

Wellington City Proposed District Plan

Hearing Stream 10

Designations

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:	Independent Hearings Commissioners
SUBJECT:	Wellington City Proposed District Plan Hearing Stream 10 – Designations – Section 42A report
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REPORT DATED:	14 June 2024
DATE OF HEARING:	15 July 2024

Contents

Executive Summary	i
Interpretation	iii
1.0 Introduction	1
1.1 Purpose	1
1.2 Author and Qualifications	1
1.3 Code of Conduct.....	2
1.4 Key resource management issues in contention	2
1.5 Procedural Matters	3
2.0 Background and Statutory Considerations	3
2.1 Resource Management Act 1991.....	3
2.1.1 Section 168A Notice of requirement by territorial authority	4
2.1.2 Section 171 Recommendation by territorial authority.....	5
2.2 Rolled-over designations.....	5
2.3 Changes in national and regional direction	6
2.4 Trade Competition	7
3.0 Overview of Designations in the PDP	7
4.0 Submissions and Further Submissions on Designations	11
4.1 Report Structure	11
4.2 Consideration of submissions and further submissions on Designations	12
General submissions	12
ACNZ – Airways Corporation of NZ Limited	13
CNZ – Chorus NZ Limited	16
KRH – KiwiRail Holdings Limited	17
KL – Kordia Limited	21
MSNZ – Meteorological Service of New Zealand Limited.....	22
MCOR – Minister of Corrections	23
MCOU – Minister for Courts	24
MDEF – Minister of Defence.....	26
MEDU – Minister of Education	27
MPOL – Minister of Police.....	31
NZME – New Zealand Media and Entertainment	32
NZTA – Waka Kotahi New Zealand Transport Agency	32
PM – The Prime Minister	34
SPK – Spark New Zealand Trading Limited.....	35

TPR – Transpower New Zealand Limited	36
WCC – Wellington City Council	39
WEL – Wellington Electricity	42
WRC – Greater Wellington Regional Council	51
5.0 Conclusion	54
5.1.1 Recommendations	54
6.0 Appendices	55
Appendix A: Recommended Amendments to the Designations Chapter.....	55
Appendix B: Recommended Responses to Submissions and Further Submissions on the Designations Chapter	56
Appendix C: Designations rolled-over from the ODP into the PDP without modification and no submissions are received	57

List of Figures

Figure	Title
Figure 1. & Figure 2.	KiwiRail – Johnsonville Line tunnels
Figure 3. & Figure 4.	KiwiRail – NIMT Line tunnels
Figures 5, 6, and 7.	Examples of WRC6 extending into recently developed areas.
Figure 8.	WEL2 - Substation (Bond Street) – identifying incorrect mapping (circled in red)

List of Tables

Table	Title
Table 1.	Abbreviations
Table 2.	Abbreviations of Submitters’ Names
Table 3.	Summary of Designations Issued by Requiring Authorities

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the Designations contained within the Wellington City Proposed District Plan.
- ii. Designations enable works to be undertaken by requiring authorities without the need to comply with section 9(3) of the RMA. This means that the rules of a district plan do not apply to the designated project or works. Where the land is used for a purpose other than the designated purpose, the provisions of a district plan or proposed district plan continue to apply. Designations also act to protect land from other activities occurring within the designated area.
- iii. 19 requiring authorities lodged notices under Clause 4 of the Act to include 158 designations in the PDP. Of these, 156 are sought to be rolled-over from the 2000 District Plan. Two Notices of Requirement were lodged by the Minister of Education for designations for two existing schools which have been notified in the PDP in accordance with s170 of the RMA.
- iv. 74 submissions were received on 23 designations included in the PDP. 25 further submissions were received from 12 submitters.
- v. In my opinion, the key matters raised in submissions relate to:
 - a. the Wellington International Airport Limited Obstacle Limitation Surfaces designation (WIAL1);
 - b. proposed new 'Air Traffic Control' overlays around the radar designations ACNZ3 and ACNZ4;
 - c. the need to re-model and re-map the WRC6 - Stebbings Valley Flood Detention Dam designation; and
 - d. The modifications to the mapping of the KiwiRail designations to include tunnels under properties previously not covered by the designations.
- vi. This report assesses and makes recommendations in response to the issues and submission points raised. This report also assesses and makes recommendations on each of the designations in accordance with 168A and s171 of the RMA.
- vii. I have made recommendations, including some modifications to the designations included in the PDP, to address matters raised in submissions and other matters identified through assessment of the designations. The key recommendations and modifications are summarised below:
 - a. Recommend to the Minister of Education that condition 1 (as contained in Appendix E: Various Schools (Minister of Education) of the former ODP) that excludes the demolition, or partial demolition, of the specifically listed heritage buildings from being undertaken within the purpose of the designations is retained and reintroduced for the relevant MEDU designations; and
 - b. Recommend to GWRC that they review and amend the mapping of WRC6 - Stebbings Valley

Flood Detention Dam designation to reduce, where appropriate, the designation area where it is no longer applicable as a result of approved land modification and development; and

- c. Recommend to KiwiRail that the modification to the mapping of the KiwiRail designation areas to cover tunnels where it results in new land not owned by KiwiRail is not included within the designation areas unless greater detail is included in the conditions to classify these sections as strata designation and clarify the impact of the designation on land above the tunnels.
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- viii. The recommendations with respect to any amendments to the designations as notified are contained within this report and collated in Appendix A of this report.
 - ix. Appendix B of this report details officers' recommendations on submissions and whether they should be accepted, accepted in part or rejected. The associated reasoning is set out in the body of this report.
 - x. In accordance with Clause 9(3) of Schedule 1 of the RMA, where a designation has been rolled-over from an ODP into a PDP without modification and no submissions are received, the rolled-over designation must be included in the PDP. Appendix C includes these designations where no additional assessment is required and the designations can be included in the Plan without any further formality.
 - xi. Having considered all the submissions and the matters set out in sections 168A and 171 of the RMA, I recommend that the Panel recommend the designations included in the PDP be confirmed or modified as set out in Appendix A of this report.

Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
the earlier/the former ODP	Wellington City District Plan 2000
the Proposed Plan/PDP	Proposed Wellington City District Plan
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
P1Sch1	Part 1 Schedule 1 of the Resource Management Act 1991
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
ACNZ	Airways Corporation of New Zealand Limited
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
Forest & Bird	Royal Forest and Bird Protection Society of New Zealand Inc
GWRC	Greater Wellington Regional Council
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Meridian	Meridian Energy Limited
MoE	Ministry of Education
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika a Maui
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
WIAL	Wellington International Airport Limited

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

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their recommendations on the submissions and further submissions on the Wellington City Proposed District Plan (the PDP); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the rollover of designations from the earlier ODP and new notices of requirement for designations included in the PDP.
3. Requiring Authorities were consulted with in accordance with Clause 4 of Schedule 1 of the RMA.
4. The following Notices of Requirement for new designations were received by Council:
 - a. Notice of Requirement – St Francis Xavier School – Tawa
 - b. Notice of Requirement – Sacred Heart Cathedral School - Thorndon
5. This report discusses general issues, considers the original and further submissions received following notification of the PDP, assesses and makes recommendations as to whether or not those submissions should be accepted, accepted in part or rejected, and concludes with recommended amendments to the designations and associated maps based on the assessment and evaluation contained in the report.
6. The Hearings Panel may choose to accept or reject the conclusions and recommendations of these reports or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author and Qualifications

7. My full name is James (Jamie) Grant Sirl. I am a Senior Planning Advisor in the District Plan Team at Wellington City Council (the Council).
8. My role in preparing this report is that of an expert in planning.
9. I hold the qualifications of Master of Planning Practice and Bachelor of Arts majoring in Geography from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.

10. I have approximately 12 years' experience in planning and resource management roles in Local Government.
11. I have experience with the preparation of council-led, and consideration of developer-led, district plan changes for greenfield growth areas and the preparation of council-led district plan changes relating to the protection of indigenous biodiversity and historic heritage values at Hamilton City Council.
12. In my current role my involvement in the PDP review process has included assisting with the summary of submissions and providing support to reporting officers for earlier hearing streams. I was also the reporting planner for the Natural Hazards and Coastal Hazards topic, the Open Spaces and Recreation topic, and the Coastal Environment, Natural Character and Public Access topic and prepared the respective Section 42A reports.

1.3 Code of Conduct

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

1.4 Key resource management issues in contention

16. In total there were 74 submission points and 25 further submission points from 12 submitters were received in relation to the designations included in the PDP.
17. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention with respect to designations:
 - a. the impact of the modifications to the Wellington International Airport Limited Obstacle Limitation Surfaces designation (WIAL1);
 - b. proposed new 'Air Traffic Control' overlays around the radar designations ACNZ3 and ACNZ4;
 - c. reducing the extent of the WCC8 - Carey's Gully Landfill designation area to reflect the current landfills and planned works;
 - d. The lack of clarity of the impact on properties resulting from the modifications to the

- KiwiRail designations to include existing tunnels; and
- e. the need to re-model and re-map the WRC6 - Stebbings Valley Flood Detention Dam designation.

1.5 Procedural Matters

18. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on designations.
19. I note that communication with some requiring authorities has occurred to clarify some matters that arose during the preparation of this report, including ACNZ, GWRC, Spark, WEL and WIAL.
20. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular the requirements of Clause 4 of Schedule 1, 'Requirements to be inserted prior to notification of proposed district plans'.
22. When reviewing a district plan, Clause 4(1A) and 4(1B) of Schedule 1 requires the Council to invite requiring authorities that have an existing designation in the earlier ODP that has not lapsed to give written notice to the Council stating whether the requiring authority requires the Council to include the designation in its PDP, with or without modification.
23. In May 2022, the Council issued a written notice in accordance with Clause 4(1). The notice also requested that the requiring authorities issue notices of requirement for any new designations sought. The process of formal consultation with requiring authorities is detailed in a Record of Consultation with Requiring Authorities report prepared by GHD on behalf of Council¹. The Record of Consultation with Requiring Authorities report also details informal consultation held with requiring authorities in 2020, which informed proposed modifications to designations which included in the Draft District Plan.
24. The submission process on designations ran in parallel to the submission process on all other content in the PDP. The requirements for recommendations and decisions on notices of requirement for new designations and existing designations in the PDP are set out in Clause 9 of Schedule 1.

¹ [Record of Consultation with Requiring Authorities – Wellington District Plan Designations Chapter Review \(2022\). Prepared by GHD Limited on behalf of Wellington City Council.](#)

25. Consideration of requirements and designations must take into account the matters set out in sections 168A (for WCC) and 171 (for other requiring authorities).

2.1.1 Section 168A Notice of requirement by territorial authority

26. In relation to the consideration of a notice of requirement by a territorial authority, section 168A of the RMA states:

(2A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.

(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.

(3A) The effects to be considered under subsection (3) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the requirement, as long as those effects result from measures proposed or agreed to by the requiring authority.

(4) The territorial authority may decide to—

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

(5) Sections 173, 174, and 175 apply, with all necessary modifications, in respect of a decision made under subsection (4).

2.1.2 Section 171 Recommendation by territorial authority

27. In relation to the consideration of a notice of requirement from a requiring authority, section 171 of the RMA states:

(1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition. (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

(1B) The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.

(2) The territorial authority may recommend to the requiring authority that it—

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

(2A) However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution (as defined in section 108(9)).

(3) The territorial authority must give reasons for its recommendation under subsection (2).

2.2 Rolled-over designations

28. In accordance with Clause 9(3) of Schedule 1 of the RMA, where a designation has been rolled-over from the ODP into the PDP without modification and no submissions are received, the rolled-over designation must be included in the PDP.

29. Where modifications are immaterial in nature I have treated these as rolled-over with no modifications from a procedural perspective. Such changes include:
- a. Updated legal descriptions and/or street address (where the mapped area has not been changed).
30. Accordingly, I have not assessed those particular designations in this report and they will be included in the decisions version of the District Plan without further formality. All designations in this category are listed in Appendix C of this report.

