

BEFORE THE WELLINGTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991
OF

AND

IN THE MATTER the Wellington City Proposed District Plan
OF

Hearing Stream 11 – Response to Panel Questions

**Kirsty O’Sullivan - Wellington International Airport Limited Submitter
406, Further Submission 36**

17 September 2024

Background

- 1 On the 11th of September 2024, the Independent Hearing Panel (IHP) granted leave for me to respond to the following two questions in writing:

Question 1: Would a reference to temporary activities in INF-ECO-P33 or associated rules assist in achieving WIAL's goal?

Question 2: Is WIAL's proposal to include upgrading and extension of infrastructure in policy INF-ECO-34 consistent with the Supreme Court's reasoning in EastWest Link, in terms of the relationship to the NZCPS and the RPS policies 24 to 24CC which were agreed in conferencing, but are not yet confirmed?

- 2 The above questions are expressly as stated during the course of the hearing. At the time of preparing this response, a formal Minute has not been issued. Due to time constraints, this reply is in direct response to the questions as posed during the hearing.

- 3 The Proposed Plan defines temporary activities as follows:

means any short term activities that are primarily held outdoors, on public or private land and that are intended to have a limited duration and incidence. This includes non-permanent ancillary buildings and structures associated with temporary activities.

Temporary activities include:

- *Festivals, and exhibitions;*
- *Fairs, carnivals and temporary markets;*
- *Parades and ceremonies;*
- *Council organised public firework displays;*
- *Any short-term filming;*
- *Public meetings;*
- *Sporting and recreation events and associated temporary parking; and*
- *Site offices for construction projects.*

- 4 The definition of temporary activity includes “site offices for construction purposes” and not construction activity more generally. Notwithstanding this, I do not consider that it is necessary for temporary construction

activities to be expressly stated in INF-ECO-P33. In my view, construction activities are an inherent part of maintenance and repair – that is, it is difficult to maintain or repair infrastructure without some form of construction activity occurring.

- 5 I therefore continue to support the revised drafting and approach used by Mr McCutcheon with respect to Policy INF-ECO-P33 and consider it is better aligned with the directives of the NPS-IB.
- 6 I understand that Ms Dewar is going to provide an overview of the key legal principles surrounding the application of the Supreme Court's *East West Link* decision and other relevant decisions. I have therefore not addressed this matter in any further detail and anticipate that it can be addressed further (as necessary) when submitters are asked to respond to the Council's position regarding the effect of PC1 RPS decisions on the Proposed Plan.

Kirsty O'Sullivan

17 September 2024