

Before an Independent Hearings Panel of Wellington

City Council

In the matter of the Resource Management Act 1991 (the **Act**)

And

In the matter of hearing of submissions and further submissions on the Wellington City Proposed District Plan (**PDP**)

**Statement of Evidence of
Kirsty O'Sullivan**

Dated: 18 July 2023

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1. EXECUTIVE SUMMARY

1.1 Wellington International Airport Limited (**WIAL**) has broad ranging interests in the topics being addressed in Hearing Stream 5 of the Proposed Wellington City Plan review (**Proposed Plan**). WIAL's submissions on these topics were also extensive.

1.2 As set out in preceding sections, I have carefully considered the key outcomes sought by the submissions, the section 42A reports and the relevant expert evidence and have presented a substantially refined position with respect to a range of matters.

1.3 With respect to each topic:

Noise and Subdivision

1.4 The New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (**NZS6805**) is generally considered "best practice" for land use management surrounding airports in New Zealand and promotes an approach whereby all new noise sensitive activities within an airport's Air Noise Boundary and Outer Control Boundary are prohibited, where this can be practicably achieved.

1.5 NZ6805 has broadly been adopted by most major airports around New Zealand, subject to some specific nuances. By contrast, the proposed approach within the Proposed Plan where land falls within the contours identified in NZS6805 (i.e. the Air Noise Overlay), is comparatively weak in terms of limiting new noise sensitive development or intensification of such development.

1.6 Having further reflected on WIAL's submission, as well as the imperatives to enable residential intensification throughout the District, I have proffered a further refined approach than WIAL's submission and the section 42A report. In my view, this approach better aligns with NZS6805 but at the same time is not so limiting to foreclose opportunities for some noise sensitive activities within the Air Noise Overlay where they are reasonably anticipated. This approach includes:

- (a) Providing for one residential unit on each site as a permitted activity within the Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay.
- (b) Requiring proposals that provide for two or more residential units and/or any other noise sensitive activity within Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay as a restricted discretionary activity, with four matters of discretion specifically targeted at avoiding or minimising reverse sensitivity effects on Wellington International Airport.
- (c) Classifying all other new noise sensitive activities within the General Industrial, Open Space, Airport and Mixed Use Zones as a non-complying activity.
- (d) Requiring all subdivision within the Air Noise Overlay to obtain resource consent to ensure consideration can be given to the potential for such activities to enable further intensification of noise sensitive activities within the Air Noise Overlays.
- (e) Identifying WIAL as an affected party for resource consent applications within the entire Air Noise Overlay.

1.7 This approach is better aligned with the outcomes and directives set out in CC-O3(1), SCA-O4 and SCA-O5 of the Proposed Plan and Policies 8 and 39(6) of the GWRPS and will ensure that future land use achieves an appropriate balance between maintaining and enhancing amenity values (section 7(c) of the Resource Management Act 1991 (**RMA**)) and ensure the ongoing efficient use and development of physical resources (section 7(b) of the RMA).

Natural Hazards

1.8 The section 42A report recommends substantial amendments to the Natural Hazards chapter. For the most part, these address WIAL’s refined position with respect to natural and coastal hazards being that its key concerns relate to:

- (a) the use of terminology “reduce or not increase the risk of” natural hazards to people or property acts a quasi “avoid” statement;
- (b) The provisions do not recognise the operational or functional requirements of the Airport; and,
- (c) The provisions create unreasonable statutory barriers for work intended to protect regionally and nationally significant infrastructure.

1.9 While I generally support the position reached by the section 42 report with respect to WIAL’s refined interest in the Natural Hazard and Coastal Environment (hazard only) chapters, in my view some further refinements are required to CE-P26 to ensure that hard engineering structures intended to mitigate against hazard threat are not unduly constrained by disparate weighting of some features.

Earthworks

1.10 The Operative District Plan applies a bespoke approach to earthwork management in the Airport Zone. Based on my review of the Proposed Plan (as notified) and the section 42A report, it appears that the intent is for this approach to be largely retained, albeit with amendments to ensure effects of earthworks on the Hillock, Rongotai Ridge and Miramar South Precinct as well as general effects around dust management and site stabilisation are appropriately managed.

1.11 As drafted, the mechanics of the Proposed Plan provisions do not appear to achieve the above outcomes. I have therefore proposed further refinements to EW-R17 and EW-S14 to address the “mechanics” of the rules and standards.

1.12 In addition to the above, the section 42A report officer has identified WIAL as a specific entity that undertakes natural hazard mitigation works and is thus provided

a distinct enabling policy within the earthwork provisions. Given WIAL maintains and upgrades the existing seawall along Moa Point Road which protects not only Wellington International Airport (regionally and nationally significant infrastructure) but also Moa Point Road and the potable and wastewater network, I consider this amendment is a pragmatic and effective way of enabling the continuation of such natural hazard mitigation works.

2. INTRODUCTION

Qualifications and Experience

2.1 My name is Kirsty O’Sullivan. I am an Associate with Mitchell Daysh Limited, which practices as a planning and environmental consultancy firm throughout New Zealand. I have been working for Mitchell Daysh Limited since May 2013 and have held the position of Associate since 2018.

2.2 I hold a degree in Physical Geography and Geographic Information Systems from the University of Otago, and a postgraduate (Masters with Distinction) degree in Planning from the University of Otago. I am based in the firm’s Dunedin office although my work has a national focus.

2.3 I have over 15 years' experience in environmental resource planning and management consultancy. My professional experience includes a mix of central government, local authority, and consultancy resource management work. Over the past ten years, I have focused on providing consultancy advice with respect to regional and district plans, plan changes, resource consents, designations, and environment effects assessments. While I have experience providing resource planning and management advice to a broad range of clients, ranging from nationally significant infrastructure projects to smaller scale, individual residential developments, of particular relevance to this hearing is my experience with respect to the following projects / roles:

(a) For the past ten years I have assisted Wellington International Airport Limited (**WIAL**) with a range of projects including:

- (i) co-authoring the Wellington International Airport Runway Extension resource consent applications and the Wellington International Airport Notice of Requirement for a new aerodrome designation over part of the southern part of Miramar Golf Course;
 - (ii) co-authoring the Wellington International Airport Noise Management Plan;
 - (iii) preparing various inputs to the Wellington City Plan review, including preparation of the original submission and further submission;
 - (iv) project managing and co-ordinating the preparation of requisite approvals under the Resource Management Act 1991 (“RMA” or “the Act”) for various site specific developments, including a recent outline plan of works to remove the hillock and regional council consents to undertake wave monitoring and jet lancing;
 - (v) providing preliminary planning advice regarding the ongoing maintenance and repair of the southern and western sea walls surrounding Wellington International Airport.
- (b) For the past five years, I have been the principal consultant planning advisor for Hawke's Bay Airport Limited regarding the pending Napier City Council District Plan and various resource consenting matters.
- (c) For the past ten years, I have been the principal consultant planning advisor for Invercargill Airport Limited with respect to resource consenting, designation, plan change, District Plan and Regional Policy Statement matters at Invercargill Airport;

- (d) For the past six months, I have been assisting Christchurch International Airport Limited with a range of planning matters, from submissions through to strategic planning.
- (e) From 2013 until early 2023, I was the principal consultant planning advisor for the Queenstown Airport Corporation with respect to resource consenting, designations, plan changes and District Plan and Regional Policy Statement matters at Queenstown and Wanaka Airports.

2.4 For a broader outline of the projects in which I have been called upon to provide resource management planning advice in recent times, refer to **Appendix A**.

Code of Conduct

2.5 While this is not an Environment Court hearing, I nonetheless confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence.

Scope of Evidence

2.6 In this brief of evidence, I will:

- (a) Provide a brief overview of the planning context for Wellington Airport;
- (b) Provide some discussion around the National Policy Statement for Urban Development (“**NPSUD**”) and the use of qualifying matters.
- (c) Discuss WIAL’s submissions relevant to Hearing Stream 5, which relates specifically to Wāhanga 2 Part 2 Ngā Kaupapa o te Rohe Whanui – District Wide Matters:

- (i) Te Oro – Noise;
- (ii) Wawaetanga - Subdivision;
- (iii) Ngā Mōrearea ā-Taiao - Natural Hazards;
- (iv) Taiao Takutai - Coastal Environment (coastal hazards only); and
- (v) Ngā Mahi Apu Whenua - Earthworks.
- (vi) Provide an overview of the Wellington Airport Obstacle Limitation Surfaces Designation (WIAL1).

2.7 I note that I do not address every submission point raised in the submission or further submission in relating to Hearing Stream 5 matters. My evidence instead focuses on those key matters which will have the greatest bearing on WIAL's existing and future operations and therefore warrant further discussion. An absence of discussion with respect to a particular submission point should not be taken as agreement (tacit or otherwise) with the recommendations set out in the section 42A evaluation.

2.8 In preparing this statement of evidence, I confirm that I have read the following documents:

- (a) WIAL's submission and further submission;
- (b) Part 2 – Hazards and Risk (Natural Hazards), Subdivision and General District Wide Matters relating to the Coastal Environment (hazards only), Earthworks and Noise and the associated definitions (contained in Part 1) and appendices (Part 4) as notified and insofar is relevant to WIAL's submission and further submission;
- (c) The Proposed Plan Hearing Stream 5 reports prepared under section 42A of the Resource Management Act 1991 ("the section 42A report") relating to:
 - (i) Noise;
 - (ii) Subdivision;
 - (iii) Natural hazards, including coastal hazards; and,

- (iv) Earthworks.

- (d) The statement evidence of Ms J Lester (18th July 2023), Mr Lachlan Thurston (18th July 2023), Mr Darran Humpheson (18th July 2023) and Mr J Kyle (18th July 2023);

- (e) The statement of evidence of Mr Malcolm Hunt (3rd July 2023) and Mr Sean Syman (3rd July 2023); and

- (f) The Section 32 Evaluation Report relating to Noise, Earthworks, Subdivision, Natural Hazards and Coastal Hazards (“the section 32 evaluations”).

3. WELLINGTON AIRPORT – PLANNING CONTEXT

3.1 Mr Kyle has provided a high-level overview of the planning context that applies at Wellington International Airport during Hearing Stream 1.¹ I adopt that overview for the purposes of my evidence and do not repeat it here. In summary and as is relevant to this hearing however:

- (a) Wellington International Airport is defined as regionally significant infrastructure in the Greater Wellington Regional Policy Statement 2013 (“**GWRPS**”) and the Proposed Plan. I also note that the Airport also meets the definition of nationally significant infrastructure in the NPSUD.

- (b) Wellington Airport is the subject of a number of designations in the operative Wellington City District Plan (“**Operative Plan**”) and Proposed District Plan (“**Proposed Plan**”). As relevant to this hearing: Designation G2 – this designation defines the obstacle limitation surfaces (**OLS**) surrounding Wellington International Airport. This designation (to be modified) is referred to as “WIAL1” in the Proposed Plan.

1 Refer to paragraphs 15 to 21, Statement of Evidence of Mr John Kyle, Hearing Stream 1, dated 7 February 2023.

- (i) Designation G4 – this designation is for airport purposes and relates to the activities occurring at the former Miramar South School site. This designation is referred to as “WIAL2” in the Proposed Plan and includes specific noise management conditions that apply within the designated area reflective of the proximity of the area to surrounding residential activities.

- (ii) Designation G5 – This is the primary airport purposes designation at the Airport. The designation is referred to in the Proposed Plan as “WIAL4” and includes, as relevant to this hearing, a range of conditions relating to earthworks management across the five different precincts identified within the designation as well as specific requirements for an earthworks and construction management plan. The designation also sets out WIAL’s aircraft noise management obligations. insofar as they relate to aircraft operating within the designated area.

- (iii) Designation G6 – This designation is for airport purposes and relates to the East Side Area (the southern portion of the Miramar Golf Course). Referred to as “WIAL5” in the Proposed Plan, and relevant to this hearing, the designation includes a number of noise management obligations that apply to activities occurring within designated area reflective of its proximity to adjacent residential areas. The designation also includes specific requirements for geotechnical reporting and earthworks and construction management plans.

3.2 Maps depicting the extent of aforementioned designations are depicted on the Council’s e-Plan. The designations, including plans referring to the different precincts discussed later in my evidence are located in Part 3 of the Proposed Plan.

4. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

- 4.1** The Hearings Panel has heard considerable evidence regarding the National Policy Statement for Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and its intended outcomes. I have therefore focussed my evidence on the effect that “qualifying matters” have on the residential intensification goal as this has a direct relevance to the way land use planning should occur around Wellington Airport, which is nationally and regionally significant infrastructure.
- 4.2** Under Clause 3.32 paragraph (1)(c) of the NPSUD, the term “qualifying matter” means *“any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.”* Nationally significant infrastructure is then defined in Clause 1.4 of the NPSUD and includes *“(h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers”*. Wellington International Airport comfortably fits within the definition of nationally significant infrastructure.
- 4.3** Wellington City Council has identified the Air Noise Overlay that applies at Wellington Airport (and discussed in detail later in my evidence) as a “qualifying matter” for the purposes of Policy 4. As required by Clause 3.31(2) and (3), when the Proposed Plan was notified, the location of the Air Noise Overlay and the building heights and densities that apply within the overlay were identified. The accompanying section 32 evaluation included an assessment of the qualifying matters, as required by Clause 3.33(2). The Council has therefore provided, from a statutory perspective (including the relevant sections of the Amendment Act), the information required to confirm the Air Noise Overlay as a qualifying matter.
- 4.4** The medium density residential zone identifies a list of qualifying matters that potentially constrain residential activity that would otherwise be permitted under the NPSUD. This list appropriately includes the Air Noise Overlay, which has the effect of reducing the density of development within its boundaries. In the

Proposed Plan, this outcome is achieved through the provisions contained within the Noise chapter.

- 4.5** Further, under Clause 3.3.2(1)(e), qualifying matters also include “an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order.”
- 4.6** Despite this, I note that the list of qualifying matters included in the Proposed Plan did not include WIAL’s OLS designation (WIAL1), even though the designation fits within two limbs of the “qualifying matter” definition and has the effect of reducing the extent to which development density can occur within some areas of the city.
- 4.7** While by definition, WIAL1 should have been included as a “qualifying matter”, I note that WIAL1 has interim effect under section 178 of the RMA which puts in place an interim protection against development occurring in a way that cuts against the grain of these important airport land use controls. This matter is revisited later in my evidence when I discuss the obstacle limitation surfaces in more detail.

5. TE ORO – NOISE

- 5.1** In my experience, noise is typically one of the key issues associated with airports throughout New Zealand. The nature of the issue is typically two fold – how the airport manages its effects on the community arising from (predominantly aircraft) noise and how suitable planning controls can be put in place to best protect the amenity values of those who live close to airports, and in so doing reduce the prospect of reverse sensitivity effects which can (and do) undermine the ongoing use and development of the Airport.
- 5.2** Reverse sensitivity issues are a prominent issue at most large commercial airports and the issue becomes particularly prevalent where there is ongoing pressure to enable or intensify residential development within close proximity to airports (Queenstown is a good recent example).

5.3 Notably, the section 32 evaluation for the Noise Chapter identifies that “Airport noise is probably the most extensive and significant noise source in Wellington City”.

5.4 Under the Operative Plan, WIAL’s noise management and compliance obligations are set out in the designation and zone provisions as follows:

(a) Combined aircraft noise and noise associated with activities occurring at Wellington International Airport are managed by conditions attached to WIAL’s Main Site and East Side designations. Conditions on the Miramar South Area designation also manage noise associated with wider airport related activity (but not aircraft noise which is not provided for on that site). In summary, these conditions include:

- (i) Conditions requiring combined aircraft operations to meet prescribed noise limits and prescribing how predicted aircraft noise is to be modelled and reported. Aircraft noise monitoring requirements are also specified;
- (ii) Conditions defining the permitted hours of aircraft operations;
- (iii) A requirement to prepare and adhere to an ANMP and operation of the Airport Noise Management Committee (“ANMC”);
- (iv) Limits relating to engine testing;
- (v) Controls on APU / GPU usage;
- (vi) Limits on construction noise;
- (vii) Requirements relating to the Quieter Homes programme; and
- (viii) Land use management.

5.5 The designations over the Main Site and East Side Area are relatively new, having been confirmed post the resolution of Environment Court appeals in 2022. Notably, these designations are now also part of the Proposed Plan (section 175 RMA).

5.6 One of the key reasons for WIAL issuing a notice of requirement for the Main Site Area was that, until it did so, the Operative Airport Zone was the only place where limits were placed on the noise effects from airport and aircraft activities. This raised issues as to enforceability of things such as aircraft noise limits, as the rules did not impose compliance limits on any particular entity.

5.7 With respect to the Proposed Plan's noise chapter, WIAL's submissions generally focused on provisions that:

(a) Manage noise sensitive activities within the Air Noise Overlay; and

(b) Manage noise within the Airport Zone.

5.8 These matters are addressed in more detail in the following sections, before concluding with a brief section identifying other matters raised in the submission where further minor amendments to the provisions is required.

Managing Noise Sensitive activities within the Air Noise Overlay

5.9 WIAL filed a number of submissions and further submissions with respect to the management of noise sensitive activities in and around Wellington International Airport. In summary, these submissions sought to achieve greater alignment between the Proposed Plan and the New Zealand Standard for Airport Noise Management and Land Use Planning (NZS6805).

5.10 At a high level, the submissions sought:

(a) A suite of new objectives, policies and methods that:

(i) Provide sufficient policy direction to enable resource consent for noise sensitive activities to be declined within existing residential zones where reverse sensitivity effects cannot be appropriately managed;

- (ii) Require all noise sensitive activities within existing residential zones or zones where such activities are reasonably anticipated to obtain resource consent as a restricted discretionary activity;
 - (iii) Prohibit noise sensitive activities within zones where such activities are not generally anticipated (i.e. the General Industrial and Open Space Zones) where those zones are in Air Noise Overlay; and
 - (iv) Require appropriate acoustic treatment and/or mechanical ventilation for new, or additions or alterations to existing buildings containing noise sensitive activities in the Air Noise Overlay;
- (b) Changes to the objectives, policies and methods within the Subdivision Chapter to create alignment with the above framework and to generally discourage the intensification of noise sensitive activities through subdivision within the Air Noise Overlay.
 - (c) Establishment of standalone reverse sensitivity requirements for noise sensitive activities within the Air Noise Overlay to allow better recognition of the effects of aircraft noise on noise sensitive activities.
 - (d) Retention of the mapped extent of the Air Noise Overlay and Air Noise Boundary, as notified.
 - (e) Amendments to the definitions of “noise sensitive activity” and “Air Noise Overlay”.

5.11 As set out by Mr Humpheson, the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (**NZS6805**) is generally considered “best practice” for land use management surrounding airports in New Zealand and promotes an approach whereby all new noise sensitive activities

within an airport's Air Noise Boundary and Outer Control Boundary are prohibited, where this can be practicably achieved. More specifically, NZS6805 recommends:²

- (a) Within areas receiving greater than 55dB Ldn of aircraft noise: New residential, schools, hospital or other noise sensitive uses should be prohibited unless a district plan permits such uses, subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.
- (b) Within areas exposed to greater than 65dB Ldn of aircraft noise: New residential schools, hospital or other noise sensitive uses are prohibited and existing residential properties are provided with appropriate acoustic insulation to ensure a satisfactory internal noise environment.
- (c) Within areas exposed to greater than 70dB Ldn of aircraft noise: Consideration should be given to purchasing existing homes, or relocating residents, and rezoning the area to non-residential use only.
- (d) Within areas receiving greater than 75dB Ldn of aircraft noise: Land shall not be used for residential or other noise sensitive uses.