2.3 Changes in national and regional direction

31. Since public notification of the PDP on 18th July 2022, the following relevant statutory considerations have changed or been introduced:
- a. National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)
 - The main purpose of this NPS is to provide direction for local government on how to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under the RMA.
 - b. Regional Policy Statement for the Wellington Region (RPS) – Proposed Change 1 (Change 1)
 - A substantial change to the RPS was notified on 19 August 2022. The purpose of the change is to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD) and National Policy Statement for Freshwater Management 2020 (NPS-FM). Hearings on Change 1 are proceeding in parallel with the PDP hearings scheduled to run until March 2024.
 - A submission was received from Greater Wellington Regional Council (GWRC) seeking amendments to the PDP, in part to achieve alignment with Change 1. In the PDP Hearing Stream 1 the Reporting Officer confirmed that given the stage that Change 1 is at in the planning process (with substantial parts the subject of competing submissions) and hearings on Change 1 still being underway, it may be difficult to give much weight to Change 1. However, it is appropriate that consideration is given to Change 1 where relevant. I consider this position is still accurate as at this stage no recommendation reports have yet been released by the Change 1 Independent Hearings Panel.
 - c. Natural Resources Plan and Plan Change 1 (PC1)
 - The Natural Resources Plan for the Wellington Region (NRP) is operative and came into effect on 28 July 2023. PC1 to the Natural Resources Plan for the Wellington Region was notified on 30 October 2023. PC1 proposes amendments related to earthworks, stormwater and wastewater discharges, and rural land use to achieve water quality and ecological health objectives. In my opinion, these proposed changes are not directly relevant to the matters addressed in this report.

2.4 Trade Competition

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

3.0 Overview of Designations in the PDP

34. The designations chapters are contained in the PDP under the Designations heading within Part 3: Area Specific Matters, as required in the National Planning Standards.
35. The designation chapters are ordered alphabetically by requiring authority name and each chapter includes a table for each designation that describes the designation held by each requiring authority within Wellington.
36. These tables show:
 - a. unique identifier (number) of each designation;
 - b. designation purpose;
 - c. site identifier (legal descriptions and street address;
 - d. Lapse date and whether the designation has been given effect to;
 - e. Designation hierarchy under section 177 of the Resource Management Act;
 - f. Whether any conditions apply; and
 - g. Any additional information – commonly whether it's a designation that has been rolled over from the previous district plan (and the historic reference).
37. All designations are identified and annotated on the planning maps by way of an abbreviated name of the requiring authority (specific to each requiring authority) and designation number.
38. There are 19 requiring authorities that have sought designations be rolled over from the ODP or issued notices of requirement to be included in the PDP.
39. The designations 'rolled over' into the PDP from the ODP results in 162 designations in the PDP (as a result of splitting and amalgamation).
40. All of these designations include minor changes to align with the requirements of the National Planning Standards. Where the only modification is to align with the National Planning Standards, these designations are being treated as having not been modified for the purposes of Clause 9(3) of Schedule 1 of the RMA. 17 designations are to be included in the Plan without further formality as included in Appendix C of this report.
41. 137 of the designations to be rolled-over include modifications which range from amendments to the 'purpose' description, the deletion or modification of designation conditions, and amendments to the mapped of spatial boundaries of the designation.

42. Some existing designations have been amalgamated, including designations for the Minister of Education, with other existing designations split into separate designations in the PDP, including NZTA designations. These are further detailed under the sections of this report for each the relevant requiring authorities.
43. Two Notices of Requirement for new designations were included in and notified with the PDP in accordance with section 168 and 170 of the RMA. The new designations that are sought are:
- Notice of Requirement – St Francis Xavier School (MEDU74)
 - Notice of Requirement – Sacred Heart Cathedral School (MEDU75)
44. In terms of section 171(2) of the RMA, the independent hearings panel has the ability to make a recommendation to the requiring authorities on these Notices of Requirement to confirm or modify the requirement, impose conditions, or withdraw the requirement.
45. A summary of the designations sought by each requiring authority is set out in Table 3 below, including identification of new designations and where modifications have been sought to rollover designations. The full schedule and any relevant conditions for each of the designations is included in the Designations section of the PDP.

Table 3: Summary of Designations Issued by Requiring Authorities

Requiring Authority	Rollover without modifications PDP (ODP)	Rollover with modifications PDP (ODP)	New designation PDP	Total for each Requiring Authority
ACNZ – Airways Corporation of NZ Limited	ACNZ1 (A1), ACNZ2 (A2)	ACNZ3 (A5), ACNZ4 (A6), ACNZ5 (A8), ACNZ6 (A9)		6
CNZ – Chorus NZ Limited		CNZ1 (T2), CNZ2 (T3), CNZ3 (T4), CNZ4 (T5), CNZ5 (T6), CNZ6 (T7), CNZ7 (T8), CNZ8 (T9), CNZ9 (T11), CNZ10(T12) CNZ11 (T14), CNZ12 (T15), CNZ13 (T16), CNZ14 (T17)		14
KRH – KiwiRail Holdings Limited		KRH1 (formerly ODP R1, R2, R4 and R5) KRH2		2
KL – Kordia Limited		KL1 (B1), KL2 (B2)		2
MSNZ – Meteorological Service of New Zealand Limited	MSNZ1 (M1) MSNZ2 (M2),	MSNZ3 (M4), MSNZ4 (M5)		6
MCOR – Minister of Corrections	MCOR1 (K1) MCOR2 (K2)			2

Requiring Authority	Rollover without modifications PDP (ODP)	Rollover with modifications PDP (ODP)		New designation PDP	Total for each Requiring Authority
MCOU – Minister for Courts	MCOU2 (J2), MCOU3 (J3),	MCOU1 (J1), MCOU4 (J4),			4
MDEF – Minister of Defence		MDEF1 (D3), MDEF2 (D4)			2
MEDU – Minister of Education		MEDU1(E1), MEDU2(E2), MEDU3(E3), MEDU4(E4), MEDU5(E5), MEDU6(E6), MEDU7(E7), MEDU8(E8), MEDU9(E9), MEDU10(E11), MEDU11(E12), MEDU12(E13), MEDU13(E14), MEDU14(E15), MEDU15(E16), MEDU16(E17), MEDU17(E18), MEDU18(E19), MEDU19(E20), MEDU20(E21), MEDU21(E22), MEDU22(E24), MEDU23(E25), MEDU24(E26), MEDU25(E27), MEDU26(E28), MEDU27(E29), MEDU28(E30), MEDU29(E32), MEDU30(E33), MEDU31(E34), MEDU32(E35), MEDU33(E36), MEDU34(E37), MEDU35(E39), MEDU36(E40), MEDU37(E41), MEDU38(E42),	MEDU39(E43), MEDU40(E44), MEDU41(E45), MEDU42(E46), MEDU43(E47), MEDU44(E48), MEDU45(E49), MEDU46(E50), MEDU47(E51), MEDU48(E52), MEDU49(E53), MEDU50(E54), MEDU51(E55), MEDU52(E56), MEDU53(E57), MEDU54(E58), MEDU55(E59), MEDU56(E60), MEDU57(E61), MEDU58(E62), MEDU59(E63), MEDU60(E64), MEDU61(E65), MEDU62(E66), MEDU63(E67), MEDU64(E68), MEDU65 (E69 &E71), MEDU66(E70), MEDU67(E72), MEDU68(E73), MEDU69(E74), MEDU70(E75), MEDU71(E76), MEDU72(E77), MEDU73 (E78)	MEDU 74, MEDU 75	75
MPOL – Minister of Police	MPOL1 (P1), MPOL2 (P3)				2
NZME – New Zealand Media	NZME1 (I2)				1

Requiring Authority	Rollover without modifications PDP (ODP)	Rollover with modifications PDP (ODP)	New designation PDP	Total for each Requiring Authority
and Entertainment				
NZTA – Waka Kotahi New Zealand Transport Agency		NZTA1 (Part H1), NZTA2 (H9 & H10), NZTA3 (Part H1), NZTA4 (Part H1 & H4), NZTA5 (H11)		5
PM – The Prime Minister		PM1 (Q1)		1
Spark New Zealand Trading Limited		SPK1 (T1), SPK2 (T2), SPK3 (T3), SPK4 (T9), SPK5 (T11), SPK6 (T13), SPK7 (T15)		7
TPR – Transpower New Zealand Limited	TRP1 (F1), TRP3 (F4)	TPR2 (F2), TRP4 (F6), TRP5 (F5), TRP6 (F7)		6
WCC – Wellington City Council	WCC2 (54), WCC3 (55), WCC4 (56), WCC5 (57), WCC7 (59), WCC8 (61), WCC9 (91), WCC10 (93), WCC11 (98), WCC12 (101)	WCC1 (53), WCC6 (58), WCC13 (135)		13
WEL – Wellington Electricity	WEL1 (C2), WEL3 (C4)	WEL2 (C3)		3
WIAL – Wellington International Airport Limited Note: WIAL4 and WIAL5 (These designations are not subject to the Proposed District Plan's submission and decisions processes under the 1st Schedule to the RMA.)		WIAL1 (G2), WIAL2(G4), WIAL3 (G3)		5
WRC – Greater Wellington Regional Council		WRC1 (W1), WRC2 (W2), WRC3 (W3), WRC4 (W6), WRC5 (W5), WRC6 (W4)		6

4.0 Submissions and Further Submissions on Designations

4.1 Report Structure

46. In each section of this report, I consider the effects on the environment of allowing the requirements. All of the designations support infrastructure that delivers positive effects to communities. These positive effects will be assumed and are not addressed in my assessment.
47. With respect to decision-making criteria outlined in section 171(1)(a), (b), (c) and (d) the assessments undertaken for rolled-over designations are focused on the adverse effects of any proposed modification.
48. A detailed consideration of relevant policy statements and plan provisions has not been undertaken as the existing designations, and existing schools in the case of the two Notices of Requirement for new designations, are already established. Similarly, consideration of alternative sites, routes and methods under s171(b) has not been explored in detail as in most cases the subject land is already owned or vested in the requiring authority, or it is likely that the work will have no significant adverse effect on the environment. However, where a more detailed assessment is required with respect to s171 this is detailed in the assessment of the specific designation.
49. Excluding the designations listed in Appendix C which are to be rolled over into the decision version of the PDP without further formality, the following sections for each requiring authority contain tables summarising the proposed modifications as included in the notified version of PDP.
50. Submissions have been categorised into a general section (where the submissions apply to more than one designation) with the remaining submissions categorised in accordance with the specific designation they relate to.
51. The consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
52. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
53. Section 32AA evaluations are not required in the context of this hearing report for designations. This is because designations do not constitute plan provisions for which any s32AA evaluation is required.
54. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.

55. Recommendations in relation to further submissions reflect the recommendations made on relevant primary submissions.
56. In accordance with Clause 9(3) of Schedule 1 of the RMA, this report does not make any recommendations on the designations listed in Appendix C to this report which have been rolled-over from the ODP into the PDP without modification and where no submissions have been received in relation to them. These rolled-over designations must be included in the PDP.

4.2 Consideration of submissions and further submissions on Designations

General submissions

57. Guardians of the Bays [452.93] seeks to use the Designation unique identifier at the beginning of each new designation.
58. Kilmarston Developments Limited and Kilmarston Properties Limited [290.4, opposed by Adam Groenewegan FS46.2, Andy Foster FS86.44, Forest and Bird FS85.14, and Jo McKenzie FS64.3; and 290.72, opposed by Forest and Bird FS85.38 and supported by Andy Foster FS86.62] consider that the zoning of area NOSZ is restrictive and limits building a reservoir within the area. They seek a designation over the land to accommodate a reservoir.
59. Taranaki Whānui [389.130, opposed by Te Rūnanga o Toa Rangatira FS138.68] seeks that the Designations chapter is amended to include "Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City."

Assessment

60. In response to Guardians of the Bays [452.93] it is unclear to me what the submitter is seeking, noting that individual designations are grouped under the respective requiring authority, with each designation allocated a specific unique identifier, which are also labels used in the ePlan mapping of the designations.
61. In response to Kilmarston Developments Limited and Kilmarston Properties Limited [290.4 and 290.72], a notice of requirement was not lodged for this purpose by a requiring authority and a designation for this purpose cannot therefore be considered by the Panel.
62. In response to Taranaki Whānui ki te Upoko o te Ika [389.130] this matter was addressed in Hearing Stream 1², and I concur that it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement

² [Wellington City Proposed District Plan, Hearing Stream 1 – Part 1, plan wide matters and strategic direction. Section 42A of the Resource Management Act 1991. para \[487\].](#)

legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status.

Summary of recommendations

63. **HS8-Designations-Rec1:** That no amendments are made in response to those submissions detailed in section 4.3 of this report.
64. **HS8-Designations-Rec2:** That general submissions on designations are accepted/rejected as detailed in Appendix B.

