miramar South Specific Control Area should be subject to the same standards as signs everywhere else in the Airport Zone. He recommended an amendment to SIGN-R4 to delete the Non-Complying Activity status for third-party signage within the Airport Zone (Miramar South Specific Control Area). This would result in any third-party signage anywhere in the Airport Zone cascading to Restricted Discretionary where the matters within SIGN-S14 are not met.

437. We agree with Mr Patterson's conclusion (we address standard SIGN-S14 later in our report (refer paragraphs 540 and 541)).

438. We note here that, as an outcome of the Panel's recommendation in our report on Hearing Stream 6, in which we recommend the deletion of the Future Urban Zone, all references to the Future Urban Zone in the Signs chapter will need to be deleted as a consequential amendment.

SIGN-R5 (Digital signs)

439. The rule and associated standards for digital signs received the greatest amount of attention in relation to the PDP provisions for signs. Rule SIGN-R5 makes all digital signs a Restricted Discretionary Activity, subject to compliance with Standards SIGN-S5 and S8; non-compliance requires resource consent as a full Discretionary Activity.

440. Restaurant Brands sought to delete the cross-reference to the Signs Design Guide from this rule[257]. In response, the reporting officer disagreed with removing reference to the Signs Design Guide, as he considered it provides useful guidance on the design and placement of signs and that it should be retained. We agree and recommend its retention.

441. WIAL sought to amend the rule to make digital signage a Controlled Activity within the Airport Zone where it complies with the relevant standards: alternatively, if this relief is not accepted, WIAL sought to delete the rule in its entirety[258].

442. In response, the reporting officer did not consider that a Controlled Activity status for digital signs is appropriate, as digital signs within the Airport Zone have the same potential to create adverse environmental effects as those outside the Airport Zone. He did not consider that a 'carve out' for the Airport Zone was appropriate. He also

[257] Submission #349.44
[258] Submissions #406.482-484

considered that a Restricted Discretionary resource consent process would not be overly onerous.

443. Restaurant Brands sought to replace the Restricted Discretionary activity status with Permitted Activity status[259], OOHMAA and Lumo Digital Outdoor opposed the Restricted Discretionary status for signs that are designed and operated to comply with relevant standards, seeking to delete the rule in its entirety[260].

444. In response, the reporting officer disagreed for the following reasons:

a) Digital Signs have potential for many unforeseen adverse environmental effects including visual effects and traffic safety effects. The Restricted Discretionary starting point ensures that a site-by-site assessment can be undertaken to determine the appropriateness of a digital sign in a specific location; and

b) While he acknowledged the Restaurant Brands' point regarding the use of digital signs for drive-through menus, he considered that a Restricted Discretionary resource consent is appropriate given these signs can be visible from multiple locations in the surrounding environment.

445. In considering the potential for adverse effects from digital signs, we concluded that that a Restricted Discretionary activity status is appropriate for managing digital sign proposals. While we accept that many menu signs for fast-food restaurants could be relatively small and discretely located, we had no evidence to indicate that a standard could be drafted and applied in all circumstances where a digital sign could be used appropriately as a Permitted Activity. The Restricted Discretionary consent process is not particularly onerous and provides the flexibility to consider the context and purpose of the proposed digital sign and impose conditions if necessary.

SIGN-R6 (Signs on heritage buildings, heritage structures and their sites, or on a site within a heritage area)

446. Restaurant Brands sought to delete the reference to the Signs Design Guide from this rule[261]. In response, the reporting officer disagreed with removing reference to the Signs Design Guide as he considered the Signs Design Guide provides useful

[259] Submission #349.44
[260] Submissions #284.24 and 284.25, and 285.24 and 285.25
[261] Submissions #349.45 and 349.46

guidance on the design and placement of signs and that it should be retained. We agree and recommend retaining this reference.

SIGN-R7 (Signs within the extent of a scheduled archaeological site or site of significance to Māori)

447. Restaurant Brands sought to delete the reference to the Signs Design Guide from this rule[262]. In response, the reporting officer disagreed with removing reference to the Signs Design Guide as he considered the Signs Design Guide provides useful guidance on the design and placement of signs and that it should be retained. We agree and recommend retaining this reference.

448. Taranaki Whānui ki te Upoko o te Ika sought to amend this rule to include proximity to sites and areas of significance to Māori. They also sought to have the matters of discretion amended to include engagement with Taranaki Whānui[263].

449. In response, the reporting officer disagreed with amending the rule to make it apply to a proximity to sites and areas of significance to Māori as it was unclear the distance that such 'proximity' would need to apply. Additionally, the purpose of the rule is to ensure archaeological artefacts remain intact and that the amenity values of these sites are not directly adversely affected. He considered that the rule as drafted does this.

450. In relation to engagement with Taranaki Whānui, the reporting officer considered that such a requirement need not be included within the rule as the notification tests would apply at the resource consent phase.

451. We agree that use of the term 'proximity' raises an inappropriate level of uncertainty that would make implementation problematic. We also agree that it is not necessary to add a requirement for engagement with Taranaki Whānui to occur for any sign within a site or area of significance to Māori as we would expect that would be a consideration in the notification process.

New Rules

452. In line with its request to introduce a new policy on integrated signs (refer to paragraph 410), oOh!media sought the introduction of a new rule as follows[264]:

[262] Submission #349.47
[263] Submissions #389.89 and 389.90
[264] Submission #316.5

SIGN-RX Signs that are integrated with ancillary road network infrastructure, except signs on building verandahs

All Zones

1. Activity status: Permitted

Where:

a. Compliance with the following standards is achieved:

i. SIGN-SX

All Zones

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the Requirements of SIGN-RX.1 cannot be achieved.

Matters of discretion are:

1. The matters in SIGN-PX; and

2. The extent and effect of non-compliance with any relevant standard and the matters as specified in the associated assessment criteria for the infringed standards.

453. WIAL sought a new rule, SIGN-R4(2), be added as follows[265]:

Airport Zone

1. Activity Status: Permitted

Where:

a. Compliance is achieved with:

i. SIGN-S7;

ii. SIGN-S9; and

iii. SIGN-S14.

2. Activity status: Restricted Discretionary

Where:

a. Compliance cannot be achieved with the requirements of SIGN-R4.1.

Matters of discretion are:

1. The matters in SIGN-P1, SIGN_P2, SIGN-P3 and SIGN-P6;

[265] Submission #406.462

2. *The Signs Design Guide; and 3. The extent and effect of non-compliance with any relevant standard and the matters as specified in the associated assessment criteria for the infringed standards.*

454. Waka Kotahi sought to add a new activity status to SIGN-R5 (digital signs) as follows[266]:

> *SIGN-R5.4 Activity status: Non-complying*
>
> *Where:*
>
> *a. A digital billboard is oriented to be read from state highway, including on- ramps and off-ramps, or 100m from any intersection with state highway.*
>
> *Note: Digital signs must also comply with or apply for consent under any other relevant rule in the activity table – e.g. R4 and R5 apply to digital third party signs.*

455. In his Section 42A Report, the reporting officer did not recommend accepting any of the new rules as sought, as he considered the notified provisions are suitable for managing the effects from signs and strike an appropriate balance between providing for signage across the City whilst managing the effects. We agree with the reasoning of Mr Patterson and adopt his recommendations. In particular, we refer to Mr Patterson's response to the relief sought by oOh!media in paragraphs 5.16 to 5.21 of Mr Patterson's supplementary evidence, which we address below in relation to the new standard sought by this submitter (refer paragraphs 545 to 547).

5.7 Signs Standards

SIGN-S1 (Maximum area of any sign)

456. CentrePort sought to amend this standard to include reference to the Special Purpose Port Zone[267]. Massey University sought to amend the standard to include a reference to the Tertiary Education Zone[268].

457. Go Media[269] and Restaurant Brands[270] sought to increase the 5m^2 area limit on signs in SIGN-S1.1.c.i and SIGN-S1.1.f.i.

[266] Submission #370.235
[267] Submissions #402.139 and 402.140
[268] Submissions #253.7 and 253.8
[269] Submissions #236.21 and 236.22
[270] Submission #349.49

458. Lumo Digital Outdoor[271] and OOHMAA[272] considered that the characteristics of the Metropolitan Centre Zone are similar to the City Centre and Mixed-Use Zones and that, accordingly, the standards for signs within these zones should be consistent.

459. Lumo Digital Outdoor[273]and OOHMAA[274] considered that there is no rationale for applying different standards to the design of signs that face State Highways, compared to those that face a local road.

460. RVA sought to amend the standard to provide for two signs up to 3m^2 per site for retirement villages[275].

461. Waka Kotahi sought to amend the wording of "*facing*" to "*oriented to be read from*"[276].

462. In response, the reporting officer agreed that the Special Purpose Port Zone and Tertiary Education Zone should be added to the Zones to which this standard applies, which were, he advised, inadvertently omitted. He recommended adding Port Zone to the maximum Permitted standard of 20m^2, and Tertiary Education Zone to the 5m^2 limit.

463. Upon questioning at the hearing, it became apparent that a number of zone references were missing or, in the case of the Commercial Zone, no longer applied as a result of decisions on the IPI and should be deleted. The reporting officer agreed to review the zone references and provide amended references in the next iteration of recommended amended provisions. Through his Reply, Mr Patterson outlined the results of his review, which identified a number of omissions and mis-references. He annotated where these changes should be made to the PDP provisions.

464. However, Mr Patterson also noted that not all of the necessary corrections and additions could be done by way of either a clause 16 minor amendment or in response to the submissions, which would provide scope to make the changes. The reporting officer concluded that a future plan change would be required. We agree with Mr Patterson, and therefore make this recommendation as an out of scope matter (refer paragraph 572 below). We also note that, as a result of our

[271] Submissions #285.26 and 285.27
[272] Submissions #284.26 and 284.27
[273] Submission #285.28
[274] Submission #284.28
[275] Submissions #350.81 and 350.82
[276] Submissions #370.241 and 370.242

recommendation to delete the Future Urban Zone from the PDP (made in respect of Hearing Stream 6), there would be no need to make reference to this Zone.

465. In response to the submissions from Go Media, Restaurant Brands, Lumo Digital Outdoor, and OOHMAA in regard to the minimum size of signs, in the Section 42A Report, the reporting officer disagreed that a $5m^2$ limit on signs within Neighbourhood Centre Zone, Local Centre Zone, and Metropolitan Centre Zone (**MCZ**) is too small to be a starting point for Permitted Activities. He advised that many of these zones interface with residential zones and he considered that a site-by-site analysis of effects as a Restricted Discretionary activity is necessary for proposed signs greater than $5m^2$.

466. Following the hearing, through his reply, the reporting officer reconsidered his position in relation to the zone differentiators for Permitted sign sizes, having re-read the evidence provided by Mr Costello on behalf of Go Media and Mr Harries on behalf of OOHMAA, as well as the speaking notes from the Hearing provided by Mr Costello and the recording of Mr Harries during the Hearing. Mr Patterson accordingly revised his recommendation and proposed increasing the maximum Permitted sign size for the MCZ Zone to $20m^2$.

467. The reporting officer agreed with the submitters that $20m^2$ is an appropriate permitted size for signs within the MCZ, given that the scale of development within the MCZ is greater than that anticipated in other zones, such as residential zones, and that the environmental effects resulting from signs on sites bordering residential zones will be no greater than the scale of overall development enabled within the zone and the impact this will have on sites bordering residential zones.

468. We agree with the reporting officer that Local and Neighbourhood Centre Zones are often small, narrow strips and surrounded by residential areas, and that a $5m^2$ is an appropriate limit as a Permitted Activity in these zones given the proximity to residential neighbourhoods and the adverse effects that large signs may have on residential amenity. We also agree that the MCZs are much larger areas, with core commercial centres that typically do not directly interface with residential areas. Further, while the scale of the centres is still relatively low currently, the PDP has enabled a much greater level of building scale within the MCZ, with a consequential change in the future character and amenity. Thus, these centres will have a higher absorption capacity for much larger signs.

469. We therefore accept the advice of the reporting officer and recommend the maximum Permitted Activity limit for the MCZ be 20m^2, adding MCZ to SIGN-S1.1.b, and deleting it from S1.1.c.

470. In relation to the maximum sign size of 5m^2 for signs facing the State Highway network under S1.1.f, the reporting officer considered this was an appropriate limit, and was supported by Waka Kotahi. He considered that it was appropriate for proposed signs larger than 5m^2 to require resource consent as a Restricted Discretionary Activity so that the specific adverse effects on traffic safety can be assessed. We agree with Mr Patterson's reasoning and recommend retaining the 5m^2 limit for signs facing the State Highway network. For the reasons we set out in paragraph 388, we also agree with his recommendation to amend the term to read "*oriented to be read from*".

471. In response to the submission from the RVA, the reporting officer disagreed with the request to enable 2 signs up to 3m^2 as a Permitted Activity for retirement villages (as most retirement villages are within residential zones, the maximum size would be 1.5m^2). He considered that the existing standard is sufficient and that for any sign which exceeds the requirement, a resource consent as a Restricted Discretionary activity can be applied for. Given the residential location of most retirement villages, we agree with Mr Patterson that 1.5m^2 is an appropriate limit for a single sign.

SIGN-S2 (Maximum total area of signs)

472. Standard SIGN-S2 sets the maximum total area of signs on a site as a Permitted Activity.

473. CentrePort sought to amend the standard to include reference to the Special Purpose Port Zone[277]. Massey University sought to amend the standard to include a reference to the Tertiary Education Zone[278].

474. Go Media sought to increase the maximum sign area in SIGN-S2.b, and to clarify the meaning of '*facing*" within the standard[279]. Go Media considered SIGN-S2.1.e is unreasonable because the angle of a sign is not sufficient to cause an adverse effect; however, the relief sought was not specified[280].

[277] Submissions #402.141 and 402.142
[278] Submissions #253.9 and 253.10
[279] Submissions #236.23 and 236.24
[280] Submission #236.25

475. Restaurant Brands sought to increase the maximum total area of signage affixed to an elevation of a building or structure under S2.1.b to 20 percent[281].