5.12 Notably, the National Planning Standards require that any plan rule to manage noise emissions must be in accordance with the mandatory noise measurement methods set out in NZS6805.³

5.13 As described by Ms Lester, for the past 14 years, WIAL has been progressively implementing its "Quieter Homes Programme". This programme has been delivered to address the effects that aircraft noise has on the community, especially on its closest residential neighbours.

5.14 Until recently, the requirement for WIAL to implement the Quieter Homes Programme has been set out in WIAL's Airport Noise Management Plan ("**ANMP**").

2 Refer to Tables 1 and 2 of NZS6805 and generally Statement of evidence of Mr Darren Humpheson, dated 18th July 2023.
3 Clause 15(1) of the National Planning Standards.

For this reason, WIAL included the Quieter Homes Programme as a condition on its Main Site Designation. Consistent with NZS6805, this programme involves WIAL:

- (a) offering to purchase properties within the 75dB noise contour; and
- (b) offering to retrofit existing residential dwellings (built before 22 March 2012) within the existing Air Noise Boundary with acoustic treatment and/or mechanical ventilation as necessary to achieve an internal design level of 45dB Ldn.

5.15 By contrast, the proposed approach within the Proposed Plan where land falls within the contours identified in NZS6805 (i.e. the Air Noise Overlay), is comparatively weak in terms of limiting new noise sensitive development or intensification of such development.

5.16 This partly stems from a legacy created by the Operative Plan provisions as a result of previous district plan reviews and decisions, which apply the provisions of NZS6805 in a comparatively relaxed way (much more relaxed than Christchurch, Auckland and Queenstown Airports).

5.17 I can understand the natural temptation of the Council to want to “roll over” this operative approach, given it emulates an existing situation and the Council is confronted by some submitters exerting pressure to enable residential intensification. However, in my opinion, the plan review process provides the Council and decision makers a fresh opportunity to review the existing provisions and determine whether such a relaxed application of NZS6805 remains appropriate in the circumstances that apply now and, critically, will apply in the future particularly when the Airport and its efficient operation is recognised as a qualifying matter.

5.18 In dealing with various plan changes and resource consenting matters over the last decade, it is evident to me that there is ongoing pressure to provide for the intensification of residential land use surrounding various airports. I also accept that there are a number of pressures brought to bear on the Council to intensify

such uses at locations like Miramar and Kilbirnie, for a variety of reasons, including the policy directives of the NPSUD.

- 5.19** However, while I acknowledge that the Airport sector does not have a national policy statement that it can point towards as a reason for tempering the outcomes sought by the NPSUD, the NPSUD does recognise that there should be limits on intensification, those limits being in the form of “qualifying matters”, as discussed in paragraphs 4.1 to 4.7 of my evidence.
- 5.20** As identified by Mr Humpheson and based on my experience elsewhere, it is also important to note that acoustic treatment and mechanical ventilation only manages the potential noise effects of increasing aircraft operations inside residential dwellings or buildings. Such measures are not effective at addressing the effects on outdoor amenity. Residents located within close proximity to the airport can and do find that the utilisation and enjoyment of their property (particularly outdoors in the summer months) is adversely affected by aircraft noise. Acoustic treatment cannot mitigate this effect. Mr Humpheson’s summary of the annoyance effects of aircraft noise provides useful context around this matter.
- 5.21** Allowing the intensification of noise sensitive activities within the Aircraft Noise Overlay will ultimately increase the number of people exposed to the increasing effects of aircraft noise over time. History shows, both at Wellington and other airports that such activity will also inevitably lead to an increase in reverse sensitivity concerns. Not surprisingly, this was evidenced by submitter evidence during the recent Main Site and East Side area designation hearings.
- 5.22** As a result, there is potential for WIAL to be required to further curtail aircraft operations because of growing community concern. If the operation of the Airport is unduly curtailed and projected growth is not accommodated, then this will compromise access to New Zealand’s capital city and could result in the curtailment of aircraft activity over time.

- 5.23** It is also important to appreciate that the level of aircraft noise exposure within the Air Noise Overlay will not be the same level of aircraft noise experienced in 10, 20 or 30 years time. While residents may not be “annoyed” now, this may change in the future as the noise exposure increases over time. Ms Lester has identified that the surrounding community is well attuned to unexpected changes in aircraft movements, flight times and flight paths, with complaints often occurring after such changes.
- 5.24** A notable recent example of this is the strong community response to a change of a flight path over the Khandallah and Broadmeadows area. Notable in this scenario is that these residents are located well outside of the Air Noise Overlay and aircraft are operating at well over 1000 feet. What this demonstrates is that while aircraft noise effects may be most significantly felt within the Air Noise Overlay and that is the area within which WIAL’s submission has focussed, such effects are not solely confined to these areas.
- 5.25** If one were to apply a “first principles” NZS6805 based approach to land use planning within the Air Noise Overlay, plan rules would result in all new noise sensitive activities being prohibited within the Inner Noise Overlay and would prohibit such activities within the Outer Noise Overlay unless the plan already permits (in which case NZ6805 does not provide further guidance).
- 5.26** I acknowledge that this is not a tenable nor sustainable outcome when considered in the context of the way land has been developed around Wellington Airport. Instead, a more nuanced approach is required.
- 5.27** As set out in the evidence that follows, an approach is proposed that would provide for one residential unit per site within residential zones subject to the Air Noise Overlay. Further intensification beyond this would require resource consent. This is a further refinement of the relief sought in WIAL’s submission, which sought to impose resource consent requirements on all new residential units within the Air Noise Overlay.

5.28 It is against this approach and the above backdrop that I make the following observations and recommendations with respect to the land use planning approach for noise sensitive activities within the Air Noise Overlay.

Definitions

Air Noise Overlay and Air Noise Boundary

5.29 WIAL filed a submission supporting, in part, the definition of “Air Noise Overlay”. This submission raised concerns regarding the definition conflating the function of the “Air Noise Overlay” (i.e. noise boundaries used to define specific land use management actions) and the Air Noise Boundary (the compliance boundary for noise generated from aircraft operations at Wellington International Airport).⁴

5.30 The section 42A report has recommended amending the definitions to address the concerns raised by WIAL by separating out the definition of Air Noise Boundary so it is independent of the Air Noise Overlay.⁵

5.31 I support the general intent of the section 42A report recommendations and acknowledge that the use of the term “overlay” is consistent with the New Zealand Planning Standard’s use of the term. In my view however, the definitions should be further reframed to ensure they clearly articulate what the effect of the overlay is. In this instance, each overlay has the effect of defining an area of land within which a given range of aircraft noise exposure can be expected. My recommended redrafting of these terms is set out in **Appendix B**.

5.32 Applying a similar logic, I have also recommended further amendments to the Air Noise Boundary definition. In this instance however, I consider the mechanics of how the Air Noise Boundary is defined provides a level of detail that is unnecessary for most plan users. Such detail is, in my view, best left to the relevant designation to describe.

⁴ Submission 406.27-406.29.

⁵ Paragraphs 81 to 89 of the Noise section 42A report.

- 5.33** WIAL also filed submissions seeking the inclusion of the term “hospital activities” within the definition of “Noise Sensitive Activity.”⁶ The section 42A report recommends amending the definition to include this term.⁷ I support this recommendation and note that the inclusion of the term will ensure the definition includes the range of activities that are typically considered “noise sensitive” (at least insofar as aircraft noise is concerned).
- 5.34** I address the inclusion of the new definitions for “Moderate Noise Area” and “High Noise Area” in paragraph 5.50 below.

Aircraft Noise Overlays

- 5.35** As notified, the Proposed Plan contained a new “Air Noise Overlay” – a combination of the Inner Air Noise Overlay (Air Noise Boundary) and the Outer Air Noise Overlay (60dB Ldn Noise Boundary). WIAL’s submission supported the mapped extent of these overlays,⁸ citing consistency with NZS6805.
- 5.36** The section 42A report has recommended supporting this submission and retaining the location of the Air Noise Boundary and Air Noise Overlay as notified.⁹
- 5.37** Mr Humpheson has provided an overview of how these boundaries were generated. Broadly speaking, these boundaries have been updated to reflect WIAL’s 2040 Master Plan and the aviation forecasting that underpins that Master Plan. Somewhat unusually for an airport, this has resulted in a reduction in the mapped extent of the Air Noise Boundary. Mr Humpheson explains why this is so.
- 5.38** The aircraft noise boundaries or overlays are a critical piece of the wider aircraft noise management framework that applies at Wellington International Airport. As described later in my evidence, these boundaries are used to define a point of compliance for aircraft operations (i.e. the Air Noise Boundary) and identify areas

6 Submission 406.35-36.

7 Paragraph 79 of the Noise section 42A report.

8 Submission 406.17-18.

9 Paragraphs 109 of the Noise section 42A report.

within which WIAL is (and will be) obliged to deliver the Quieter Homes Programme (to the Outer Noise Boundary, as discussed by Ms Lester).

5.39 Importantly for this hearing, the aircraft noise boundaries are used to define the extent of the Inner and Outer Noise Overlays. These overlays are used to define areas within which different land use management responses are required. As the Air Noise Overlay constrains development that is otherwise mandated by the NPSUD (including the relevant sections of the Amendment Act), they have been appropriately identified as “qualifying matters” in the Proposed Plan. Accordingly, they serve an important function when seeking to manage the effects of aircraft noise on the community, as well as the effects of reverse sensitivity effects on WIAL. I therefore support their retention in the Proposed Plan as notified.

Objectives

5.40 The Noise chapter contains two, broadly defined objectives which seek to protect:

- (a) amenity values and people’s health and wellbeing from adverse noise levels (consistent with the anticipated outcomes for the receiving environment); and
- (b) existing and authorised activities that generate high levels of noise from reverse sensitivity effects.

5.41 WIAL’s submission opposed these objectives insofar as they relate to the Airport and considered that two new objectives were required to specifically protect Wellington International Airport from reverse sensitivity effects.¹⁰ The section 42A report recommends rejecting these submissions¹¹ and considers the objectives strike an appropriate balance between protecting the health and wellbeing of people and protecting the interests of existing and authorised high noise producing activities.

10 Submission 406.409-10 and 406.416 to 406.418.

11 Paragraphs 118 to 121 of the Noise section 42A report.

5.42 On reflection, I broadly agree with the section 42A report that the outcomes sought by WIAL’s submission, being the protection of the airport from reverse sensitivity effects, but also the need for WIAL to appropriately manage its effects on the community, are adequately achieved by Objectives NOISE-O1 and NOISE-O2. While the objectives are, in my view, a little general to be completely fit for purpose in an airport context, I appreciate they have a more universal application. I have therefore proposed some amendments to NOISE-O1 that require adverse noise effects to be “managed”, rather than “protected”. This amendment recognises that protection of amenity values will not always be achievable (i.e. adjacent to, or within areas that are affected by noise from existing authorised activities), but that measures can be taken to ensure effects on them are appropriately managed to a level that is consistent with the anticipated outcomes of the receiving environment.¹² This amendments also reflects that amenity values can change over time and also reflects the heading of the objective itself.

5.43 I also agree with the section 42A report author’s recommendations regarding Kainga Ora’s submission with respect to Objectives NOISE-O1 and NOISE-O2¹³ which has sought to delete components of these objectives. Amendments sought by this submitter would, in my view, inappropriately tip the balance such that consideration of reverse sensitivity effects would be inappropriately diminished (or removed entirely). Such an outcome is inconsistent with directives set out in Policy 8 of the Greater Wellington Regional Policy Statement to ensure district plans protect regionally significant infrastructure from incompatible subdivision, use and development.

5.44 In light of the above, I support the section 42A report’s recommendation to retain these objectives largely as notified, subject to the amendments shown in Appendix B.¹⁴

12 Note this objective also reflects Objective 6.1.2.1 of the Christchurch City Plan.

13 Such as Submissions 391.286, 391.287 and 391.288 and associated further submissions.

14 Note the proposed amendment to NOISE-O2 is to ensure that the terminology used is consistent with the attendant policies.

Policies

5.45 WIAL filed submissions with respect to NOISE-P4, NOISE-P6 and recommended two new policies. These submissions sought to:

- (a) Amend NOISE-P4 to clarify that it is the buildings that contain noise sensitive activities that require acoustic treatment and mechanical ventilation, not the activity;¹⁵ and
- (b) Remove references to the Air Noise Overlay within NOISE-P6¹⁶ and replace it with two new policies that seek to manage the effects of noise sensitive activities within the Air Noise Overlay (NOISE-P7)¹⁷ and require specific acoustic treatment of buildings containing noise sensitive activities within the Air Noise Overlay (NOISE-P8).¹⁸

5.46 The section 42A report has recommended changes to NOISE-P4 in light of WIAL's submission,¹⁹ however for the remainder of the points, considers that WIAL's requested amendments are unnecessary due to the changes the section 42A report has recommended with respect to other provisions within the Noise chapter (specifically NOISE-P4 and NOISE-P6 as well as amendments to the definition of Air Noise Overlay and Air Noise Boundary). The section 42A report also notes that the noise chapter does not seek to "unduly restrict urban development to aircraft noise in affected areas" and that residential and other noise sensitive activities therefore remain permitted throughout most urban areas affected by aircraft noise.

5.47 Given that achieving greater alignment with NZS6805 is one of the key themes of WIAL's submission, it is curious that neither the section 42A report nor the Council's expert acousticians have addressed how these policies (or the methods that give effect to them) fit within the context of that standard and why it is or is not appropriate to depart from what is generally considered "best practice" land use planning around airports.

15 Submission 406.423-425.

16 Submission 406.426-427.

17 Submission 406.405.

18 Submission 406.406.

19 Paragraph 151 of the Noise section 42A report.

- 5.48** As set out in paragraph 5.11 and discussed by Mr Humpheson, NZS6805 recommends that new noise sensitive activities are prohibited within the Inner Noise Overlay and within the Outer Noise Overlay unless a plan permits it. My interpretation of this, which has been subsequently adopted in other District Plan processes I have been involved in, is that new noise sensitive activities should be avoided in zones where such activities are not reasonably anticipated, for example, the Industrial or Open Space Zones. As “avoid” is akin to “prohibit”, the policy directive therefore needs to be strongly framed to achieve this outcome.
- 5.49** With respect to residential zones, as set out in paragraphs 5.25 to 5.27, I acknowledge that a degree of nuance is required to ensure the plan recognises existing development patterns, while also trying to achieve better alignment with the recommendations of NZS6805. The policy also needs to be sufficiently robust to ensure that if genuinely incompatible noise sensitive activities are proposed within the Air Noise Overlay, there is sufficient policy support for such applications to be declined. I do not consider that NOISE-P6 is sufficiently directive to achieve this outcome, nor are the associated methods.
- 5.50** I also note that NOISE-P6 makes reference to “high” and “moderate” noise areas. These appear to be different to the list of “higher noise areas” identified in Policy NOISE-P3 and are defined by way of reference in a rule. In my view, it would be more effective and efficient for these terms to be defined in the Proposed Plan, rather than relying on notes at the end of policies that cross reference different rules and standards.
- 5.51** In light of the above, I disagree with the section 42A report’s recommendations regarding WIAL’s submissions and have set out, in **Appendix B**, further drafting that addresses the issues expressed above. I also note that my approach outlined above is not without precedence, with all of New Zealand’s other major airports having specific policies (and sometimes, objectives) that address the matters raised above.²⁰

20 Refer to Auckland Unitary Plan, Christchurch City Plan and Queenstown Lakes District Plan.

Methods

5.52 WIAL filed submissions with respect to NOISE-R3²¹ and associated NOISE-S4 and S5 and recommend two standards. These submissions sought to:

- (a) Establish a new subset of rules within NOISE-R3 that specifically impose resource consent requirements on all noise sensitive activities within the Air Noise Overlay;²²
- (b) Remove reference to the Air Noise Overlay within NOISE-S4 and S5 and insert two new standards relating to acoustic treatment and mechanical ventilation requirements within the Air Noise Overlay.²³

5.53 With respect to NOISE-R3, the section 42A report goes into some detail to articulate what is currently provided for in the Operative Plan and what is proposed in the Proposed Plan.²⁴ The section 42A report goes on to state (my emphasis added):

Although the council has recognised noise in the Air Noise Overlays as a qualifying matter in relation to intensification under the MDRS, the PDP seeks to strike a balance between enabling and restricting intensification. We agree with WIAL that the management of potential reverse sensitivity effects is important, and also note the need to consider acoustic amenity and health effects. To that end, the acoustic insulation and ventilation requirements for new or altered habitable rooms as proposed in the PDP (and with recommend changes), provide a good level of internal acoustic effects management. We also consider those requirements are not a significant design or cost barrier to future urban development and subdivision. The relevant standards are set out in NOISE-S4, S5 and S6.

5.54 The section 42A report therefore acknowledges that reverse sensitivity, amenity and health effects are important and that acoustic insulation and ventilation provide a “good level of internal acoustic effects management”.²⁵

21 Submission 406.407 and 430-432.

22 Submission 406.407.

23 Submission 406.411-413.

24 Paragraphs 171 to 178 of the Noise Section 42A report.

25 Paragraph 177 of the Noise section 42A report.

5.55 As set out earlier and addressed by Mr Humpheson, acoustic treatment and/or mechanical ventilation only manages the potential noise effects of increasing aircraft operations at Wellington International Airport inside buildings. Such measures are not effective at addressing the effects on outdoor amenity. As noted by Mr Humpheson, protecting amenity values is one of the key objectives for land use activities within the Outer Control Boundary (the closest equivalent in the Proposed Plan being the Outer Noise Overlay). I therefore do not agree with the recommendations set out in the section 42A report with regards to NOISE-R3 and consider that a consenting pathway should be required for activities within the Outer Noise Overlay to ensure such effects can be appropriately considered and addressed.

5.56 Having further reflected on WIAL's submission, as well as the imperatives to enable residential intensification throughout the District, I outline below a different approach that better aligns with NZS6805 but at the same time is not so limiting to foreclose opportunities for some noise sensitive activities within the Air Noise Overlay where they are reasonably anticipated. This approach as set out Appendix B (refer to proposed NOISE-R3A) attached and includes:

- (a) Providing for one residential unit on each site as a permitted activity within the Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay;
- (b) Requiring proposals that provide for two or more residential units and/or any other noise sensitive activity within Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay as a restricted discretionary activity, with four matters of discretion specifically targeted at avoiding or minimising reverse sensitivity effects on Wellington International Airport.
- (c) Classifying all other new noise sensitive activities within the General Industrial, Open Space, Airport and Mixed Use Zones as a non-complying activity.

(d) Identifying WIAL as an affected party for resource consent applications for noise sensitive activities within the entire Air Noise Overlay.

5.57 These recommended changes are set out in **Appendix B** and are supported by Mr Humpheson.

5.58 With respect to the framework above, I note that consistent with WIAL's submission, the approach described in (a) and (b) was identified as being appropriate for "residential zones" and (d) within "zones where such activities are not generally anticipated". Accordingly, consequential amendments may be required to include any new zones established within the Air Noise Overlay as a result of any successful rezoning requests made by submitters.

5.59 While I acknowledge that for those residents located within the Outer Air Noise Overlay, the above approach will inevitably place a greater constraint on what is currently permitted in this area, this needs to be considered in the context of regionally significant infrastructure that has operational and functional constraints which mean relocating this significant asset is not a feasible or likely outcome. As discussed by Ms Lester, the current location of the Airport is most unlikely to change and therefore it needs to be protected from the ongoing and increasing pressures to enable residential intensification within its bounds with the consequent reverse sensitivity effects that follow.