ACNZ – Airways Corporation of NZ Limited

65. ACNZ – Airways Corporation of NZ Limited (ANCZ) is a requiring authority under section 167 of the RMA.
66. ACNZ sought to roll-over existing designations under Chapter 24 – Schedule of Designations of the ODP, being ACNZ – A1, ACNZ – A4, ACNZ – A5, ACNZ – A6, ACNZ – A8 and ACNZ – A9. These are identified as ACNZ1, ACNZ2, ACNZ3, ACNZ4, ACNZ5, ACNZ6 in the PDP. Designations A2, A3, A5 and A7 in the ODP were requested to be removed as the facilities are no longer in use by ACNZ.
67. The designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
ACNZ1 & ACNZ2	Condition sought but not included in PDP
ACNZ3 – Radar & Communications site Hawkins Hill	Modified designation purpose. Condition sought but not included in PDP.
ACNZ4 – Radar & Communications site Hawkins Hill	Modified designation purpose. Condition sought but not included in PDP.
ACNZ5 – Hawkins Hill (North) Radio Communications site	Modified designation purpose. Condition sought but not included in PDP.
ACNZ6 – Palmer Head (Moa Point) Navigational Aids site	Modified designation purpose. Condition sought but not included in PDP.

68. In reviewing the rolled-over designations, I have identified that the new designation conditions requested by ACNZ were not included in the PDP. Conditions were included in DDP (GHD report 2020 Attachment 1: Draft Plan Airways Corporation of NZ Limited Designations) but were not included in the PDP for any of the ACNZ designations. The ACNZ notice under Clause 4 of Schedule 1 of the Act requested that the DDP version be included in the PDP with modifications, which did not include removing the previously requested conditions.
69. The Record of Consultation with Requiring Authorities report (section 2.2.1) states³:

³ [Record of Consultation with Requiring Authorities \(2022\) prepared by GHD on behalf of Wellington City Council](#)

Airways Corporation of New Zealand Limited (ACNZ) designations ACNZ1 and ACNZ2 are to be included in the Proposed District Plan without modifications to the versions included in the Draft District Plan. Designation ACNZ3 is to be included with a modified designation purpose and condition. Designations ACNZ4 and ACNZ5 are to be included with modified designation purposes. An additional designation not identified by the 2020 consultation work was identified by Airways for rollover from the Operative District Plan. Designation Radar & Communications site Hawkins Hill (previous ref: A5) is to be included with a new designation purpose and condition.

70. I also note that the ACNZ submissions seeks the introduction of overlays in the Plan that would act as a buffer to the radar designations (ACNZ3 and ACNZ4) but notably does not identify the lack of ACNZ designation conditions or the need for them.

Matters raised by submitters

71. ACNZ [100.1, opposed by Kāinga Ora FS89.43 and supported by WIAL FS36.255] seeks to add a new 'Air Traffic Control' overlay with a 500m radius around the radar designation ACNZ3 (Radar & Communications site Hawkins Hill - Section 5 SO24952, Hawkins Hill, off Karepa Street, Brooklyn).
72. ACNZ [100.2, supported by WIAL FS36.256] seeks to add a new 'Air Traffic Control Information Overlay' with a 500m radius around the radar designation ACNZ4 (Radar & Communications site Hawkins Hill - Section 1 & 2 SO31242, Section 4 on SO24952, Hawkins Hill, off Karepa Street, Brooklyn.).

Assessment

Rolled-over designations

73. The modifications sought in relation to the designation purpose are considered to be minor amendments. I consider that the modifications sought are necessary to accurately reflect the purpose and area of the designations.
74. I have considered the issue of the conditions that were sought by ACNZ but not included in the PDP. In my opinion, the proposed conditions extend beyond the identified designation areas, and are inconsistent with s176 of the Act. The conditions requested by ACNZ under Clause 4 of Schedule 1 of the Act are unenforceable as they apply beyond the extent of the ACNZ designation areas. Even if the proposed conditions are intended to only act as a trigger for a conversation as opposed to any ability for ACNZ to decline approval under s176(1)(b) of the Act, I consider that they are inappropriate as designation conditions. In my opinion, for these conditions to be enforceable under s176 of the Act, the requiring authority would need to lodge a variation to extend the designation areas to encompass the 'Air Traffic Control Information Overlays'.

75. As an alternative, the intent of the proposed conditions could be included in the 'additional information' section of the designation tables. However, for this alternative option to achieve the intent, non-statutory 'information only' mapping would need to be included in the ePlan maps. Although I agree with the intent of the proposed conditions, which is to ensure safe navigation to air traffic, in my opinion this proxy for designation conditions is suboptimal and will result in a lack of clarity with respect to the obligations of landowners, and role of council.
76. Turning to the designations more generally, they are already in existence and therefore given effect to. There are not expected to be any additional adverse effects on, or changes to, the environment from the designations.
77. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
78. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
79. No existing conditions apply to the designation area. With respect to managing adverse effects resulting from the activities covered by the designation the outline plan process will adequately address any potential adverse effects of any future works proposed within the designations. I do not consider that any conditions are necessary as the activities already exist.

Response to submissions

80. ACNZ [100.1 and 100.2] seek overlays, either as a non-statutory information overlay or as a statutory overlay with associated provisions requiring stipulated development within the overlay to notify ACNZ. I consider that the inclusion of non-statutory information only overlays is a sub-optimal approach to achieving the outcomes sought by ACNZ. Similarly, I consider that the approach of a statutory overlay with associated provisions is an inefficient and inappropriate method for ensuring the on-going effective operation of equipment that is subject to a designation. In my opinion, it would be more appropriate for ACNZ to lodge new or variations to their existing designations to extend the designation areas which would also enable conditions to be imposed that would require stipulated development proposals to notify ACNZ as the requiring authority.

Summary of recommendations

81. **HS10-Designations-Rec3:** That the Airways Corporation of New Zealand Limited designations are recommended to be confirmed as notified.
82. **HS10-Designations-Rec4:** That submission points relating to submissions on Airways Corporation of New Zealand Limited designations are accepted/rejected as detailed in Appendix B.

CNZ – Chorus NZ Limited

83. Chorus NZ Limited (Chorus) is a requiring authority under section 69XI of the Telecommunications Act 2001 which approves Chorus as a requiring authority under the RMA.
84. Chorus sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, being T2, T3, T4, T5, T6, T7, T8, T9, T11, T12, T14, T15, T16, and T17. These are identified as CNZ1, CNZ2, CNZ3, CNZ4, CNZ5, CNZ6, CNZ7, CNZ8, CNZ9, CNZ10, CNZ11, CNZ12, CNZ13 and CNZ14 in the PDP. I note that CNZ1, CNZ2, CNZ8, CNZ9, and CNZ12 have a secondary Spark designation.
85. The designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
All CNZ designations	Removal of conditions previously contained in Appendix R of the District Plan
CNZ6 – Kelburn Exchange	Modified mapping to cover the correct designation area and remove site not owned by Chorus.
CNZ13 - Wellington South Exchange	Modified mapping to cover the entire site

86. Following correspondence with Incite, the planning consultant acting on behalf of the requiring authority, I note a minor correction requested to the site identifier for Wrights Hill – CNZ14 to ‘Section 15 Upper Kaiwharawhara District, held in Record of Title WN54C/957’.
87. No submissions were received in relation to the Chorus designations.

Rolled-over designations

88. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions and mapping of the sites are considered to be minor amendments. I consider that the modifications sought are necessary to accurately reflect the purpose and area of the designations.
89. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
90. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
91. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
92. The existing conditions that apply to designations in the 2000 District Plan have been requested by Chorus to be removed. These conditions rely on the 2000 District Plan zone provisions, and

in this respect are outdated. The conditions set a range of limitations with respect to area, diameter and height of antennas (true height and height in relation to existing buildings).

93. With respect to managing adverse effects resulting from the activities covered by the designation, I agree with the requiring authority that the outline plan process adequately addresses the management of potential adverse effects of any future works proposed within the designations. I do not consider that any additional conditions are necessary.

Summary of recommendations

94. **HS10-Designations-Rec5:** That the Chorus NZ Limited designations are recommended to be confirmed subject to the following amendments:
- a. the site identifier for Wrights Hill – CNZ14 is revised to ‘Section 15 Upper Kaiwharawhara District, held in Record of Title WN54C/957’.
95. **HS10-Designations-Rec6:** That submission points relating to submissions on Chorus NZ Limited designations are accepted/rejected as detailed in Appendix B.

KRH – KiwiRail Holdings Limited

96. KiwiRail Holdings Limited (KiwiRail) is a requiring authority under section 167 of the RMA.
97. KiwiRail sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, being R1, R2, R3, R4 and R5. These are identified as KRH1 (which amalgamates R1, R2, R4 and R5) and KRH2 (which is R3) in the PDP.
98. The designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
KRH1 - Wellington Railway Lines	Modifications to update the site identifier and mapping to include rail bridges, tunnels, level crossings, and include rail land that is currently undesignated, or rail land which has been deemed surplus and therefore no longer needed in the designation area. Minor modifications to conditions to update new names of entities.
KRH2 – Radio Station – Te Kopahao, Hawkins Hill	Inclusion of mapped designation area

Matters raised by submitters

General Matters

99. WCC [266.38, opposed by Panorama Property Limited FS11.32 and supported by KiwiRail FS72.93] seeks to amend the KRH designation as displayed on the ePlan maps to differentiate underground and above ground features.

Designation KRH1 – Wellington Railway Lines

100. Century Group Limited [238.3] seeks that the extent of Designation KRH1, specifically as it is not applied to the property (83-87 Waterloo Quay) is retained.
101. KiwiRail [408.3] seeks to amend the extent of the designation to ensure the Johnsonville Line designation extent of Tunnel 6 is accurately designated. [Refer to original submission for map].
102. KiwiRail [408.158 and 408.159] seeks that the designation be amended as follows:

Conditions 1: KiwiRail Holdings Limited (Wellington Railway Station) Conditions

...

1. Nothing in this designation authorises the demolition or partial demolition of the following ~~parts of the~~ Wellington Railway Station **building heritage features**:

- the 3 streets facades including the Thorndon Quay addition;
- the main concourse;
- the roofline (~~excluding without~~ air-conditioning units); and
- the plaques at the office entrance.

~~which are heritage features.~~ Any such proposal shall require KiwiRail to either obtain any necessary resource consent or to seek the alteration of this designation by the removal of this condition. For the avoidance of doubt, this condition does not cover repairs or maintenance, or additions or alterations, or any other activity requiring an outline plan under section 176A.

Designation KRH2 – Radio Station – Te Kopahao Hawkins Hill

103. KiwiRail [208.3] seeks to amend the planning maps to remove the KRH1 label from the KRH2 designation at Hawkins Hill
104. KiwiRail [408.160] seeks that the designation be retained as notified.

Assessment

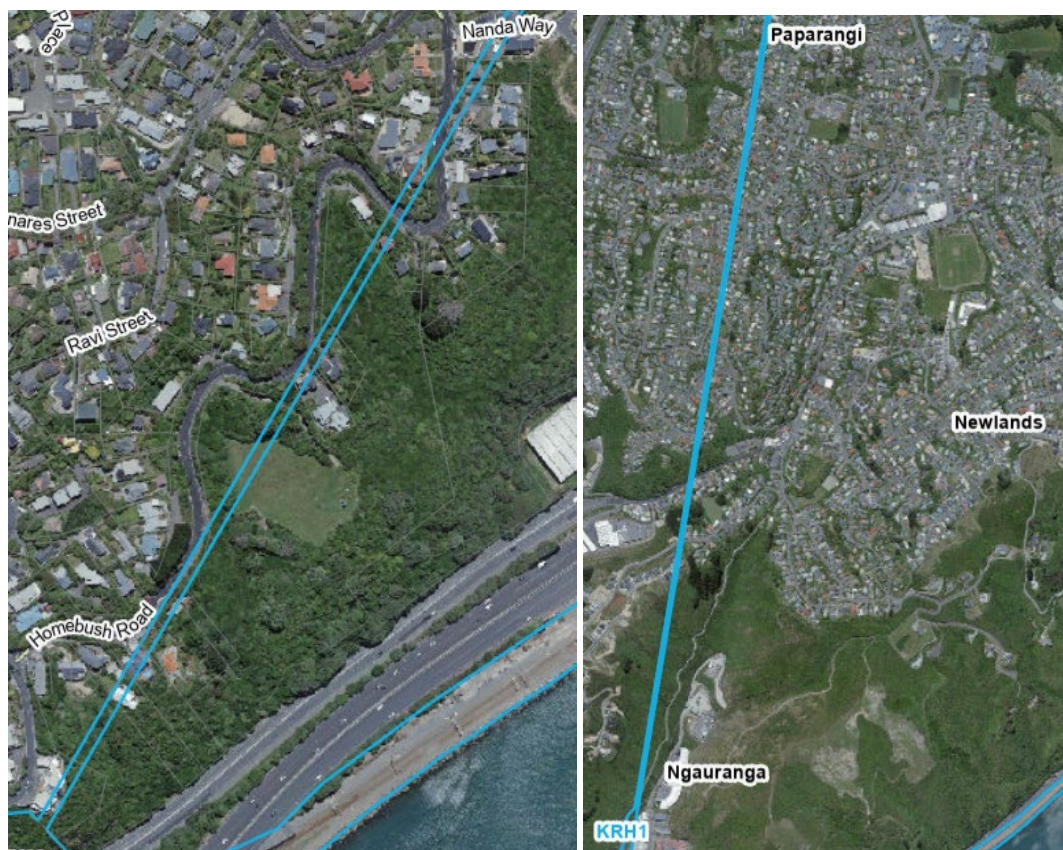
Rolled-over designations

105. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions of the sites are considered to be minor amendments. The modifications of the mapped designation area to remove surplus land does not impact land beyond that owned by the requiring authority.
106. I have reviewed amendments to the designation boundaries as outlined in March 2020 correspondence from KiwiRail to WCC and consider that the proposed modification to the designation areas to cover existing tunnels and bridges applies to a large number of new properties that were not previously impacted by the designations regardless of the existing nature of the rail infrastructure.
107. Most notably, amendments in relation to the Johnsonville Line (Figures 1 and 2) capture the tunnels below Oban Street and Haumia Street and the North Island Main Trunk / Wairarapa Line (Figures 3 and 4) that now capture Tunnel 1 and Tunnel 2 resulting in the designation of land

not owned by KiwiRail. Although these amendments to the designation relate only to the strata beneath the ground, the designations do not include detail that they do not affect the properties on the surface.