476. RVA sought to amend the standard to provide for two signs up to 3m^2 per site for retirement villages[282].

477. Waka Kotahi sought to amend the standard to use the term "*oriented to be read from*" and to include on-ramps and off-ramps[283]:

478. For the reasons we provide above for standard SIGN-S1, we agree with the reporting officer in relation to the same points for standard SIGN-S2, in terms of references to zones, the use of the term "oriented to be read from", and for signs in retirement villages. For the reasons we set out in paragraph 393, we also agree that on-ramps and off-ramps should be included in reference to State Highways.

479. In relation to the submissions from GO Media and Restaurant Brands, we agree with the reporting officer that the maximum total area of signs as notified provides an appropriate baseline.

SIGN-S4 (Maximum height of freestanding signs)

480. CentrePort sought to amend the standard by including reference to the Special Purpose Port Zone[284]. Massey University sought to amend the standard to include a reference to the Tertiary Education Zone[285].

481. Go Media sought to increase the height limits for freestanding signs in the Commercial, Mixed-Use, and Industrial Zones[286].

482. Lumo Digital Outdoor[287] and OOHMAA[288] consider that the characteristics of the MCZ are similar to the City Centre and Mixed Use Zone, and that, accordingly, the standards for signs within these zones should be consistent.

483. Woolworths New Zealand sought to increase the maximum height of a freestanding sign be increased from 4m to 8m[289].

[281] Submission #349.50
[282] Submissions #350.83 and 350.84
[283] Submissions #370.243 and 370.244
[284] Submissions #402.143 and 402.144
[285] Submissions #253.11 and 253.12
[286] Submission #236.26
[287] Submission #285.29
[288] Submission #284.29
[289] Submission #359.40

484. For the reasons we provide above for standard SIGN-S1, we agree with the reporting officer in relation to ensuring the Port Zone and TEZ are appropriately referenced in this standard. We also agree with his reasoning for and recommendation of applying the limit under Standard SIGN-S4.1.a to the TEZ (4m) given the proximity of the that zone to residential areas.

485. We agree with the reporting officer that the proposed height limits for freestanding signs are sufficient to provide good visibility without being unduly visible or overly dominant.

486. In response to Lumo Digital Outdoor, OOHMAA, and Woolworths, the reporting officer disagreed with the requests to raise the height of freestanding signs within the MCZ, as he considered the notified height limit of 4m is appropriate to ensure that the signs are not overly dominant within the surrounding environment. We agree, and also note that the height limit is the same as for the City Centre Zone.

SIGN-S5 (Signs located on a building or structure)

487. Go Media sought to clarify the meanings of "*plain wall surface*", "*facing*", and "*visible*", and to amend the standard to have fewer restrictions on internally illuminated signs[290].

488. Lumo Digital Outdoor[291], OOHMAA[292], and Restaurant Brands[293] sought to omit the controls on illumination for any signage visible from the State Highway.

489. WIAL sought to amend the standard to exclude its application to the Airport Zone[294].

490. Waka Kotahi sought to amend the wording of "*facing*" to "*oriented to be read from*"[295].

491. For the reasons we set out in paragraph 388, we agree with the reporting officer's recommendation to amend the term to read "*oriented to be read from*" in relation to State Highways.

492. In response to Go Media, the reporting officer did not consider that "*plain wall surface*" or "*visible*" need to be clarified, as he considered the meanings of these

[290] Submissions #236.27-29
[291] Submission #285.30
[292] Submission #284.30
[293] Submission #349.51
[294] Submissions #406.285 and 406.286
[295] Submissions #370.245 and 370.256

terms are clear and do not need explanations. In addition, the Design Guide provides specific guidance on the placement of signs on a building. However, the reporting officer did agree that "*facing*" should be clarified and should be reworded to say, "*oriented to be read from*". We agree with the reasoning of Mr Patterson, except that the term "*visible*" is subject to the same issues we highlighted in paragraph 388. We therefore recommend rewording clause S5.4 to read as follows:

> *4. Where the sign is ~~facing~~ oriented to be read from either the State Highway network or ~~is visible~~ from any intersection with the State Highway (including on-ramps and off-ramp, and where the speed limit is 80 km/h or greater), the sign must not be internally illuminated.*

493. With regard to Go Media, Lumo Digital Outdoor, and OOHMAA, the reporting officer disagreed with removing the control on illuminated signs on the State Highway as requested. He advised that this part of the standard was intended to manage safety effects and was drafted in consultation with Waka Kotahi at the drafting stage of the Chapter. He noted that signs can still be externally illuminated and that, if there is a proposal for an internally illuminated sign, then a resource consent can be applied for as a Restricted Discretionary activity. We agree with Mr Patterson and consider that the potential illumination of a sign oriented towards the State Highway network should be managed through the resource consent process.

494. In response to WIAL, the reporting officer disagreed that the standard should be excluded from applying to the Airport Zone. He considered the standard can be complied with and that compliance will ensure that signs do not have an adverse effect on buildings and the surrounding environment. We agree and conclude that the same reasoning for managing signs on structures and buildings applies equally within the Airport Zone.

495. As an observation, we note that the fourth clause of this standard relates to traffic safety rather than the effects of signs on buildings and structures. Ideally, this clause should be under standard SIGN-S7, Traffic Safety. However, no submitter sought this change and therefore we have no scope to recommend relocation of this particular clause. This matter would need to be addressed as part of a future plan change.

SIGN-S6 (Verandah signs)

496. Waka Kotahi considers that, as with SIGN-S5, there should be similar control on illumination for verandah signs that are oriented to be read from the State Highway network[296].

497. The reporting officer disagreed with Waka Kotahi. He advised that verandah signs are generally small in scale and oriented to be read from pavements rather than streets. In addition, he advised that there are only a few streets, notably Vivian Street, where the proposal would have effect. Given the impact this control could have on the ability for shops to advertise and display the name of shops etc, and the relatively small impact these signs could potentially have on traffic safety, the reporting officer did not consider that the requested amendment is appropriate.

498. We agree with Mr Patterson, observing that verandah signs are usually small and oriented towards pedestrians rather than moving traffic. No evidence on the traffic safety issues of verandah signs was adduced by Waka Kotahi to support its submission.

SIGN-S7 (Traffic Safety)

499. Paul Van Houtte sought that the rule be amended to prevent digital signs from being visible from any road[297].

500. Lumo Digital Outdoor[298], OOHMAA[299], and Restaurant Brands[300] considered that the minimum separation distances between signs are impracticable and too onerous in an urban environment and would result in too many signs requiring resource consent.

501. Waka Kotahi sought to amend the standard as follows[301]:

> 1. *Where any sign is oriented to be read from ~~located adjacent to~~ any road, the sign must not contain any flashing or moving lights.*
> 2. *Where any sign is located within 100m of an intersection and visible oriented to be read from a legal road, the sign must not be digital ~~only contain static messaging and images~~.*

[296] Submissions #370.247 and 370.248
[297] Submission #92.7
[298] Submissions #285.31 and 285.32
[299] Submissions #284.31 and 284.32
[300] Submission #349.52
[301] Submissions 370.249 and 370.250

3. *Signs must not be shaped or use images or colours, including changeable messages, that could be mistaken for a traffic control device in colour, shape or appearance ...*

502. For the reasons we provide in paragraph 356, we disagree with the relief sought by Dr van Houtte in relation to signs being visible from roads.

503. In relation to the submissions from Lumo Digital Outdoor, OOHMAA, and Restaurant Brands, the reporting officer advised that he agreed in part with the submitters' point as he considered that signs within a 0-70km/h speed area do not need to have a minimum separation distance, because other traffic safety standards would ensure traffic safety. He considered that requiring signs to be 50m apart within a 0-70kmh speed zone would result in many more signs requiring resource consent. He therefore recommended removing the control for areas with a speed limit of 0-70kmh.

504. In terms of standard SIGN-S7.6, which specifies the minimum lettering heights for all signs within 10m of a legal road, through his supplementary evidence, the reporting officer reconsidered his position following the circulation of traffic evidence for OOHMAA. Based on the guidance in Waka Kotahi's Planning Policy Manual, Mr Patterson recommended amending SIGN-S7(6) so that, in speed zones of 0-70km/h, the minimum lettering height is 120mm, and in speed zones 70km/h and over, the minimum lettering height is 160mm. Mr Patterson stated that, if a sign breaches these requirements, a resource consent can be applied for as a Restricted Discretionary Activity which will enable an assessment of traffic safety effects in relation to a specific speed environment.

505. In response to the Waka Kotahi submission, the reporting officer agreed with the rewording sought for the reasons he provided for other standards. He did not, however, agree to replace the term "only contain static messaging and images" with "not be digital" as digital signs are addressed by other provisions.

506. For the reasons Mr Patterson set out, we agree with his evaluation and his recommendations in regard to standard SIGN-S7. In particular, the Waka Kotahi Planning Policy is the current official manual on signs near roads, and it is appropriate the District Plan standards align with that document.

SIGN-S8 (Digital signs)

507. Standard SIGN-S8 is the principal set of requirements for digital signs, in addition to SIGN-S5 (signs located on a building or structures).

508. Go Media sought that the 35-second dwell time be deleted and amended to 8 seconds for all speed areas. Go Media also sought to amend the standard so that the image transition time is increased to 0.5 seconds[302].

509. Lumo Digital Outdoor[303] and OOHMAA[304] sought to amend the minimum time a digital sign must be displayed for to 8 seconds. These submitters also consider that the standard should not preclude the use of a 'dissolve' transition and sought to amend SIGN-S8.4 to include reference to 'digital'[305].

510. Waka Kotahi sought to amend the standard as follows[306]:

> *1. Digital signs must not:*
>
> *...*
>
> *e. Contain phone numbers, email addresses, web addresses, physical addresses, ~~or~~ contact details or logos;*
>
> *f. Contain more than 40 characters; or*
>
> *g. Be oriented to be read from ~~located adjacent to~~ a State Highway, including on ramps and off ramps.*
>
> *h. Impair the ability of Air Traffic Control to guide aircraft, or pilots to operate aircraft.*
>
> *i. be located within 100m of an intersection*
>
> *j. be located where there are any other digital billboards in a driver's field of vision.*
>
> *k. be oriented to be read from any road where the posted speed limit exceeds 70km/h*
>
> *Each image on a digital sign shall:*
>
> *a. Be static only;*
>
> *b. Be displayed for a minimum of 15 seconds for roads with posted speed limits of less than and equal to 80km/h, and an appropriate dwell time determined so that no more than 5 per cent of drivers are exposed to*

[302] Submissions #236.32-34
[303] Submission #285.37
[304] Submission #284.37
[305] Submissions #285.38-39 and 284.38-39
[306] Submissions #370.251 and 370.252

image changes. ~~*and a minimum of 35 seconds for roads with a posted speed limit ofgreater than 80km/h;*~~

c. Transition to another image within 0.1 to 0.5 seconds; and

d. Transition to another image without flashing, blinking, fading, or scrolling, ~~or~~ ~~dissolving~~.

...

511. WIAL sought to amend the standard so that the term "*impact*" is replaced with "*effect*"[307].

512. In response to Go Media, Lumo Digital Outdoor, and OOHMAA, the reporting officer originally disagreed with the requested amendment to dwell times, as he considered the notified dwell times were based on traffic safety, with dwell times that are too quick potentially causing unnecessary distraction to drivers. In addition, he considered that 35 seconds is a sufficient time to display a message on a sign and still allow for movement between multiple signs.

513. In response to amending the transition time to 0.5 seconds, the reporting officer originally considered this to be a reasonable time to transition between images without causing unnecessary driver distraction and agreed that a more immediate change is more likely to be noticed by a passer-by than a 0.5 second change.

514. In response to Lumo Digital Outdoor and OOHMAA's request to delete the 'dissolve' transition, the reporting officer agreed that dissolving between images is appropriate and is unlikely to cause any greater traffic safety effects than not allowing images to dissolve. He therefore recommended deleting this preclusion from the standard.

515. In response to Lumo Digital Outdoor and OOHMAA's request to add "*digital*" to the chapeau of clause S8.4, the reporting officer agreed that this standard should refer to digital signs to clarify its application for plan users.

516. In response to the amendment proposed by Waka Kotahi, the reporting officer advised that he agreed in part with the amendments as follows:

a) He disagreed with making an amendment to SIGN-S8.1.e, as excluding logos would be detrimental for many businesses and would result in some branding not being able to be displayed. He considered that logos would not have any traffic safety effects;

[307] Submissions #406.87 and 406.488

b) He agreed with the amendment sought to SIGN-S8.1.g to the extent that "*located adjacent to*" should be replaced with "*oriented to be read from*" as this would add clarity for plan users;

c) He disagreed with the addition of proposed SIGN-S8.1.i, j, and k as he considered that SIGN- S7 already manages these matters and that repeating them here is unnecessary;

d) He disagreed with the requested amendment to SIGN-S8.2.b as he considered the amendment would be difficult to calculate and would add unnecessary complexities. He considered the notified wording is sufficient for managing traffic safety effects from dwell times; and

e) He agreed with the amendment to SIGN-S8.2.d, for reasons discussed above.

517. The reporting officer agreed with WIAL to replace "*impact*" with "*effect*" as this is consistent with wording throughout the plan.

518. In response to Go Media, Lumo Digital Outdoor, and OOHMAA, the reporting officer disagreed with removing SIGN-S8.1.e-g as these matters are necessary for managing the adverse traffic safety effects of digital signs. He considered that any sign which proposes to breach these matters can apply for a resource consent as a Restricted Discretionary Activity, as this is the appropriate avenue of determining if the traffic safety effects can be mitigated for a specific location and design of a sign.

519. We agree with the reasoning of the reporting officer and recommend the amendments he advised, which were as follows:

SIGN-S8 – Digital Signs

1. Digital signs must not:

a. Flash or contain moving images, moving text or moving lights;

b. Obstruct or obscure, including partially, any traffic control device;

c. Play music or sound;

d. Provide advertising over multiple messages which are displayed across transitioning screens; or

~~*e. Contain phone numbers, email addresses, web addresses, physical addresses or contact details;*~~

~~*f. Contain more than 40 characters; or*~~

g. Be ~~located adjacent to~~ oriented to be read from a State Highway, including on-ramps and off-ramps, where the speed limit is 80 km/h or greater.

h. Impair the ability of Air Traffic Control to guide aircraft, or pilots to operate aircraft.