5.60 As part of the technical reports that have underpinned the Proposed Plan, Wellington City Council engaged Property Economics to undertake some residential and commercial development capacity assessments. As set out in the report titled "Wellington City Commercially Feasible Residential Capacity Assessment" (dated June 2022) and the subsequent statement of presented by Mr Philip Osborne during Hearing Stream 1, there appears to be more than adequate capacity within the Proposed Plan provisions to meet the residential housing demand in the long term, both in quantum and typology. This is before any subsequent rezoning or upzoning requests made by other submitters is taken into consideration. Assuming the capacity estimates have not substantially altered as a

result of evidence presented during the course of Hearing Stream 1 to 4, it would seem that there are alternative locations where residential intensification can occur outside of areas affected by Overlays, including the Air Noise Overlay.

5.61 It should also be noted that my recommended approach is more moderated than the recommendations of NZS6805, in that it permits one residential unit within Air Noise Boundary (or the Inner Noise Overlay), whereas the NZS6805 recommendation is to avoid such land uses. Within the Outer Noise Overlay, the recommendation is to avoid noise sensitive activities unless the District Plan permits such uses. The approach I have proposed within the Outer Noise Overlay still recognises that residential activity is currently permitted in the Operative Plan (albeit to a reduced extent), however the restricted discretionary activity status provides an ability for greater consideration of how activities might be configured to manage amenity effects (for example, avoiding provision of balconies on frontages with greatest exposure to aircraft noise effects).

5.62 With respect to activities undertaken within the General Industrial, Open Space and Airport and Mixed Use Zone, the proposed non-complying activity status is not so far removed from what is already required by the respective zone provisions. That is, most noise sensitive activities require resource consent for discretionary activity under the relevant zone rules.²⁶ In this regard, I note that visitor accommodation appears to be an activity that is anticipated both within the Operative Business 1 (now Mixed Use) and Airport Zones. Given the transient nature of visitor accommodation activities, as noted by Mr Humpheson, such activities are less sensitive to aircraft noise than other forms of noise sensitive activities. In an airport context, there are efficiencies in having such activities located in close proximity to an airport subject to appropriate acoustic design. While there could be some merit considering their potential removal from the definition of “noise sensitive activity” or imposing restrictions on the duration of a visitor accommodation activity, this is likely beyond the scope of WIAL’s submission.

5.63 In my view, my recommendations above better align with NZS6805 in the context of Wellington Airport and are also more efficient and effective at achieving the

26 Rule 34.4.1 and 34.4.7, 17.3.1 and 2, and 11.4 of the Operative Plan.

reverse sensitivity, amenity and health outcomes sought by Objectives NOISE-O1 and NOISE-O2 of the Proposed Plan and Policies 8 and 39(b) of the GWRPS. The policies also reflect the intent of “qualifying matters”, being that such areas are incompatible with the level development directed by Policy 3 of the NPSUD.²⁷

5.64 With respect to the standards, the section 42A report addresses submissions in a general manner and does not go into any specific detail regarding the new standards sought by WIAL.²⁸ Mr Hunt’s evidence however, does provide some views around the appropriateness or otherwise of WIAL’s request for acoustic treatment within the Air Noise Overlay being required to achieve a specified internal sound level.

5.65 Mr Humpheson has provided a helpful summary of the different metrics used for acoustic insulation in the Proposed Plan and those sought by WIAL in its submissions. This includes a comparative exercise of different internal noise levels achieved under each approach. My key observations from his evidence include that:

- (a) NOISE-S4 will result in inconsistent internal noise environments throughout the Air Noise Overlay and applies a different metric to that used in the Quieter Homes Programme.
- (b) NOISE-S4 will result in overdesign of buildings within the Air Noise Overlay and thus unnecessary cost.
- (c) The use of a fixed internal noise environment of 40dB Ldn as a metric to mitigate the effects of aircraft noise within aircraft noise boundaries is common across many District Plans (and airports) around New Zealand.²⁹ This is consistent with my experience also and I have not been made aware of any issues or concerns by Councils or plan users implementing these rules.

27 Clause 3.33(2)(a)(i) of the NPSUD.

28 Paragraphs 224 to 229 of the Noise section 42A report.

29 Refer to the Queenstown Lakes District Plan, Christchurch City Plan and Auckland Unitary Plan.

- 5.66** Mr Humpheson has also identified some concerns with the mechanical ventilation requirements set out in NOISE-S5. He has recommended some amendments to Mr Hunt's revised standard and also draws on the equivalent provisions recently established via a plan change to the Christchurch City Plan. I understand that this plan change was informed by mechanical ventilation experts and has been rigorously tested through that process.
- 5.67** In my view, the challenge here is that the Panel currently has a number of options before it, as presented by Mr Hunt and by Mr Humpheson. While both of these options have been informed by mechanical ventilation experts, both acknowledge that they are not ventilation experts.
- 5.68** More importantly though is the fact that the specified internal sound level approach is what is currently in use for the Quieter Homes Programme which has treated over 100 properties with no concerns identified about this ventilation approach. It does not seem sensible or efficient to me for there to be 2 different approaches.
- 5.69** Based on Mr Humpheson's evidence, the "one size fits all" approach to acoustic treatment (being acoustic insulation and/or mechanical ventilation) within high and moderate noise areas (as described in NOISE-S4 and S5) does not fit the airport context and notably, will result in conservatively low internal noise environment in buildings containing noise sensitive activities within the Air Noise Overlay.
- 5.70** While I understand that Mr Hunt's proposed acoustic treatment requirements will result in a better internal noise environment for noise sensitive activities, using noise effects arising from aircraft noise as the rationale for this level of treatment is unsubstantiated from an evidential perspective. It is also inconsistent with the approach being applied by WIAL as part of the Quieter Homes Programme.
- 5.71** In my view, these matters all collectively warrant the inclusion of new, standalone acoustic treatment standard for noise sensitive activities within the Air Noise Overlays, as set out in NOISE-S16 in **Appendix B**. When these changes are evaluated in terms of section 32AA (**also attached as Appendix B**) they are in my view, more

efficient and effective from a cost perspective and will ensure the methods respond appropriately to the environmental outcomes being sought, (i.e. an appropriate internal noise environment that achieves the outcomes of NOISE-O1 and O2) and more consistent with the Quieter Homes Programme.

Airport Zone Noise Management

- 5.72** WIAL filed a number of submissions regarding airport noise. These submissions primarily sought to remove the duplication of noise controls within NOISE-R13 and the associated standards with WIAL's existing designations.³⁰
- 5.73** The section 42A report has recommended that WIAL's submission be rejected, primarily citing that their inclusion represents a desire by the Council to maintain ease of compliance management for noise infringements by third parties.³¹
- 5.74** As set out by Ms Lester, when embarking on the designation process for WIAL, WIAL knew it was shouldering the responsibility for noise management at the airport, including the potential for compliance action to be undertaken if airport operators do not comply with the designation. WIAL was also conscious of need to show leadership and ownership of noise management requirements that arise at the airport.
- 5.75** While the Council may wish to issue abatement notices on third parties in most circumstances, it may be difficult to achieve given how some airport operations occur in practice and the combined nature of the monitoring and maximum sound exposure limits. There is also the confusion created by such unnecessary duplication to be considered.
- 5.76** In my view, while the duplication approach recommended by the section 42A report is somewhat novel when compared to other major airports around New Zealand,³² some of the designation conditions could be duplicated in the Proposed

30 Submission 406.440 and 406.448 to 453.

31 Paragraphs 196 to 203 of the Noise section 42A report.

32 Auckland International Airport and Queenstown Airport.

Plan, subject to some further refinement as follows and as detailed in my **Appendix**

B:

- (a) A note is included in the “Other relevant District Plan provisions” table to clarify to plan users that the rules do not apply to activities being undertaken under the designation.
- (b) Reference to the designation conditions, as set out in Rule NOISE-R13(1)(b) are removed as they duplicate the controls being sought in NOISE-S8 (Hours of Aircraft Operation), NOISE-S10 (engine testing), S14 (land based noise) and S15 (Miramar South Precinct).
- (c) Further to (b), designation conditions should not be referenced in the rules as these could be subject to change via a different statutory process under the RMA. In other words, if WIAL initiates an alteration to its designation under section 181 of the RMA and conditions change, an associated schedule 1 plan change would be required to also update the noise chapter to avoid what would be, in effect, a plan change by stealth. In my view, this is inefficient and fails to recognise (under section 176(1)(a)) that section 9(3) of the RMA does not apply to a requiring authority operating under its designation.

5.77 In the alternative, and in my preference, a more succinct way of dealing with the duplication issue would be to exclude provisions relating to aircraft operations, engine testing, GPU and APU usage from the range of permitted activities enabled within the Airport Zone. This would result in such activities only being able to establish under the designation, or alternatively, a resource consent would be required to undertake the activity. In the absence of a permitted pathway, there would be no need to identify the duplicated designation conditions.

5.78 Notwithstanding the above, I appreciate the challenges that this approach would present to the Hearings Panel due to the timing of the Noise hearings and the need to deliberate on this chapter before the Airport Zone is heard. I understand however, that the relevant Airport Zone provisions are part of a traditional Schedule 1 process, therefore there may be an opportunity for this matter to

revisited at the Airport Zone hearing if that option presents a better management response for aircraft operations, engine testing and GPU and APU usage. If this is a potential avenue that the hearings Panel would like me to turn my mind to further, I would happily do that in advance of the Airport Zone.

5.79 Regarding NOISE-S3 and the provision of “Noise Management Plans”, insofar as it relates to Wellington International Airport (noting that the Port Company does not have a designation in place), there appears to be no method for engaging or enforcing this Standard and there is no ‘third party’ involved here in terms of any enforcement action by the Council. I therefore question the utility of such a standard in the Proposed Plan, particularly its effectiveness and efficiency as it serves no purpose. In my view, NOISE-S3 should therefore be deleted, as should references to the plan throughout the noise chapter. I understand this matter will be addressed in a more fulsome manner via legal submissions.

5.80 In a similar vein, there also does not appear to be any reason for including NOISE-S13, which duplicates WIAL’s requirement under the East Side Area designation to provide acoustic treatment of identified properties. The section 42A report has recommended deleting this standard, acknowledging that this is a designation requirement.³³ The section 42A report also recommends rejecting similar submissions³⁴ relating to the expansion of the Quieter Homes Programme.³⁵ I support the recommendations of the section 42A report relating to both these matters for the reasons identified by the section 42A report.

5.81 In light of the above, my recommended amendments, as set out in **Appendix B**, ensure the Proposed Plan is implemented and administered in an efficient and effective way by clarifying when the designation and noise chapter provisions apply. The amendments also remove unnecessary duplication, as well as standards (i.e. the ANMP) that are not otherwise engaged by any of the noise provisions.

33 Paragraph 200 of the Noise section 42A report.

34 Submission 340.90-91, 452.45-46 and 391.298- 303.

35 Paragraph 230-231 of the Noise section 42A report.

OTHER OBSERVATIONS

5.82 There are a number of other matters raised in the section 42A report and/or the noise provisions on which, for the benefit of the Panel, I make brief comment. I have footnoted where WIAL has not made a submission with respect to such matters but it is, none the less, important that it be brought to the Panel's attention.

(a) The section 42A report makes recommended amendments to the introduction of the Airport Zone.³⁶ I do not intend to set out the merits or otherwise of those changes in this statement of evidence as that is ultimately a matter for a latter hearing stream, I make the following preliminary observations:³⁷

(i) The proposed amendments do not make reference to or acknowledge the presence of noise controls within WIAL's designations.

(ii) References to the ANMP may require updating in light of decisions made with respect to the Noise chapter;

(iii) There is a distinction between aircraft noise contours and boundaries. Contours are lines produced by modelling, whereas boundaries are the cadastralised version of those contours. The Proposed Plan only contains boundaries, therefore references to "contours" need to be updated accordingly.

(b) Reference to "prescribed limits" in the Introduction to the Chapter should be deleted as it could be inferred to mean that the "limit" is the maximum level of noise received within the overlays. The Air Noise Overlay works in an opposite manner, being that it defines two areas within which levels

36 Paragraph 269 to 271 of the Noise section 42A report.

37 Which are within the broader scope of WIAL's submissions and further submissions.

of aircraft noise will exceed 65dB Ldn (for the Inner Noise Overlay) and between 64 and 60dB Ldn (within the Outer Noise Overlay).

- (c) The table headed “Other relevant District Plan provisions” includes a statement “It is important to note that in addition to the provisions in this chapter, the following Part 2: District Wide chapters may also be of relevance.” No chapters are subsequently listed. The necessity of retaining this statement is therefore questioned and consideration should be given to its deletion.³⁸
- (d) As identified by Mr Humpheson,³⁹ it appears the “or” between NOISE-R2(1)(a) and (b) should be an “and” so as to avoid there being no controls on construction noise provided it occurs between the hours of 7:30am and 6pm.
- (e) The East Side Area Designation (WIAL5) restricts aircraft operations between the hours 10pm and 7am. This includes helicopter operations. Accordingly, amendments are required to Rule NOISE-R4 to ensure such activities are not undertaken between these hours of operation. If scope is available to do so (noting WIAL submitted in support of this rule), it would be prudent to impose similar constraints on such activities. I would be happy to provide potential drafting to the Panel if this would be of assistance.
- (f) Mr Humpheson has provided evidence regarding the practical difficulties of the noise limits in NOISE-S14(1)(a) applying Monday to Saturday. As a result of this evidence, I have recommended amending these limits to Monday to Sunday.

38 WIAL does not have a specific submission point regarding this matter.

39 Paragraph 105 to 107, Statement of Evidence of Mr D Humpheson, dated 18th July 2023.

SUBDIVISION

5.83 WIAL filed a number of submissions regarding the subdivision provisions of the Proposed Plan. In summary, these submissions sought:

- (a) Changes to Objective SUB-O1, inclusion of a new policy and amendments to the methods to generally discourage the intensification of noise sensitive activities through subdivision within the Air Noise Overlay;⁴⁰
- (b) Remove repetition and simplify the rules relating to the Airport Zone.⁴¹

5.84 Regarding WIAL's submissions regarding to (a) above, the section 42A report considers:

- (a) Changes are not required to SUB-O1 as such matters are sufficiently addressed in other parts of the Proposed Plan, including SCA-O6, the infrastructure and the noise chapters.⁴²
- (b) The subdivision chapter should align with the parent Noise chapter regarding the intensification on sites within the Air Noise Overlay, however the report considers that an avoidance policy, as sought by WIAL, is inappropriate given the quantum of properties within the Air Noise Overlay. The section 42A report goes on to question whether the future levels of outdoor aircraft noise received at sites located between the 60dB Ldn and 65dB Land would be significant enough to warrant subdivision controls for noise sensitivity reasons.⁴³
- (c) Noise chapter controls on intensification and development are better placed to manage reverse sensitivity effects of development (citing this is the purpose of rule NOISE-R3.3);⁴⁴

40 Submission 406.255-58, 406.263.

41 Submission 406.260-261, 267-280.

42 Paragraph 162 of the Subdivision section 42A report.

43 Paragraph 693 of the Subdivision section 42A report.

44 Paragraph 694 of the Subdivision section 42A report.

- (d) A new policy should be included to align the Subdivision chapter with the approach taken in the Noise chapter, and this would give effect to Policy 39(b) of the GWRPS;⁴⁵
- (e) The section 42A report supports a discretionary activity status for subdivision within the Inner Noise Overlay, however due to the quantum of properties within the Outer Noise Overlay, does not support a similar activity status or mandatory notification clause within this overlay.⁴⁶

5.85 The section 42A report appears to consider that the subdivision chapter will not enable noise sensitive activities, but then goes on to acknowledge that subdivision creates more “sites” which “in theory,” can achieve a degree of intensification. The section 42A report also recognises that insulation standards can help protect against internal noise, but reverse sensitivity risk is increased if outdoor noise effects cannot be mitigated.⁴⁷

5.86 I am somewhat confused by the section 42A report’s position.

5.87 In my experience, subdivision activities are often one of the main enablers of future land use development and intensification. In the Proposed Plan, the permitted density of noise sensitive activities (and more specifically, residential activity) is governed by the number of units per site. As acknowledged by the section 42A report, subdivision creates more sites will in turn enable a greater degree of intensification (especially given the MDRS).

5.88 As set out in detail in my evidence regarding the noise provisions, to manage reverse sensitivity, amenity and health effects within the Air Noise Overlays, the intensification of noise sensitive activities also need to be carefully managed. As a facilitator of future permitted noise sensitive activities, it is therefore appropriate that consideration is given to potential reverse sensitivity, amenity and health effects at the time subdivisions are proposed within the Air Noise Overlay, not just the Inner Noise Overlay.

45 Paragraph 694 and 698 of the Subdivision section 42A report.

46 Paragraph 704 to 705 of the Subdivision section 42A report.

47 Paragraph 696 to 697 of the Subdivision section 42A report.

5.89 With specific reference to SUB-O1, I note that the Infrastructure chapter states:

“..., this Infrastructure Chapter does not apply to activities that fall under the definition of airport purposes or airport related activities (which are dealt with in the Airport Zone chapter), or the definition of port or operational port activities (which are dealt with in the Port Zone chapter).”

5.90 Accordingly, the provisions within the Infrastructure chapter do not provide any objectives or policy directives protecting Wellington International Airport from incompatible land use activities (as set out in INF-O3 and INF-P7). The assumption that reverse sensitivity matters are addressed in other chapters is therefore incorrect in part.

5.91 With specific reference to the proposed new policy recommended by the section 42A report, I note there appears to be misalignment between the recommended policy directive to *“Provide for subdivisionwhere.....”*, with the subsequent rule then being discretionary. In my experience, such a policy directive could be achieved by a permitted, controlled or restricted discretionary activity status.

5.92 For the reasons set out above, I do not support the section 42A report’s recommendations regarding SUB-O1, the proposed new Policy SUB-PX or the SUB-R29 and propose alternative drafting in **Appendix C**. This alternative drafting consists of additions and alterations to SUB-O1 and SUB-PX and SUB-R29. These are designed to recognise the effects of subdivision on regionally significant infrastructure, discourage subdivision within the Air Noise Overlay unless the reverse sensitivity effects on Wellington Airport can be appropriately managed and require resource consent for all subdivision activities within the Air Noise Overlay. A section 32AA evaluation of the changes is also provided in **Appendix C**.

5.93 Regarding the duplication and simplification of subdivision rules, the section 42A report provides useful commentary regarding the application of the rules,

particularly with respect to SUB-R15 and SUB-R26.⁴⁸ This clarifies how the provisions are intended to apply at the Airport.

5.94 However given that the application of SUB-R26 are not immediately clear, it would appear that further drafting amendments are required to assist with consistent interpretation of this rule. I therefore recommend the heading of SUB-R26 and matter of discretion 5 clarify that it relates to the Airport Zone, rather than “the Airport” as an entity or otherwise undefined geographical area. I include, as **Appendix C**, marked up amendments demonstrating this point of clarification.

6. NATURAL HAZARDS

6.1 Under the Proposed Plan, WIAL is subject to the following natural hazard overlays.

6.2 *Coastal Hazard Inundation Overlay* – including areas of medium and high coastal hazard inundation. The high coastal hazard inundation areas are focused on the coastal margins, while the area of medium coastal hazard inundation extend over the western parts of the Airport, as well as WIAL’s commercial leases on Tirangi Road;

6.3 *Flood Hazard Overlay* – including inundation areas peppered across the airport landholdings and mapped overland flow paths through Miramar Golf Course.

6.4 *Tsunami Hazard Overlay* – including areas of low to high tsunami hazard. Areas of high tsunami hazard are focused on the coastal margins, while the medium tsunami hazard area covers over half of WIAL’s land and lease holdings (including the terminal building area).