Figures 1. and 2. KiwiRail – Johnsonville Line tunnels (near Oban Street; and Haumia Street)



Figures 3. and 4. KiwiRail – NIMT Line tunnels

108. I consider that the modifications sought are necessary to accurately reflect the purpose of the designations and existing rail infrastructure.
109. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations as mapped in the ODP, however it is unclear with respect to the mapping modifications sought by KiwiRail to cover existing tunnels.
110. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
111. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the rail infrastructure covered by the designations. However, I note my concerns with the lack of clarity on the impact on land not owned by KiwiRail with respect to the mapping modifications sought by KiwiRail to cover existing tunnels.
112. Existing conditions apply to the designations which are proposed to be rolled-over, with no new conditions sought. I consider that KiwiRail would be best placed to consider whether any modification to the conditions is necessary in response to the uncertainty resulting from the modifications to the designation areas.

Response to submissions

113. I agree with the amendments sought by KiwiRail [408.158 and 408.159] to KRH1 as they will ensure the designation area is accurately identified and that the conditions with respect to the Wellington Station are clear, resulting in improved interpretation.
114. In response to Century Group Limited [238.3], I note that the designation extent is not proposed to be changed in a way that would impact 83-87 Waterloo Quay.
115. I agree with KiwiRail [208.3] that the planning maps should be amended to remove the KRH1 label from the KRH2 designation at Hawkins Hill, and that the KRH2 be retained as notified.
116. In response to WCC [266.38], as I understand it, this submission seeks a refinement to the designation mapping to differentiate between underground and above-ground infrastructure to provide greater clarity to plan users that there are sections of the rail network that are existing and located underground, and what impact the designation will have on properties previously not impacted by the designation. In my opinion, the impact of the designation now applying to new properties has not been adequately clarified by KiwiRail in their request to modify the designation area. Consequently, I consider that the amendments to the mapping of the KiwiRail designations that results in the designation applying to land not owned by the requiring authority should not occur without greater nuance introduced with respect to the designation conditions. It follows that I disagree with KiwiRail [408.3].

Summary of recommendations

117. **HS10-Designations-Rec7:** That the KiwiRail Holdings Limited designations are recommended to be confirmed as notified subject to the following amendments:
- a. That the modification to the designation areas to cover tunnels that results in new land not owned by KiwiRail being included within the designation area be removed, or greater detail included in the conditions to classify these sections as strata designation and clarify the impact of the designation on land above the tunnels.
 - b. That conditions 1 is amended as set out below:

Conditions 1: KiwiRail Holdings Limited (Wellington Railway Station) Conditions

. . .

1. Nothing in this designation authorises the demolition or partial demolition of the following ~~parts of the~~ Wellington Railway Station building heritage features:

- the 3 streets facades including the Thorndon Quay addition;
- the main concourse;
- the roofline (~~excluding without~~ air-conditioning units); and
- the plaques at the office entrance.

~~which are heritage features.~~ Any such proposal shall require KiwiRail to either obtain any necessary resource consent or to seek the alteration of this designation by the removal of this condition. For the avoidance of doubt, this condition does not cover repairs or maintenance, or additions or alterations, or any other activity requiring an outline plan under section 176A.

118. **HS10-Designations-Rec8:** That submission points on the KiwiRail Holdings Limited designations are accepted/rejected as detailed in Appendix B.

KL – Kordia Limited

119. Kordia Limited (Kordia) is a requiring authority under section 167 of the RMA.
120. Kordia sought to roll-over both existing designations under Chapter 24 – Schedule of Designations of the ODP, being B1 and B2 with modification. These are identified as KL1 and KL2 in the PDP.
121. The designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
KL1 - Mt Kaukau Broadcasting and Telecommunications Facility	Modification to the purpose
KL2 – Mākara High Broadcasting and Telecommunications Facility	Modification to the purpose

122. No submissions were received in relation to KL1 or KL2.

Assessment

Rolled-over designations

123. The change in purpose is considered to provide greater clarity of the infrastructure and works covered by the designation.
124. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
125. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
126. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
127. An existing condition that applies to KL1 that confines any new structures to a specific area within the designation area has been rolled over. No new conditions have been sought or are considered necessary.

Summary of recommendations

128. **HS10-Designations-Rec9:** That the Kordia Limited designations are recommended to be confirmed as notified.

MSNZ – Meteorological Service of New Zealand Limited

129. Meteorological Service of New Zealand Limited (MetService) is a requiring authority under section 167 of the RMA.
130. MetService sought to roll-over four existing designations under Chapter 24 – Schedule of Designations of the ODP, being M1, M2, M4 and M5. These are identified as MSNZ1, MSNZ2, MSNZ3 and MSNZ4 in the PDP. I note that M3 – Shelly Bay was requested to be removed in correspondence prior to consultation on the DDP.
131. The MSNZ designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
MSNZ3 – MetService Mount Kaukau Automatic Weather Station	Mapping correction
MSNZ4 – MetService Wellington Airport	Mapping correction

132. No submissions were received in relation to MSNZ1, MSNZ2, MSNZ3 or MSNZ4.

133. Appendix 2 lists these Designations MSNZ1 and MSNZ2 which will be included in the decisions version of the District Plan without further formality.

Assessment

Rolled-over designations

134. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
135. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
136. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the meteorological infrastructure covered by the designations.
137. Existing conditions apply to the designations which are proposed to be rolled-over, with no new conditions sought or necessary.

Summary of recommendations

138. **HS10-Designations-Rec10:** That the Metrological Service New Zealand Limited designations are recommended to be confirmed as notified.

MCOR – Minister of Corrections

139. The Minister of Corrections is a requiring authority under section 166 of the RMA.
140. The Minister of Corrections sought to roll-over two existing designations under Chapter 24 – Schedule of Designations of the ODP, being K1 and K2 without modification. These are identified as MCOR1 and MCOR2 in the PDP.
141. The Minister of Corrections designations sought Updated legal descriptions and physical addresses which have not been treated as a modification as there has been no change to the mapping.

Matters raised by submitters

Designation MCOR1 – Wellington Prison – Mt Crawford

142. Dept of Corrections (240.79) seeks that the designation be retained as notified.

Designation MCOR2 – Arohata Prison – Tawa

143. Dept of Corrections (240.80) seeks that the designation be retained as notified.

Assessment

Rolled-over designations

144. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the operational facilities covered by the designations. However, my understanding is that the Wellington Prison - Mt Crawford facility is no longer an operational facility which raises uncertainty with respect to whether it is necessary to rollover the existing designation. Correspondence with the requiring authority indicates that the land transfer process is to be completed before an uplift of the designation is requested by the requiring authority.
145. No further assessment of the submissions is considered necessary.

Summary of Recommendations

146. **HS10-Designations-Rec11:** That the Minister of Corrections designations are recommended to be confirmed as notified.
147. **HS10-Designations-Rec12:** That submission points relating to Minister of Corrections designations are accepted/rejected as detailed in Appendix B.

MCOU – Minister for Courts

148. The Minister for Courts is a requiring authority under section 166 of the RMA.
149. The Minister for Courts sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, being J1, J2, J3 and J4. These are identified as MCOU1, MCOU2, MCOU3 and MCOU4 in the PDP.
150. The Minister for Courts designations sought to be rolled-over with modifications are outlined in the following table:

Designation	Rollover with modifications
MCOU1 - Wellington District Court	Modifications to update site identifier/legal descriptions, outdated references and names within the conditions
MCOU4 - Wellington Supreme Court	Modifications to update site identifier/legal descriptions, outdated references and names within the conditions, and removing conditions no longer applicable as the relevant construction works are now complete

151. Appendix 2 lists Designations MCOU2 and MCOU3 which will be included in the decision version of the District Plan without further formality.

Matters raised by submitters

152. Taranaki Whānui [390.132, opposed by Te Rūnanga o Toa Rangatira FS138.69] seeks that the conditions under 'Cultural' be amended to include "Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City."

153. Taranaki Whānui [389.131 and 390.133] seeks to remove references to Wellington Tenth's Trust.

Assessment

Rolled-over designations

154. The modifications sought in relation to the site identifier/physical and legal descriptions and references to correct names of certain entities are considered to be minor amendments. The removal of conditions that relate only to completed works is appropriate as they are no longer required to manage adverse effects.
155. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
156. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
157. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the facilities covered by the designations.
158. Existing conditions apply to the designations which are proposed to be rolled-over, with no new conditions sought or necessary.

Response to submissions

159. In response to Taranaki Whānui ki te Upoko o te Ika [389.132] this matter was addressed in Hearing Stream 1⁴, and I concur that it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status.
160. With respect to Taranaki Whānui [389.131 and 390.133] seeking that reference to the Wellington Tenth's Trust be removed, I sought advice from Council's *Principal Advisor RMA Iwi Partnerships* who advised that a more general reference to the relevant iwi authority would be appropriate and consistent with the Tangata Whenua chapter of the District Plan.

⁴ [Wellington City Proposed District Plan, Hearing Stream 1 – Part 1, plan wide matters and strategic direction. Section 42A of the Resource Management Act 1991. para \[487\].](#)

Summary of Recommendations

161. **HS10-Designations-Rec13:** That the Minister for Courts designations are recommended to be confirmed subject to the following amendments:
- That reference to 'kaumatua from Wellington Tenth Trust' in MCOU4 condition 2.5 is replaced with 'the relevant iwi authority, unless confirmation is received from the relevant iwi authority that they do not wish to.'
162. **HS10-Designations-Rec14:** That submission points relating to Minister for Courts designations are accepted/rejected as detailed in Appendix B.

MDEF – Minister of Defence

163. The Minister of Defence is a requiring authority under section 166 of the RMA.
164. The Minister of Defence sought to roll-over both existing designations under Chapter 24 – Schedule of Designations of the ODP, being D3 and D4 with modification. These are identified as MDEF1, and MDEF2 in the PDP.

Designation	Rollover with modifications
MDEF2 - HMNZS Olphet Defence Establishment	Modifications to update the designation purpose to explicitly include ceremonial activities, and to correct the legal descriptions

Matters raised by submitters

Designation MDEF1 – Point Jerningham Saluting Battery Site

165. NZDF (323.43) seeks that the designation be retained as notified.

Designation MDEF2 – HMNZS Olphet Defence Establishment

166. NZDF (323.44) seeks that the designation be retained as notified.

Assessment

Rolled-over designations

167. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions and mapping are considered to be minor amendments.
168. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
169. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
170. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing defence activities and facilities covered by the designations.

171. No additional new conditions are sought or necessary.

Summary of Recommendations

172. **HS10-Designations-Rec15:** That the Minister of Defence designations are recommended to be confirmed as notified.

173. **HS10-Designations-Rec16:** That submission points relating to MDEF1 and MDEF2 are accepted as detailed in Appendix B.