2. Each image on a digital sign shall:

a. Be static only;

b. Be displayed for a minimum of 8~~15~~ seconds for roads with posted speed limits of less than and equal to 80km/h and a minimum of 30~~5~~ seconds for roads with a posted speed limit of greater than 80km/h;

c. Transition to another image within ~~0.1 to~~ 0.5 seconds; and

d. Transition to another image without flashing, blinking, fading, or scrolling.~~, or dissolving.~~

3. In the event of a malfunction, a digital sign shall default to a blank screen.

4. Illumination of any digital sign shall:

a. Automatically adjust to allow for ambient light levels; and

b. Not result in the illuminance of a roadway by over 4 lux in residential and rural areas and 20 lux in all other areas; and

c. Shall not exceed:

i. Daytime: 5,000cd/m^2

ii. Dawn and dusk: 600cd/m^2

iii. Night-time: 250cd/m^2

Assessment criteria where the standard is infringed:

1. *Visual amenity effects;*
2. *The ~~impact~~ effect of the sign on aircraft safety or the safe and efficient functioning of the Airport;*
3. *The ~~impact~~ effect of the sign on traffic, pedestrian and cycling safety;*
4. *The extent to which any size infringement is necessary to provide for functional needs or operational needs;*
5. *Any positive effects of the sign;*
6. *The frequency and intensity of any light sources;*
7. *The frequency of any image changes;*
8. *The timing and hours of operation of the sign; and*
9. *Any light spill or glare effects.*

SIGN-S9 (Illuminated signs)

520. Standard SIGN-S9 sets out the requirements for illuminated signs, which are defined as "*means any sign which is internally or externally illuminated except for Digital Signs*."

521. Lumo Digital Outdoor and OOHMAA sought to amend the standard as follows[308]:

> *All zones Illuminated Signs*
>
> *1. Any illuminated sign must be designed, measured and assessed in accordance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting. Any illuminated sign which is lit internally or by external means (excluding digital signs), must:*
>
> *a. Not be lit with an upwardly facing light source;*
>
> *b. Not exceed a luminance of 800cd/m2 when lit by an artificial light source between dusk and dawn; or*
>
> *c. Be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the illuminated sign.*
>
> *2. The Light standards for the relevant zone in the Light Chapter must be met.*
>
> ~~*3. Illumination of any sign shall:*~~
>
> ~~*a. Automatically adjust to allow for ambient light levels; and*~~
>
> ~~*b. Not result in the illuminance of a roadway by over 4 lux in residential and rural areas and 20 lux in all other areas; and*~~
>
> ~~*c. Shall not exceed:*~~
>
> ~~*i. Daytime: 5,000cd/m^2*~~
>
> ~~*ii. Dawn and dusk: 600cd/m^2*~~
>
> ~~*iii. Night-time: 250cd/m^2*~~

522. WIAL sought that the standard be amended as follows[309]:

> *…4. Illuminated signs must not impair the ability of Air Traffic Control to guide aircraft, or pilots to operate aircraft.*
>
> *Assessment criteria where the standard is infringed:*
>
> *...7. The timing and hours of operation of the sign.* ~~*and*~~
>
> *8. Any light spill or glare effects;*
>
> *9. The timing and house of operation of the sign.*

[308] Submissions #285.40 and 284.40
[309] Submissions #406.489 and 406.490

10. Any light spill or glare effects; and

11. The effect of the sign on aircraft safety or the efficient functioning of the Airport.

523. In response to Lumo Digital Outdoor and OOHMAA, the reporting officer disagreed with the proposed amendments, as he considered that the notified provisions are sufficient to ensure that any potential environmental effects resulting from light emitted from a sign are less than minor, and therefore Permitted Activity status is appropriate. He advised that the proposed amendments would likely result in unacceptable light effects in many instances. He considered that any sign that proposed to breach the standard can go through a resource consent process, and this is the appropriate avenue to determine the effects of the breach in a specific location.

524. The reporting officer agreed with the requested amendments by WIAL as he considered the proposed amendments would contribute to aircraft and airport safety.

525. We agree with Mr Patterson's evaluation and adopt his recommendations on these submissions.

SIGN-S10 (Temporary signs)

526. Waka Kotahi sought to amend the standard to restrict temporary signs visible from the State Highway occurring without a consent[310].

527. The reporting officer disagreed with the request as temporary signs still have to comply with standards S1, S7, S10, S11, and S14. He considered that the traffic safety matters within these standards are sufficient to adequately mitigate traffic safety effects. In addition, he advised that temporary signs cannot be permanent and so will be removed after a maximum of 60 days.

528. We agree with the reasoning of the reporting officer, and his subsequent recommendation to reject these submission points.

SIGN-S12 (Signs on a heritage building or heritage structure)

529. Heritage New Zealand Pouhere Taonga sought to align the standard with SIGN-R6 and SIGN-S12 by including reference to heritage areas[311].

[310] Submissions #370.253 and 370.254
[311] Submissions #70.30 and 70.31

530. Waka Kotahi[312] considered that, as with SIGN-S5, there should be controls in SIGN-S12 on illumination for signs on a heritage building that are oriented to be read from the State Highway network.

531. Council sought to replace the term "*interpretative content*" with "*interpretation*"[313].

532. Wellington Heritage Professionals considered that digital signs should not be a Permitted Activity due to the additional adverse effects of illumination levels and rates of change as compared to static signage[314].

533. The reporting officer agreed with the submissions from Heritage New Zealand Pouhere Taonga and the Council, and recommended the changes sought.

534. The reporting officer disagreed with the Waka Kotahi that controls are needed for signs facing the State Highway as signs complying with this standard can only be up to 0.5m^2 in size and would have a negligible impact on traffic safety.

535. The reporting officer disagreed with the submissions from Wellington Heritage Professionals as Rule SIGN-R5 and standard SIGN-S8 would apply to a proposed digital sign on a heritage item and would require resource consent.

536. We agree with the reasoning of Mr Patterson and his recommendations.

SIGN-S13 (Permitted signs within the extent of a scheduled archaeological site)

537. Taranaki Whānui ki te Upoko o te Ika sought to amend this standard to include proximity to sites and areas of significance to Māori[315].

538. Council also sought to amend this standard to include reference to sites and areas of significance to Māori[316].

539. The reporting officer agreed with both submitters' points and recommended amending the standard as sought, as we do.

[312] Submissions #370.255 and 370.256
[313] Submission #266.129
[314] Submission #412.70
[315] Submission #389.91
[316] Submission #266.230

SIGN-S14 (Airport Zone signs and billboards)

540. WIAL sought to amend the standard as follows, and, if the relief sought is not accepted, that the standard be deleted in its entirety[317]:

> *1. ~~Signs are not permitted in the Airport East Side designation.~~Any sign within the East Side Specific Control Area shall be limited to official signs and signs associated instructional or directional signage.*
>
> *2. Any sign which is erected in the Airport Miramar South Specific Control Area~~designation~~, and which is visible from the road reserve or immediately adjacent land:*
>
> *a. ~~Shall not contain moving images, moving text or moving lights; and~~*
>
> *~~a b.~~Shall not be for the purpose of third party advertising.*
>
> *~~Airport Main Site Designation~~*
>
> *~~3. Signs on buildings shall:~~*
>
> *~~Be affixed to the underneath of a verandah and shall provide at least 2.5 metres clearance directly above the footpath or ground level:~~*
>
> *~~Be displayed only on plain wall surfaces:~~*
>
> *~~Not obscure windows or architectural features: or.~~*
>
> *~~Not project above the parapet level, or the highest part of that part of the building/structure to which it is attached (including above verandah).~~*
>
> *~~Signs on buildings, where the sign projects more than 12 metres in height above ground shall:~~*
>
> *~~Bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located.~~*
>
> *~~Not flash.~~*
>
> *~~Any illuminated sign (excluding signs below verandah level) within 50 metres and visible from any Residential zone shall not flash.~~*
>
> *3.~~6.~~ For any free-standing sign or sign located on a structure within any part of the Airport Zone ~~area~~, except the Terminal Specific Control Area:*
>
> *a. the maximum area of a single sign is 8m^2.*
>
> *b. the maximum height of a single sign is 4m.*
>
> *c. any illuminated sign must not flash.*
>
> *~~d. any sign that is visible from Residential zoned land must be located a minimum of 50 metres from that area.~~*
>
> *~~e. no sign shall front onto State Highway 1, Moa Point Road, or Lyall Parade.~~*

[317] Submissions #406.91-493

~~*7. In relation to requiring authority signage in the (Airport Main Site) Terminal Specific Control Area, any free-standing sign or sign located on a structure shall not exceed a maximum height of 9 metres (above ground level).*~~

4. For any free-standing sign or sign located on a structure within the Terminal Specific Control Area, the maximum area of a single sign must not exceed 20m^2.

541. In response, the reporting officer agreed with the proposed amendments to the extent that the Sign standards duplicate the conditions within the WIAL designation on the basis that they do not need to be repeated in this standard. He considered the designation has suitable controls on signage and will require an assessment when the conditions are proposed to be breached. We agree with his reasoning and recommend removal of the duplicative provisions.

542. The one point of disagreement between the reporting officer and Ms O'Sullivan was in relation to the rewording of SIGN-S14.2.a, which Ms O'Sullivan had recommended be amended as follows:

Any sign which is erected in the Airport Miramar South <u>Specific Control Area</u> ~~designation~~, and which is visible from the road reserve or immediately adjacent land:

a. Shall not contain moving images, moving text or moving lights; and

~~a~~b. Shall not be for the purpose of third party advertising

543. The reporting officer recommended an alternative amendment be made to SIGN-S14 as follows:

2. Any sign which is erected in the Airport Miramar South <u>Specific Control Area</u> ~~designation,~~ <u>for the purpose of third party signage</u>~~: and which is visible from the road reserve or immediately adjacent land~~:

~~*a. Shall not contain moving images, moving text or moving lights; and*~~

a. Shall not be located opposite or adjacent to a residential zone. ~~for the purpose of third party advertising.~~

544. We partly agree with Mr Patterson but recommend a clearer rewording, adding '"immediately" to this clause, as "adjacent"' can have a much wider application and a certain degree of ambiguity, as follows (noting also the use of 'Specific Control Area' in lieu of 'Specific Control Area' as we recommended in Reports 6 and 10):

2. Any sign which is erected in the Airport Miramar South <u>Specific Control Area</u> ~~designation,~~ <u>for the purpose of third party signage</u> ~~: and which is visible from the road reserve or immediately adjacent land:~~

~~*a. Shall not contain moving images, moving text or moving lights; and*~~

~~*a. S*~~*shall not be* *located opposite or immediately adjacent to a residential zone*. ~~*for the purpose of third party advertising.*~~

.

New Standard

545. In line with its request to introduce a new policy and rule for signs integrated with buildings and structures in the road reserve (refer to paragraphs 410 and 455 above), oOh!media sought a new standard and associated assessment criteria be added as follows[318]:

> *SIGN-SX Signs that are integrated with buildings and structures in the road reserve, except building verandahs*
>
> *Road Reserve (All Zones)*
>
> *For the avoidance of doubt, the standards in SIGN-S1 to SIGN-S14 do not apply to signs that are integrated with ancillary road network infrastructure, except where specifically stated otherwise below. These standards do not apply to signs on building verandahs, which are subject to the standards in SIGN-S1 to SIGN-S14.*
>
> *1. Signs must not be located within 30m of a scheduled Historic Heritage Place.*
>
> *2. Signs must be no larger than the street furniture it is attached to.*
>
> *3. Signs which are lit internally or by external means (but excluding digital signs) must comply with Standard SIGN-S9.*
>
> *4. The illumination of digital signs must comply with Standard SIGN-S8.4.*
>
> *5. The sign must not contain any flashing or moving lights.*
>
> *6. Signs must not be shaped or use images or colours, including changeable messages, that could be mistaken for a traffic control device in colour, shape or appearance.*
>
> *7. Signs must not obstruct, obscure or impair the view of any traffic or railway sign or signal.*
>
> *8. Digital signs must not provide advertising over multiple messages which are displayed across transitioning screens.*
>
> *9. In the event of a malfunction, a digital sign shall default to a blank screen.*
>
> *10. Each image on a digital sign must:*

[318] Submissions #316.6 and 316.7

a. Be displayed for a minimum of 8 seconds;

b. Transition to another image within 0.1 to 0.5 seconds;

c. Transition to another image without flashing, blinking, fading or scrolling.

Assessment criteria where Standard SIGN-SX.1. is infringed:

1. The extent to which the sign adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values of the scheduled historic heritage place; and

2. The extent to which the location of the sign is necessary to provide for functional or operational needs, including the relationship of the sign to road network features such as bus stops or pedestrian thoroughfares or waiting areas;

Assessment criteria where Standard SIGN-SX.2 to SIGN-SX.8 are infringed:

1. Visual amenity effects;

2. The impact of the sign on traffic, pedestrian and cycling safety;

3. The extent to which any infringement is necessary to provide for functional needs or operational needs; and

4. Any positive effects of the sign.

546. In his Section 42A Report, the reporting officer did not agree that such a new standard (together with a policy and rule for 'integrated signs') was either necessary or appropriate. He considered the notified framework for signs effectively captures the types of signs that the bespoke rule framework proposed by Mr Blomfield (planner for oOh!media) was intended to manage, albeit less permissively. Mr Patterson outlined his reasoning in more detail in his supplementary evidence[319], but in summary:

a) Under Mr Blomfield's proposal, there would be no control on the number, size or height of signs on a buildings or structures, and the provisions for digital signs would not be consistent with the notified provisions, which the reporting officer considered necessary from a traffic safety and amenity perspective;

b) The controls would not set a maximum size for signs, which could be very large;

[319] At paragraphs 26 - 30

c) The standards for illuminated and digital signs duplicate the existing rule framework, but are not as comprehensive; and

d) Some of the other proposed standards duplicate those within standard SIGN-S7.

547. We agree with Mr Patterson that the separate rule framework for signs integrated into road structures such as bus stops sought by the submitter does not appear to be necessary, and would, to a large extent, duplicate the notified provisions for managing signs. We therefore recommend rejecting the relief sought by oOh!media. While we accept that there is a separate approval process by the Council (or Waka Kotahi for State Highways) under the Public Places Bylaw (as outlined in Mr Blomfield's evidence[320]), that process is under a separate statutory framework with different imperatives and purposes.