6.5 *Liquefaction Hazard Overlay* – identified liquefaction hazard areas are located at both the southern and northern ends of the runway.

6.6 WIAL filed a number of submissions with respect to the natural and coastal hazard overlays. As discussed by Ms Lester, WIAL has substantially refined its position with

48 Paragraphs 130 to 139 of the Subdivision section 42A report, dated 3 July 2023.

respect to these submissions and they can now generally be categorised into one of three themes:

- 6.7** Concerns regarding use of the terminology “reduce or not increase the risk of” natural hazards to people or property;
- 6.8** Concerns around provisions not recognising the operational or functional requirements of the Airport; and,
- 6.9** Concerns that the provisions create statutory barriers for work intended to protect regionally and nationally significant infrastructure.
- 6.10** Due to the breadth of WIAL’s submission (including requested changes to delete a number of provisions and maps), I consider these themes to be broadly within the scope of WIAL’s submissions.
- 6.11** On review of the section 42A report, substantial amendments have been made the Natural and Coastal Hazard chapters. In the following sections I focus on those provisions that are relevant to the key issues summarised by Ms Lester and in paragraph 6.6 above.

Reducing or not increasing risk to people and property

- 6.12** As noted in paragraph 6.6, one of WIAL’s key concerns with the drafting of the Proposed Plan provisions was the requirement to ensure that subdivision, use and development does not “increase the risk” of natural hazards to people, property and infrastructure.⁴⁹
- 6.13** My interpretation of the provisions that use this language is that they become akin to an “avoid” type policy. Any changes to the nature, scale or intensity of development within the hazard areas potentially increases the risk to people, property and infrastructure by virtue of there being people or assets on any given site. Provisions that require no increase in the risk people and property therefore

49 NH-O5, NH-P6, NH-P7, CE-O6, CE-O8, CE-P12, CE-P15, CE-P16, CE-P17 and CE-P20

have the potential to “lock in” the nature, scale and density of activity that exists at the time Proposed Plan becomes operative.

6.14 Given the number of land use zones that the natural hazard overlays cover, it is difficult to consider that this was the intention of Council. This is also reflected in the section 42A report⁵⁰ and the evidence of Mr Beban.⁵¹

6.15 To address this issue, the section 42A report has recommended a number of amendments to provisions of concern to WIAL. Notably, these provisions now seek to “minimise the risk people, property and infrastructure”, or similar. This has also been coupled with the introduction of a new definition of the term “minimise”, which for the purpose of the natural hazard and coastal hazard overlays “*means to reduce as low as reasonably practicable*”.

6.16 In my view, these amendments are appropriate and reflect a pragmatic approach to natural hazard management, without foreclosing opportunities for people to continue to utilise their existing assets and infrastructure where that is appropriate. I therefore support the recommended amendments to the following provisions:

- (a) NH-O2
- (b) NH-O5
- (c) NH-P6
- (d) NH-P7
- (e) CE-O6
- (f) CE-O8
- (g) CE-P12
- (h) CE-P15
- (i) CE-P16
- (j) CE-P17
- (k) CE-P20

50 Natural and Coastal Hazards section 42A report.

51 Statement of Evidence of Mr James Beban, dated 3rd July 2023.

Operational and functional requirements of the Airport

- 6.17** Preserving the ability to maintain and develop airport activities within natural and coastal hazard areas was another concern identified by WIAL.
- 6.18** On review of the Proposed Plan maps, the vast majority of WIAL’s land and lease holdings are subject to at least one natural or coastal hazard overlay. Due to the operational and functional requirements of the Airport, locating assets and infrastructure outside of these areas is impracticable, even within the High Coastal Hazard area.
- 6.19** In response to WIAL’s submission, the section 42A report has recommended including the Airport within the specific natural and coastal hazard provisions that provide a specific pathway for certain regionally significant infrastructure (including port and rail activities).⁵²
- 6.20** While I support these recommendations, I note the relevant provisions make reference to “Airport Activities” and “land occupied by the airport”. In my view, for the sake of consistent interpretation and clarify, the term “Airport Activity” should be used in all of the relevant provisions.⁵³ Such changes are shown in my **Appendix D**. As these are minor amendment for the purpose of clarity, a section 32AA for this change is not considered necessary.
- 6.21** The section 42 report has also recommended including consideration of “operational and functional requirements” within a number of provisions.⁵⁴ I support these recommendations, however recommend that consider be given to updating CE-P11 as the equivalent policy in the natural hazard chapter (NH-P1) includes recognition of operational and functional requirements.

52 NH-O5, CE-O8, CE-P18-P20 of the Proposed Plan, as amended by the Natural and Coastal Hazards section 42A report dated 3rd July 2023.

53 CE-P18-20, CE-R23, CE-R25CE-R26, as amended by the Natural and Coastal Hazards section 42A report dated 3rd July 2023.

54 NH-P1 and P2, as amended by the Natural and Coastal Hazards section 42A report dated 3rd July 2023.

Natural Hazard Mitigation

- 6.22** As identified by Ms Lester, WIAL is in the early investigative phase of a seawall renewal project. This project has been necessitated by the fact that the existing seawall is nearing the end of its economic life, the increasing frequency and severity of storm events and the need to plan for rising sea levels.
- 6.23** As notified, the Proposed Plan presents a number of potentially significant consenting challenges for the renewal project, despite the work being necessary to support the ongoing operation and use of regionally significant infrastructure and Council infrastructure assets.
- 6.24** The section 42A report has recommended a number of updates to the provisions relating to natural hazard (including hard engineering) mitigation and green infrastructure.⁵⁵ These updates provide WIAL and other listed entities as parties that undertake hazard mitigation and green infrastructure works. They also provide for the ongoing maintenance and repair of existing hard engineering structures.
- 6.25** The seawalls surrounding Wellington International Airport are not located within the Airport Zone or WIAL's Main Site Designation (WIAL4). It is therefore possible that future works along the seawall will require resource consent under the coastal hazards chapter, the earthworks chapter and the Open Space Zone chapter.⁵⁶ Such works not only protect the regionally and nationally significant Wellington International Airport, it also protects Wellington City Council's roading and waste water network, including pipes connecting to the Moa Point Waste Water Treatment Plant. Other utilities are also located within the road corridor. In my view it is therefore imperative that a consenting pathway is available for the ongoing maintenance, upgrade and repair of the seawall.
- 6.26** While I generally support the section 42A report recommendations with respect to the relevant natural and coastal hazard mitigation and hard engineering provisions, there still appear to be some practical challenges associated with parts of CE-P27.

⁵⁵ NO-O3, NH-P16 and 17, CE-P26 and CE-P27 and CE-R24.

⁵⁶ Note that the Energy, Infrastructure and Transport chapter do not apply to airport activities, therefore on a conservative interpretation, may not be utilized for the purposes of the seawall renewal.

- 6.27** CE-P27(4) requires that that any hard engineering natural hazard mitigation works are only provided where it “avoids modification or alteration of natural features and systems in a way that would compromise their function as natural defences.”
- 6.28** In my view, the requirement to “avoid modification... in a way that would compromise their function as natural defences” is too absolute.
- 6.29** It is feasible that a scenario could arise where natural features and systems exists in an area and provide some function as a natural defence during low level events. These systems or features become overwhelmed in larger events, necessitating the engineering structure in order to protect the nationally or regionally significant infrastructure.
- 6.30** Furthermore, CE-27(4) does not qualify the significance of the natural feature or system to be avoided. By contrast, CE-27(6) requires any effects on significant natural features and systems are avoided, remedied or mitigated.
- 6.31** In my view, CE-P27(4) appears to give disparate weighting to natural features and systems that are of potentially limited value but do provide some natural defence function, over significant natural features and systems and over the regional and national benefits that are provided by regionally and significant infrastructure. I therefore recommend that CE-P27(4) is deleted.
- 6.32** I attach, as **Appendix D**, marked up changes to the Natural Hazard and Coastal Environment (Hazard only) provisions that address the matters raised paragraphs above. A section 32AA evaluation of the changes (as relevant based on the nature of the change) is also provided in Appendix D.

7. EARTHWORKS

- 7.1** WIAL filed a number of submissions seeking to clarify the consenting framework for earthworks at Wellington Airport. In summary, WIAL’s submissions fall into one of two categories:

- (a) Submissions seeking to clarify how the rules apply to earthworks within the Airport Zone; and,
- (b) Submissions seeking to ensure there is an appropriate consenting pathway for earthworks undertaken as part of natural hazard mitigation, or more specifically, the ongoing upgrade, maintenance and replacement of the seawall surrounding Wellington International Airport.

Earthworks in the Airport Zone

- 7.2** WIAL’s submission identified a number of issues with the “mechanics” of the EW-R17, EW-S14 and the advisory note identified in the Introduction to the Chapter.
- 7.3** The section 42A report has recommended amendments to the Earthwork chapter in light of WIAL’s submission. Many of the “mechanical” issues raised in WIAL’s submission remain however. The rationale for rejecting parts of WIAL’s submission is difficult to follow.
- 7.4** The issues remaining with the drafting of the earthwork provisions (as amended by the section 42A report) are summarised as follows:
 - (a) Rule EW-R17(1) reads that if compliance with standard EW-S14 is achieved, and the works are for the upgrade or maintenance of existing roads and public accessways or for the construction maintenance or repair of the airport pavement (i.e. apron and taxiway surfaces), the activity is permitted. The position of the “and” therefore means the standards must be complied with and the activity must be for either roading, accessway or airport pavement purposes.
 - (b) Turning to EW-S14, the standard includes controls on earthworks within three identified areas (the Rongotai Ridge Precinct, the Hillock and the Miramar South Precinct), imposes height limits on retaining structures, and imposes dust management and site stabilisation controls.

- (c) The standard then goes on to exclude the application of the standards to the construction, upgrade or maintenance of apron and taxiway surfaces, roads and accessway surfaces. As a result, the standards in EW-S14 can never be engaged for roading, accessway or airport pavement purposes. Such activities, irrespective of their nature, scale or location will be permitted. I do not anticipate that this was the intention (nor would be appropriate) given the values ascribed to these features during the Airports designation hearings.

- (d) Due to the position of the “and” in Rule EW-R17(1), there are no permitted earthworks within the Airport Zone other than for roads, accessways or airport pavement purposes (all of which would be undertaken by WIAL under its designation in any case). As discussed later in my evidence, this is a significant departure from the Operative Plan which generally permits earthworks within the zone, with the exception of works located within specifically identified areas.

- (e) Under EW-R17(2), where the standards in EW-S14 cannot be achieved within the Rongotai Ridge Precinct, the Miramar South Precinct or the hillock area, resource consent is required for a restricted discretionary activity. If however, the activity does comply with the standards within the Rongotai Ridge Precinct, the Miramar South Precinct or the hillock area, or the Airport Zone more broadly, EW-R17 does not identify a permitted or controlled activity status for such works.

- (f) Under EW-R17(3), resource consent is required for a discretionary activity where compliance with EW-R17(1)(b) or (c) cannot be achieved. While it is not entirely clear, this drafting could be interpreted two ways:
 - (i) if the earthworks are not for the purpose of the upgrade or maintenance of existing roads and public accessways or for the construction maintenance or repair of the airport pavement (i.e. apron and taxiway surfaces), resource consent is required

for a discretionary activity. In other words, all other earthworks within the Airport Zone are discretionary.

(ii) if the earthworks are for the purpose of the upgrade or maintenance of existing roads and public accessways or for the construction maintenance or repair of the airport pavement (i.e. apron and taxiway surfaces) and the standards are not achieved (which is not possible due to the exception within the standard), resource consent is required for a discretionary activity.

(g) Confusing the discretionary matter further, the last sentence of the Introduction to the Chapter includes a statement that appears to exclude the Airport Zone from the wider earthwork rules “except to the extent specified in EW-R17 and EW-S14”. In my view, this suggests that the rules are intended to be reasonable narrow in their application, otherwise the wider chapter provisions would have been applied to the Airport zone activities.

7.5 I have referred back to the section 32 evaluation to try and establish the provenance of some of the rules and the wider environmental outcomes that the rules are trying to achieve. The section 32 evaluation has been undertaken at such a high and broad level however, that there is no discussion around the specific nuancing of the earthwork rules that apply to the Airport Zone. Similarly, the costs and benefits of departing from the Operative District Plan have not been discussed. The section 32 evaluation does include a broad “scale and significance” assessment⁵⁷ which identifies under the assessment item “Degree of shift from the status quo” that the scale/significance of the change compared to the Operative District Plan is “low”, and that *“The operative provisions are considered largely fit for purpose” and “ At a first glance, the provisions appear considerably different from their operative equivalents but this is mostly a reflection of formatting changes; many of the metrics and thresholds remain the same.”*

57 Section 6.1 of the section 32 evaluation report, Part 2: Earthworks.

7.6 Based on my comparative analysis of the Operative and Proposed Plan provisions (attached as **Appendix D**), I consider that as drafted, the provisions are significantly different to those in the Operative Plan. Such a change has not been adequately assessed in terms of section 32 of the RMA.

7.7 While in the absence of a section 32 evaluation of these changes, it would be prudent to revert to the Operative District rules. However, on their face, a number of the standards proposed by the Council and/or the section 42A report appear reasonable to control the types of effects that can be generated from earthworks. Such standards include:

- (a) Sediment and erosion controls within the Miramar South Precinct;
- (b) Limits on the height of retaining walls;
- (c) Dust control measures;
- (d) Site stabilisation measures; and,
- (e) The introduction of controls relating to the Hillock, similar to the designation conditions.

7.8 Working with the Proposed Plan as notified, I have therefore sought to address the plan “mechanics” of EW-R17, EW-S14 and the introduction of the Proposed Plan. The marked-up provisions are attached as **Appendix E**. In summary, the revised approach:

7.9 Permits earthworks in the Airport Zone, subject to the standards.⁵⁸

- (a) Where compliance with the standards cannot be achieved, resource consent is required for a restricted discretionary activity.⁵⁹
- (b) The standards include matters relating to matters relating to:

⁵⁸ Consistent with the Operative District Plan, Rule 30.1, 11.1.14 and 11.1.6.

⁵⁹ Consistent with Operative District Plan, Rule 11.3.5.

- (i) Earthworks within the Rongotai Ridge Precinct⁶⁰ and the Hillock;⁶¹
 - (ii) Earthworks within the Miramar South Precinct;⁶²
 - (iii) Height of retaining features;⁶³
 - (iv) Dust nuisance;⁶⁴
 - (v) Site stabilisation⁶⁵
- (c) Only requires earthworks within the Airport Zone to be considered to the extent set out in EW-R17 and EW-S14.⁶⁶

7.10 Given that my recommendations are focussed on fixing how the provisions (as notified and subsequently amended by the section 42A report) function, I have not undertaken a section 32AA evaluation. I am of course happy to provide one if it would assist the Panel.

Earthworks for natural hazard mitigation purposes

7.11 WIAL filed submissions relating to EW-P12⁶⁷ and EW-R11,⁶⁸ seeking to ensure that the provisions recognise and provide for the ongoing maintenance, repair and replacement of the WIAL's existing hard engineering structures located within the coastal margins, between Lyall Bay and Moa Point.

7.12 The section 42A report has recommended rejecting or deferring WIAL's submissions until Hearing Stream 8.⁶⁹

7.13 On review on the section 42A report's recommended amendments to the earthwork provisions, it appears that a number of the recommended changes (i.e.

60 Operative Plan Rule 11.1.6.1 to 3. Note the slope angle has been updated from 45 degrees in the Operative Plan to 34 in accordance with EW-S3.

61 WIAL4 Conditions 1(A) of Proposed Plan.

62 The provenance of this condition is unknown but I have left it in the revised drafting.

63 Proposed Plan EW-S2.

64 Proposed Plan EW-S5.

65 Proposed Plan EW-S6.

66 Consistent with the Operative District Plan.

67 Submission 406.365-368.

68 Submission 406.369-372.

69 Paragraphs 477 to 479, 496 to 501 of the Earthworks section 42A report.

EW-P18, EW-P19 and EW-R16) will achieve a similar outcome to that being sought by WIAL. While WIAL did not specifically submit on EW-P8, EW-19 and EW-16, I support the recommended changes as “alternative amendments to give effect to the matters raised in WIAL’s submission”.

- 7.14** The proposed 42A amendments are, in my view, a pragmatic way to provide for earthworks associated with natural hazard mitigation works, particularly where they support the integrity of regionally and nationally significant infrastructure such as Wellington International Airport, and other locally significant infrastructure, such as the wastewater network connecting the wider city to the Moa Point Wastewater Management facility.

8. OBSTACLE LIMITATION SURFACE

- 8.1** In accordance with Minute 24, in this section I respond to the primary submission made by WIAL that that the Proposed Plan should make reference to the OLS to draw plan users to the requirements of the designation.

- 8.2** Mr Thurston has provided a high-level overview of the Civil Aviation rules that require an Airport Operator (such as WIAL) to provide OLS around an airport to ensure the safe operation of aircraft approaching and departing the airport. As set out in his evidence, the intention of these surfaces is to prevent objects such as structures and trees from penetrating the surfaces in areas critical to the operational safety and efficiency of the Airport. OLS are therefore used as a tool to impose height limits on objects around an Airport.

- 8.3** WIAL has an existing designation under the Operative District Plan (Designation G2 Airport Airspace Designation that provides for OLS around Wellington international Airport. This designation is proposed to be rolled over into the Proposed Plan, subject to modification.

- 8.4** WIAL filed submissions seeking to ensure include reference to the obstacle limitation surface within the Proposed Plan to draw plan users attention to the designation requirements and to ensure the designation is able to serve its

important purpose.⁷⁰ These submissions points appear to have assigned to the Temporary Activities and Airport Zone hearings.⁷¹

- 8.5** In my experience at other Airport's around New Zealand, the obstacle limitation surface designations are often overlooked by plan users, as is the requirement under section 176 (b) of the Act to obtain the written consent of the requiring authority that holds the designation, before penetrating these surfaces.
- 8.6** This can be in association with permanent buildings and structures (houses and streetlights for example) or temporary activities (such as cranes). Such activities have occurred without the prior approval of requiring authority and have required immediate remediating action (i.e. removal of the structures) by the Airport and the Civil Aviation Authority and can impact on flight operations. Noting the potential risks to aircraft safety arising from unauthorised penetration of the OLS, in my view, these examples both demonstrate that remaining silent on the OLS in the Proposed Plan is ineffective at addressing this issue.
- 8.7** There are inherent difficulties trying to impose height controls within all the zones affected by an OLS due to the variability in the height controls (above the airport reference point), the variability of surrounding ground levels and the number of land use zones affected by the designation. For this reason, it is my preference to place reliance on the designation as the main arbiter of height, utilising section 176(1)(b) as the approval mechanism. This approach is efficient, as it avoids land use consent being sought from District Council's for a technical matter that the Council will unlikely hold any in house expertise on. In such a scenario, I anticipate that most Councils would revert to the relevant Airport Authority if issues arose.
- 8.8** The challenge that I can foresee for this Panel is that the OLS may have a reasonable bearing on the land use rezonings and/or changes to the permitted height limits being sought by some submitters. That is, there may be some areas where utilisation of those zones and/or height limits could be substantially diminished.

70 Refer to Paragraph 4.111 to 4.113 of WIAL's covering submission.

71 Submissions 406.494 and 406.545 respectively.

8.9 While the merits of the OLS modifications will be addressed at a subsequent hearing, it would be prudent in my view to include an advice note or similar in the Proposed Plan to signal the presence and effect of the OLS designation. In my view, such an addition will not result in the potential “predetermination” of the OLS designation, as an OLS designation of some form will remain, regardless of whether the modified designation is confirmed or not.