MEDU – Minister of Education

174. The Minister of Education is a requiring authority under section 166 of the RMA.

175. The Minister of Education sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, noting that two designations have been amalgamated with other existing and rolled-over Ministry of Education school designations.

176. The Ministry of Education designations sought to be rolled-over with modifications are summarised in the following table:

Designation	Rollover with modifications
All MEDU designations	Revised purpose and conditions
MEDU10 - Evans Bay Intermediate (<i>E11 – note the error in the PDP schedule that refers to E111</i>)	Mapping amendments as detailed in the Clause 4 Notice.
MEDU21 - Kilbirnie School (E22)	
MEDU31 - Newlands School (E34)	
MEDU33 - Ngaio School (E36)	
MEDU35 - Onslow College (E39)	
MEDU36 - Owhiro Bay School (E40)	
MEDU38 - Pipitea Childcare Centre (E42)	
MEDU41 - Ridgeway School (E45)	
MEDU44 - Saint Mary's College (Wellington) (E48)	
MEDU46 - Rongotai College (E46)	
MEDU48 - Saint Anthony's School (E52)	
MEDU56 - Saint Teresa's School (E60)	
MEDU61 - Thorndon School (E65) (designation area revised to incorporate former Kimi Ora School)	
MEDU62 - Wadestown School (1) (E66)	
MEDU65 - Wellington College & Wellington East Girl's College (E69 and E71 amalgamated)	
MEDU66 - Te Ara (E70)	
MEDU67 - Wellington Girl's College (E72)	
MEDU70 - Greenacres School (E75)	
MEDU71 - Rewa Rewa School (E76)	
MEDU72 - Seatoun School (E77)	
MEDU72 - Seatoun School	Removal of construction related conditions
MEDU7 - Churton Park Primary School	

Designation	Rollover with modifications
MEDU29 - Mt Cook Primary School (Wellington) (E32) MEDU64 - Wellington High School and Com Ed Centre (E68) MEDU67 - Wellington Girls College (E72)	Removal of condition appendices that contained legal descriptions and Gazette Notice details.

New Designations

177. The Minister of Education has also lodged two new Notices of Requirement to be included in the Proposed District Plan for two existing schools:
- a. St Francis Xavier School; and
 - b. Sacred Heart Cathedral School

Matters raised by submitters

General submissions on Designation - MEDU

178. Ministry of Education [400.160] considers that the designation boundaries and details within the Schedule of Designations and designation details within the submitter's confirmation of designations (dated 15 June 2022) for the submitter's 73 sites within the Wellington District currently designated by the Minister of Education for education purposes, have generally been adopted into the Plan. However, they seek [400.161] that the advice note of 'Education Purposes' under Conditions 1 be amended as follows:

"Educational Purposes" for the purposes of [this/these] designation[s] shall, in the absence of specific conditions to the contrary:

...

iii. Enable the provision of community education (e.g.: night classes for adults) outside school hours in school facilities, and which will not be restricted to the primary syllabus taught to school age children during school hours

Assessment

Rolled-over designations

179. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions are considered to be minor amendments.
180. The designations are already in existence and therefore given effect to. The mapping amendments are to correctly identify the area of each existing school/designation. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
181. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.

182. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the facilities covered by the designations.
183. The proposed change to the general conditions that apply to each of the Ministry of Education designations results in a single condition that requires that any new building or building extension comply with the building recession plane controls within underlying zones of the Wellington District Plan as it relates to any adjoining residential zoned land.
184. The ODP condition relating to the Ministry's designations that contain heritage buildings (Appendix E: Various Schools (Minister of Education): Heritage and Sunlight Access Conditions 1 (i)) that have been sought to be removed by the requiring authority are proposed to be replaced by an advisory note relating to determining any approvals under the Heritage New Zealand Pouhere Taonga Act 2014.
185. Although the outline plan process requirements of Section 176A(3) acts to ensure that any adverse effects will be adequately avoided, remedied, or mitigated, I consider that the deletion of this condition could result in the removal of one of the specified heritage buildings (all of which are scheduled heritage buildings or structures in the PDP) which could result in significant adverse effects. I consider that the requiring authority has provided very little assessment justifying the deletion of this condition. Consequently, in my opinion this condition should be retained.
186. The conditions that required new buildings in the former ODP residential zone to comply with a sunlight access control are unnecessary on the basis that this condition would be more constraining than the underlying zone PDP rules. The remaining condition sought by the requiring authority that requires a new building or building extension comply with the building recession plane controls within underlying zones of the PDP as it relates to any adjoining residential zoned land will appropriately manage potential adverse effects of buildings on adjacent residential sites.
187. The alteration of MEDU67 - Wellington Girl's College (E72) was confirmed in May 2022 (Council reference SR: 512750) with these amendments reflected in the PDP. As such, I consider it unnecessary to undertake an assessment of these modifications.
188. I note that Conditions 2 relates only to the Minister of Education designation MEDU67 – Wellington Girls' College. However, the Minister of Education designation MEDU72 – Seatoun School (formerly E77) includes conditions 2 in the schedule for this designation which appears to be an error. E77 had specific conditions in the ODP which have been requested to be removed by the Minister of Education.

Response to submissions

189. I agree with the Ministry of Education [400.160 and 400.161] as I consider that this amendment to an advisory note simply clarifies the intention of this aspect of the activities anticipated to be

provided for within the purpose of the Ministry's designations. I do note that the advisory note is more detailed and has a broader scope than the definition of educational facilities contained in the National Planning Standards and the PDP.

Minister of Education – Notices of Requirement

190. The Minister of Education has lodged two notice of requirements for two new designations relating to two already established school sites that were notified with the PDP in accordance with Clause 4 of Schedule 1.

a. St Francis Xavier School - Tawa

An existing state integrated co-educational primary school for years 0 to 6, with a current role of approximately 229. The area of the school is 2.1222ha.

A more detailed description of the school is included in the [Notice of Requirement](#).

b. Sacred Heart Cathedral School - Thorndon

An existing state integrated co-educational primary school for years 0 to 8, with a current role of approximately 160. The area of the school is 0.3122ha.

A more detailed description of the school is included in the [Notice of Requirement](#).

191. Both of the schools have been operating on their respective sites for a long period of time. The effects on the environment from the schools are considered part of the existing environment, with the designation not considered to enable adverse effects beyond those occurring as a result of the existing and on-going operation of the schools. I concur with the assessment included in the Notice of Requirement, and consider there to be no significant adverse effects as a result of the two Notices of Requirement.

192. As both schools are well-established I consider it unnecessary to provide a detailed consideration of alternative sites, and I agree that designating these sites will provide more certainty to the requiring authority as to what can be developed without having to defer to a resource consent process.

193. I also agree that it is appropriate for these designations to be confirmed without additional conditions other than condition 1. Condition 1 requires buildings to comply with the building recession planes of the underlying zone of any adjacent site in the residential zone. Condition 1 will apply to the St Francis Xavier designation as it adjoins sites zoned for Medium Density Residential and High Density Residential. Condition 1 will ensure dominance and shading effects from any new school building on adjoining residential zoned properties is managed. Sacred Heart Cathedral is located in an area of Thorndon that is zoned City Centre Zone, as such condition 1 will not apply in practical terms.

194. If further developments are to occur on these sites, the requiring authority would need to provide an outline plan of works in terms of s176A of the RMA, unless they demonstrate why such plan is not required. This process essentially requires dialogue between the requiring authority and Council to ensure a thorough assessment of any matters to avoid, remedy, or mitigate any adverse effects on the environment.
195. No submissions were received on either of the two new designations.

Summary of Recommendations

196. **HS10-Designations-Rec17:** That Minister of Education designations are recommended to be confirmed subject to the following modifications:
- a. That the Explanatory Notes, 1. Designation Purpose is amended as follows:

“Educational Purposes” for the purposes of these designation[s] shall, in the absence of specific conditions to the contrary:

...

c. Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities, which are not restricted to the primary syllabus taught to school age children during school hours.
 - b. That the Appendix E: Various Schools (Minister of Education): Heritage and Sunlight Access Conditions 1 (i) contained in the Operative District Plan 2000 be included as a condition for the Minister of Education designations in the PDP.
 - c. That the schedule for the Minister of Education designation MEDU72 – Seatoun School (formerly E77) is amended to remove the reference to Conditions 2 which was included in error.
197. **HS10-Designations-Rec18:** That the notices of requirement for land shown as Designations MEDU74 and MEDU75 are included in the Proposed Wellington District Plan, with condition 1.
198. **HS10-Designations-Rec19:** That submission points relating to MEDU – Ministry of Education are accepted as detailed in Appendix B.

MPOL – Minister of Police

199. The Minister of Police is a requiring authority under section 166 of the RMA.

200. The Minister of Police sought to roll-over both existing designations under Chapter 24 – Schedule of Designations of the ODP, being P1 and P3 without modification. These are identified as MPOL1, and MPOL2 in the PDP.
201. No submissions were received in relation to MPOL1 and MPOL2.
202. Appendix 2 lists Designations MPOL1 and MPOL2 which will be included in the decision version of the District Plan without further formality.

NZME – New Zealand Media and Entertainment

203. NZME Radio Limited is a requiring authority under section 167 of the RMA.
204. NZME sought to roll-over the existing designation under Chapter 24 – Schedule of Designations of the ODP, being I2 without modification. This is identified as NZME1 in the PDP.
205. No submissions were received in relation to NZME1.
206. Appendix 2 lists Designation NZME1 which will be included in the decision version of the District Plan without further formality.

NZTA – Waka Kotahi New Zealand Transport Agency

207. New Zealand Transport Agency (NZTA) is a requiring authority under section 167 of the RMA.
208. NZTA sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, being H1, H2, H3, H9, H10 and H11 with modification. These are identified as NZTA1, NZTA2, NZTA3, NZTA4 and NZTA5 in the PDP. I note that NZTA designations H6, H7 and H8 relate to proposed road widening that has not been undertaken prior to the lapse periods for these designations. Consequently, H6, H7 and H8 have not been rolled-over into the PDP.

Designation	Rollover with modifications
NZTA1 – State Highway 1 (ODP - Part of H1, H2 and H3)	Modifications to the designation purpose, site identifier, designation hierarchy, conditions and mapping
NZTA2 Te Aranui o Te Rangihaeata / Transmission Gully Motorway (ODP - H9 and H10 amalgamated)	Modifications to the designation purpose, site identifier, designation hierarchy, conditions and mapping
NZTA3 – State Highway 59 (ODP - Part of H1)	Modifications to the designation purpose, site identifier, designation hierarchy, conditions and mapping
NZTA4 – State Highway 2 (ODP - Part of H1, and H4)	Modifications to the designation purpose, site identifier, designation hierarchy, conditions and mapping

NZTA5 – Te Ara Tupua – Ngā Ūranga Ki Pito-One – Shared Path (ODP - H11)	Modifications to the designation hierarchy and mapping
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209. NZTA have sought to separate the SH1 and SH2 components of existing designation H1 so that NZTA1 in the PDP relates to SH1 only, and also includes H2 and H3. The relevant conditions have been rolled over with modifications to reflect the boundaries of each state highway. The modified mapping of NZTA1 includes the completed Arras Tunnel.
210. State Highway 1 between Linden and Mackays Crossing was renumbered to State Highway 59 in December 2021. A new designation table for SH59 has therefore been included in the proposed designation schedule.
211. The conditions of NZTA2 have been modified to reflect the incorporation of the Kenepuru Link and the Advice Notes C, D, F and G have been deleted on the basis they are no longer relevant.
212. NZTA seeks modifications to the designation purposes for multiple designations to clarify that the designation extends to all activities required to manage and maintain a safe and efficient state highway system.

Matters raised by submitters

General submissions on Designation - NZTA

213. Waka Kotahi (370.452) seeks that the NZTA designation be retained as notified.

Assessment

Rolled-over designations

214. The modifications sought in relation to the site identifier/physical and legal descriptions for each of the NZTA designations are considered to be minor amendments that reflect the existing state highway network and are in part simply a result of NZTA seeking to restructure their designations to better align with the state highway network classification. The amendments to mapping reflect updated NZTA GIS files of the state highway network.
215. The modifications to conditions also reflect the restructuring of the NZTA designations schedule, and provide greater clarity on the specific areas of each of the designations.
216. The removal of conditions C, D, F and G from NZTA2 reflect the amalgamation of the Kenepuru Link Road designation into the Transmission Gully designation.
217. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations. I note for NZTA2 that although Transmission Gully is now operational there are conditions that relate to the construction works that were yet to be completed and signed off

at the time of notification of the PDP. NZTA have advised⁵ that an alteration to reduce the footprint of the designation and remove completed conditions would be lodged at a later date, which I understand is yet to have occurred.

218. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
219. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the state highways covered by the designations to ensure a safe and efficient state highway network.

Response to submissions

220. No further assessment is required as NZTA submissions seek to retain as notified.

Summary of Recommendations

221. **HS10-Designations-Rec20:** That the NZTA – Waka Kotahi New Zealand Transport Agency designations are recommended to be confirmed as notified.
222. **HS10-Designations-Rec21:** That submission points relating to NZTA – Waka Kotahi New Zealand Transport Agency designations are accepted as detailed in Appendix B.

PM – The Prime Minister

223. The Prime Minister is a requiring authority under section 166 of the RMA.
224. The Prime Minister sought to roll-over with modification the existing designation under Chapter 24 – Schedule of Designations of the ODP, being Q1. This designation is identified as PM1 in the PDP.

Designation	Rollover with modifications
PM1 - Government House	Modifications to the conditions and the areas identified within the designated extent

Assessment

Rolled-over designations

225. The modifications sought in relation to the designation purpose, site identifier/physical and legal descriptions and mapping are considered to not result in any adverse effects. The modification to the identified area that any future buildings are required to be located in for the most part

⁵ [Record of Consultation with Requiring Authorities – Wellington District Plan Designations Chapter Review \(2022\). Prepared by GHD Limited on behalf of Wellington City Council.](#) [Page 352, email correspondence from Stefania Chrzanowska dated 15 June 2022]

includes areas where there are already established buildings. The relatively small area of vegetation proposed to be included is not considered to be indigenous vegetation of particular importance. Any adverse effects with respect to earthworks will be addressed in a future Outline Plan of Works process.

- 226. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
- 227. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
- 228. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the facility covered by the designation. No additional new conditions are sought or necessary.

Summary of Recommendations

- 229. **HS10-Designations-Rec22:** That the PM – The Prime Minister designations are recommended to be confirmed as notified.

SPK – Spark New Zealand Trading Limited

- 230. Spark New Zealand Trading Limited is a requiring authority under section 69XI of the Telecommunications Act 2001 which approves Chorus as a requiring authority under the RMA.
- 231. Spark sought to roll-over existing designations under Chapter 24 – Schedule of Designations of the ODP, being T1, T2, T3, T9, T11, T13 and T15. These are identified as SPK1, SPK2, SPK3, SPK4, SPK5, SPK6 and SPK7 in the PDP.
- 232. I note that SPK2, SPK3, SPK4, SPK5, and SPK7 are secondary designations (to the primary Chorus designations) under section 177 of the Resource Management Act.

Designation	Rollover with modifications
All SPK designations	Delete conditions of Telecom NZ Ltd Designations contained in Appendix R of the 2000 District Plan Corrections to legal descriptions where required to accurately reflect property titles.

- 233. No submissions were received in relation to the Spark designations.

Assessment

Rolled-over designations

234. The amendments sought in relation to the site identifier/physical and legal descriptions of the sites are considered to be minor amendments. I consider that the modifications sought are necessary to accurately describe the location of the designations.
235. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
236. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
237. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the telecommunications infrastructure covered by the designations.
238. The existing conditions that apply to designations in the 2000 District Plan have been requested by Spark to be removed. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that any conditions are necessary as the activities already exist.

Summary of Recommendations

239. **HS10-Designations-Rec23:** That the Spark New Zealand Limited designations are recommended to be confirmed as notified.

TPR – Transpower New Zealand Limited

240. Transpower New Zealand Limited (Transpower) is a requiring authority under section 167 of the RMA.
241. Transpower sought to roll-over all existing designations under Chapter 24 – Schedule of Designations of the ODP, being F1, F2, F4, F5, F6 and F7. These are identified as TPR1, TPR2, TPR3, TPR4, TPR5 and TRP6 in the PDP.

242. The following designations have been rolled over with modifications:

Designation	Rollover with modifications
TPR2 - Wilton Substation	Amendments to the legal description and mapping to accurately reflect the location and extent of the existing designation. Amendment to condition to reflect updated reference to electric and magnetic field guidelines.
TPR4 – Oteranga Bay Terminal Station	Amendments to the legal description and mapping amendments to accurately reflect the location and extent of the existing designation
TPR5 – Te Hikowhenua Shore Electrode Station	Amendments to the legal description and mapping amendments to accurately reflect the location and extent of the existing designation
TPR6 - Kaiwharawhara Supply Point Substation	Amendments to the legal description and mapping amendments to accurately reflect the location and extent of the existing designation

Matters raised by submitters

Designation TPR1 -Central Park Substation

243. Transpower [315.3] seeks that the designation in the mapping be retained as notified.

244. Transpower [315.189] seeks that the designation be retained as notified.

Designation TPR2 - Wilton Substation

245. Transpower [315.4] seeks that the designation in the mapping be retained as notified.

246. Transpower [315.190] seeks that the designation be retained as notified.

Designation TPR3 – Takapu Road Substation

247. Transpower [315.5] seeks that the designation in the mapping be retained as notified.

248. Transpower [315.191] seeks that the designation be retained as notified.

Designation TPR4 – Oteranga Bay Terminal Substation

249. Transpower [315.6] seeks that the designation in the mapping be retained as notified.

250. Transpower [315.192] seeks that the designation be retained as notified.

Designation TPR5 – Te Hikowhenua Shore Electrode Station

251. Transpower [315.7] seeks that the designation in the mapping be retained as notified.

252. Transpower [315.193] seeks that the designation be retained as notified.

Designation TPR6 – Kaiwharawhara Supply Point Substation

253. Transpower [315.8] seeks that the designation in the mapping be retained as notified.

254. Transpower [315.194] seeks that the designation be retained as notified.

Assessment

Rolled-over designations

255. The modifications sought in relation to the site identifier/physical and legal descriptions and mapping of the sites are considered to be necessary to accurately reflect the area of the designations. I note that the Transpower submissions seek to retain the designation areas mapped in the PDP.
256. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
257. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
258. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
259. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. Transpower advise that the modification to the conditions is necessary to align with updated international guidelines as recommended by the Ministry of Health. Consequently, relying on the advice of the requiring authority, I consider the modification to the condition appropriate.

Response to submissions

260. No further assessment is required as Transpower submissions seek to retain as notified.

Summary of Recommendations

261. **HS10-Designations-Rec24:** That the TPR – Transpower New Zealand Limited designations are recommended to be confirmed as notified.
262. **HS10-Designations-Rec25:** That submission points relating to TPR – Transpower New Zealand Limited designations are accepted as detailed in Appendix B.

WCC – Wellington City Council

263. WCC is a requiring authority under section 166 of the RMA.
264. WCC sought to roll-over designations under Chapter 24 – Schedule of Designations of the ODP, being 53, 54, 55, 56, 57, 58, 59, 61, 91, 93, 98, 101, and 135. These are identified as WCC1, WCC2, WCC3, WCC4, WCC5, WCC6, WCC7, WCC8, WCC9, WCC10, WCC11, WCC12, and WCC13 in the PDP.
265. WCC2, WCC3, WCC4, WCC5, WCC7, WCC8, WCC9, WCC10, WCC11 and WCC12 have been rolled over without modification. No submissions were received in relation to WCC2, WCC3, WCC4, WCC5, and WCC7. Appendix 2 lists Designations WCC2, WCC3, WCC4, WCC5, and WCC7 which will be included in the decision version of the District Plan without further formality.
266. The following designations have been rolled over with modifications:

Designation	Rollover with modifications
WCC1 - Western Wastewater Treatment Plant	Modifications to the designation purpose
WCC6 - Moa Point Wastewater Treatment	Modifications to the designation purpose, site identifier and mapping
WCC13 - Prince of Wales/Omāroro Reservoir	Modification to the designation purpose

Matters raised by submitters

Designation WCC8 – Careys Gully Landfill

267. Friends of Owhiro Stream [403.1, supported by Paul Blaschke FS129.1] seeks that the extent of the WCC8 Designation is amended to the operational footprint of the landfill, including: Stages 1, 2 and 3; The proposed Southern Landfill extension - Piggy back option (SLEPO); Associated working areas and Areas required for remediation of legacy issues relating to stages 1, 2 and 3. of the landfill.
268. Owhiro Bay Residents Association [477.1 and 477.2] seeks to amend the extent of designation to be reduced to the area only of the current landfills and planned SLEPO works.

Designation WCC9 – Christeson Lane Service Lane

269. WCC [266.35, opposed by Panorama Property Limited FS11.29] seeks to amend the designation area so that it does not apply to privately owned land at the rear of 88 Manners Street, 90-92 Manners and 94 (part)-100 Manners Street and 70-72 Cuba Street. They seek to retain WCC9 on the formed part of Christeson Lane. WCC [266.165] seeks to amend the site identifier of WCC9 Christeson Lane Service Lane to reflect the updated mapped extent.

Designation WCC10 – Bond Street Service Lane

270. WCC [266.36, opposed by Panorama Property Limited FS11.30; and 266.166] seeks to remove 11 Manners Street (Lot 10 DP 1886) from the mapped extent of WCC10 (Bond Street Service Lane) and the site identifier in the Designations chapter table.

Designation WCC12 – Green Street and Wilson Service Lane

271. WCC [266.167] seeks that the designation be amended to remove reference to Greet Street.

Assessment

Rolled-over designations

272. The modifications sought in relation to the site identifier/physical and legal descriptions of the sites are considered to be necessary to accurately reflect the area of the designations.
273. The mapping of WCC6 - Moa Point Wastewater Treatment as identified in the ODP has been modified in the PDP which results in amendments to area of land owned by WIAL that is identified as part of the Moa Point Wastewater Treatment designation.
274. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
275. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
276. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
277. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that any additional conditions are necessary as the activities already exist and are adequately managed by the existing conditions and the Outline Plan of Works process.
278. I note to the Panel the poor quality of the Plan 1 – Site Development plan that forms conditions 2 for the Careys Gully Landfill designation and suggest that this is relayed to WCC as requiring authority to prepare a better quality plan to ensure it is legible for plan users.
279. I also note that condition 4.3 that relates to the WCC6 - Moa Point Wastewater Treatment makes reference to the District Plan maps 36 and 37 with respect to the airport height controls. I suggest that it be noted to WCC as the requiring authority that this reference be updated to reference the WIAL Obstacle Limitation Surfaces maps. It appears that Plan 1, Plan 2 and Plan 3 are now outdated and potentially redundant.
280. I also highlight to the hearings panel that WCC6 as notified in the PDP did not include the alteration to Designation 58 of the former ODP for the Sludge Minimisation Facility which was confirmed early 2023. The result being that conditions 19 to 32 that were included in the former ODP need to be included in the PDP. Although not a matter that concerns the hearings panel as

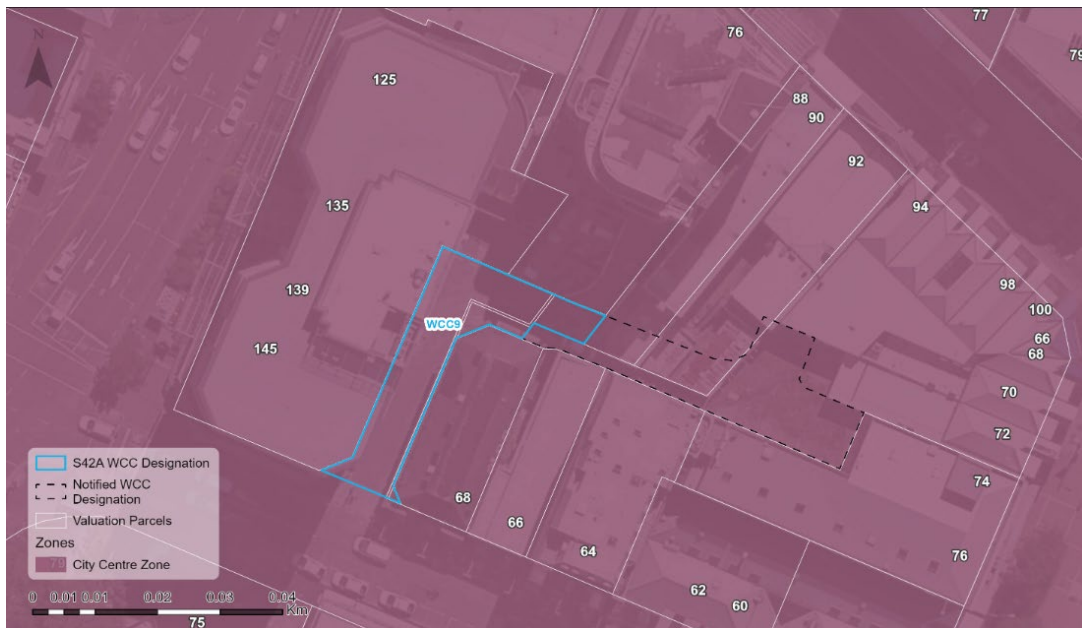
it is not within scope of the plan review process, for completeness conditions 19 to 32 have been included in Appendix A to this report.