Clause 16 Amendment – Terminology Consistency

548. In line with the decisions arising from hearings held on the PDP in 2023, we recommend amending the Signs' rules wherever they refer to "*compliance with the requirements of XXXXX cannot be achieved*", to replace the words "*cannot be*" with "*is not*".

549. We also recommend any reference to sites and areas of significance to Māori in the signs provisions use the full and correct term: i.e., refer to "*sites and areas*".

5.8 Signs Design Guide

General Matters

550. Go Media considered that the Design Guide is broad and open to interpretation and sought to amend the Signs Design Guide to make prioritisation of each principle clear without owner or applicant having to enter preapplication discussions with the Council[321].

551. Lumo Digital Outdoor[322] and OOHMAA[323] sought to delete those parts of the Signs Design Guide that they consider are not appropriately balanced to enable a site-by-

[320] At paragraphs 5.18-5.21
[321] Submissions #236.35 and 236.37
[322] Submission #285.41
[323] Submission #284.41

site consideration of signs and billboards relative to their context. These submitters also sought to delete Part 4 of the Signs Design Guide in its entirety[324].

552. We note, however, by the time of the hearing, that OOHMAA decided to no longer pursue its submissions in relation to the inclusion of the Signs Design Guide[325].

553. Restaurant Brands sought to delete Te Aratohu Hoahoa o Ngā Pokapū Whakamahinga Rau - Centres and Mixed-Use Design Guide in its entirety[326].

554. Taranaki Whānui ki te Upoko o te Ika sought to amend the Design Guide to include Taranaki Whānui in relation to te reo Māori and as first points of contact in relation to ahi kā and primary mana whenua status matters[327].

555. Wellington Heritage Professionals sought to add a new guideline as G29 as follows with a three or two-point rating: "*Ensure the rate of change and transition times are appropriate to the context of the sign*"[328].

556. The reporting officer disagreed with Go Media that the Signs Design Guide is too broad and open to too much interpretation. He considered it provides useful guidance on how to design and place signs, so they are well designed and sensitive to the location within which they are located. He considered that the Signs Design Guide is sufficient to follow and prioritise without needing to have a pre-application meeting with Council. However, Mr Patterson did agree that this could be improved by removing the priority rating system from the Guide, which would also make the Guide consistent with other design guides that have been through hearings to date. In addition, he advised that there are only 30 guidance points and not all will be relevant to every proposal.

557. In response to Lumo Digital Outdoor, OOHMAA, and Restaurant Brands, the reporting officer disagreed with deleting the Signs Design Guide in its entirety. He considered the Guide contains useful and important considerations for the design of signage, and its integration with the surrounding environment. He further advised that the Guide not only assists plan users, but also result in better outcomes for the environment in which signs are proposed.

[324] Submissions #285.42 and 284.42
[325] At paragraph 2.2 of the legal submission for OOHMAA
[326] Submission #349.1
[327] Submission #389.139
[328] Submission #412.97

558. In response to Taranaki Whānui ki te Upoko o te Ika, the reporting officer did not consider that the Signs Design Guide is the appropriate place to manage ahi kā and primary mana whenua status matters.

559. The reporting officer disagreed with the request from Wellington Heritage Professionals, as transition times for digital signs are already managed under SIGN-S8 and it is unnecessary to duplicate here.

560. We agree with the reasoning of the reporting officer and his subsequent recommendations.

Signs Design Guide – G3

561. Go Media sought to either delete or amend the guideline to reflect that architectural features do not necessarily make a positive contribution to the building and local area[329].

562. In response, the reporting officer advised that he considered there are very few architectural features so ugly that obscuring them with a sign is a better option. He further advised that he considered that the specific design and quality of buildings and signs can be considered at the resource consent stage and that the design guide does not require amending to enable this to occur. He advised that the Signs Design Guide provides a starting point for this assessment.

563. We agree with the reasoning of the reporting officer and his subsequent recommendations.

Signs Design Guide – G10 and G11

564. Go Media sought to either delete or amend the guideline to reflect that architectural features do not necessarily make a positive contribution to the building and local area[330].

565. In response, as with the submission on G3, the reporting officer advised that he considered that there are very few architectural features so ugly that obscuring them with a sign is a better option. He therefore recommended rejecting this submission, with which we agree.

[329] Submissions #236.38 and 236.39
[330] Submissions #236.40 and 41

Signs Design Guide – G15

566. Go Media sought to either delete or amend this element of the guideline to mean that it is only considered on a building-by-building basis[331].

567. The reporting officer agreed with Go Media that G15 can be deleted. He advised that different signs will be appropriate for different settings and other Guidelines such as G14 and G16 allow adequate scope for achieving quality outcomes. After evaluating G15, we agree with Mr Patterson's conclusions.

Signs Design Guide – G16

568. Go Media sought to either delete or amend G16 to be more specific so that it relates more fully to the example within the Guideline[332].

569. In response, the reporting officer was unclear as to the relief being sought. No additional evidence or information was received. We therefore recommend rejecting this submission point.

Signs Design Guide – G26

570. Go Media sought to amend this part of the guideline to remove bias and the potential for misinterpretation[333]. The reporting officer did not consider that G26 conveys bias and therefore did not recommend any changes. We agree with Mr Patterson.

Signs Design Guide – G28

571. Wellington Heritage Professionals sought to amend the guideline to receive a three or two point rating. As the reporting officer noted, the design guide rating system was deleted from other design guides as an outcome of the 2023 hearings, and thus should be deleted from the Signs Design Guide too. He recommended rejecting this submission point. We agree with Mr Patterson.

5.9 Out of Scope Recommendations

572. As we discussed earlier (refer paragraph 464), a number of amendments to the PDP provisions are required to ensure that the signs provisions fully and comprehensively cover all of the Zones. While some of these changes can be

[331] Submission #236.42
[332] Submission #236.43
[333] Submission #236.44

undertaken either in response to submissions or as minor clause 16 matters (for example, the removal of references to the Commercial Zone and Future Urban Zone, which have been deleted), there is inadequate scope to make all of the necessary amendments. We therefore recommend the Council make these changes by way of a future plan change.

573. As we concluded in paragraph 406 above, we also recommend the Council consider how the cultural values of sites and areas of significance to Māori should be addressed in the Signs provisions as part of a future plan change, as this was a noticeable omission that was not within the scope of submissions to remedy.

LIGHT

6.1 Introduction and Overview

574. This section considers submissions received by Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed District Plan as they apply to the LIGHT chapter.

575. The introduction to the chapter outlines that:

> *Artificial lighting enables work, recreation and entertainment activities to occur beyond normal daylight hours. It also provides additional safety and security to sites and associated activities. However, unless used with care, it can adversely affect people on neighbouring properties or the transport network through light spill and glare. If not appropriately screened or orientated, it can also result in light pollution that adversely affects the night sky. Wildlife can also be affected by artificial lights, particularly in the coastal area where nesting and feeding is common for sea birds.*
>
> *The provisions for artificial light provide for adequate lighting to support activities and enable safety and security for people and communities, while minimising potential adverse effects beyond the site.*

576. There were eight submitters who collectively made 43 submission points on this topic, and four further submitters who collectively made 42 further submission points.

577. The reporting officer was Mr Hayden Beavis and we received technical lighting evidence from Mr Glen Wright on behalf of the Council. No submitters provided evidence or attended the hearing in relation to the chapter.

578. Mr Beavis identified three key topics arising in the submissions and further submissions made. These were:

a) Aircraft safety from lighting sources;

b) Light into neighbouring significant natural areas; and

c) Lighting standards.

6.2 General Submissions

579. There were a number of general submissions on lighting.

580. Restaurant Brands Limited[334], Living Streets Aotearoa[335] and WIAL[336] sought that the LIGHT – Te Aho - chapter is retained as notified.

581. Bruce Crothers[337] noted Light Pollution rules in Rural Areas in the submission. We were advised by Mr Beavis[338] that to achieve Permitted Activity status for Outdoor Artificial Lighting under LIGHT-R1, compliance with LIGHT-S5 – Sky Glow – is required. LIGHT-S5 addresses all zones, but the standard is most restrictive in the General Rural Zone, Large Lot Residential Zone and Future Urban Zone – only allowing an upward light ratio of 1% from outdoor artificial lighting. Visual observation of the night sky is an assessment criterion where this standard is infringed. The Sky Glow standards are taken as recommended from AS/NZS 4282:2019. As with Mr Beavis, we are confident that these standards are sufficient to limit light pollution in the General Rural Zone.

582. Catherine Underwood[339] sought that more specific rules around lighting be present in the Proposed District Plan and also that that the LIGHT chapter adhere to the lighting recommendations from International Dark Sky Association. We agree with Mr Beavis[340] who advised that the PDP aligns with *Australian/New Zealand Standard 4282:2019 Control of the obtrusive effects of outdoor lighting*, which was recently updated in 2019 and again in 2023. The PDP addresses lighting by adopting six different performance standards for lighting to achieve the objectives of the chapter being measurement methods, light spill, glare, effects on road users,

[334] Submission #349.33
[335] Submission #482.45
[336] Submissions #406.385, 406.386
[337] Submission #319.14
[338] Section 42A Report Paragraph 46
[339] Submissions # 481.19 481.20
[340] Section 42A Report paragraphs 49 and 50

sky glow and externally illuminated surfaces. We agree that this matter is fully taken into account.

583. Further, Mr Beavis outlined the PDP has a Sky Glow standard (LIGHT-S5). This is taken from AS/NZS 4282:2019 recommendations for the zone equivalents to the PDP. We also note the evidence of Mr Wright[341] that considered that more could be done to improve the quality of the night sky, but this would lead to an appreciable increase in restrictions and costs for artificial lighting, as well as the requirement to educate the public, electricians and local lighting suppliers to provide compliant lighting. We consider that this is a matter that should be considered on a national level with the development industry through NZ Standards noting the advice of Mr Beavis that providing enhanced artificial lighting would be a large burden on plan users.

584. WIAL[342] sought that the LIGHT chapter is amended to add protection for aircraft from poorly managed lighting. We note that this matter is considered in more detail in relation to specific provisions of the chapter.

585. RVA[343] opposed many LIGHT provisions and sought to amend standards that provide for reasonable outdoor lighting as a Permitted Activity without overly onerous compliance requirements. We disagree with this position, as did Mr Beavis, who noted that the chapter standards have been adopted from *Australian/New Zealand Standard 4282:2019* (Noting that it is updated in 2023, but the limits from the 2019 standard used in the PDP were retained in the 2023 version) which represents current best practice for lighting provisions for district plans. No supporting evidence from RVA was received in response to this view.

6.3 Objectives and Policies

586. There are two Objectives and three Policies within the light chapter with LIGHT - O2 (Adverse effects of outdoor artificial lighting) and LIGHT – P2 (Design and location of outdoor artificial lighting) receiving specific submissions.

[341] Evidence of Glen Wright paragraphs 22-26
[342] Submission #406.387
[343] Submissions #350.69, 350.70, 350.73, 350.74

587. In relation to LIGHT-O2 MoE[344] sought that LIGHT-O2 is retained as notified. DOC[345] supported LIGHT-O2 in part, but sought that the provision be amended as follows:

> *The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife, indigenous fauna, and the night sky are limited.*

588. DoC also requested a similar amendment[346] to Policy LIGHT P2

> *Require outdoor artificial lighting to be designed, located and oriented to maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins and indigenous fauna in any other location.*

589. This is part of a common series of submission points from DoC and in our view the additional wording is unclear in relation to how an objective or a policy for limiting adverse effects on indigenous fauna could clearly or practicably be achieved outside of the coastal margin. We also had no evidence on how this change or similar requests in respect of rules on how such amendments would address the effects of lighting on indigenous fauna within Wellington.

590. In relation to the wording of the notified version of LIGHT-O2, we asked the reporting officer to consider whether he could recommend better wording for "*are limited*":

> *The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are limited.*

591. In his reply, Mr Beavis agreed that could be better wording for this objective. Specifically for the use of this term, he considered that "*managed*" is a more suitable term as it is a better reflection of the wider scope of tools the chapter uses to address the issues; light output is not just *limited*, it is *selected, located, aimed, adjusted and/or screened* through the standards. *Managed* is used in a similar capacity in other chapters with similar objectives, where they use *managed* or *effectively managed* – such as SIGN-O1 which seeks that effects from signage on local amenity are effectively managed.

[344] Submission #400.76
[345] Submissions #385.77 385.78
[346] Submissions #385.79, 385.80

592. However, his view was that there was no scope to make this change in submissions and this matter would need to be resolved via a future plan change. We agree with Mr Beavis.

593. WIAL[347] opposed LIGHT-P2 (Design and location of outdoor lighting) and sought to either delete the provision, or provide an amendment as follows:

> *Require outdoor artificial lighting to be designed, located and oriented to ~~maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins~~:*
>
> *a) Maintain amenity values;*
>
> *b) Maintain traffic safety;*
>
> *c) Avoid adverse effects on aviation safety; and*
>
> *d) To minimise effects on wildlife in coastal margins.*

594. We consider that the policy as notified gives useful guidance to the management of light. Further, Mr Beavis[348] was of the view that the "*avoid*" framing of LIGHT-P2 in relation to aviation safety is a stronger policy direction than that reflected in the rule framework. We agree with Mr Beavis that 'avoid' policies generally seek to prevent an activity or avoid adverse effects except where there are special circumstances, and/or the effects are minor, whereas the chapter is more permissive of outdoor artificial lighting. Unhelpfully, the submission from WIAL does not identify specific lighting activities that should be avoided in terms of aviation safety.

595. Mr Beavis also referred to the points in WIAL's submission where it notes that the lighting standards will generally avoid the establishment of lighting and/or glare effects that could give rise to adverse effects on aircraft safety and subsequently supports the assessment criteria within S3, S4 and S5 that seeks to ensure the safe and efficient functioning of the airport is considered. We agree that there are sufficient safeguards in respect of aviation safety in the relevant standards, and no changes to LIGHT-P2 are required.

6.4 Rules

596. WIAL[349] sought to amend LIGHT-R1.2 relating to outdoor artificial lighting to add a notification clause stating:

[347] Submissions #406.389, 406.390, 406.301
[348] Section 42A Report paragraphs 67-69
[349] Submissions #406.393, 406.392

For a resource consent application made in respect of Rule LIGHT R1.2 where there is a risk to aviation safety, WIAL must be considered to be an affected person in accordance with Section 95E of the RMA.