8.10 The difficulties of including such an advisory note is however, that it should realistically apply “District Wide”, but the Proposed Plan does not include an introductory statement or similar to the “General District Wide Matters” section. If such a note is to be included, there are two potential options that could address this:

(a) The proposed advisory is included in every zone chapter affected by the OLS; or,

(b) Acknowledging that the e-Plan mapping tool will be able to signal the presence of the OLS to plan users, the proposed advisory be included in the “*Relationships between Spatial Layers*” section of the Proposed Plan.

8.11 I recommend the new note should read as follows:

Some designations, such as the Obstacle Limitation Surface Designation held by Wellington International Airport (WIAL1), may have a material effect on location or height of an otherwise permitted activity. Any person wishing to undertake an activity that will “prevent or hinder” the function of the designation, must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

8.12 As part of the designation hearing, WIAL will provide the Panel with further evidence regarding the OLS designation, including an overview of how its approval process will apply, in accordance with section 176(1) of the RMA.

9. IPI V SCHEDULE 1

9.1 Mr Kyle has previously addressed during Hearing Stream 1 the challenges that arise as a result of some provisions within the Proposed Plan being subject to the ISPP and others via the more conventional Schedule 1 process. I agree with Mr Kyle's position with respect to this matter and therefore do not repeat that discussion here.

9.2 To assist the Panel with its deliberations and any recommendations that it might make with respect to the allocation of provisions to the ISPP or Schedule 1 process, I have marked up where I consider changes to the ISPP and Schedule 1 allocation should be made in the provisions that I have attached as Appendices B to D and F (insofar as relevant to WIAL's submissions).

10. CONCLUSION

10.1 WIAL has broad ranging interests in the topics being addressed in Hearing Stream 5. WIAL's submissions on these topics were also extensive.

10.2 As set out in preceding sections, I have carefully considered the key outcomes sought by the submissions, the section 42A reports and the relevant expert evidence and have presented a substantially refined position with respect to a range of matters.

10.3 With respect to each topic:

Noise and Subdivision

10.4 A further refined position to that set out in WIAL's submission is set out in paragraph 5.56.

10.5 Having further reflected on WIAL's submission, as well as the imperatives to enable residential intensification throughout the District, I have proffered a further refined approach than WIAL's submission and the section 42A report which in my view, better aligns with NZS6805 but at the same time is not so limiting to foreclose

opportunities for some noise sensitive activities within the Air Noise Overlay where they are reasonably anticipated. This approach includes:

- (a) Providing for one residential unit on each site as a permitted activity within the Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay;
- (b) Requiring proposals that provide for two or more residential units and/or any other noise sensitive activity within Medium Density Residential, Local Centre and Neighbourhood Zones where overlaid by the Air Noise Overlay as a restricted discretionary activity, with four matters of discretion specifically targeted at avoiding or minimising reverse sensitivity effects on Wellington International Airport.
- (c) Classifying all other new noise sensitive activities within the General Industrial, Open Space, Airport and Mixed Use Zones as a non-complying activity.
- (d) Require all subdivision within the Air Noise Overlay to obtain resource consent to ensure consideration can be given to the potential for such activities to enable further intensification of noise sensitive activities within the Air Noise Overlays.
- (e) Identifying WIAL as an affected party for resource consent applications within the entire Air Noise Overlay.

10.6 This approach is better aligned with the outcomes and directives set out in SCA-06 of the Proposed Plan and Policies 8 and 39(6) of the GWRPS and will ensure that future land use achieves an appropriate balance between maintaining and enhancing amenity values (section 7(c) of the RMA) and ensure the ongoing efficient use and development of physical resources (section 7(b) of the RMA).

Natural Hazards

10.7 The section 42A report recommends substantial amendments to the Natural Hazards chapter. As set out in paragraph 10.7, for the most part, these address WIAL’s refined position with respect to natural and coastal hazards being that:

- (a) the use of terminology “reduce or not increase the risk of” natural hazards to people or property acts a quasi “avoid” statement;
- (b) The provisions do not recognise the operational or functional requirements of the Airport; and,
- (c) The provisions create unreasonable statutory barriers for work intended to protect regionally and nationally significant infrastructure.

10.8 While I generally support the position reached by the section 42 report with respect to WIAL’s refined interest in the Natural Hazard and Coastal Environment (hazard only) chapters, in my view some further refinements are required to CE-P26 to ensure that hard engineering structures are not unduly constrained by the need to avoid modification to natural features and systems that may otherwise hold little to no value or benefit from a natural defence perspective.

Earthworks

10.9 The Operative District Plan applies a bespoke approach to earthwork management in the Airport Zone. Based on my review of the Proposed Plan (as notified) and the section 42A report, it appears that the intent is for this approach to be largely retained, albeit with amendments to ensure effects of earthworks on the Hillock, Rongotai Ridge and Miramar South Precinct as well as general effects around dust management and site stabilisation are appropriately managed.

10.10 As drafted, the mechanics of the Proposed Plan provisions do not appear to achieve the above outcomes. I have therefore proposed further refinements to EW-R17 and EW-S14 to address the “mechanics” of the rules and standards.

10.11 In addition to the above, the section 42A report officer has identified WIAL as a specific entity that undertakes natural hazard mitigation works and is thus provided a distinct enabling policy directive within the earthwork provisions. Given WIAL maintains and upgrades the existing seawall along Moa Point Road which protects not only Wellington International Airport (regionally and nationally significant infrastructure) but also Moa Point Road but also the potable and waste water network, I consider this amendment is pragmatic and effective way of enabling the continuation of such natural hazard mitigation works.

10.12 The proposed amendments are, in my view, a pragmatic way to provide for earthworks associated with natural hazard mitigation works, particularly where they support the integrity of regionally and nationally significant infrastructure such as Wellington International Airport, and other locally significant infrastructure, such as the wastewater network connecting the wider city to the Moa Point Wastewater Management facility.

Dated 18 July 2023

Kirsty O'Sullivan

Appendix A: Kirsty O'Sullivan Experience

Appendix B: Marked Up Noise Provisions and Section 32AA Assessment

Appendix C: Marked Up Subdivision Provisions and Section 32AA Assessment

Appendix D: Marked Up Hazards Provisions and Section 32AA Assessment

Appendix E: Earthworks Comparison Table

Appendix F: Marked Up Earthworks Provisions

KIRSTY O'SULLIVAN

Associate

KEY QUALIFICATIONS

- Master of Planning (with distinction), University of Otago
- Bachelor of Science (Geography), University of Otago

PROFESSIONAL MEMBERSHIPS

- Member, New Zealand Planning Institute
- Member, Resource Management Law Association
- Member, New Zealand Airports Association

SELECTED PROJECTS

- Hawke's Bay Airport Limited – assistance with the preparation of the Hawke's Bay Airport Master Plan.
- Hawke's Bay Airport Limited – preparation of Notice of Requirement for an airport purposes designation and associated Airport Zone rule change.
- Hawke's Bay Airport Limited – preparation of aircraft noise management provisions for input in the Napier City Council District Plan Review.
- Invercargill Airport Limited – review of various Regional Plan, District Plan and Policy Statement changes and subsequent preparation of submissions and evidence.
- Christchurch International Airport Limited – assistance with submissions and strategic advice regarding development proposals.
- Wellington International Airport – preparation of resource consent documentation associated with the runway extension project.
- Wellington International Airport – preparation of a Notice of Requirement for an Airport Designation and associated planning and strategic advice.
- Wellington International Airport – preparation of submissions and evidence regarding the Proposed Wellington City District Plan Review.
- Wellington International Airport – strategic advice on prefeasibility seawall renewal and climate resilience project.
- Wellington International Airport – preparation of Airport Noise Management Plan 2023.
- Wellington International Airport – project lead for various development projects, including the outline plan of works for the partial removal of the “hillock”, wave monitoring consents



and clearways.

- Queenstown Airport Corporation – preparation of submissions, evidence and appeal advice regarding Stages 1 to 3 of the proposed Queenstown Lakes District Plan Review. Attendance at associated Environment Court mediations.
- Queenstown Airport Corporation – preparation of various outline plans and resource consents for development proposals at Queenstown and Wanaka Airports.
- Queenstown Airport Corporation – ongoing resource management advice and consent monitoring from 2013 to 2023.
- NZSki – ongoing strategic advice regarding the proposed Doolans expansion project.
- Otago Regional Council – preparation of strategic advice, consents and communications regarding the Lake Hayes Water Quality Improvement Programme.
- Ryman Healthcare Limited – preparation of city and regional consent applications for comprehensive retirement villages nationwide, including villages in Christchurch, Petone, Auckland, Dunedin and Nelson.
- Transpower New Zealand – strategic advice around potential projects within the Central Otago District, including under the Covid Recovery Act



Red underline and strike-out: show additions and deletions to the notified Te Oro Noise Chapter, as recommended by Mark Ashby in the section 42A report dated 3rd July 2023.

Blue underline and strike-out: show further additions and deletions to the s42A report version of the Te Oro, as recommended by John Kyle/Kirsty O’Sullivan

Amend the Definitions chapter as follows:

Definitions

<p>AIR NOISE OVERLAY</p>	<p>means an area defined by planning maps to show land subject to development restrictions due to potential noise effects from Wellington International Airport. The Air Noise Overlay comprises:</p> <ul style="list-style-type: none"> a. Inner Air Noise Overlay – <u>an area of land within which aircraft noise exposure exceeding 65dB Ldn will be experienced. being properties lying between the Airport and a modelled 65 dBA contour, fitted to property boundaries.</u> b. Outer Air Noise Overlay – <u>an area of land within which aircraft noise exposure of between 66dB Ldn and 60dB Ldn will be experienced. being properties lying between the 65 dBA contour and a modelled 60 dBA contour, fitted to property boundaries.</u> a. Air Noise Boundary – being a line shown on district plan maps used for controlling the emission of noise from aircraft operations at Wellington International Airport measured using rolling 90 day average 24 hour night weighted sound exposure in accordance with NZS 6805:1992 Airport noise management and land use planning. The location of the Air Noise Boundary is based on the modelled L_{dn} 65 dBA contour and therefore corresponds to the outer extent of the Inner Air Noise Overlay. <p><u>Note: The Air Noise Overlay is applied to all parts of a property, regardless of whether the modelled contour affects less than the entire property.</u></p>
<p><u>AIR NOISE BOUNDARY</u></p>	<p><u>means a boundary line shown on district plan maps, the location of which is based on the predicted day / night sound level of 65dB Ldn from future aircraft operations at Wellington Airport. The outer extent of the Air Noise Boundary corresponds with the outer extent of the Inner Air Noise Overlay.</u></p> <p><u>used for controlling the emission of noise from aircraft operations at Wellington International Airport measured using rolling 90 day average 24 hour night weighted sound exposure in accordance with NZS 6805:1992 Airport noise management and land use planning. The location of the Air Noise Boundary is based on the modelled L_{dn} 65 dBA contour and therefore corresponds to the outer extent of the Inner Air Noise Overlay.</u></p>
<p><u>FIXED PLANT</u></p>	<p><u>means plant that is permanently or temporarily located and operated at any location and includes mechanical and building services equipment such as equipment that is:</u></p> <ul style="list-style-type: none"> a. <u>required for ventilating, extracting, heating, cooling, conditioning, and exhaust either of buildings or commercial activities;</u> b. <u>associated with boilers or plant equipment, furnaces, incinerators or refuse equipment;</u> c. <u>electrical equipment, plumbing (including pumps), lift or escalator equipment; or</u> d. <u>similar plant, equipment, items, rooms or services.</u>
<p><u>HIGH NOISE AREA</u></p>	<p><u>Means an area located within:</u></p> <ul style="list-style-type: none"> i. <u>40m of a State Highway;</u> ii. <u>40m of a Railway corridor;</u> iii. <u>Courtenay Place Noise Area; or</u> iv. <u>General Industrial Zone;</u>
<p><u>MODERATE NOISE AREA</u></p>	<p><u>Means an area located within:</u></p>

	<ul style="list-style-type: none"> a. The area between 40m and 100m80m of a State Highway with a posted speed limit greater than >70 km/hour; b. The area between 40m and 100m of a Railway corridor; c. City Centre Zone; d. Mixed Use Zone; e. Commercial zone; f. Neighbourhood Centre Zone; g. Local Centre Zone; h. Metropolitan Centre Zone; or i. Waterfront Zone.
NOISE SENSITIVE ACTIVITY	<p>means any lawfully established:</p> <ul style="list-style-type: none"> a. residential activity, including activity in visitor accommodation or retirement accommodation; b. educational activity; c. health care activity or hospital activity; d. congregation within any place of worship; and e. activity at a marae.
WELLINGTON AIR NOISE MANAGEMENT COMMITTEE (WANMC)	<p>means the body primarily responsible for the NMP, being a partnership between the Airport, aircraft operators, and the local community. Wellington City Council contributes to the WANMC, including through providing updated noise exposure reports from the noise monitoring system.</p>

Amend the Introduction section of the Airport chapter as follows:

Introduction to Airport Zone Chapter

Airport Noise

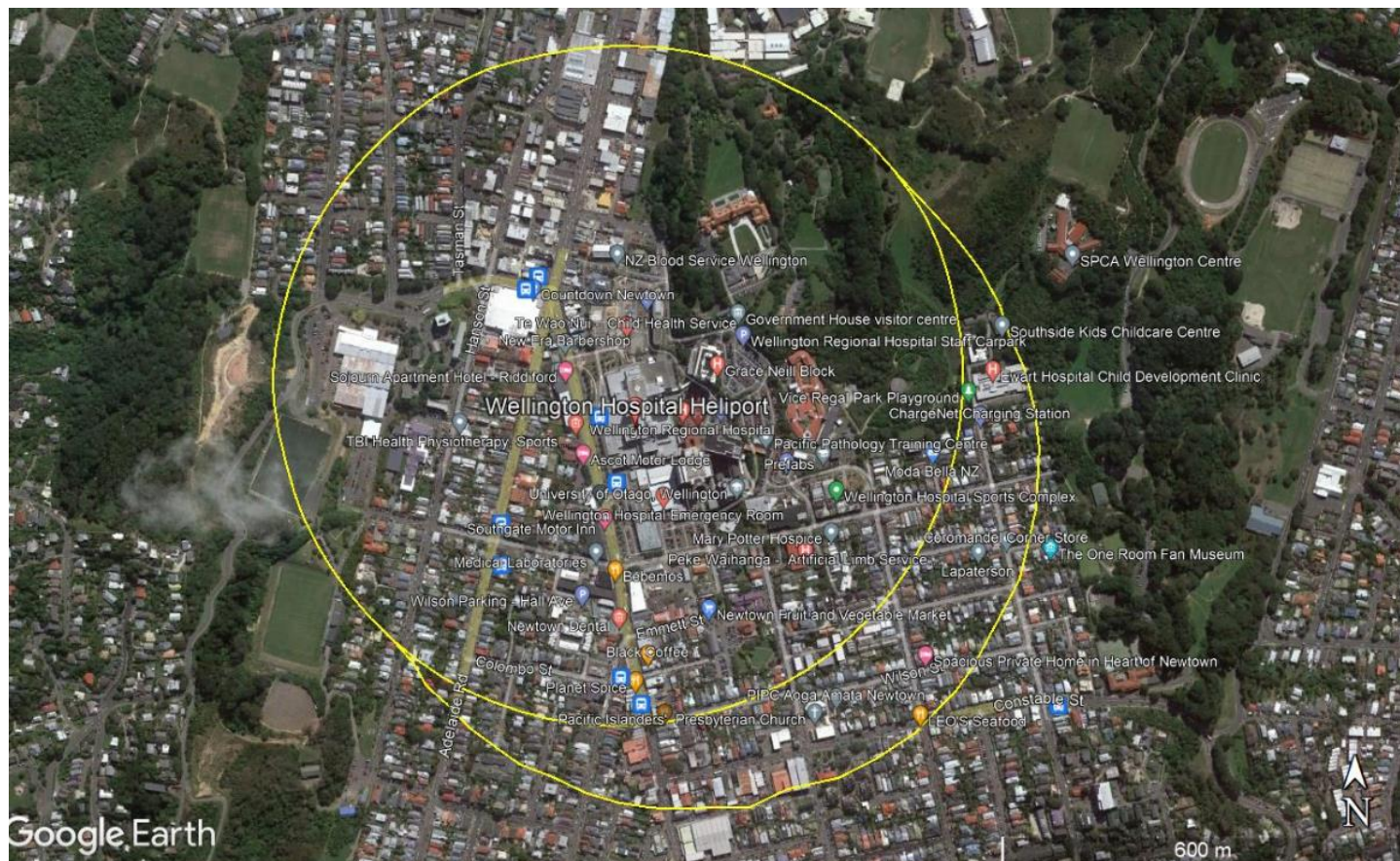
The management of noise associated with the Airport's operations is addressed in the District Plan Noise Chapter [and Wellington International Airport's designations](#). Noise is subject to the following interrelated controls:

1. District Plan provisions which reference specific noise restrictions.
2. [District Plan provisions which reference the Airport's Noise Management Plan \(NMP\)ANMP\). Conditions imposed on the Wellington International Airport Designations.](#)
3. ~~The NMPANMP, which sits outside of the District Plan.~~
4. The ~~Air Noise overlay (ANO)~~ [65 dB Air Noise Boundary \(ANB\)](#) which is demarcated on the District Plan maps, and referenced in District Plan provisions and the ~~NMPANMP~~. The extent and nature of the [ANO ANB](#) is guided by the recommendations of New Zealand Standard NZS6805:1992 Airport Noise Management and Land Use Planning.
5. [The Inner Air Noise Overlay and the Outer Air Noise Overlay, which are used to manage intensity of development by noise sensitive activities \(such as residential development\). The oOuter edge of the Inner Air Noise Overlay approximates the ANB. The oOuter edge of the Outer Air Noise Boundary approximates the 60dB Ldn noise boundary a 60 dB airnoise contour.](#)

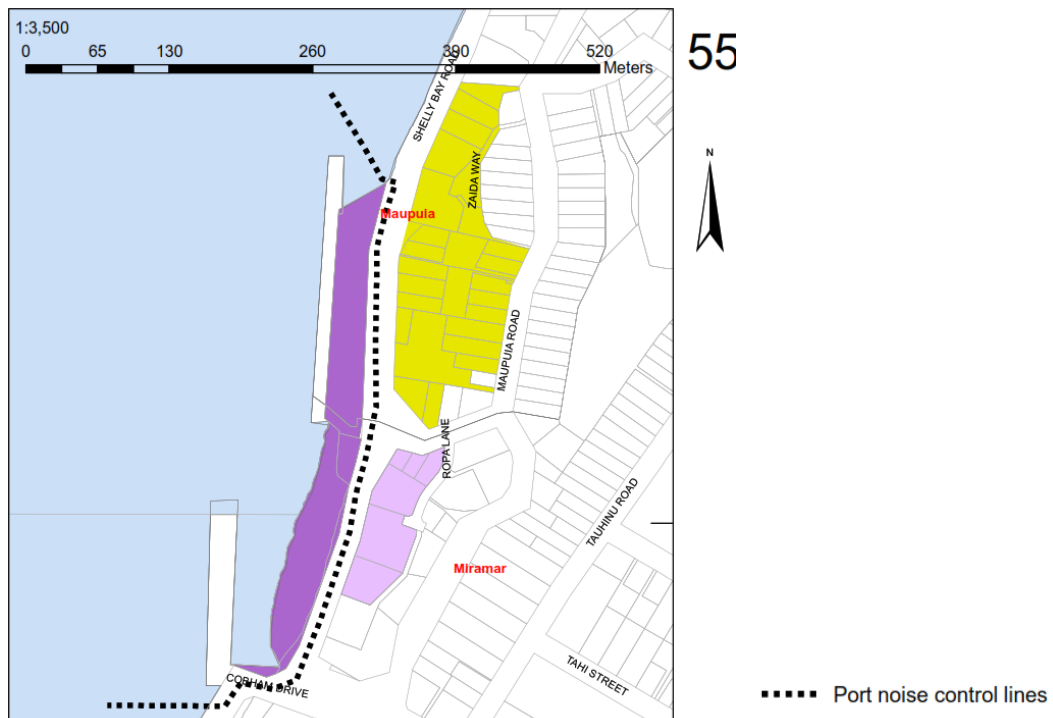
District Plan Maps

Amend planning maps to insert a noise overlay referred to as:

500 metre Heli Noise Effects Advisory overlay (HNEAO)



Amend planning maps to include the existing Burnham Wharf (Miramar) port noise control line shown by Map 55 in the operative district plan:



Amend the Noise Chapter as follows:

Te Oro

Noise

NOISE	Noise
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P1 Sch1 Introduction

Effective management of noise and vibration is a key aspect of achieving good environmental outcomes throughout the City.