Response to submissions

281. With respect to the amendments sought by Friends of Owhiro Stream [403.1] and Owhiro Bay Residents Association [477.1 and 477.2], I do not consider that the Panel has sufficient information in front of it to support a recommendation to the requiring authority that the designation area should be reduced/altered.
282. I agree with WCC [266.35, 266.36 and 266.167] as these amendments to designations WCC9 and WCC10 reduce the extent of the designations so that they only apply to land owned by the requiring authority. WCC have no plans in the foreseeable future to acquire private land to extend these service lanes beyond the already formed and legalised as road for many years.

Summary of Recommendations

283. **HS10-Designations-Rec26:** That the WCC – Wellington City Council designations are confirmed subject to the following amendments:
- a. **Designation WCC12 – Green Street and Wilson Service Lane:** that the designation schedule be amended to remove reference to Greet Street.
 - b. **Designation WCC9 – Christeson Lane Service Lane:** that the designation area and schedule be amended to exclude: Lot 1 DP 13076; Part Lot 1 DP 7928; Part Lot 1 Deeds 151; Part Section 204 City of Wellington (Historically defined as Part Lot 2 Deeds 151), as illustrated below:



- c. **Designation WCC10 – Bond Street Service Lane:** that the designation area and schedule be amended to exclude: Lot 10 Deposited Plan 1886; Lot 22 Deposited Plan 1886; and Part Lot 1 Deposited Plan 1886, as illustrated below:



284. **HS10-Designations-Rec27:** That submission points relating to WCC – Wellington City Council designations are accepted or rejected as detailed in Appendix B.

WEL – Wellington Electricity

285. Wellington Electricity Limited (WEL) is a requiring authority under section 167 of the RMA.
286. WEL sought to roll-over the existing designations under Chapter 24 – Schedule of Designations of the ODP, being C2, C3, and C4. These are identified as WEL1, WEL2 and WEL3 in the PDP. WEL2 has been modified as follows:

Designation	Rollover with modifications
WEL2 - Substation (Bond Street)	Modifications to the legal description and mapping

287. Amendments have been made to the legal description and mapping to correct errors within the ODP to ensure that the designation area is identified accurately on land owned by WEL. However, I also note that the schedule for WEL2 refers to only to Lot 6 DP83937 which is owned by WEL, but the mapped area extends to Lot 1 DP 83937 which does not appear to be owned by WEL. I have followed up with WEL who clarified that the designation should not apply to Lot 1 DP 83937, but should apply to all of Lot 6 DP 83937 and Section 1 SO 37596.



Figure 10. WEL2 - Substation (Bond Street) – identifying incorrect mapping (circled in red)

288. I also highlight to the hearings panel that WEL3 has a lapse date of 7 October 2023 (following the 5-year extension granted in 2018). Again, I have sought clarification from WEL on whether the designation was given effect to prior to the lapse date but at the time of release of this report have not been able to confirm with certainty.

289. No submissions were received in relation to WEL1, WEL2 and WEL3.

290. Appendix 2 lists designation WEL1 will be included in the decision version of the District Plan without further formality.

291. **HS10-Designations-Rec28:** That the WEL – Wellington Electricity Limited designations are confirmed subject to the following amendments:

- a. That the mapping of WEL2 is amended to exclude Lot 1 DP 83937 and apply to all of Lot 6 DP 83937 and Section 1 SO 37596.

292. **HS10-Designations-Rec29:** That it be confirmed that WEL3 was given effect to prior to the Panel recommending the designation is included in the decision version of the District Plan.

WIAL – Wellington International Airport Limited

293. Wellington International Airport Limited (WIAL) is a requiring authority under section 167 of the RMA.
294. WIAL sought to roll-over the existing designations under Chapter 24 – Schedule of Designations of the ODP, being G2, G3 and G4 with modification. These are identified as WIAL1, WIAL2 and WIAL3 in the PDP.
295. I note that WIAL4 (that replaced G5) and WIAL5 (that replaced G6) are not subject to the Proposed District Plan’s submission and decisions processes under the 1st Schedule to the RMA.

Designation	Rollover with modifications
WIAL1 - Wellington Airport Obstacle Limitation Surfaces	<p>Modifications to conditions to ensure the requiring authority meet its responsibilities and obligations under Civil Aviation Regulations and international best practice with respect to the provision of OLS surrounding Wellington International Airport.</p> <p>The inclusion of new OLS for the northern approach to Wellington International Airport only (ie. over Evans Bay).</p>
WIAL2 - Wellington Airport Miramar South Area	Modifications to update the correct lot descriptions/street address and the conditions as they relate to noise, earthworks, nighttime activities, and Outline Plan of Works requirements.
WIAL3 - Wellington Airport Runway End Safety Area	Modifications to uplift the temporary designation area, and delete the construction related conditions

Matters raised by submitters

General submissions on Designation WIAL

296. Bruce Crothers [319.17, opposed by WIAL FS36.239] seeks stronger noise restrictions for aircrafts, including limits on the number of flights allowed.
297. Bruce Crothers [319.18, opposed by WIAL FS36.240] seeks restrictions on aircraft flight hours.

298. Strathmore Park Residents Association Inc [371.9 and 371.10, opposed by WIAL FS36.241] seeks that WIAL Conditions 5 be amended as follows:

The designation shall cover the area shown in Attachment 1 (“the ESA Designation”). Subject to the conditions set out below, land within the ESA Designation may be used for activities for the operation of Wellington International Airport (“the Airport”), limited to the following:

...

- **Temporary** car parking, roads, accessways, pedestrian ways, stormwater and wastewater infrastructure, sustainable infrastructure, utility activities and security fencing;
- All demolition (if required), construction and earthworks activities, including associated structures;
- Landscaping, planting, tracks and trails;
- Ancillary activities, buildings and structures related to the above; and
- Servicing, testing and maintenance activities related to the above.

299. Strathmore Park Residents Association Inc [371.11] seeks to retain clause 32 of WIAL Conditions 5 as notified.
300. Strathmore Park Residents Association Inc [371.12] seeks to retain clause 40 of WIAL Conditions 5 as notified.
301. Strathmore Park Residents Association Inc [371.13] seeks to retain clause 47 of WIAL Conditions 5 as notified.
302. WIAL [406.546, supported by BARNZ FS139.161] seeks that duplication of provisions regarding aircraft noise management requirements set out in the main site and east side area designations are deleted.
303. WIAL [406.547, supported by BARNZ FS139.162] seeks that the provisions of the Airport Chapter be amended to not duplicate those of the Airport Designation.
304. Yvonne Weeber [340.134] seeks to amend the WIAL designations chapter to have each designation's unique identifier at the beginning of each designation.

Designation WIAL1 – Wellington Airport Obstacle Limitation Surfaces

305. Kāinga Ora [391.763 and 391.764] seeks to include additional diagrams and detail in condition 1 of Designation WIAL 1 to provide more detail and clarity on height restrictions.
306. WCC [266.34, opposed by Panorama Property Limited FS11.28 and supported by WIAL FS36.244] seeks to amend the designation as displayed on the ePlan maps, inclusive of polygon boundaries, visual display elements, and any additional mapping elements required to improve useability.

307. WCC [266.168, supported by Guardians of the Bays FS44.177 and Kāinga Ora FS89.108] seeks that condition 1 of WIAL1 be amended as follows:

1. Take-off and Approach Surfaces

a. Specifications

(...)

b. Conditions

i. With the exception of the properties identified in Figure 1 below, new objects or extensions of objects that penetrate the Take-off and Approach Surfaces and ~~shall not~~ exceed a height of ~~11m~~ ~~8m~~ above existing ground level, ~~shall be prohibited~~ except where the new object or extension is shielded by an existing immovable object, or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) and that penetration has been approved by Wellington International Airport Limited.

ii. With respect to the properties shown in Figure 1 below, new objects or extensions of objects that penetrate the take-off and approach surfaces and exceed the height limits specified in Figure 1 ~~shall be prohibited~~, ~~shall not exceed~~ ~~11m~~, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of these surfaces and that penetration has been approved by Wellington International Airport Limited.

308. Yvonne Weeber [340.135] seeks to amend Figure 1 - 'Designation WIAL1 Properties affected by specific height restrictions' to have a height indicated for the grey area (east side of bridge street next to the airport runway).

Designation WIAL2 – Wellington Airport Miramar South Area

309. Guardians of the Bays [452.95] and Yvonne Weeber [340.136] are neutral on WIAL2 and the relief sought is not specified.

Designation WIAL3 – Wellington Airport Runway End Safety Area

310. Guardians of the Bays [452.96] and Yvonne Weeber [340.137] are neutral on WIAL3 and the relief sought is not specified.

Assessment

Rolled-over designations

311. The modifications sought in relation to the site identifier/physical and legal descriptions are considered to be necessary to accurately reflect the area of WIAL2 and WIAL3. The mapped extent of WIAL2 and WIAL3 has not been amended. The modified extent of WIAL1 is discussed below.
312. Broadly, the designations are already in existence and therefore given effect to.

313. The modifications to WIAL1 Wellington Airport Obstacle Limitation Surfaces (OLS) are described in the requiring authority's response to the notice sent by WCC in accordance with Clause 4 of Schedule 1 of the RMA⁶.
314. I consider that the modifications have the potential to result in additional adverse effects in the form of negatively impacting the development capacity of individual properties, in particular where proposed development that complies with permitted heights of the respective zone requires approval of the requiring authority under s176 of the RMA. Although I agree in a broad sense that the WIAL OLS designation is necessary to ensure the airport complies with (or to least to the extent practicable given the existing built environment) the relevant Civil Aviation Regulations, it is not entirely clear to me the degree of moderation that is available to the Airport with respect to compliance with the Civil Aviation Regulations and consequently, the constraints of the OLS designation.
315. It is challenging to ascertain the extent of change (e.g. change in number and of properties impacted and scale of impact) between the designation conditions of the former ODP and the modifications introduced in the PDP due to the complexity of the conditions that comprise the WIAL1 OLS designation. This WIAL OLS designation area is not mapped in the ePlan version of the ODP, and relies on Planning Maps [36](#), [37](#) and [38](#). Comparing these planning maps with the designation area and OLS mapped in the PDP illustrates the greater extent of the PDP WIAL1 designation area. My understanding is that this is a result of the modification that introduces the Outer Horizontal Surface component of the OLS.
316. The mapped OLS in the PDP is a useful tool that makes it much clearer for plan users to determine how the designation applies at an individual site scale.
317. As highlighted by WIAL⁷ there is also the matter of whether WIAL1 should be treated as a qualifying matter in relation to the Medium Density Residential Standards required by the RMA. I note that the Council has not progressed the OLS as a qualifying matter as part of the now completed Intensification Streamlined Planning Process (ISPP). I also note that WIAL as the requiring authority has not provided a clear view or assessment with respect to s77 of the RMA.
318. The modifications to WIAL1 are in practice unlikely to result in significant adverse effects in the form of impacting development potential when taking into consideration the high likelihood (based on history of approvals and presence of terrain shielding) of development proposals that penetrate the Obstacle Limitation Surfaces being approved by WIAL under s176 of the Act. There is no benefit to the requiring authority to limit development beyond that required to ensure the safe and efficient operation of aircraft using the Airport. The OLS, in some form, is required for the Airport to meet its regulatory obligations and as acknowledged by WIAL the OLS already

⁶ [Record of Consultation with Requiring Authorities – Wellington District Plan Designations Chapter Review \(2022\). Prepared by GHD Limited on behalf of Wellington City Council.](#)

⁷ [Record of Consultation with Requiring Authorities – Wellington District Plan Designations Chapter Review \(2022\). Prepared by GHD Limited on behalf of Wellington City Council.](#) Refer page 673 (section 4, page 6 of the WIAL letter).

represents a moderation of the relevant regulations. WIAL state that the modifications will introduce more stringent height requirements, however they do not quantify the extent of change⁸. In my opinion, it would be beneficial for the requiring authority to provide additional information that quantifies the potential impact of the OLS, and any further certainty with respect to the extent of OLS penetrations that have a high likelihood of receiving approval in accordance with s176 of the RMA.