597. Mr Beavis pointed us to the General Approach to the chapter outlining for the purposes of s95E of the Act:

> *When deciding whether any person is affected in relation to an activity for the purposes of section 95E of the Act, Wellington City Council will give specific consideration to the following: ….*
>
> - *In relation to infrastructure, the network utility operator that owns or operates that infrastructure;*

598. We consider that this statement is all that is necessary for determining whether WIAL is an affected party for lighting activities that may affect the airport.

599. With respect to LIGHT-R2 (artificial outdoor lighting in the coastal margin), WIAL[350] sought amendments to the rule to:

a) Refer to two additional matters of discretion being a reference back to Policy 2 and to specifically reference aviation safety; and

b) Amend the notification status of preclusion of public notification to refer to WIAL for aviation safety.

600. Mr Beavis[351] outlined that the difference between LIGHT-R1 and LIGHT-R2 is that LIGHT-R2 has an elevated activity status due to the increased risk to coastal fauna in the spatial extent that it concerns – the coastal margin, a spatially defined term. Beyond this risk, the same considerations as LIGHT-R1 apply.

601. We adopt Mr Beavis' reasoning and note that we had no contrary evidence from WIAL on this issue.

602. DoC[352] sought the addition of a new rule similar to LIGHT-R2 as a Restricted Discretionary Activity for outdoor artificial lighting adjacent to or within a significant natural area.

603. Mr Beavis[353] advised that LIGHT-R2 was developed on a strong evidential base - GWRC has identified Wellington Harbour and most other coastal areas in

[350] Submissions #406.395, 406.394, 406.396
[351] Section 42A Report paragraphs 78-82
[352] Submission #385.76, FS36.143
[353] Section 42A Report paragraph 86

Wellington as significant habitat for seabirds and migratory shorebirds, and LIGHT-R2 responds to this by making outdoor artificial lighting in the coastal margin a Restricted Discretionary Activity, and requiring compliance with all standards with a suite of matters of discretion specific to addressing impacts on wildlife in the coastal margin.

604. In the absence of evidence to the contrary, we consider that it is unclear how the suggested rule would seek to regulate lighting within Significant Natural Areas, and there is no identification of the specific adverse effects on significant natural areas that it would seek to address.

6.5 Standards

605. While there were no submissions on LIGHT-S1 (Measurement Methods), Mr Beavis[354] advised that Mr Wright noted in his evidence that in respect of Australian/New Zealand Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting, the standard on which LIGHT-S1 – S6 derive their limits from, has been updated to AS/NZS 4282:2023. He recommended updating it to the 2023 standard as it would not change the content, due to the consistency between the 2019 and 2023 standards. We agree that this is a minor matter and that it is an alteration of minor effect under clause 16 (2) of the Resource Management Act.

606. MoE[355] sought that LIGHT-S2 (Light Spill) is retained as notified. WIAL[356] supported the standard and sought to add an additional matter to LIGHT-S2 being that *All exterior lighting shall be directed downwards*. WIAL[357] also made a similar submission in relation to LIGHT-S3 relating to glare.

607. Disagreeing with these changes sought, on the advice of Mr Wright, Mr Beavis[358] stated that the direction of lighting above the horizontal plane is regulated by LIGHT-S5 – Sky Glow standard. While the standard may be intended to limit sky glow, this standard does this by regulating the amount of light from outdoor artificial lighting that can be directed above the horizontal plane. He advised that LIGHT-S2 is not the appropriate standard to address this matter. Further, Mr Wright[359] considered that in addition to the Skyglow standard covering upward light ratios of

[354] Section 42A Report paragraph 91
[355] Submission #400.77
[356] Submissions #406.398, 406.397
[357] Submissions # 406.399, 406.400, 406.401
[358] Section 42A Report paragraphs 97-100
[359] Evidence of Glen Wright paragraph 19

outdoor artificial lighting, requiring all light to be directed downward would place an overly restrictive control on all exterior lighting.

608. We agree and note that Mr Beavis recommended some minor changes to the wording of the assessment criteria within both of the standards to improve clarity which are considered to be worthwhile.

609. WIAL[360] sought to amend LIGHT-S4 (Effects on road users) by adding the following as an additional assessment criteria:

> *The impact of lighting on aircraft safety or the safe and efficient functioning of the Airport.*

610. This change is not necessary. We note the advice of Mr Beavis[361] that both LIGHT-R1 and LIGHT-R2 include Restricted Discretionary status for when any of the six standards are not met, and both include "*Whether there is a risk to aviation safety*" as a matter of discretion in those clauses.

611. WIAL[362] sought to retain the assessment criteria within LIGHT-S6 (Externally illuminated surfaces) as notified while MoE[363] supported and sought to amend LIGHT-S6 assessment criteria 3 as follows:

> *Consider the effects on nearby ~~Conflict with~~ existing sensitive activities.*

612. As with Mr Beavis, we agree in part with the proposed amendment to the assessment criteria. The use of the term "*conflict*" is unclear and is not used in other assessment criteria in the plan. For consistency with the language used in other assessment criteria, and to use clearer language, the clause should be worded:

> *Effects on nearby ~~Conflict with~~ existing sensitive activities*

613. In addition, Mr Beavis[364] advised that Mr Wright noted an issue in LIGHT-S6. LIGHT-S6 includes a note on how plan users should calculate the limits, which is in accordance with CIE 150:2017 Guide on the limitation of the effects of obtrusive light from outdoor lighting installations, Second Edition. Mr Wright notes that CIE 150:2017 has been superseded, and AS/NZS 4282:2023 now includes guidance on

[360] Submission #406.92
[361] Section 42A Report paragraph 110
[362] [362] Submission #406.403
[363] [363] Submissions #400.79, 400.80
[364] Section 42A Report paragraph 118

how to calculate these limits. As we have agreed to the relief to amend the references to the updated standard in LIGHT-S1, this note is not necessary.

614. We also agree to the amendment of "*Impacts*" to "*Effects*" for the same reasons as we agreed to this change in relating to Light-S3.

615. Finally, there are two further minor and inconsequential amendments under Schedule 1, clause 16 (2) of the RMA. These are to:

a) Add "*Residential*" to Large Lot Zone references in zone boxes, correcting references to Large Lot Residential Zone; and

b) Remove the 'Town Centre Zone' reference in the list of applicable zones for rules, as this Zone is not used in the PDP.

616. Having considered all the submissions and reviewed the Section 42A Report it is recommended that PDP should be amended as set out in Appendix A of this report. As with our recommendation on the SIGN chapter (refer to paragraph 464), we recommend deleting references from the LIGHT chapter to the Future Urban Zone as this zoning is recommended to be deleted (refer to our Hearing Stream 6 report).

HOSPITAL ZONE

7.1 Introduction and Overview

617. This section of the report considers submissions received by Council in relation to the relevant objectives, policies, rules, definitions, appendices, and maps of the PDP as they apply to the Special Purpose Hospital Zone (**HOSZ**) chapter.

618. The HOSZ applies to the following hospitals:

- Wellington Regional Hospital | Ngā Puna Wai Ora, Newtown
- Southern Cross Hospital, Newtown
- Wakefield Hospital, Newtown
- Bowen Hospital, Crofton Downs.

619. The purpose of the HOSZ, as set out in the Introduction to the chapter, is "*to enable the efficient and effective operation and development of these four hospital sites*". This zone chapter seeks to ensure that "*the evolving health care needs of*

Wellington City, and the wider region, are supported by the official development of Wellington's hospital sites, whilst also recognising the visual character and amenity values of the surrounding environment."[365]

620. In total, there were seven submissions received in relation to the Hospital Zone chapter, along with three further submissions. These submissions collectively made 81 submission points in relation to the HOSZ. The Section 42A Report, prepared by Ms Lisa Hayes, evaluated these submission points and outlined recommendations in response to the issues that have emerged from these submissions[366].

621. The following matters were considered to be the key issues in contention with respect to the HOSZ:

a) The suitability of the objectives, policies, rules and standards in the HOSZ chapter;

b) The suitability of the zoning of the four specific hospital site as 'Special Purpose Hospital Zone'; and

c) Potential additional/or fit-for-purpose provisions.

622. There were a number of HOSZ provisions identified by Ms Hayes that were either not in contention or not needing further consideration; for example, where only submissions in support were received in relation to an objective, policy, rule or standard. These are included below:

- Objectives: HOSZ-01 (Purpose);
- Policies: HOSZ-P1: (Enabled Activities), HOSZ-P2 (Potentially incompatible activities), HOSZ-P5 (Resilience);
- Rules: HOSZ-R1 (Hospital activities), HOSZ-R3 (Maintenance and repair of buildings and structures), HOSZ-R7 (Outdoor storage areas); and
- Standards: HOSZ-S2 (Height in relation to boundary)[367].

623. Given that these provisions are not in contention and no further consideration is required, Ms Hayes recommended that the subject provisions are retained as

[365] Section 42A Report – Special Purpose Hospital Zone, Lisa Hayes; Appendix A, Introduction section.
[366] As noted above, Ms Anna Stevens stood in for Ms Hayes at the hearing.
[367] Section 42A Report – Special Purpose Hospital Zone, Lisa Hayes; page 13, paragraph 39.

notified. We agree with Ms Hayes' reasoning and accordingly adopt her recommendation.

7.2 Suitability of the HOSZ Provisions

General Submissions in relation to the HOSZ

624. Taranaki Whānui sought that the HOSZ chapter is amended to provide triggers for active partnership or engagement with Taranaki Whānui in respect of design opportunities within the HOSZ[368].

625. Ms Hayes did not support the requested relief from Taranaki Whānui as she did not agree that this should be a District Plan requirement. However, Ms Hayes noted that she strongly supports design that incorporates Māori cultural elements and that any such elements are designed by (or in partnership with) mana whenua. She further noted that the PDP as notified and subsequently amended through the decisions on the ISPP provisions (including the Strategic Direction – Anga Whakamua Chapter) seek to facilitate Māori design outcomes, but do not 'require' them. She highlighted the connection of mana whenua to the Wellington Regional Hospital | Ngā Puna Wai Ora is recognised under HOSZ-O2, which acknowledges Taranaki Whānui's and Ngāti Toa Rangatira's cultural associations with the site, and that the land and values of the network of awa (waterways) inter-connected with the area are recognised in the planning and development of the Wellington Regional Hospital | Ngā Puna Wai Ora. However, despite the specific provision for mana whenua engagement through the HOSZ, Ms Hayes was of the view that the District Plan is not the correct place to require the requested outcomes in relation to private hospitals. As such, she did not consider any changes are necessary.

626. In response to questions from the Panel during the hearing, Ms Stevens agreed to review the provisions to consider if there could be any changes to the Introduction or policies in relation to tangata whenua engagement to facilitate Māori design outcomes. She noted that, in the early drafting period for HOSZ, feedback from mana whenua reflected this desire for triggers for active partnership or engagement, not just within the policy framework, but also within the rule framework[369].

[368] Submission #389.113
[369] Right of Reply of Anna Stevens – Tertiary Education Zone and Hospital Zone; paragraph 44

627. Ms Stevens advised, however, that it was ultimately removed from the rule framework ahead of District Plan release, for various reasons, not least of which because of the inclusion of a standalone Tangata Whenua chapter in the PDP, as well as moving the Anga Whakamua provisions into the future strategic directions chapter. Ms Stevens considered that these changes in combination provide effective guidance for plan users in terms of the need for mana whenua engagement as active participants and/or partners in resource management processes in fulfilment of Te Tiriti o Waitangi. This includes requirements for mana whenua engagement through the development and design of the City in a way that reflects mana whenua values and the contribution of their culture and traditions to the district's identity and sense of belonging[370]. Ms Stevens further noted that the PDP has been developed in partnership with the Council's two mana whenua Iwi, Taranaki Whānui and Ngāti Toa Rangatira, and that, as a result of this engagement, she received feedback on the HOSZ chapter which informed the Introduction section and specific mana whenua provisions. This engagement with mana whenua led to the connection to the Awa Network near the Wellington Regional Hospital | Ngā Puna Wai Ora being reflected in the HOSZ chapter. In addition, Ms Stevens advised that she had engaged with institutions, including Southern Cross Healthcare, on their existing relationships with mana whenua partners, and how the aspirations of mana whenua were reflected in the activities and built environment of these institutions.

628. As outlined in her reply, Ms Stevens concluded that the Chapter already sufficiently provides for the facilitation of Māori design outcomes through the HOSZ. In this regard, she referred specifically to the Introduction, which identifies the historical and cultural associations for mana whenua and the encouragement of active partnerships with mana whenua, as well as HOSZ-P3 (Mana whenua) which seeks that the cultural relationships of mana whenua within the HOSZ are recognized and enabled by "*Collaborating on the design and incorporation of traditional cultural elements into public space within the zone*."[371] Therefore, she supported the position of Ms Hayes in her Section 42A Report and did not consider any changes to the Introduction or policy framework of the HOSZ were required.

629. The Panel is also supportive of Ms Hayes' position in the sense that triggers for active engagement or partnership with mana whenua should not be a District Plan

[370] Reply of Anna Stevens – Tertiary Education Zone and Hospital Zone; paragraph 44
[371] Ibid; paragraph 49

requirement. We agree that the Chapter, as notified and subsequently amended through the decisions on the ISPP provisions, already provides for mana whenua engagement in design outcomes by seeking to *facilitate* these outcomes rather than *requiring* them. We are also mindful of Ms Stevens' point that if a change was made within any other HOSZ policies, then this would have an impact on private hospitals, rather than just the Wellington Regional Hospital | Ngā Puna Wai Ora where existing cultural and connections for mana whenua have been identified. As a result of this, and the existing HOSZ-P3 wording, Ms Stevens did not see a need to replicate this text in HOSZ-P4 (Urban form, quality and amenity). Neither do we.

630. Therefore, for all the reasons outlined in the Section 42A Report and the reply evidence of Ms Stevens, we agree with Ms Hayes and Ms Stevens that mana whenua partnership in design outcomes should be facilitated through the District Plan, but not required through the rule framework. Accordingly, we recommend that the submission from Taranaki Whānui is rejected.