Noise is well recognised as a potential environmental pollutant and nuisance. It can adversely affect health and amenity values, interfere with communication, and disturb sleep and concentration. For those, and other reasons, noise is the subject of frequent complaints received by council. Wellington's relatively compact nature, and anticipated residential intensification in the city centre area and other mixed use areas, make noise management an ongoing and important issue.

The provisions of this chapter manage potential adverse noise effects that can arise from a diverse range of activities. In addition, section 16 of the RMA imposes a duty on all persons to avoid unreasonable noise (which includes vibration) by adopting the best practicable option (BPO), regardless of whether the activity complies with a standard or rule. Section 17 of the RMA further imposes a general duty to avoid, remedy or mitigate adverse noise effects. At all times the Council has a responsibility to exercise its powers under the RMA to ensure that the general duties of sections 16 and 17 are met. RMA Sections 326 and 327 are used by Wellington City Council to control excessive noise.

The objectives, policies, rules and standards of the Noise chapter are linked to zones and to specific activities. They take into account the level, duration and nature of noise – within the context of the surrounding environment and whether noise can be reasonably mitigated. The provisions identify where sound insulation is a requirement for new noise sensitive activities, and also limit the establishment of noise sensitive activities in some cases. Noise sensitive activities are defined by the District Plan. Noise overlays are used in several cases to define areas in which noise effects from specific sources can be expected, up to prescribed limits. Examples include the Air Noise Overlay and the Port Noise Overlay. Noise overlays may also prescribe limits to intensification of noise sensitive activities (such as new residential development) and / or acoustic insulation and ventilation standards to assist in managing the effects of noise received in the overlays.

Other than where expressly provided for, the measurement of noise must be in accordance with New Zealand Standard NZS6801:2008 Acoustics – Measurement of Environmental Sound and New Zealand Standard NZS6802:2008 Acoustics – Environmental Noise. Some other standards are expressly provided for, such as NZS6803: 1999 Acoustics Construction Noise.

Some activities that generate noise are exempt from the noise rules set out in this chapter. This is because they are not controlled by the RMA, e.g. vehicles being driven on a road, or aircraft above 1,000 feet in flight over built up areas. In addition, the Civil Aviation Act ~~2003~~ 1990 imposes certain rules requiring noise abatement procedures for aircraft operating in the vicinity of Wellington International Airport.

The following activities are exempt from the rules and standards contained in this chapter. They are:

1. Aircraft being operated above 1,000 feet (305m) over built up areas, or above 500 feet (152m) over rural areas;
2. Aircraft used in emergencies or as air ambulances;
3. Vehicles being driven on a road (within the meaning of section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a normal residential activity (including apartments or mixed use activity);
4. Trains on rail lines (public or private) and crossing bells within the road reserve, including at railway yards, railway sidings or stations. This exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains;
5. Any warning device or siren used by emergency services for civil defence or emergency purposes (and routine testing and maintenance);

6. The use of generators and mobile equipment (including vehicles) when used solely for civil defence or emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities, or for the continuation of radiocommunication broadcasts;
7. Rural activities, including, agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis in the Rural Zones excluding any fixed plant; and
8. Crowd or people noise from special events or temporary event activities including any events located in Open Space and Recreation Zones.

Note: Where standards are provided for specific activities, and there is a conflict between those standards and the zone interface standards or zone standards, the specific activity standards will prevail. In addition, resource consent may be required for the activity that generates noise. Provisions controlling the establishment of those activities may be contained in other chapters of the district plan.

Other relevant District Plan provisions

~~It is important to note that in addition to the provisions in this chapter, the following Part 2: District Wide chapters may also be of relevance.~~

The noise provisions, while district wide, need to be considered in conjunction with zone specific chapters and their associated standards for activities. The relevant zone chapter will depend on the location of the activity.

Noise from temporary activities is addressed in the Temporary Activities Chapter.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Noise emanating from activities at Wellington International Airport is primarily managed by Wellington International Airport Limited's Miramar South, Main Site and East Side Designations (WIAL2, WIAL4 and WIAL5). The rules set out in this chapter are therefore only applicable to activities undertaken at Wellington International where they are not being undertaken under the designation.

Objectives

P1 Sch1

NOISE-01

Managing noise generation and effects

~~Amenity values and peoples' health and well-being are protected from adverse noise levels, Adverse noise effects on the amenity values and health of people and communities are managed to levels~~ consistent with the anticipated outcomes for the receiving environment.

ISPP

P1 Sch1

NOISE-02

Reverse sensitivity

Existing and authorised activities that generate ~~high higher~~, moderate to high levels of noise are protected from reverse sensitivity effects.

ISPP

Policies

P1 Sch1

NOISE-P1

General management of noise

Enable the generation of land based noise from activities that:

1. Maintain the amenity values of the receiving environment; and
2. Does not compromise the health, safety and wellbeing of people and communities.

P1 Sch1

NOISE-P2

Construction noise

Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively.

P1 Sch1

NOISE-P3

Higher-High and Moderate noise areas

		<p>Allow for higher noise levels to be generated within the following high and moderate noise areas:</p> <ol style="list-style-type: none"> 1. General Rural Zone; 2. Commercial and Mixed-Use Zones Zone; 3. Hospital Zone; 4. Tertiary Education Zone; 5. Stadium Zone; 6. Port Zone; 7. Airport Zone and associated airspace; 8. City Centre Zone; 9. Courtenay Place Noise Area; 10. Mixed Use Zone; 11. General Industrial Zone; and 12. State Highway and Railway networks designations <p>The Port Noise Management Plan and the Airport Noise Management Plan (both required by NOISE-S3) provide additional context for management of noise at those regionally significant facilities.</p>
P1 Sch1 ISPP	NOISE-P4	<p>Protection of noise sensitive activities by a Acoustic treatment of buildings and provision of alternative ventilation used for noise sensitive activities for buildings housing for noise sensitive activities</p> <p>Require sound insulation and / or mechanical ventilation for buildings (including additions and alterations) used for housing new noise sensitive activities within:</p> <ol style="list-style-type: none"> 1. The City Centre Zone; 2. Courtenay Place Noise Area; 3. The Waterfront Zone; 4. The Centres Zones Neighbourhood Centre Zone; 5. Local Centre Zone; 6. Metropolitan Centre Zone; 7. The Mixed Use Zones; 8. Commercial Zone; 9. General Industrial Zones; 10. Outer Port Noise Overlay; 11. The Air Noise Overlay (Inner Air Noise Overlay and Outer Air Noise Overlay); and 12. Identified corridors adjacent to the State Highways and railway networks. <p>Two standards of acoustic insulation are prescribed to achieve acceptable indoor acoustic amenity in habitable rooms. NOISE-S4 is the standard for High noise areas, and NOISE-S5 is the standard for Moderate noise areas.</p>
P1 Sch1	NOISE-P5	<p>Noise at Wellington Regional Stadium and the Basin Reserve</p> <p>Require that activities at Wellington Regional Stadium and the Basin Reserve, other than special entertainment events authorised as temporary activities, are managed effectively to mitigate adverse noise effects on residential amenity.</p>
ISPP	NOISE-P6	<p>Development restrictions on noise sensitive activities (excluding the Air Noise Overlay)</p> <p>Restrict the development of noise sensitive activities within:</p> <ol style="list-style-type: none"> 1. The Inner Air Noise Overlay High and Moderate Noise Areas; and 2. Other locations Buildings housing noise sensitive activities in High and Moderate Noise Areas where ventilation and acoustic insulation standards are not met. <p>High and Moderate Noise Areas are listed in NOISE-R3.1 and NOISE-R3.2. The relevant acoustic insulation and ventilation standards are NOISE-S4, NOISE-S5 and NOISE-S6.</p>
P1 Sch1 ISPP	NOISE-P7	<p>Development restrictions on noise sensitive activities within the Air Noise Overlay</p>

		<ol style="list-style-type: none"> 1. Avoid the establishment of new noise sensitive activities within the Air Noise Overlay and the Open Space, Natural Open Space and General Industrial Zones; 2. Discourage the establishment of new or the intensification of existing noise sensitive activities within the Air Noise Overlay in all other zones unless the reverse sensitivity effects on Wellington International Airport can be appropriately managed.
Rules: Land use activities		
P1 Sch1	NOISE-R1	Noise not otherwise provided for in this chapter
	All Zones	<ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with NOISE-S1 and APP4 is achieved.
	All Zones	<ol style="list-style-type: none"> 2. Activity status: Restricted Discretionary <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NOISE-R1.1.a cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NOISE-P1; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
P1 Sch1	NOISE-R2	Noise from construction, maintenance, earthworks, and demolition activities
	All Zones	<ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. All work will occur within the hours of 7.30am to 6.00pm Monday to Saturday; or and b. Compliance with NOISE-S2 (Construction Activities) is achieved.
	All Zones	<ol style="list-style-type: none"> 2. Activity status: Restricted Discretionary <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NOISE-R2.1.a cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NOISE-P2; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
ISPP	NOISE-R3	Noise sensitive activity in a new building, or in alterations / additions to an existing building
	As specified in Rule	<ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with NOISE-S4 (High Noise Areas) and NOISE-S6 (Ventilation) is achieved for one residential unit on a site within:

		<ul style="list-style-type: none"> v. 40m of a State Highway; vi. 40m of a Railway corridor; vii. <u>Courtenay Place Noise Area; or</u> viii. General Industrial Zone; or ix. Inner Air Noise Overlay. <p>Note: Distances from a state highway or railway corridor shall be measured from the closest habitable room to the closest point of a state highway or railway designation.</p>
	As specified in Rule	<p>2. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with NOISE-S5 (Moderate Noise Areas) <u>and NOISE-S6 (Ventilation)</u> is achieved <u>for up to three residential units on a site</u> within: <ul style="list-style-type: none"> i. The area between 40m and 100m <u>80m</u> of a State Highway <u>with a posted speed limit greater than >70 km/hour;</u> ii. The area between 40m and 100m of a Railway corridor; iii. City Centre Zone; iv. Mixed Use Zone; v. <u>Commercial zone;</u> vi. Neighbourhood Centre Zone; vii. Local Centre Zone; viii. Metropolitan Centre Zone; ix. <u>Waterfront Zone;</u> x. Outer Port Noise Overlay; and xi. <u>Outer Air Noise Overlay.</u> <p>Note: Distances from a state highway or railway corridor shall be measured from the closest habitable room to the closest point of a state highway or railway designation. <u>Unless otherwise restricted by zone or overlay based rules, there is no limit on the number units per site on land further than 40m from a State Highway that has a posted speed limit equal to or less than 70 km/hour.</u></p>
	All Zones	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NOISE-S4 <u>and NOISE-S6 or NOISE-S5 cannot be achieved</u> <u>is achieved for two residential units on a site listed by NOISE-R3.1; or</u> b. Any noise sensitive activity is proposed on a site within land subject to NOISE-R3.2; c. Two residential units are proposed on a site within the Inner Air Noise Overlay; and d. <u>Compliance with the requirements of NOISE-S5 and NOISE-S6 is achieved for four or more residential units on a site listed by NOISE-R3.2</u> Four or more residential units are proposed on a site within the Outer Air Noise Overlay; or- e. <u>Any other noise sensitive activity is proposed on a site within land subject to NOISE-R3.2 and the requirements of NOISE-S5 and NOISE-S6 are achieved.</u> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters of assessment in NOISE-S4, and NOISE-S5 <u>and NOISE-S6;</u> and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard. <p><u>Wellington International Airport Limited will be considered an affected party for applications within the Inner Air Noise Overlay.</u></p>

ISPP

		<p>Note: This rule does not obligate Wellington International Airport Limited (WIAL) to provide or upgrade mechanical ventilation or noise insulation in a residential unit which has already received such treatment.</p>
		<p>4. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Three or more residential units are proposed on a site subject to NOISE-3.1; or b. Compliance with the requirements of NOISE-R3.3 is not otherwise achieved; or c. Any other noise sensitive activity is proposed on a site within land subject to NOISE-R3.1 ;-and d. Wellington International Airport Limited will be considered an affected party for applications within the Inner Air Noise Overlay. Three or more residential units are proposed on a site within the Inner Air Noise Overlay. <p>Note: This rule does not obligate Wellington International Airport Limited (WIAL) to provide or upgrade mechanical ventilation or noise insulation in a residential unit which has already received such treatment.</p>
	NOISE-R3A	Noise sensitive activity within the Air Noise Overlay
	<p><u>Medium Density Residential Local Centre Zone Neighbourhood Centre Zone</u></p> <p><u>[Other zones that enable residential activity as a result of any rezoning recommended by the Panel]</u></p>	<p><u>1. Activity status: Permitted</u></p> <p><u>One residential unit per site is permitted within the Air Noise Overlay where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance with the requirements of NOISE-S16 and S17 is achieved;</u>
	<p><u>Medium Density Residential Local Centre Zone Neighbourhood Centre Zone</u></p> <p><u>[Other zones that enable residential activity as a result of any rezoning recommended by the Panel]</u></p>	<p><u>2. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance with the requirements of NOISE-R3A.1 cannot be achieved.</u> b. <u>Any other noise sensitive activity is proposed on a site and the requirements of NOISE-S16 and NOISE-S6 are achieved.</u> <p><u>Matters of discretion are:</u></p> <ul style="list-style-type: none"> 1. <u>The matters in NOISE-P7;</u> 2. <u>The ability to achieve acceptable outdoor amenity;</u> 3. <u>Any proposed mitigation of aircraft noise, in accordance with a best practicable option approach (e.g site layout and design, design and location of structures and buildings and outdoor amenity areas).</u> 4. <u>The extent to which the effects, as a result of the sensitivity of the activities to current and future noise generation from aircraft operations, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Wellington International Airport.</u> <p><u>Wellington International Airport Limited will be considered an affected party for applications for noise sensitive activities within the Air Noise Overlay.</u></p>

	General Industrial Zone Open Space Zone Airport Zone Mixed Use Zone	3. Activity status: Non-complying Where: a. Any noise sensitive activity located within the Air Noise Overlay and not subject to NOISE-R3.
P1 Sch1	NOISE-R4	Helicopter Landing Noise
	Hospital Zone Airport Zone	1. Activity status: Permitted Note: The likelihood of noise arising from helicopter activity in the area surrounding Wellington Regional Hospital (Newtown) is signalled by a mapped noise alert overlay. Aircraft (which includes helicopters) used in emergencies or as air ambulances, are exempt from the provisions of the Noise chapter. There are no associated standards.
	All other Zones	2. Activity status: Permitted Where: a. Compliance with the recommended limits and noise management provisions as set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas is achieved.
	All other Zones	3. Activity status: Discretionary Where: a. Any of the requirements of NOISE-R4.2 cannot be achieved.
P1 Sch1	NOISE-R5	Noise from Wellington Regional Stadium and the Basin Reserve
	Stadium zone Basin Reserve	1. Activity status: Permitted Where: a. The noise is from Wellington Regional Stadium or the Basin Reserve; and i. Compliance with NOISE-S1 and APP4 is achieved; or ii. Compliance with TEMP-S8 or TEMP-S9 is achieved.
	Stadium zone Basin Reserve	2. Activity status: Restricted Discretionary Where: a. Compliance with NOISE-R5.1.a is not achieved. Matters of discretion are: 1. Whether noise emission levels would increase the background noise levels for a noise sensitive activity, creating a noise nuisance for the occupants of a noise sensitive site; 2. Whether the sound characteristics of the noise emissions or the time of day at which noise occurs is likely to lead to sleep disturbance or other form of nuisance associated with noise; 3. The manner in which buildings, structures or machinery are designed and arranged to reduce the noise emission levels likely to emanate from the noise source; and 4. The best practicable options available to reduce the adverse effects of the noise.

P1 Sch1

NOISE-R6	Fixed Plant Noise
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with NOISE-S7 and APP5 is achieved; or b. The noise is generated by fixed plant used solely for emergency or civil defence purposes; or c. The noise is generated by fixed plant in relation to Operational Port Activities, and: <ul style="list-style-type: none"> i. Only operates for maintenance between 8:00am and 5:00pm weekdays; and ii. Compliance with NOISE-S1 and APP5 is achieved; or Compliance with NOISE-S7 is achieved. <p>Exemption: The noise limits set in standard NOISE-S7 do not apply to fixed plant located in the Special Purpose Port Zone, in relation to Operational Port Activities.</p> <p>Fixed plant is exempt from the noise limits provided that it:</p> <p>only operates for maintenance between 8:00am and 5:00pm weekdays, and can comply with NOISE-S1.</p>
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NOISE-R6.1 cannot be achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in NOISE-P1; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
NOISE-R7	Commercial facility dog noise (day care, dog parks, boarding kennels)
As specified in Rule	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with NOISE-S1 and APP4 within: <ul style="list-style-type: none"> i. General Rural zone; ii. Large Lot Residential zone; iii. General Industrial zone; iv. City Centre zone; v. Metropolitan Centre zone; vi. Town Centre zone; vii. Mixed use zone; viii. Commercial zone; ix. Local Centre zone; x. Neighbourhood Centre zone; and b. The hours of operation are between 7:00am and 7:00pm, all days of the week; and c. Operation does not include overnight boarding and / or outdoor facilities for overnight stay.
All other Zones	<p>2. Activity status: Discretionary</p>

P1 Sch1

		<p>Where:</p> <p>a. Any of the requirements of NOISE-R7.1 cannot be achieved.</p>
P1 Sch1	NOISE-R8	Shooting range and firearm noise
	<p><u>Airport Zone</u></p> <p><u>General Rural Zone</u></p>	<p>1. <u>Activity status: Permitted</u></p> <p>Where:</p> <p>a. <u>In the Airport Zone, shooting is:</u></p> <p>i. <u>For the purposes of wildlife management in respect of aircraft safety; and</u></p> <p>ii. <u>Complies with any terms set by the Airport Noise Management Plan (ANMP).</u></p> <p>b. <u>In the General Rural Zone is for the purpose of conservation activities or informal recreation activities.</u></p>
	<u>All Zones</u>	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. <u>Any of the requirements of NOISE-R8.1 cannot be achieved.</u></p> <p>b. <u>Shooting range or firearm noise otherwise occurs and is not subject to provisions of the Temporary Activities chapter.</u></p>
P1 Sch1	NOISE-R9	Blasting noise
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with NOISE-S2 (Blasting); and</p> <p>b. The activity is a quarrying activity.</p>
	Quarry Zone	<p>2. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with NOISE-S2 (Kiwi Point Quarry); and</p> <p>b. The activity is a quarrying activity; and</p> <p>c. Located in the Special Purpose Quarry Zone (Kiwi Point Quarry)</p>
	All Zones	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R9.1.a or NOISE-R9.1.b</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. Peak noise levels from blast events; 2. The frequency and the number of blast events; 3. The number of blasts per year; 4. The extent to which noise and vibration effects from blasting activities are minimised; and 5. Whether surrounding property owners will be notified of blasting events in advance of the activity.