319. The modifications to WIAL2 involve amendments to conditions that relate to construction noise, night-time activities, lighting, and earthworks to either update for consistency with best practice standards and similar provisions in the plan, or delete on the basis that the outline plan of works process will adequately address any potential adverse effects. I agree with WIAL that these modifications will not result in additional adverse effects on the environment.
320. The modifications to WIAL3 remove conditions that relate to construction works that have been completed and are no longer necessary. Also, as requested by WIAL the temporary designation area required for the duration of the construction period can be uplifted. I note that this has not been reflected in the PDP mapping of WIAL3 which I recommend is rectified.
321. Consideration of alternative sites, routes or methods has been undertaken by WIAL⁹ which I broadly concur with. Similarly, I broadly concur with WIAL's position that the modified designations are reasonably necessary for achieving the objectives of the requiring authority. However, I suggest that it would be helpful if WIAL could provide a greater level of detail on the extent to which the modification may impact development that is anticipated in the underlying zones.
322. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that any additional conditions are necessary.

Response to submissions

323. In response to WCC [266.168], in my opinion the necessary height trigger for a building or structure that requires approval from the requiring authority under s176 of the Act is most appropriately determined by the requiring authority. WIAL outline in their Clause 4 Notice to council¹⁰ that the 8-metre height limit is already a compromise that does not strictly meet the relevant Civil Aviation Regulations and is a somewhat pragmatic response that reflects the existing built environment.

⁸ [Record of Consultation with Requiring Authorities Wellington District Plan Designations Chapter Review](#), prepared by GHD Limited [from page 666].

⁹ Ibid .

¹⁰ Ibid.

324. In a broad sense I agree with WCC that an 11-metre height limit would be advantageous from an enabling-development perspective as it would allow for development up to the permitted heights within most of the MRZ which accord with the MDRS requirements of the Act, without the need for approval from WIAL as the requiring authority. I also suggest that any amendment that increases the height limit of WIAL1 condition 1 would reduce the administrative burden on the requiring authority and also the notification requirements on landowners and developers. I note that the hearings panel were advised in the ISPP wrap-up hearing that in the past four years all applications for penetration of the OLS have been approved¹¹, noting the PDP modifications to the OLS and scale of enabled development.
325. However, ultimately I consider the height limit is best determined by the requiring authority and in lieu of evidence that demonstrates that any risk associated with a more permissive height limit is of an acceptable level with respect to the safe and efficient operation of the Airport, in my opinion the Panel is not well-placed with respect to adequate information to recommend that the requiring authority amend the 8-metre height limit.
326. I agree with WCC that the use of the term 'prohibited' in the condition is unnecessary and inappropriate, as non-compliance with the designation condition simply requires approval from WIAL as the requiring authority, and as I understand it, approval for height infringements are largely granted following a detailed assessment undertaken by the requiring authority.
327. In response to WCC [266.34] on the basis that only broad scope for amendments has been sought with no detailed amendments requested, I do not recommend any changes as a result of this submission. I note that the introduction of the non-statutory Obstacle Limitation Surfaces layer introduced into the ePlan mapping post notification achieves the general intent of this submission.
328. I consider that the Obstacle Limitation Surfaces should go at least some way towards satisfying Kāinga Ora [391.763 and 391.764]. As noted in the ePlan news feed:
The OLS mapping and property specific information is a convenient tool for property owners and plan users to see how the existing WIAL1 Designation OLS controls apply to individual properties. Alongside the mapping function, the property specific information and requirements to notify WIAL or get WIAL approval will be shown in the left side bar and PDP PDF property report function when a property is searched.
329. WIAL's [406.546, 406.547] request that the provisions of the Airport and Noise chapters be amended to not duplicate those of the Airport Designation were matters addressed in Hearing Streams 5 and 6 that dealt with those chapters. These submission points are not seeking amendments to any of the designation conditions.

¹¹ [ISPP wrap up and integration hearing Part 1: Definitions nesting tables, general and omitted submissions, advice, and requests of minute 29 \[at paragraph 354\].](#)

330. I disagree with Yvonne Weeber [340.135] as I consider that the figure is clear in that it allows additional objects on the properties identified in grey that do not exceed existing rooflines. Notably many, but not all, of these properties are owned by WIAL and do not contain any structures and the condition essentially limits any new structure on these sites.
331. In response to Strathmore Park Residents Association Inc [371.9, 371.10371.11, 371.12 and 371.13] I note that designations WIAL 4 and WIAL 5 to which Condition 5 relates to are not subject to the Proposed District Plan's submission and decisions processes under the 1st Schedule to the RMA. This is because these designations have recently been confirmed by the Environment Court (*Guardians of the Bay v Wellington International Airport Ltd [2022] NZEnvC 106*) through appeals and confirmed pursuant to Part 8 of the RMA.
332. The submissions of Bruce Crothers [319.17, 319.18] are not within scope of the designations being considered as part of the plan review.

Summary of Recommendations

333. **HS10-Designations-Rec30:** That the WIAL – Wellington International Airport Limited designations are confirmed subject to the following amendments:
- b. That WIAL1 Wellington Airport Obstacle Limitation Surfaces Conditions 1.1 Take-off and Approach Surfaces is amended as follows:

1. Take-off and Approach Surfaces

a. Specifications

(...)

b. Conditions

i. With the exception of the properties identified in Figure 1 below, new objects or extensions of objects that penetrate the Take-off and Approach Surfaces ~~and shall not~~ exceed a height of 8m above existing ground level, ~~shall be prohibited~~ except where the new object or extension is shielded by an existing immovable object, or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) and that penetration has been approved by Wellington International Airport Limited.

ii. With respect to the properties shown in Figure 1 below, new objects or extensions of objects that penetrate the take-off and approach surfaces ~~and shall not~~ exceed the height limits specified in Figure 1 ~~shall be prohibited~~, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of these surfaces and that penetration has been approved by Wellington International Airport Limited.

- c. That the mapping of WIAL 3 - Wellington Airport Runway End Safety Area is amended to uplift the Temporary Designation Area as identified in Conditions 3: Runway End Safety Area (Southern) Plan 1 - Extent of Designation.

334. **HS10-Designations-Rec31:** That submission points relating to WIAL – Wellington International Airport Limited designations are accepted or rejected as detailed in Appendix B.

WRC – Greater Wellington Regional Council

335. Greater Wellington Regional Council (GWRC) is a requiring authority under section 166 of the RMA.
336. GWRC sought to roll-over the existing designations under Chapter 24 – Schedule of Designations of the ODP, being W1, W2, W3, W4, W5 and W6 with modification. These are identified as WRC1, WRC2, WRC3, WRC4, WRC5 and WRC6 in the PDP.

Designation	Rollover with modifications
WRC1 - Beacon Hill Signal Station	Modifications to legal description / site identifier
WRC2 - Seton Nossiter flood detention area	Modifications to purpose, legal description, a mapping amendment to cover the entire legal parcel and the removal of the reference to approved outline plan and conditions
WRC3 - Upper Karori Reservoir	Modifications to purpose, and legal description / site identifier
WRC4 - Karori Reservoir Reserve	Modifications to purpose, legal description
WRC5 - Ngauranga water supply reservoir	Modifications to purpose, legal description
WRC6 - Stebbings Valley Flood Detention Dam	Modifications to purpose

Matters raised by submitters

General submissions on Designation WRC

337. GWRC [351.232] seeks that WRC chapter be retained as notified.

Designation WRC2 – Seton Nossiter flood detention area

338. GWRC [351.324] seeks that the designation be retained as notified.

339. Rod Halliday [25.46 and 25.47] seeks that the designation is retained and updated with wording to reflect the designation is designed to hold a 1 in 100-year event as per the on-site information boards.

Designation WRC6 – Stebbings Valley Flood Detention Dam

340. GWRC [351.325] seeks that the designation be retained as notified.

341. Rod Halliday [25.7 and 25.48] seeks that the designation be re-modelled and re-mapped based on the easement or correct 92m contour, and that this considers the changes to ground levels as a result of approved earthworks.

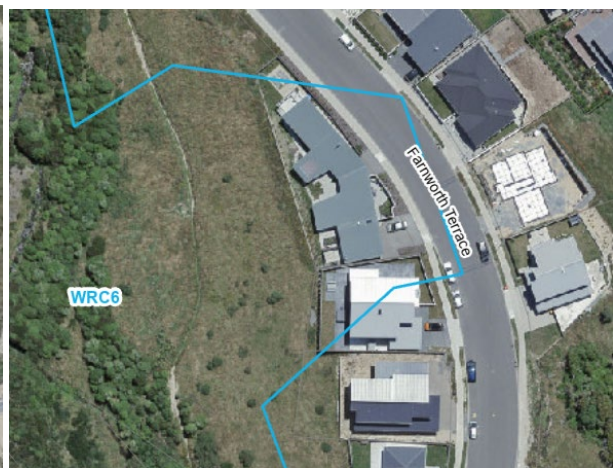
Assessment

Rolled-over designations

342. The modifications sought in relation to the site identifier/physical and legal descriptions are considered to be necessary to accurately reflect the area of the designations. The modifications to the purpose are considered to provide a more accurate summary of the purpose of each of the designations.
343. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.
344. Consideration of alternative sites, routes or methods is not necessary as the designations and associated infrastructure are already in existence and the designations are not changing in geographic extent.
345. I consider the designations are reasonably necessary in respect of providing certainty for the ongoing operation and maintenance of the infrastructure covered by the designations.
346. With respect to managing adverse effects resulting from the activities covered by the designation an outline plan process would include consideration of the effects of any future works proposed within the designations. I do not consider that any conditions are necessary as the activities already exist.

Response to submissions

347. I disagree with Rod Halliday [25.46 and 25.47] as I consider that this level of detail is unnecessary.
348. In response to Rod Halliday [25.7 and 25.48], I have reviewed the boundary of the Stebbings Valley Flood Detention Dam designation as mapped in the PDP and it appears that there would be value in the requiring authority reviewing and amending where appropriate the designation boundary to better reflect the existing environment and development that has been approved and built north of Westchester Drive and along Farnworth Terrace and Melksham Drive as illustrated below. Consequently, I recommend that the Panel make a recommendation to GWRC to review and, where appropriate, reduce the extent of the Stebbings Valley Flood Detention Dam designation. Whether the recommended re-mapping is undertaken in the way suggest by Mr Halliday is a matter for the requiring authority to determine.



Figures 5, 6, and 7. Examples of WRC6 extending into recently developed areas.

Summary of Recommendations

- 349. **HS10-Designations-Rec32:** That the Greater Wellington Regional Council designations WRC1, WRC2, WRC3, WRC4, and WRC5 are recommended to be confirmed as notified.
- 350. **HS10-Designations-Rec33:** That the Greater Wellington Regional Council designation WRC6 is confirmed subject to the requiring authority reviewing the mapped designation area and reducing, where appropriate, the designation area where it is no longer applicable as a result of approved land modification and development.
- 351. **HS10-Designations-Rec34:** That submission points relating to WCC – Wellington City Council designations are accepted or rejected as detailed in Appendix B.

5.0 Conclusion

352. This report provides an assessment of and recommendations on designations contained in the PDP, and submissions received in relation to designations.

353. I have considered and made recommendations on the notices of requirement issued by requiring authorities. I consider that the notices of requirement in the Designations chapters should be confirmed or modified (with or without conditions imposed), as set out in my recommendations contained in this report.

354. Submissions have been received in support of, and in opposition to, the designations contained in the PDP. While most of these submissions relate to the topic as notified.

355. This report considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Designations chapters should be accepted, accepted in part, or rejected as set out in my recommendations in Appendix B.

356. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

5.1.1 Recommendations

357. I recommend that:

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

6.0 Appendices

Appendix A: Recommended Amendments to the Designations Chapter

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

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

Appendix B: Recommended Responses to Submissions and Further Submissions on the Designations Chapter

Appendix C: Designations rolled-over from the ODP into the PDP without modification and no submissions are received

Requiring Authority	Rollover without modifications
ACNZ – Airways Corporation of NZ Limited	ACNZ1, ACNZ2
MSNZ – Meteorological Service of New Zealand Limited	MSNZ1, MSNZ2
MCOU – Minister for Courts	MCOU2, MCOU3
MPOL – Minister of Police	MPOL1, MPOL2
NZME – New Zealand Media and Entertainment	NZME1
TPR – Transpower New Zealand Limited	TRP1, TRP3
WCC – Wellington City Council	WCC2, WCC3, WCC4, WCC5, WCC7
WEL – Wellington Electricity	WEL1