HOSZ-O3 – Evolving demands, service and technological changes & HOSZ-O4 Managing Adverse Effects

631. Southern Cross Healthcare supported HOSZ in part, but sought that objective HOSZ-O3 be amended to include reference to "*hospital*" needs on the basis that "*health care facility activities*" and "*hospital activities*" are defined differently in the PDP[372].

632. Ms Hayes agreed in part with the changes requested by the submitter, noting that the purpose of the zone (as stated in the Introduction to the HOSZ chapter and at HOSZ-O1) is to provide for "*hospital activities*" (and not "*healthcare facilities*"). In her view, the use of the term "*healthcare facilities*" in HOSZ-O3 is a drafting error in the PDP. She subsequently recommended that the words "*health care facilities*" are deleted from the objective, and replaced with "*hospital*", rather than the relief sought by the submitter.

633. In reply, Ms Stevens responded to a question from the Panel as to whether HOSZ-O3 should refer to both "*health care facilities*" and "*hospital*" as they are two different activities that could occur on any of the hospital sites, or whether the latter term would address all the facilities encapsulated in the former term[373]. Ms Stevens noted that she agreed with Ms Hayes that the exclusion of any reference to

[372] Submissions #380.45, 380.46
[373] Reply of Anna Stevens – Tertiary Education Zone and Hospital Zone; paragraph e) xvi)

"*hospital activities*" in HOSZ-O3 was a drafting error. She also advised that she had reviewed the PDP for references to "*healthcare facilities*" and noted that it is referenced to the number of other zones and definitions of sensitive activities. In Ms Stevens' view, "*the definition of 'healthcare facility' clearly excluded 'hospital activities' due to the differences in breadth of services provided and the size and location of these two types of facilities and the need to differentiate the two, particularly given the standalone Hospital Zone chapter in the PDP*."[374] She further noted that there is a lot of cross-over between the two definitions in terms of services provided and some differences, for example opticians, dentists and dental technicians are not explicitly provided for within the hospital definition.

634. Due to the synergy between the types of activities incorporated within the definition, Ms Stevens did not consider there to be any risk to hospital activities from also explicitly enabling healthcare facilities within the HOSZ. On the contrary, she considered this could be beneficial in providing for any necessary services not covered by the Hospital definition, but which are important to the ongoing operational and functional requirements of hospitals within HOSZ. Ms Stevens further noted that the definition of "*hospital activities*" includes "*healthcare consulting services*" and as such recommended that HOSZ-O3 be amended accordingly[375]. As a consequence of this change, Ms Stevens identified a gap within the provisions for "*healthcare facilities*", noting that there is no corresponding policy or rule hook for this activity. This means that healthcare facilities would fall under the catch-all Discretionary Activity rule HOSZ-R2 (All other Activities). Ms Stevens acknowledged that there may not be scope for a change, but nonetheless suggested that amendments are required to HOSZ-P1 and HOSZ-R1 to ensure "*healthcare facilities*" are included within these provisions.

635. We agree with Ms Stevens' position as outlined in her reply, that enabling health care facilities within the HOSZ is likely to be beneficial in providing for necessary services not included within the Hospital definition, but which are still important to the operational and functional requirements of hospitals. Therefore, we recommend that HOSZ-O3 is amended to refer to "*hospitals*" as well as "*health care facilities*" and accordingly we recommend that the submission of Southern Cross Healthcare is accepted. This change also applies at HOSZ-P1 and HOSZ-R1.

[374] Ibid; paragraph 54
[375] Ibid; paragraph 56

636. Ms Stevens also recommended deleting the term 'key pedestrian street' from HOSZ-O4 as there are none in the vicinity of the hospitals. We agree.

HOSZ-P4 – Urban form, quality and amenity

637. Southern Cross Healthcare supported HOSZ-P4 and sought that this policy be retained as notified[376].

638. However, during the ISPP hearings, particularly with Hearing Streams 2 and 4 (Residential and Commercial and Mixed Use Zones respectively), Council officers recommended a change from the notified PDP approach that Design Guides be referenced within the policies rather than as a matter of control/discretion within the rules. Consequently, Ms Hayes recommended in her Section 42A Report that HOSZ-P4.1 is amended for consistency with the remainder of the PDP to refer to the Centres and Mixed Use Design Guide as follows:

'Fulfils the intent of the Centres and Mixed Use Design Guide.'

639. She also recommended the associated deletion of the matters of control/discretion referencing the CMUDG from HOSZ-R5 and HOSZ-R6[377].

640. The submitter objected to this change of approach to the PDP and provided evidence opposing the inclusion of a policy which, in the submitter's view, would "*require hospital activities to be considered in accordance with guidelines that are intended to apply to Centres and Mixed Use activities that do not recognize the functional and operational realities of hospital developments*."[378]

641. In reply, the reporting officer provided further clarification in response to questions from the Panel, as to whether the Zone provisions appropriately recognise the functional and operational requirements of Hospital facilities; particularly with reference to HOSZ-P4[379]. Ms Stevens provided a very comprehensive response to this matter, noting that she had full confidence that the zone provisions do appropriately recognise the functional and operational requirements of Hospital facilities, and in a more fulsome way than the ODP provisions, for reasons including the following[380]:

[376] Submission #380.52
[377] Section 42A Report Lisa Hayes - Hospital Zone; paragraph 106
[378] Submitter evidence of R Paul on behalf of Southern Cross Healthcare; paragraph 27(c)
[379] Reply of Ms Stevens – Tertiary Education Zone and Hospital Zone; paragraph 16 e) xii)
[380] Ibid; paragraph 20

a) As noted during the hearing, HOSZ provides a significant improvement in recognizing both the strategic importance of hospital institutions to the City and providing much more tailored and responsive provisions to enable the institutions' operational and functional needs, as well as their need to evolve over time (primarily through a standalone special purpose zone that is solely focused on hospital activities and bespoke provisions that enable activities necessary for the operation and function of hospitals);

b) A more enabling land use activity rule framework and rule framework for maintenance and repair of buildings and structures, and demolition or removal of buildings with all being Permitted Activities. Minor development along with a significant swathe of primary and ancillary activities are also enabled as Permitted Activities through a very comprehensive 'hospital activities' definition;

c) Continued Controlled Activity status for Wellington Regional Hospital and Restricted Discretionary Activity status for private hospitals, noting there is no stricter activity status if Restricted Discretionary Activity requirements are not met. This is still an enabling rules framework, whilst ensuring sufficient scope is provided for planning and urban design assessment of development; and

d) The PDP also provides more enabling bulk and form controls and enables greater development within the zone to meet operational and functional needs than the ODP.

642. During the hearing, Mr Paul and Ms Tree highlighted the need for flexibility in design to recognise the unique development requirements of hospitals, particularly with regards to their concerns about the application of the CMUDG to their site. Ms Stevens confirmed that this flexibility was considered and factored into the PDP provisions and is enabled through the limited number of building bulk and form controls and highly enabling height limits (for example, allowing the necessary floor to ceiling heights, for the reasons described by Mr Paul).

643. We consider that HOSZ-P4 is sufficient to address design considerations and the specific kind of development anticipated within this zone, including hospital functional and operational requirements, unique building design requirements, as well as the everyday user requirements of hospitals. We acknowledge Ms Stevens advice as outlined in her reply, that HOSZ-P4 works in unison with the application of the CMUDG to development within the HOSZ, as well as tailored standards

including building heights that enable hospitals to have flexibility to ensure their developments provide for their operational and functional requirements. Therefore, we do not agree with Mr Paul and Ms Tree that the CMUDG should not apply to Southern Cross Hospital, especially as it has recently undergone a thorough review and refinement by Council's urban design experts and external design experts who all agreed that it was appropriate and necessary (to ensure positive design outcomes) for the CMUDG to apply to the HOSZ. On this basis, and for all the reasons outlined in the Section 42A Report and Ms Stevens reply, we support the planning officer's recommended amendment to HOSZ-P4 seeking inclusion of an additional matter referencing the CMUDG (and the associated deletion of the matters of control/discretion referencing the CMUDG from HOSZ-R5 and HOSZ-R6, addressed below).

HOSZ-R5 (Additions and alterations to building and structures) and HOSZ-R6 (Construction of new buildings and structures)

644. Southern Cross Healthcare opposed HOSZ-R5 and HOSZ-R6 with respect to the inclusion of the CMUDG as a matter of control under HOSZ-R5.2 and HOSZ-R6.2, and a matter of discretion under HOSZ-R5.3 and HOSZ-R6.3[381]. The submitter considered that this elevates the CMUDG to the status of standards rather than being guidance, and that some of the matters addressed in the CMUDG are inappropriate for a hospital development. The submitter therefore sought the removal of references to the CMUDG from the rules HOSZ-R5 and HOSZ-R6.

645. In response, Ms Hayes referred to the comprehensive review of the CMUDG undertaken by the Council as part of the District Plan review process, as detailed in the Section 42A Report for the ISPP Wrap-up Hearing[382]. She highlighted the reduction in CMUDG guidelines from 97 to 47 matters and referred to a new statement of intent provided within the introduction to the CMUDG, as key outcomes of this review process. She further noted that within the introduction to the revised CMUDG, it is clearly stated that this Design Guide applies to the Hospital Zone, and it clarifies how this is to be applied within the zone. Therefore, she did not share the submitter's concern that the Design Guide is attributed the same status as the rules, and she disagreed that the reference to the CMUDG should be removed from these provisions. She noted that Southern Cross Healthcare did not provide within their submission any advice from an urban design

[381] Submissions #380.62, 380.63
[382] Section 42A Report of Lisa Hayes - Hospital Zone, paragraph 138

expert or a section 32 analysis providing their rationale as to why the Design Guide should not apply, as sought in their submission.

646. Ms Hayes further noted that recommendations from planning officers (including from herself and Ms Stevens) relating to the ISPP Hearings had been adopted with respect to the way Design Guides are referenced in the rules. She outlined in her Section 42A Report that, as a result of these decisions, direct references to the Design Guides have been removed as a matter of discretion from the rules across the CMUZ chapters, on the basis that the matters of discretion also reference the applicable policies, and the reference to the Design Guide is best placed within the policy. Therefore, for consistency across the District Plan, Ms Hayes recommended the following changes[383]:

a) That HOSZ-P4 is amended to reference the CMUDG;

b) That reference to the Centres and Mixed Use Design Guide is deleted as a matter of control from under HOSZ-R5.2 and HOSZ-R6.2; and

c) That reference to the Centres and Mixed Use Design Guide is deleted as a matter of discretion from under HOSZ-R5.3 and HOSZ-R6.3.

647. The Panel supports the change of approach to the PDP and the recommendations from the design experts that the CMUDG should continue to apply to the HOSZ. We agree with Ms Hayes that retaining the CMUDG as a matter for consideration enables a new development to be appropriately assessed by a Council urban design expert at the time of application and will assist with achieving high quality urban design outcomes. We note that the respective hospitals will only be required to undertake a CMUDG assessment appropriate to the scale of the development proposed; and that the revised Design Guides provide flexibility where an alternative approach may be more appropriate for the zone or why certain guidelines may not be applicable. Therefore, for the reasons set out in the Section 42A Report and the reply of Ms Stevens, we agree with the recommended changes proposed by Ms Hayes as outlined above, and consider they are required as minor amendments for consistency with the chapters addressed under the ISPP Hearings.

[383] Section 42A Report Lisa Hayes – Hospital Zone; paragraph 143

7.3 Minor and Inconsequential Amendments

Introduction to HOSZ Chapter

648. In her Section 42A Report, Ms Hayes recommended an additional change to the Introduction to the HOSZ chapter, involving the deletion of the word 'mauri'. This amendment was necessary, in her view, for consistency across the District Plan and to reflect the IHP recommendation and Council decision to only reference 'mouri' as requested by Taranaki Whānui[384]. In response to questions from the Panel (via minute 48), Ms Stevens provided further clarification as to the reasons for the deletion of 'mauri' from the plan and the process undertaken by the Council to consult with mana whenua over the change[385].

649. The Panel was particularly interested in Ngāti Toa's views, given that the term 'mauri' proposed for deletion is reflective of Ngāti Toa's dialect. Ms Stevens confirmed that the recommendation from the planning officer to remove 'mauri' from the plan was made on the basis that Ngāti Toa were comfortable with the suggested change. She understood that Ngāti Toa did not provide a further submission against Taranaki Whānui's specific submission, nor did Ngāti Toa raise this matter during Hearing Stream 1. She did note, however, that "*based on my revised understanding of these terms representing different dialects for both Mana Whenua, I personally consider it would have been useful to retain both terms*."[386] Nevertheless, she agreed with Ms Hayes amendment and did not recommend any additional changes, noting that she considered this could be revisited in a future plan change or variation if this was a desirable outcome sought by Ngāti Toa.

650. The Panel acknowledges the further clarification provided by Ms Stevens in Reply and confirms that we agree with her position and the reasons outlined in the Section 42A Report for the replacement of references to 'mauri' with 'mouri' in the Introduction to the HOSZ chapter. Therefore, we adopt Ms Hayes recommendation that the Introduction is amended as proposed to ensure consistency across the District Plan.

[384] Hearing Stream 7 Section 42A Report Tertiary Education Zone, Lisa Hayes; para 228
[385] Right of Reply Anna Stevens – Tertiary Education Zone and Hospital Zone; paras 57-61
[386] Right of Reply Anna Stevens – Tertiary Education Zone and Hospital Zone; para 60

7.4 Additional matters

HOSZ Height Control Area 5

651. One final matter to note, as identified by Ms Stevens in her reply, is that there is now a slight discrepancy between the maximum height limits for HOSZ's Height Control Area 5 applying to Wellington Regional Hospital and the respective Height Control Area 1 applying to Bowen, Wakefield and Southern Cross (21m), and the 22m height limit applying in the adjoining HRZ. Ms Stevens noted that these height limits of 21m were drafted to align with the adjoining HRZ's 21 m height limits to ensure appropriate transitions between zones. Given that the HRZ limit was recommended by the IHP to be 22m and was subsequently made operative, Ms Stevens considered that the HOSZ height limits should be amended by way of a future plan variation or change to ensure alignment. We agree and accordingly recommend that this matter is appropriately considered via a future plan change or variation process.

7.5 Conclusion

652. Having considered all the submissions and reviewed the Section 42A Report, it is recommended that PDP should be amended as set out in Appendix A of this report.