P1 Sch1

NOISE-R10		Home business noise
	All Zones	1. Activity status: Permitted Where: a. Compliance is achieved with NOISE-S2 (Home Business Activity) <u>and APP4</u> .
	All Zones	2. Activity status: Discretionary Where: a. Any of the requirements of NOISE-R10.1 cannot be achieved.

P1 Sch1

NOISE-R11		Electronic sound system noise
	<u>All Zones Commercial and Mixed Use Zones</u>	1. Activity status: Permitted Where: a. Compliance is achieved with NOISE-S2 (Electronic Sound System Noise).
	All Zones	2. Activity status: Discretionary Where: a. Any of the requirements of NOISE-R11.1 cannot be achieved.

P1 Sch1

NOISE-R12		Port noise
	All Zones	1. Activity status: Permitted Where: a. Compliance is achieved with NOISE-S1 <u>and APP4</u> .
	All Zones	2. Activity status: Discretionary Where: a. Compliance with NOISE-R12.1 cannot be achieved.

P1 Sch1

NOISE-R13		Airport noise
	<u>All Zones Airport Zone</u>	1. Activity status: Permitted Where: a. Compliance is achieved with the following standards: i. NOISE-S1; ii. NOISE-S8; iii. NOISE-S9; iv. NOISE-S10; v. NOISE-S11; vi. NOISE-S12; vii. NOISE-S14; and viii. NOISE-S15;

		<p><u>And</u></p> <p>b. <u>Compliance is achieved with all of the following conditions in the identified designations:</u></p> <p>i. <u>WIAL2 (Miramar South Area)</u></p> <p>a. <u>Conditions 10 and 11</u></p> <p>b. <u>Conditions 14 to 18</u></p> <p>ii. <u>WIAL4 (Airport Main Site Area)</u></p> <p>a. <u>Conditions 23 to 27</u></p> <p>b. <u>Conditions 29 to 31</u></p> <p>iii. <u>WIAL5 (Airport East Side Area)</u></p> <p>a. <u>Conditions 31 and 33</u></p> <p>b. <u>Conditions 34 and 35</u></p> <p>c. <u>Condition 37</u></p> <p><u>Aircraft noise will be measured in accordance with NZS 6805:1992 Airport noise management and land use planning and calculated as a 90-day rolling average. All terminology must have the meaning that may be used or defined in the context of NZS6805:1992 Airport noise management and land use planning.</u></p> <p><u>The level of noise from aircraft operations, for comparison with Ldn 65 dBA, is calculated from the total amount of noise energy produced by each aircraft event (landing or take-off) over a period of 90 days. This method of control does not directly control individual aircraft events, but does so indirectly by taking into account their contribution to the amount of noise generated in a 24-hour period.</u></p>
	<p><u>All Zones Airport Zone</u></p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R13.1.a <u>(except in relation to NOISE-S10);</u></p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. Relevant matters listed in NOISE-P1; 2. The degree to which noise emissions can be reduced through mitigation or management measures, changes in the location, or methods of operation of the activity; 3. Whether the proposal will have any adverse effects on the health and safety of people; and 4. The effects of the type, intensity and duration of the noise emitted from any activity. 5. <u>Relevant matters in the Airport Noise Management Plan (ANMP) — see NOISE-S3.</u>
	<p><u>All Zones Airport Zone</u></p>	<p>3. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ol style="list-style-type: none"> i. <u>NOISE-S9;</u> ii. <u>NOISE-S10; and or</u> <p>b. Noise from any land based activity in the Airport Zone exceeds the limits in NOISE-S14 by more than 5dB.</p> <p>Notification Status: An application for resource consent made in respect of this rule must be publicly notified.</p>

Standards – Permitted activity noise and sound insulation standards

P1 Sch1	NOISE-S1	Maximum permitted activity noise levels by zone	
	<p>Subject to any Temporary Activity exclusions in the District Plan, or conditions of a resource consent or designation, noise generated by any activity in all zones must not exceed permitted noise limits within the receiving zone set out in APP4 – Permitted Noise Standards.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; 2. Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations); and 3. The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation. 	
P1 Sch1	NOISE-S2	Maximum permitted noise levels by activity	
	<ol style="list-style-type: none"> 1. Construction activities 	<p>The noise from any construction, maintenance, earthworks and demolition activities must be measured, assessed, managed and controlled in accordance with the requirements of NZS6803:1999 Acoustics Construction Noise.</p> <p>Noise due to the following activities shall be exempt from compliance:</p> <ol style="list-style-type: none"> 1. Urgent repair of utilities to maintain continuity of service, to protect life or limb or minimise or prevent loss or serious damage to property. 2. In the City Centre Zone, where the best practicable option to reduce noise to a reasonable level requires construction work to be undertaken outside normal working hours. <p>The vibration from any construction, maintenance, earthworks and demolition activities must be measured, assessed, managed and controlled in accordance with the requirements of DIN 4150-3:2016 Structural Vibration – Part 3: Effects of Vibration on Structures</p> <p>Nothing in this Standard shall be used to prevent emergency work from taking place.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; 2. Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations); and 3. The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation.
	<ol style="list-style-type: none"> 2. Blasting 	<p>Peak noise levels from blasting activities must not exceed the following when measured within the notional boundary of any building set out in NOISE-S2 (Blasting) a, b or c <u>1, 2 or 3</u>, below:</p> <ol style="list-style-type: none"> 1. Occupied noise sensitive activity and visitor accommodation: <ol style="list-style-type: none"> a. permissible blasting time window: 7:00am to 7:00pm; and b. number of blasts per year: ≤ 20; and <ol style="list-style-type: none"> i. maximum peak sound level of 120 dB LZ_{peak}; or c. number of blasts per year: >20; and 	

		<ul style="list-style-type: none"> i. maximum peak sound level of 115 dB LZpeak; or <ol style="list-style-type: none"> 2. Occupied commercial and industrial buildings: <ul style="list-style-type: none"> a. permissible blasting time window: All hours of occupation; and b. no limit on number of blasts per year; and <ul style="list-style-type: none"> i. maximum peak sound level of 125 dB LZpeak; or 3. Unoccupied buildings <ul style="list-style-type: none"> a. permissible blasting time window: All times; and b. no limit on the number of blasts per year; and c. all blasts comply with a maximum peak sound level of 140 dB LZpeak. 	
	3. Kiwi Point Quarry	<ol style="list-style-type: none"> 1. Peak noise from blasting activities must not exceed the levels set out in NOISE-S2 (Blasting) when measured within the notional boundary of any building. 2. Blasting of faces for crushed rock production may only occur between 10.00am and 2.00pm weekdays. 3. In all cases, for the northern face residents of Tarawera Road, Plumer Street, 113, 130, 166, 170 and 175 Fraser Avenue, and 146 Burma Road, and for the southern face the residents of 25-46 Gurkha Crescent, Shastri Terrace and 6-28 (even numbers) Imran Terrace and the abattoir operator must be notified by mail, by email or by other electronic means no less than one week in advance of blasting. 4. Blasting must be immediately preceded by a siren or hooter with a sound which distinguishes it from normal Police, Ambulance or Fire Service sirens. 	
	4. Home business activity	Noise generated by any home business activity (or noise source associated with the work from home business activity), when measured at or within the boundary of any site, other than the site from which the noise is emitted, must comply with the noise limits stated in NOISE-S1 <u>and APP4</u> .	
	5. Electronic sound system noise	<p>Electronic sound systems within the Commercial and Mixed Use zones must comply with the below:</p> <ol style="list-style-type: none"> 1. <u>Within the Commercial and Mixed Use zones, n</u>Noise emission levels in any public space (including streets and parks) generated by electronic sound systems must not exceed 75dB LAeq (2 minutes). In any event the measurements must be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by). 2. The measured level(s) under NOISE-S2 (Electronic sound systems) shall have no adjustments for Special Audible Characteristics (SAC's) when assessed in accordance with New Zealand Standards NZS 6802:2008 Acoustics – Environmental Noise 	
P1 Sch1	NOISE-S3	Noise management plans	

Port Activities	<ol style="list-style-type: none"> 1. The port company (CentrePort) must at all times operate in accordance with a Port Noise Management Plan, which must include but is not limited to the matters set out below. The Port Noise Management Plan must be developed to the satisfaction of Wellington City Council and Greater Wellington Regional Council. 2. The port company must undertake a noise monitoring programme annually (once every calendar year) to ensure that noise from port related activities comply with NOISE-S1 at the Port Noise Control Line. This monitoring will be undertaken in accordance with the 'CentrePort Noise Management Plan for CentrePort Ltd' (dated December 2008) and the information shall be reported to Wellington City Council's Compliance Manager. 3. The Port Noise Management Plan must: <ol style="list-style-type: none"> a. State the objectives of the Management Plan. b. Identify all significant noise sources from port activities undertaken by the port within the Port Zone and the adjacent Coastal Marine Area. c. Identify the best practical options to ensure the emission of noise does not exceed the noise levels specified in NOISE-S1. d. Identify techniques that will be considered to reduce the emission of noise over time and indicate which of these techniques will be adopted to achieve realistic objectives in managing noise. e. Explain how the port company will take noise effects into account in the design and location of new, altered or extended port activities. f. Identify how the port company will work with independent companies and external contractors to ensure that transport noise and noise from other activities within the port area will be kept to a minimum practical noise level. g. Identify procedures for noise reduction through the port company's staff and contractor training. h. Provide for the establishment and maintenance of a Port Noise Liaison Committee (the port company may provide for this function within the operation of its Environmental Consultative Committee). i. (List the Port Noise Liaison Committee functions; and the procedures for the recommendations of the Committee to be considered and determined by the port company. j. Detail procedures for receiving and deciding on complaints. k. Detail procedures for noise monitoring, auditing and reporting. l. Include procedures for the review and alteration of the Port Noise Management Plan. 	
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	<p>Airport Activities</p>	<p>The provisions below do not, in any way, limit the obligations of the Airport company (WIAL) to fully comply with any Airport Designation Condition.</p> <ol style="list-style-type: none"> 1. The Airport must at all times maintain and implement an Airport Noise Management Plan (ANMP). Any alteration or update to the ANMP is subject to certification by the Council. 2. The ANMP must include, as a minimum: <ol style="list-style-type: none"> a. Terms of Reference which include the purpose, membership and functions of the ANMC; b. A statement of noise management objectives and policies for the Airport; c. Details of methods and processes for remedying and mitigating adverse effects of Airport noise including but not limited to: <ol style="list-style-type: none"> i. improvements to Airport layout to reduce ground noise; ii. Guidance relating to APU usage and how that usage will be reduced over time where practicable; iii. improvements to Airport equipment (including provision of engine test shielding such as an acoustic enclosure for propeller driven aircraft) to reduce ground noise; iv. aircraft operating procedures in the air and on the ground procedures to minimise noise where this is practicably achievable; v. an Airport Wide Construction Noise Management Plan which outlines methods for guiding the way construction noise is managed including guidance for where a Project Specific Construction Noise Plan is required for a project. d. Procedures for the convening, ongoing maintenance and operation of the ANMC; e. Mechanisms to give effect to a noise monitoring programme to assess compliance with district plan noise standards; f. Procedures for reporting to the ANMC any Aircraft Operations and engine testing activities which contravene district plan noise standards; g. Methods necessary for the Airport to complete implementation of the Quieter Homes Programme; h. A complaints procedure including: recording; reporting back to complainants; corrective actions; and reporting to the Council and to the ANMC; i. A dispute resolution procedure to resolve any disputes between the Airport company and the ANMC about the contents and implementation of the ANMP; j. Communication methods to maintain contact with potentially noise affected communities; k. Preparation and implementation of an annual stakeholder communications plan; 	
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		<p>l. Procedures for obtaining and making noise monitoring and compliance data publicly available on WIAL's website;</p> <p>m. Procedures (including frequency) for reviewing and amending the ANMP.</p> <p>n. Arrangements for funding the ongoing membership and function of the ANMC.</p>	
ISPP	NOISE-S4	Acoustic Insulation – high noise areas	
	<p>Within 40m of a State Highway</p> <p>Within 40m of a Railway Corridor</p> <p><u>General Industrial Zone</u></p> <p>Courtenay Place Noise Area</p> <p><u>Inner Air Noise Overlay</u></p>	<ol style="list-style-type: none"> Any habitable room in a building used by a noise sensitive activity in a new building or alteration or addition to an existing building, must be designed, constructed, and maintained to achieve a minimum external to internal noise reduction for habitable rooms of not less than 35 dB Dtr,2m,nT,w + Ctr. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with: <ol style="list-style-type: none"> Table II – Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation; or an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard. Acoustic insulation must be assessed in accordance with ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation. The requirements of (a) above do not apply where an acoustic design certificate signed by a suitably qualified acoustic engineer, confirms the level of noise incident on the most exposed part of the exterior of any habitable room can be shown, under a reasonable maximum use scenario, to does not exceed the following <u>outdoor</u> noise limits at all points 1.5m above ground level, and any part of the floor levels above ground: <ol style="list-style-type: none"> less than 55 dB LAeq (1h) for rail noise; or Less than 57 dB LAeq (4h 24h) for roadhighway noise; or Less than 57 dB L_{dnAeq}(1 hr) for port noise. <p>Notes:</p> <ol style="list-style-type: none"> This standard applies in addition to, and does not affect the requirements of, the Building Act 2004. Note: Distances from a state highway or railway corridor shall be measured from the closest habitable room to the closest point of a state highway or railway designation. <u>'Reasonable maximum use scenario' shall be the level of noise incident on the exterior of the habitable room based on:</u> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; The ability to achieve acceptable outdoor acoustic amenity; Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations); The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation; and In relation to a heritage building or a contributing building within a heritage area, the extent to which it is practicable to insulate to the required standard without detracting from identified heritage values.

		<p>a. <u>Rail noise – 70 LAeq(1h) at a distance of 12 metres from the track, then deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</u></p> <p>b. <u>Highway noise – The current day measured or predicted road traffic noise level LAeq (24 h) plus 2 dB.</u></p> <p>c. <u>Port noise – The maximum permitted port noise Ldn level based on the location of the Port Noise Control Line. Port noise sources shall be deemed to be operating within wharf areas.</u></p>	
P4 Sch4 ISPP	NOISE-S5	Acoustic insulation – moderate noise areas	
	<p>City Centre Zone</p> <p>Mixed Use Zone</p> <p><u>Commercial Zone</u></p> <p><u>General Industrial Zone</u></p> <p>Neighbourhood Centre Zone</p> <p>Local Centre Zone</p> <p>Metropolitan Centre Zone</p> <p>Waterfront Zone</p> <p>The area between 40m and 100m of a railway corridor</p> <p>The area between 40m and 100m 80m of a State Highway <u>with a posted speed limit >70 km/hour</u></p> <p>Outer Port Noise Overlay</p> <p><u>Outer Air Noise Overlay</u></p>	<ol style="list-style-type: none"> Any habitable room in a building used by a noise sensitive activity in a new building or alteration or addition to an existing building, must be designed, constructed, and maintained to achieve a minimum external to internal noise reduction for habitable rooms of not less than 30 dB Dtr,2m,nT,w + Ctr. Acoustic insulation must be assessed in accordance with ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with: <ol style="list-style-type: none"> Table I – Minimum construction requirements for external building elements of habitable rooms to achieve a moderate level of acoustic insulation; or an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard. The requirements of (a) above do not apply where an acoustic design certificate signed by a suitably qualified acoustic engineer, confirms the level of noise incident on the most exposed part of the exterior of any habitable room can be shown, under a reasonable maximum use scenario, to does not exceed the following noise limits at all points 1.5m above ground level, and any part of the floor levels above ground: <ol style="list-style-type: none"> Less than 55 dB LAeq (1h) for rail noise; or Less than 57 dB LAeq (1h) (24h) for <u>road highway</u> noise; or Less than 57 dB <u>L_{dn}Aeq (1 hr)</u> for port noise. <p>Notes:</p> <ol style="list-style-type: none"> This standard applies in addition to, and does not affect the requirements of, the Building Act 2004. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; The ability to achieve acceptable outdoor acoustic amenity; Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations); The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation; and In relation to a heritage building or a contributing building within a heritage area, the extent to which it is practicable to insulate to the required standard without detracting from identified heritage values

		<p>2. <u>Note</u>: Distances from a state highway or railway corridor shall be measured from the closest habitable room to the closest point of a state highway or railway designation.</p> <p>3. <u>'Reasonable maximum use scenario' shall be the level of noise incident on the exterior of the habitable room based on:</u></p> <ol style="list-style-type: none"> <u>Rail noise – 70 LAeq(1h) at a distance of 12 metres from the track, then deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</u> <u>Highway noise – The current day measured or predicted road traffic noise level LAeq (24 h) plus 2 dB.</u> <u>Port noise – The maximum permitted port noise Ldn level based on the location of the Port Noise Control Line. Port noise sources shall be deemed to be operating within wharf areas.</u> 	
P1 Sch1	NOISE-S6	Ventilation requirements	
	All Zones	<p>1. The minimum external to internal noise reduction levels in NOISE-S4 and NOISE-S5 must be achieved at the same time as the ventilation requirements of the New Zealand Building Code. <u>Minimum ventilation standards are set out below for habitable rooms classified into one of two possible categories as follows:</u></p> <ol style="list-style-type: none"> <u>Habitable rooms with openable windows sufficient in area to meet the ventilation requirements of the New Zealand Building Code; and</u> <u>All other habitable rooms requiring to be acoustically insulated under NOISE-S4 and NOISE-S5</u> <p>2. Where habitable rooms are provided with windows openable to the outside environment sufficient in area to meet the ventilation requirements of the New Zealand Building Code, and where these windows must remain closed to achieve compliance with <u>NOISE-S4 and NOISE-S5 acoustic insulation standards, the room shall meet the following minimum requirements:</u></p> <ol style="list-style-type: none"> <u>The room is to be provided with a mechanical ventilation system with air flow rates adjustable by the occupant in increments up to a high air flow setting of at least three air changes per hour; and</u> <u>The room is provided with cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>Any ventilation system installed in compliance with (a) and (b) above must not generate noise at</u> 	<p><u>Assessment criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> <u>The ability to achieve acceptable indoor ventilation and acoustic amenity;</u> <u>Any mitigation of the proposed ventilation noise, in accordance with a best practicable option approach;</u> <u>The ability to mitigate adverse effects through the imposition of conditions;</u> <u>In relation to a heritage building or a contributing building within a heritage area, the extent to which it is practicable to achieve ventilation to the required standard without detracting from identified heritage values</u>