653. We further note that all other recommendations made by Ms Hayes in relation to the provisions of the HOSZ are accordingly adopted by the Panel for the reasons outlined in her Section 42A Report.

TERTIARY EDUCATION

8.1 Introduction and Overview

654. This section of the report considers submissions received by Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the PDP as they apply to the Tertiary Education Zone (TEDZ) chapter.

655. The TEDZ applies to the following university campuses:

a) Te Herenga Waka Victoria University of Wellington Kelburn Campus; and

b) Te Kunenga ki Pūrehuroa / Massey University, Mt Cook.

656. The purpose of the TEDZ Chapter, as set out in the Introduction, is to:

> *"enable the efficient and effective operation and development of these tertiary education facilities across both campus sites. The zone provisions reflect the importance of these existing institutions by providing for their growth and a diverse range of education, research and development activities and facilities".*

657. In total, there were eight submissions received in relation to the TEDZ chapter, along with one further submission.

658. These submissions were considered by the Reporting Officer, Ms Lisa Hayes, who identified the following key issues in contention:

a) The suitability of the zoning of university campuses as Special Purpose Tertiary Education Zone;

b) The suitability of the respective zone boundaries; and

c) The suitability of the objectives, policies, rules and standards of the Special Purpose Tertiary Education Zone chapter.

659. The Section 42A Report addresses each of these key issues, as well as any other relevant matters raised in submissions. As with the HOSZ, Ms Anna Stevens stood in for Ms Hayes at the Hearing, and subsequent reply.

660. A number of TEDZ provisions were identified by Ms Hayes as either not in contention or not needing further consideration; for example, where only submissions in support were received in relation to an objective, policy, rule or standard. The provisions not in contention for the HOSZ are listed below[387]:

- TEDZ-O1: Purpose (subject to a minor correction)
- TEDZ-O4: Managing Adverse Effects
- TEDZ-P1: Enabled Activities
- TEDZ-P4: Providing for future needs
- TEDZ-P6: Quality design outcomes and amenity
- TEDZ-P8: Natural War Memorial

[387] Section 42A Report, Part 3 – Special Purpose Tertiary Education Zone, by Lisa Hayes (dated 20 February 2024); Section 5.3, paragraph 40.

- TEDZ-R1: Tertiary education facility
- TEDZ-R2: Activities relating to the function of the National War Memorial including ceremonial activities
- TEDZ-R4: Maintenance and repair of buildings and structures
- TEDZ-S4: Building coverage in relation to 320 The Terrace.

661. Given that these provisions do not require any further consideration, the Reporting Officer, Ms Hayes, recommended in the S42A report that they should be adopted as notified. The Panel agrees with Ms Hayes' approach and her reasoning as outlined in the Section 42A Report, and accordingly adopts her recommendation.

Use of the term "is not achieved" versus "cannot be achieved" in TEDZ rules

662. Victoria University submitted that it is a significant property-owner in Wellington and have a planned programme of works to revitalise the University buildings over the next 10 years. The submitter considered that the Controlled Activity status in the ODP that has applied to such works has ensured good design outcomes for major campus projects to date. It noted the University's intentions, as part of the campus development plan, is to connect the Kelburn campus with 320 and 320A The Terrace, and to conserve and re-purpose the McLean Flats. However, it advised there is no ability or available resource to re-purpose the Gordon Wilson Flats, and further noted that due to their state of disrepair, any heritage values associated with these Flats are now significantly undermined.

663. Victoria University also submitted against the use of the term "*cannot be achieved*" throughout the PDP "*as it implies that a provision must be complied with unless it is impossible to do so*."[388] The submitter sought that all such references in the PDP are replaced with the term 'is not achieved'.

664. Ms Hayes initially rejected the relief sought by Victoria University. She disagreed with the submitter's interpretation of the term "*cannot be achieved*". In her view, the use of the word "*cannot*" is intended to provide developers with flexibility so that they have the opportunity to vary from district plan provisions where they cannot achieve these through the resource consent process. Furthermore, she noted that

[388] Submissions #106.1-2

the use of "*cannot be achieved*" occurred consistently across the PDP and, on that basis, she did not support the requested change[389].

665. However, in her supplementary evidence, Ms Hayes explained that she had reconsidered her initial position as recommended in the Section 42A Report, following the release of the IHP recommendations for the IPI chapters. In its reports, the IHP recommended general amendments to this wording in the chapters notified under the ISPP process, opting for "*Is not achieved*" over "*cannot be achieved*". Ms Hayes referred to the reasoning for this recommendation and noted concerns with "*cannot be achieved*" which risks literal interpretation when the intention is a simple determination of compliance or non-compliance[390].

666. In light of the IHP's recommendations, Ms Hayes agreed that amending the reference from "*cannot be achieved*" to "*is not achieved*" is a desirable outcome for the consistency of language throughout the plan. However, Ms Hayes advised that she still disagreed with the submitter's interpretation of "*cannot be achieved*" to mean that an applicant must meet a standard unless they cannot. She did, however, consider "*is not achieved*" an appropriate alternative and agreed with the submitter's interpretation of "is not achieved". She noted that either option will work for the intended purpose of providing flexibility in the resource consent process, but she pointed out that the argument for plan consistency as outlined in her Section 42A Report is no longer relevant, and in the interest of consistency with the IHP's recommendations, Ms Hayes recommended amending "*cannot be achieved*" to "*is not achieved*" in Rules TEDZ-R3, TEDZ-R5, TEDZ-R6, TEDZ-R7 and TEDZ-R8[391].

667. The Panel accordingly adopts Ms Hayes' revised recommendation, for the reasons provided in her Supplementary evidence, and we therefore accept the submission from Victoria University and the amendments as originally sought.

Re-zoning 320A and 302 The Terrace from HRZ to TEDZ

668. Victoria University requested in its submission that the TEDZ be extended to include the McLean Flats site at 320A The Terrace and the substation site adjoining the Gordon Wilson Flats site, located at 302 The Terrace[392]. As part of the campus

[389] Section 42A Report; section 5.4, paragraph 45
[390] Statement of Supplementary evidence of Lisa Hayes – Tertiary Education Zone; paragraph 12
[391] Statement of Supplementary evidence of Lisa Hayes – Tertiary Education Zone: paragraph 15
[392] Submissions #106.3, 106.4 & 106.11

development plan, the University intends to connect the Kelburn Campus with 320 and 320A The Terrace via the 'Te Huanui' Project, as outlined in its submission.

669. In response to the relief sought by Victoria University, Ms Hayes noted that the sites at 320 and 320A The Terrace are intended to be redeveloped in line with the University's Campus Development Plan. In this context, she agreed with the re-zoning of the site at 320A The Terrace from HRZ to TEDZ, given that it is owned by the submitter and its intention is to use the site for university-related activities. She also noted that there were no submissions in relation to the zoning of the site or further submissions in opposition to this re-zoning request from Victoria University.

670. However, in relation to the suggested re-zoning of 302 The Terrace, Ms Hayes noted that this site contains an established substation owned by Wellington Electricity Lines (**WEL**) and that vehicle access to 320 The Terrace (Gordon Wilson Flats) runs adjacent to 302 The Terrace. Ms Hayes advised that, given WEL owns the site at 302 The Terrace and there is no indication that the substation on this site will be removed, it is not clear that the submitter has access to this site or any ability to undertake their intended campus development plans. For these reasons, Ms Hayes recommended that the submission points relating to Victoria University's request for the re-zoning of 302 The Terrace are rejected, but she was open to the submitter providing further evidence of WEL's support for their relief at the hearing.

671. Further context for the requested zoning change sought by Victoria University was provided by Mr Coop at the hearing. Mr Coop advised that there is a mutual agreement between WEL and Victoria University for the re-zoning of the substation site to TEDZ. However, as the MOU had not been provided nor any correspondence or evidence from WEL (as the landowner and substation operator) to support Mr Coop's position in evidence, Ms Hayes did not consider there was sufficient evidence in favour of the requested relief.

672. Ms Stevens indicated in her reply, that she and Ms Hayes shared the same view with respect to the zoning of this site, to the extent that it should remain HRZ until a signed MOU (Memorandum of Understanding) or support letter from WEL is provided. She disagreed with Mr Coop's argument that the re-zoning would send a strategic message to neighbours that this site would be used for university purposes and issues such as building setbacks and HIRB would be addressed making it less likely these standards would be breached. In her view, the re-zoning would likely have the opposite effect, because it improves the development potential for Victoria

University, potentially to the detriment of residential neighbours, particularly if the substation is relocated. Therefore, in the absence of a signed MOU and unconvinced of the submitter's arguments justifying the re-zoning, Ms Stevens came to the same conclusion as Ms Hayes in recommending that the submission from Victoria University requesting the re-zoning of 302 The Terrace is rejected.

673. While we agree that the proposed re-zoning makes sense in the overall context of the campus development plan as outlined by Mr Coop, on behalf of Victoria University, without confirmation of support from WEL as the actual owner of the site at 302 The Terrace, the Panel considers it has no option at this point but to accept the recommendation of the Reporting Officers that the High Density Residential Zone applied to 302 The Terrace is retained as notified. The zoning can be revisited at a future date, and, if appropriate be subject to a potential plan change.

674. With respect to the site at 320A The Terrace (McLean Flats), the Panel confirms that it agrees with the reasoning outlined by Ms Hayes in her Section 42A Report for this site to be re-zoned HRZ to TEDZ and adopts her recommendation accordingly.

8.2 Suitability of the TEDZ provisions

675. Victoria University sought a number of amendments to rules TEDZ-R6 and TEDZ-R7, as follows:

a) It opposed changing the activity status for additions and alterations from Controlled (under the ODP) to Restricted Discretionary at TEDZ-R6.2 and TEDZ-R7.2 as this extends the matters of discretion (formerly matters of control) and was considered unduly onerous on the universities;

b) It opposed in part the definition of 'public spaces' on the basis this is too broad and would apply throughout the entire university, given it is all publicly accessible. As such, the submitter sought that TEDZ-R6.1 and TEDZ-R7.1 are amended to only apply to a legal road;

c) It sought that, if the Restricted Discretionary Activity status at TEDZ-R6.2 and TEDZ-R7.2 is retained, then limited notification should also be precluded when a development complies with the building standards at TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ S-4; and

d) It sought that TEDZ-R6.2.a and TEDZ-R7.2.a are amended to replace the wording "*cannot be achieved*" with "*is not achieved*"[393].

676. The Panel notes that the last submission point regarding the requested amendment to the wording of rules TEDZ-R6.2.a and TEDZ-R7.2.a has already been addressed in section 8.1 of this report. The other submission points identified by Victoria University in relation to the TEDZ provisions, these are all considered in the following sections of the report.

Activity status of TEDZ R-6 (Additions and alterations to buildings and structures) and TEDZ R-7 (Construction of new buildings and structures)

677. As outlined in her Section 42A Report, Ms Hayes disagreed with the relief sought by Victoria University with respect to amending the activity status of TEDZ-R6.2 and TEDZ-R7.2 from Restricted Discretionary Activity status to Controlled Activity status. She noted that the Council has intentionally moved away from the use of Controlled Activity status throughout the District Plan. She clarified that the ODP Controlled Activity rule (Rule 9.2.1) retains control over design, external appearance and siting, vehicle parking and site access; while the PDP Restricted Discretionary Activity rule has wider matters of discretion, noting that, for smaller scale works resource consents are likely to be easy to achieve, whereas for larger scale additions and alterations the Restricted Discretionary Activity status provides the Council with wider scope to positively influence design outcomes[394].

678. The submission from Victoria University argued that "*the Council's longstanding policy is that Controlled Activity status is appropriate because of the strategic importance of VUW to the city and region. There are advantages to the City by VUW having a high degree of certainty in terms of its ability to obtain resource consent more easily to enhance the educational and research facilities on the Kelburn campus*."[395]

679. However, Ms Hayes rejected the submitter's assertion regarding a longstanding policy approach by the Council to additions, alterations and construction of buildings in the TEDZ. She highlighted that there had been considerable review and re-work of provisions from the ODP to the PDP, in consultation with the universities, to update and modernise the plan to better reflect the priorities of the institutions

[393] Submissions #106.14, 106.15, 106.16, 106.17.
[394] Hearing Stream 7 – Tertiary Education Zone Section 42A Report by Lisa Hayes; paragraph 177
[395] Evidence of Peter Alan Coop on behalf of Te Herenga Waka - Victoria University Wellington and its Submission on the Wellington Proposed District Plan, 4 March 2024; paragraph 5.22

moving forward. In her view, the PDP reflects an updated approach to the ODP's institutional Specific Control Areas, is consistent with the National Planning Standards and aligns with other second generation district plans around the country. She further stated that the PDP "*provides for both the institutions' and Wellington City's aspirations going forward for the life of the new plan. This includes a standalone TEDZ chapter, a detailed tertiary education facilities definition and associated Permitted Activities, bespoke provisions and a policy and rule framework more carefully tailored to the operational and functional needs of the universities*."[396]

680. To this end, Ms Hayes considered the Restricted Discretionary Activity status and associated matters of discretion provide an appropriate balance for assessing new developments or additions or alterations, as reflected in the policy framework for TEDZ, whilst recognising the strategic direction of these institutions. However, she did accept that where the building standards at TEDZ-S1 and TEDZ-S4 are met, there should be no requirement for limited notification, as these standards set the scale of development that is considered to be appropriate. She therefore supported the change to the notification status as requested by Victoria University[397]. Therefore, Ms Hayes has recommended that both TEDZ-R6.2 and TEDZ-R7.2 have notification clauses that preclude limited notification where compliance with TEDZ-S1, S2, S3 and S4 is achieved.

681. Lastly, in her reply, Ms Stevens, affirmed the stance taken by Ms Hayes in rejecting the requested amendment to the activity status of TEDZ-R6 and TEDZ-R7. The Panel agrees with the evaluation provided by both Ms Stevens and Ms Hayes in this regard and accordingly adopts the recommendations of Ms Hayes for the reasons outlined in her Section 42A Report and Supplementary evidence.

Replacing "Public Spaces" in TEDZ-R6 (Additions and alterations to buildings and structures) and TEDZ-R7 (Construction of new buildings and structures)

682. The submitter was concerned that, as all areas within the campus of Victoria University are publicly accessible, no additions and alterations or construction of new buildings and structures will achieve TEDZ-R6.1.a.ii or TEDZ-R7.1.a.ii. In her Section 42A Report, Ms Hayes confirmed the intent of this provision was to only permit additions/alterations and construction of new buildings/structures where

[396] Statement of Supplementary Evidence of Lisa Hayes – Tertiary Education Zone; paragraph 23
[397] Hearing Stream 7 – Tertiary Education Zone Section 42A Report by Lisa Hayes; paragraph 178

these are not visible from public spaces; for example, where they are to the rear of buildings and/or obscured from view. Works that are visible will require resource consent, where the Council retains the ability to consider design (through consideration of the matters in the relevant policies). Ms Hayes advised this is consistent with both the ODP approach and other zones' approach to additions and alterations provisions in the PDP.

683. In addition, Ms Hayes noted that buildings beyond 10m of the legal road have the potential to be highly visible and the requested change would remove the Council's ability to assess whether such development would create adverse visual effects on the streetscape context. She further advised that the submitter did not provide any evidence or Section 32AA assessment to justify why the 10m setback is an appropriate distance and a better mechanism than that included in the notified PDP public space visibility approach. In the Council's Reply, Ms Anna Stevens agreed with Ms Hayes' rebuttal evidence in which she outlined the reasons why she did not consider the alternative distance visibility measure proposed by Victoria University to be appropriate[398]. Ms Stevens was also of the view, that the 10m setback had not been tested by the Submitter nor had any supporting evidence or justification been provided[399].

684. Ms Hayes further noted that additions and alterations to the back of any building will still be Permitted (as these are not visible from public spaces)[400]. However, given the very broad definition of "*public space*" in the PDP, which encompasses all "*those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use....*" it is questionable from the Panel's perspective as to whether there are in fact any backs of buildings located within the university campus that would not be visible from a public space one way or another. However, on the assumption that there are buildings within the campus that meet the Permitted Activity threshold for additions and alterations (TEDZ-R6.1) and the construction of new buildings and structures (TEDZ-R7.1), the Panel sought further clarification from Ms Stevens (via minute 46) as to whether there should be any refinement of the rules permitting these activities if they are "*not visible from a public space*". In response, Ms Stevens did not consider there needs to be any amendments to these rules and expressed a similar

[398] Ms Steven was the acting topic lead for the TEDZ and HOPZ. However, Ms Hayes drafted the Hospital Zone Section 42A Report and the Tertiary Education Zone Section 42A Report.
[399] Hearing Stream 7 (Hospital Zone and Tertiary Education Zone) Reporting Officer Right of Reply of Anna Stevens on behalf of Wellington City Council, 30 April 2024; paragraph 25
[400] Statement of Supplementary Evidence of Lisa Hayes - Tertiary Education Zone; paragraph 27

view to Ms Hayes in relation to the rule framework that, in her view, the Permitted Activity threshold for additions and alterations not visible from public spaces is sufficiently generous and enabling. She stated that "*the proposed framework provides the appropriate balance between enabling university development to meet their evolving functions whilst also requiring the universities to respond to context and mitigate any adverse effects*."[401]

685. Furthermore, Ms Stevens highlighted that TEDZ-R6.1 and TEDZ-R7.1 were drafted in a manner to enable consistency across zones within the PDP with regards to Permitted Activity requirements for additions and alterations, in particular the Centres and Mixed Use Zones (CMUZ). She advised that the IHP's recommended Permitted Activity requirements for additions and alterations in the CCZ, for example, included the same exclusion such that any additions or alterations visible from public spaces require resource consent. Therefore, amending the TEDZ to allow more enabling additions or alterations would, in her view, create inconsistency across zones in terms of the plan's approach to built form.

686. The Panel acknowledges that the public space visibility approach to the application of rules TEDZ-R6.1.a.ii and TEDZ-R7.1.a.ii, could be problematic for the submitter given the broad definition of 'public space' which appears to be fully captured by these Permitted Activity rules, making it unlikely that any development within the university campus would be able to occur without being visible from some form of public space. However, the Panel does not consider alternative relief proposed by the submitter for the replacement of "*public spaces*" with "*legal road*" in the context of these rules would resolve the problem either. Furthermore, given that the submitter did not provide any evidence or Section 32AA assessment to justify why the 10m setback is an appropriate distance and a better mechanism than that included in the notified PDP public space visibility approach, we agree with Ms Hayes' position as outlined in her Section 42A Report and her Supplementary evidence, and accordingly adopt her recommendation that the submission of Victoria University is rejected.

Amending Height Control Area 4 to include 302 The Terrace (TEDZ-S1)

687. Victoria University sought that Height Control Area 4 at TEDZ-S1.1 is amended to accommodate the proposed Te Huanui building, which the submitter anticipates will be between 8 to 12 metres above the maximum in Height Control Area 4 (34

[401] Reply of Anna Stevens - Tertiary Education Zone and Hospital Zone; paragraph 22

metres)[402]. The submitter noted that Te Huanui project is expected to increase the level of amenity to the southern end of The Terrace and should be accommodated within the Height Control Areas of the TEDZ to reduce future consenting complexity. To this end, the submitter sought an amendment to Height Control Area 2 to those parts of the site that are 20 metres or more away from a residential zone.

688. Taking into account the ownership and intended use of 320A The Terrace, containing the McLean Flats, Ms Hayes recommended in her Section 42A Report that the TEDZ Height Control Area attributed to this site should be amended to Height Control Area 4 (21 metres). In her view, this will allow for consistency across this section of TEDZ which encompasses both 320 and 320A The Terrace. Ms Hayes considered a 21 metre height limit is appropriate in this context, where the site sits within the HRZ with a 22 metre height limit, which is consistent with the height limit that was applied to the site under the PDP.

689. As for the proposed amendment to Height Control Area 4 to include the site at 302 The Terrace, Ms Hayes predicated her response to this request on her earlier recommendation in relation to the re-zoning of 302 The Terrace. Ms Hayes stated that she would be open to considering recommending a change in height control for 302 The Terrace to Height Control Area 4, provided that the MOU and correspondence affirming WEL's support for the rezoning of the site is made available to the hearing[403]. She noted that a 21 metre height limit at 302 The Terrace is consistent with the recommended heights for the surrounding sites. However, she advised that there is no submission scope to amend the height control area as requested. To this end, she noted that, if the necessary further information is provided and the Panel is of a mind to re-zone 302 The Terrace to TEDZ, then she recommended that the Height Control Area 4 amendment is deferred and included in a future plan change.

690. Putting the issue of scope to one side, the Panel agrees with Ms Hayes' observation that whether this height change occurs depends on the re-zoning of 302 The Terrace. Given the Panel did not receive any further information confirming the support of WEL's for the re-zoning and proposed development of the site, we have not recommended the re-zoning of 302 The Terrace and, on that basis, we have not

[402] Submission #106.24
[403] Statement of supplementary evidence of Lisa Hayes – Tertiary Education Zone; paragraph 29

recommended a change in height control for this site to Height Control Area 4. Accordingly, we do not need to turn to the question of scope.

Expanding TEDZ-S4 (Building Coverage) to include 320A The Terrace

691. TEDZ-S4 restricts building coverage of 320 The Terrace to 50% where it is located outside of the mapped escarpment sub-area, and 35% where it is within this sub-area. While the submission from Victoria University sought to rezone No.320A to TEDZ, with which we agree (refer to paragraphs 668 to 674 above), no submission sought to adjust or otherwise amend standard TEDZ-S4 to include 320 The Terrace.

692. While Ms Hayes considered it would be appropriate to amend this standard to address building coverage under the TEDZ, to prevent over-development of the site, she considered there to be no scope to make such a change, and that therefore no building coverage requirement under the TEDZ would therefore apply. She considered that a plan change would be required to amend standard TEDZ-S4. We agree with Ms Hayes' evaluation.

8.3 Minor and Inconsequential Amendments

Introduction to TEDZ Chapter

693. In her Section 42A Report, in line with her recommendation for the Introduction to the HOSZ chapter, Ms Hayes recommended an additional change to the Introduction to the TEDZ chapter, involving the deletion of the word 'mauri'. This amendment was necessary, in her view, for consistency across the District Plan and to reflect the IHP recommendation and Council decision to only reference 'mouri' as requested by Taranaki Whānui[404].

694. For the same reasons we gave in relation to the same matter relating to the Introduction of the HOSZ chapter (refer to Section 7.3 of this report), we adopt Ms Hayes recommendation that the Introduction to the TEDZ chapter is amended as proposed to ensure consistency across the District Plan.

References to Design Guides in the TEDZ

695. In her Section 42A Report, Ms Hayes referred to the comprehensive design guide review process that was undertaken concurrently with the ISPP hearings. She noted that Ms Stevens prepared Part 2 of the Section 42A Report for the ISPP

[404] Hearing Stream 7 Section 42A Report Tertiary Education Zone, Lisa Hayes; paragraph 228

Wrap-up Hearing which identified that changes recommended in relation to the ISPP Wrap-up Hearing will also require amendments to the TEDZ provisions. Ms Hayes clarified that the recommended changes from the ISPP Wrap-up Hearing include amendments to the wording of the respective policies that refer to the Centres and Mixed Use Design Guide (CMUDG) from "*Meeting the requirements of the Centres and Mixed Use Design Guide*" to "*Fulfilling the intent of the Centres and Mixed Use Design Guide*"[405]. Consequently, Ms Hayes noted that the IHP has recommended this wording change in relation to TEDZ-R6 and TEDZ-R7.

696. Therefore, to achieve consistency across the District Plan, Ms Hayes identified that the following minor amendments to the TEDZ provisions are required[406]:

a) The addition of the wording "*Fulfilling the intent of the Centres and Mixed Use Design Guide*" to TEDZ-P6;

b) The deletion of reference to the Centres and Mixed Use Design Guide as a matter of discretion under TEDZ-R6; and

c) The deletion of reference to the Centres and Mixed Use Design Guide as a matter of discretion under TEDZ-R7.

697. The Panel accepts that these proposed minor amendments are necessary for the reasons outlined by Ms Hayes in her Section 42A Report, and we adopt her recommendations accordingly.

8.4 Additional matters

TEDZ Height Control Area 4

698. One final matter to note, as identified by Ms Stevens in her reply, is that there is now a slight discrepancy between the zone maximum height limits for TEDZ's Height Control Area 4 applying to Victoria University, and the adjoining HRZ land's 22m height limit. Ms Stevens noted that these height limits of 21m were drafted to align with the adjoining HRZ's 21 m height limits to ensure appropriate transitions between zones. Given that the HRZ limit was recommended by the IHP to be 22m and was subsequently made operative, Ms Stevens considered that the TEDZ height limits should be amended by way of a future plan variation or change to

[405] Hearing Stream 7 Section 42A Report of Lisa Hayes– Tertiary Education Zone; paragraph 231
[406] Hearing Stream 7 Section 42A Report of Kisa Hayes – Tertiary Education Zone; paragraph 232

ensure alignment. We agree and accordingly recommend that this matter is appropriately considered via a future plan change or variation process.

8.5 Conclusion

699. Having considered all the submissions and reviewed the Section 42A Report it is recommended that PDP should be amended as set out in Appendix A of this report.

700. We further note all other recommendations made by Ms Hayes in relation to the provisions of the TEDZ are accordingly adopted by the Panel for the reasons outlined in her Section 42A Report.

CONCLUSIONS

701. In response to submissions, we have recommended that a number of changes be made to the provisions of the PDP (including relevant Design Guides) in regard to:

a) General Rural Zone

b) Hospital Zone

c) Light and Temporary Activities

d) Natural Open Space Zone

e) Open Space Zone

f) Signs

g) Sport and Active Recreation Zone

h) Tertiary Education Zone

i) Wellington Town Belt Zone.

702. These recommended changes are included in Appendix 1 to this report (including amendments made in respect of other recommendations where only the affected provisions are shown).

703. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the topics heard under Hearing Stream 7.

704. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Reports prepared by Mr Patterson, Mr Sirl, Ms Hayes (and her stand-in, Ms Stevens) and Mr Beavis with the input of Council's technical advisers, as amended in the final written Replies.

705. To the extent that the Section 42A Reporting Officers have recommended amendments to the Plan requiring evaluation in terms of Section 32AA, we adopt their evaluations for this purpose.

706. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of this Report.

707. Appendix 2 sets out in tabular form our recommendations on the submissions allocated to Hearing Stream 7 topics. Our recommendations on relevant further submissions reflect our recommended decisions on the primary submission to which they relate.

708. The recommended rezonings are in regard to the following:

a) Rezoning of the leased area at 1 Upland Road from OSZ to NCZ (relating to the submission of Panorama Property Limited);

b) Rezoning of part of 62 Kaiwharawhara Road from NOSZ to MRZ (relating to the submission of Boston Real Estate Limited);

c) Rezoning of part of land owned by Horokiwi Quarries Ltd from GRUZ to Special Purpose Quarry Zone (relating to a submission from Horokiwi Quarries Ltd);

d) Rezoning part of 200 Parkvale Road from GRUZ to MRZ (relating to a submission from Parkvale Road Limited); and

e) Rezoning part of the overlay at 224 Westchester Drive from GRUZ to MRZ (relating to a submission from Rod Halliday).

709. We specifically note the following out-of-scope recommendations for future potential plan changes or variations that we have made in regard to the following matters:

a) The potential rezoning of parcels on Watts Peninsula, Miramar (in relation to the submission from Taranaki Whānui);

b) Revisiting the appropriate zoning and development standards for the land at 320A and 302 The Terrace (in relation to submission from Te Herenga Waka – Victoria University of Wellington);

c) How cultural values related to SASMs should be best considered under the signs rules (in relation to the submission from Taranaki Whānui);

d) Updating and correcting the cross-referencing to zones under SIGNS-S1 (arising from the evaluation of submissions from CentrePort and Massey University);

e) Revisit the zoning of the two residential properties at 173 and 175 Parkvale Road, currently zoned GRUZ (arising from our recommended rezoning of part 200 Parkvale Road);

f) Changing the language of Objective LIGHT-O2 (arising from questions during the hearing); and

g) Changes to the height limits in the HOSZ and TEDZ to better reflect the height limits in the adjoining HRZ zones (arising from the Section 42A evaluation).

For the Hearing Panel:

Robert Schofield
Chair, Hearings Panel for Hearing Stream 7

Dated: 27 January 2025