		<p><u>levels greater than 35 dB L_{Aeq} (30s) when measured 1 metre from any grille or diffuser.</u></p> <ol style="list-style-type: none"> 3. <u>Excluding habitable rooms qualifying under (2) above, minimum ventilation system requirements for habitable rooms requiring to be acoustically insulated under NOISE-S4 and NOISE-S5 are set out as follows:</u> <ol style="list-style-type: none"> a. <u>The room is to be provided with a mechanical ventilation system with air flow rates adjustable by the occupant in increments up to a high air flow setting of at least six air changes per hour, with relief provided for equivalent volumes of spill air; and</u> b. <u>The room is provided with cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> c. <u>Any ventilation system installed in compliance with (a) and (b) above must not generate noise at levels greater than 35 dB L_{Aeq} (30s) when measured 1 metre from any grille or diffuser up to maximum flow rate of three air changes per hour.</u> 4. <u>Confirmation of compliance with this standard will be required by a qualified professional.</u> 5. <u>Mechanical ventilation systems shall include Filter Class of at least ISO Coarse 70%, and the filter shall be readily serviceable.</u> 6. <u>Where ventilation ducting is built in and not serviceable, it shall be rigid.</u> 7. <u>Where ventilation ducting is serviceable, it may be flexible.</u> <p>Note: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.</p>	
P1 Sch1	NOISE-S7	Fixed plant noise	
	All zones	<ol style="list-style-type: none"> 1. Noise generated by fixed plant noise must not exceed the noise limits set out in APP5 – Fixed Plant Noise Standards. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; 2. Management of effects from the activities with regard to the matters set out in NOISE-P2; 3. Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations); and

			4. The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation.
P1 Sch1	NOISE-S8	Hours of aircraft operation	
	Airport Zone	<ol style="list-style-type: none"> 1. Domestic aircraft operations shall not occur during the following hours: <ol style="list-style-type: none"> a. midnight (12am) to 6am. 2. International aircraft operations shall not occur during the following hours: <ol style="list-style-type: none"> a. Midnight to 6am for departures. b. 1am to 6am for arrivals. 3. No aircraft shall operate under their main engine power within the East Side Precinct between the hours of 10pm and 7am. <p>Except:</p> <ol style="list-style-type: none"> 4. Disrupted flights where aircraft operations are permitted for an additional 30 minutes; 5. In statutory holiday periods where operations are permitted for an additional 60 minutes; 6. For the purposes of this condition, statutory holiday period means: <ol style="list-style-type: none"> a. The period from 25 December to 2 January, inclusive. Where 25 December falls on either a Sunday or Monday, the period includes the entire of the previous weekend. Where 1 January falls on a weekend, the period includes the two subsequent working days. Where 2 January falls on a Friday, the period includes the following weekend. b. The Saturday, Sunday and Monday of Wellington Anniversary weekend, Queens Birthday Weekend, and Labour Weekend. c. Good Friday to Easter Monday inclusive. d. Matariki Day. e. Waitangi Day. f. ANZAC Day. g. Any other day decreed as a national statutory holiday. h. Where Matariki Day, Waitangi Day or ANZAC Day falls (or is recognised) on a Friday or a Monday, the adjacent weekend is included in the statutory holiday period. i. The hours from midnight to 6am immediately following the expiry of each statutory holiday period defined above. 7. Aircraft using the Airport as a planned alternative to landing at a scheduled airport, but which shall not take-off unless otherwise permitted; 8. Aircraft landing in an emergency; 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Type, intensity and duration of the noise; 2. Number of annual occurrences; 3. Mitigation or management measures; 4. Health and safety; 5. Effects on internal and external noise amenity for dwellings outside the Airport zone; and 6. The Airport Noise Management Plan. <p>In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations.</p>

		<p>9. The operation of emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs, or medical personnel in a medical emergency;</p> <p>10. The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency;</p> <p>11. Aircraft carrying heads of state and/or senior dignitaries acting in their official capacity or other military aircraft operations;</p> <p>12. No more than 4 aircraft movements per night with noise levels not exceeding 65 dB LA_{Fmax} (1 sec) at or beyond the edge of the Air Noise Boundary.</p>	
<p>P4 Sch4</p>	<p>NOISE-S9</p>	<p>Calculation and management of aircraft noise</p>	
		<p>1. Aircraft noise shall be measured and modelled in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning and calculated as a Ldn 90 day rolling average. All terminology shall have the meaning that may be used or defined in the context of NZS:6805-1992.</p> <p>2. The Airport company (WIAL) shall ensure that all Aircraft Operations are managed so that the rolling day 90 day average 24 hour night weighted sound exposure level does not exceed a Day/night Level (Ldn) of 65dBA outside the Air Noise Boundary shown within the District Plan Maps.</p> <p>3. Within the East Side Precinct, Aircraft Operations and the operation of Auxiliary Power Units (APUs) shall be managed so that the rolling 90 day average 24 hours night weighted sound exposure does not exceed a Day/Night Level (Ldn) of 65 dB outside of the East Side Precinct Compliance Line identified on Figure 6 below. In assessing compliance with this limit, account shall be taken of the cumulative effect of all aircraft operations and APUs from the Airport.</p> <p>4. Noise monitoring shall take place at any point along the line shown in Figure 6 below. The rolling 90 day average Ldn noise level from aircraft operations and the operation of APUs must not exceed the corresponding level determined to correlate with 65 dB Ldn at the East Side Precinct Compliance Line. This noise level shall be determined once the noise monitoring location is finalised and shall be recorded in the Airport Noise Management Plan.</p> <p>5. The Airport must demonstrate compliance with the standards above by undertaking continuous noise monitoring in accordance with NZS 6805:1992 and the guidance provided in the Airport Noise Management Plan. The results of this noise monitoring shall be made publicly available on the Airport website.</p> <p>Except:</p> <p>1. The following aircraft operations shall be excluded from the calculation of the 90 day rolling average:</p> <p>a. Aircraft operating in an emergency.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. Type, intensity and duration of the noise;</p> <p>2. Mitigation or management measures;</p> <p>3. Health and safety;</p> <p>4. Effects on internal and external noise amenity for dwellings outside the Airport zone; and</p> <p>5. The Airport Noise Management Plan.</p> <p>In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations.</p>

- ~~b. The operation of emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs, or medical personnel in a medical emergency.~~
- ~~c. The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency.~~



~~Figure 6 – NOISE: East Side Precinct Compliance Line and Noise Monitoring~~

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<p>P1 Sch1</p>	<p>NOISE-S10</p>	<p>Engine testing noise</p>	
<p>Airport Zone</p>	<ol style="list-style-type: none"> 1. There shall be no aircraft engine testing in the East Side Precinct, or in the area shown by Attachment 4 of designation WIAL4. 2. Engine testing shall adhere to the following: <ol style="list-style-type: none"> a. Testing shall only be undertaken during the hours of 6am to 8pm; b. For essential unscheduled maintenance, testing is able to occur between 8pm and 11pm and where these events do occur, they shall be reported to the Airport Noise Management Committee (ANMC) on an annual basis; c. To operate an aircraft within flying hours but provided the engine run is no longer than required for normal procedures, which for the purpose of this condition, shall provide solely for short duration engine runs by way of flight preparation while the aircraft is positioned on the apron; 	<ol style="list-style-type: none"> 1. Type, intensity and duration of the noise; 2. Mitigation or management measures; 3. Health and safety; 4. Effects on internal and external noise amenity for dwellings outside the Airport zone; and 5. The Airport Noise Management Plan. <p>In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations</p>	<p>Assessment criteria where the standard is infringed:</p>

		<p>3. Restrictions on engine testing from 11pm to 6am do not apply if engine testing can be carried out in compliance with all of the following:</p> <ol style="list-style-type: none"> a. measured noise levels do not exceed 60 dB LAEQ (15 min) at or within the boundary of any residential zone; b. measured noise levels do not exceed 75 dB LAFmax at or within the boundary of any residential zone; c. noise levels shall be measured in accordance with NZS6801: 2008 Acoustics Measurement of Environmental Sound; d. the total number of engine test events relating to aircraft using the Airport as an alternate landing site shall not exceed 18 in any consecutive 12 month period; e. the total duration of engine test events using the Airport as an alternate landing site shall be no more than 20 minutes. 	
P1 Sch1	NOISE-S11	Noise from ground power units and auxiliary power units (Main site)	
	Airport Zone (Main Site)	<ol style="list-style-type: none"> 1. The operation of ground power units (GPUs) and auxiliary power units (APUs) within the Airport (excluding East Side Precinct), when measured at any adjoining Residential zone, shall not exceed the following limits: <ol style="list-style-type: none"> a. Monday to Saturday 7am to 10pm 55 dB LAeq (15 min) b. At all other times 45 dB LAeq (15 min) c. All days 10pm to 7am 75 dB LAFmax <p>Except:</p> <ol style="list-style-type: none"> 2. Aircraft under tow; 3. The first 60 minutes after an aircraft has stopped on the gate, unless the Pilot of an Aircraft requires a longer duration due to operational or public health and safety reasons; 4. 60 minutes prior to scheduled departure unless the Pilot of an Aircraft requires a longer duration due to operational or public health and safety reasons; 5. The use of APUs to provide for engine testing. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Type, intensity and duration of the noise; 2. Number of annual occurrences; 3. Mitigation or management measures; 4. Health and safety; 5. Effects on internal and external noise amenity for dwellings outside the Airport zone; and 6. The Airport Noise Management Plan. <p>In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations.</p>
P1 Sch1	NOISE-S12	Noise from ground power units and auxiliary power units (East Side)	
	Airport Zone (East Side)	<ol style="list-style-type: none"> 1. Any aircraft stand within the East Side Precinct shall have a Plugin ground power unit (GPU) available. 1. The operation of APUs in the East Side Precinct is subject to the relevant standards in NOISE-S9. 1. There shall be no operating of APUs on land within the East Side Precinct between the hours of 10pm and 7am, apart from aircraft under tow. Where aircraft are under tow the use of the APU shall cease as soon as reasonably practicable after completion of the tow. 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Type, intensity and duration of the noise; 2. Number of annual occurrences; 3. Mitigation or management measures; 4. Health and safety;

		<p>2. The operation of APUs on land within the East Side Precinct shall be restricted to a period not exceeding 15 minutes after the aircraft has stopped at the gate and 15 minutes prior to leaving the gate.</p>	<p>5. Effects on internal and external noise amenity for dwellings outside the Airport zone; and</p> <p>6. The Airport Noise Management Plan.</p> <p>7. In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations.</p>
P1 Sch1	NOISE-S13	Airport East Side Precinct residential noise mitigation	
	<p>Airport zone (East Side Precinct)</p> <p>Medium Density Residential Zone</p>	<p>1. Prior to construction activity occurring to the east of the line shown on the map within Attachment 2 of designation WIAL5, or prior to land within the East Side Precinct being used to facilitate Code C (or larger) Aircraft (whichever is the earlier), the Airport shall offer to install mechanical ventilation to habitable rooms of those residential dwellings listed in Attachment 2 of designation WIAL5.</p> <p>2. Where the property owner accepts this offer, the following requirements apply:</p> <p>a. The Airport shall meet the full cost of the ventilation work.</p> <p>b. Any habitable room within any dwelling listed in Attachment 2 with openable windows must be provided with a positive supplementary source of fresh air ducted from the outside of the habitable room.</p> <p>c. The supplementary source of fresh air is to achieve a minimum of 7.5 litres per second/per person.</p> <p>The offer and outcomes from the ventilation work shall be to no less a standard than similar home ventilation packages provided under the Wellington Airport Quieter Homes programme (as at 2021).</p>	
P1 Sch1	NOISE-S14	Land based noise	
	<p>Airport Zone</p> <p>(excluding Miramar South Precinct)</p>	<p>1. Noise emission levels from any activity within the Airport designationsZone (excluding the Miramar South Precinct), other than aircraft operations, engine testing and the operation of GPUs and APUs, when measured at any adjoining residential zone, shall not exceed the following limits:</p> <p>a. Monday to SaturdaySunday 7am to 10pm 55 dB LAeq (15min)</p> <p>b. At all other times 45 dB LAeq (15min)</p> <p>c. All days 10pm to 7am 75 dB LAFmax</p> <p>2. In the East Side Precinct, for the purposes of calculating compliance with this limit, account shall be taken of the cumulative effect of all land based activities undertaken within the Airport Zone, other than aircraft operations, the operation of APUs and any engine testing.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. Type, intensity and duration of the noise;</p> <p>2. Number of annual occurrences;</p> <p>3. Mitigation or management measures;</p> <p>4. Health and safety;</p> <p>5. Effects on internal and external noise amenity for dwellings outside the Airport zone;</p> <p>6. The requirements of NZS 6803:1999 Acoustics – Construction Noise; and</p> <p>7. The Airport Noise Management Plan.</p>

			In assessing noise effects, data may be used from a continuous noise monitoring station established to confirm compliance and may also be obtained from other locations.
P1 Sch1	NOISE-S15	Miramar South Precinct noise	
Airport Zone (Miramar South)	<p>In relation to the Miramar South Precinct (“the Site”):</p> <ol style="list-style-type: none"> 1. Noise emission levels from within a the Site when measured on any site that includes an occupied residence in the Medium Density residential zone beyond the Site shall not exceed: <ol style="list-style-type: none"> a. Monday to Sunday 7am to 10pm 55 dB LAeq (15 min) b. Monday to Sunday 1am to 6am 40 dB LAeq (15 min) c. At all other times 45 dB LAeq (15 min) d. All days 10pm to 7am 75 dB LAFmax 2. Noise emission levels from the Site when measured on any site in the Neighbourhood Centre Zone shall not exceed: <ol style="list-style-type: none"> a. At all times 60 dB LAeq (15 min) b. At all times 85 dB LAFmax 3. Noise during construction activities shall comply with the requirements of NZS 6803:1999 Acoustics – Construction Noise. 4. A close-boarded fence (or other acoustically effective barrier) with a density of at least 10 kg/m2 and a height of two metres shall be installed around the perimeter of the site excluding site access points. This shall be inspected regularly and maintained to ensure its continued acoustic effectiveness. 3. Entry / egress for trucks shall not be located opposite residential zoned areas. Trucks shall not drive along the Residential zoned parts of Miro Street, Kedah Street, or Kauri Street except where there are specific circumstances where this is necessary. 4. Truck engines shall not be left to idle on the Site and signage shall be placed in appropriate locations within the Site to advise drivers of this requirement. The Airport or its agents shall actively monitor this requirement. 5. Building services shall be designed such that noise levels from this source at the Site boundary are at least 10 dB lower than the limits set out in 1 above. 6. All warehouse doors shall be fast closing and shall remain closed at night-time unless in use. 7. There shall be no servicing or maintenance of equipment outdoors at night. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Type, intensity and duration of the noise; 2. Mitigation or management measures; 3. Health and safety; 4. Effects on internal and external noise amenity for dwellings outside the Miramar South Precinct; 5. The requirements of NZS 6803:1999 Acoustics – Construction Noise; 6. The Airport Miramar South Construction Noise Management Plan; 7. The acoustic assessment report prepared by the Airport for development of the Site; and 8. The Airport Noise Management Plan. 	
ISPP	NOISE -S16	<u>Air Noise Overlay – Internal Noise Environment</u>	

	<u>All Zones</u>	<ol style="list-style-type: none"> 1. <u>Any habitable room used by a noise sensitive activity in a new building or an addition or alteration to an existing building must be designed, constructed and maintained to achieve an internal noise level of Ldn 40dB, based on the Air Noise Overlay.</u> 2. <u>Within the Inner Noise Overlay, compliance with NOISE-S16.1 shall be demonstrated by:</u> <ol style="list-style-type: none"> a. <u>Designing, constructing and maintaining all habitable rooms in a manner that accords with: Table I Minimum construction requirements and implementing a mechanical ventilation system in accordance with NOISE-S17; or,</u> b. <u>Submitting a certificate to the Council from a suitably qualified acoustic engineer stating the design proposed will achieve this standard.</u> 3. <u>Within the Outer Noise Overlay, compliance with NOISE-S16.1 shall be demonstrated by:</u> <ol style="list-style-type: none"> a. <u>Implementing a mechanical ventilation system in accordance with NOISE-S17; or,</u> b. <u>Submitting a certificate to the Council from a suitably qualified acoustic engineer stating the design proposed will achieve this standard.</u> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. <u>The extent of any standard infringement and whether the non-compliance is insignificant;</u> 2. <u>Where alternative measures proposed, the design, construction and material of any structure to be used would achieve an acceptable internal noise environment for habitable rooms with all external doors and windows of the building closed.</u> 3. <u>Whether it is appropriate to require acoustic treatment measures (including measures in existing rooms, or whether such measures so be limited to the addition).</u> 4. <u>The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation.</u>
<u>ISPP</u>	<u>NOISE -S17</u>	<u>Air Noise Overlay - Ventilation</u>	
	<u>All Zones</u>	<ol style="list-style-type: none"> 1. <u>The indoor design levels in NOISE-S16 shall be achieved at the same time as the ventilation requirement of Clause G4 of the New Zealand Building Code, or any amendment to or replacement of that clause. If windows are required to be closed to achieve the indoor design sound levels then an alternative means of ventilation shall be required within habitable rooms and shall generate sound levels not exceeding:</u> <ol style="list-style-type: none"> a. <u>35 dB LAEq(30s) at night time in bedrooms; and</u> b. <u>40dB LAEq(30s) in any other habitable space (excluding bedrooms) when measured 1 metre away from any grille or diffuser.</u> c. <u>The room is provided with cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C;</u> d. <u>Mechanical ventilation systems shall include Filter Class of at least ISO Coarse 70%, and the filter shall be readily serviceable.</u> e. <u>Where ventilation ducting is built in and not serviceable, it shall be rigid.</u> f. <u>Where ventilation ducting is serviceable, it may be flexible.</u> g. <u>Confirmation of compliance with this standard will be required by a qualified professional.</u> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. <u>The extent of any standard infringement and whether the non-compliance is insignificant;</u> 2. <u>Where alternative measures proposed, the design, construction and material of any structure to be used would achieve acceptable indoor ventilation and acoustic amenity;</u> 3. <u>Whether it is appropriate to require ventilation measures (including measures in existing rooms, or whether such measures so be limited to the addition).</u> 4. <u>The ability to mitigate adverse effects through the imposition of conditions.</u>

ISPP	Building Element	Minimum Construction Requirement	
	External Walls of Habitable Rooms	Stud Walls:	
		Exterior cladding:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *
		Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m ³) required in cavity for all exterior walls. Minimum 90 mm wall cavity.
		Interior lining:	One layer of 12 mm gypsum plasterboard.
			Where exterior walls have continuous cladding with a mass of greater than 25 kg/m ² (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.
		Combined superficial density:	Minimum not less than 25 kg/m ² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m ² on each side of structural elements.
		Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
	Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
		Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing
		Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
		Frames to be aluminium window frames with compression seals.	
	Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
		Sarking:	17mm plywood (no gaps).
		Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m ³).
		Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m ³).
		Combined superficial density:	Combined mass of cladding and lining of not less than 25 kg/m ² with no less than 10 kg/m ² on each side of structural elements.
	Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
		Frame:	Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m ³) required for all ceilings.
		Ceiling:	12 mm gypsum plaster board.
		Combined superficial density:	Combined mass with cladding and lining of not less than 25 kg/m ² .
	Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
		Combined superficial density:	Floors to attain a combined mass not less than 25 kg/m ² for the floor layer and any external cladding (excluding floor joists or bearers).
	External Door to Habitable Rooms	Solid core door (min 25kg/m ²) with compression seals (where the door is exposed to exterior noise)	

Notes:

- The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

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TABLE II - Minimum construction requirements necessary to achieve an advanced external sound insulation level of $D_{nT,w} + C_{tr} > 35$ dB:

	Building Element	Minimum Construction Requirements	
	External walls	1. Wall cavity infill of fibrous insulation, batts or similar, with a minimum density of 9kg/m ³ ; and 2. cladding and internal wall lining complying with either Option A, B or C below:	
		Option A	Light cladding: timber weatherboard or sheet materials with surface mass between 16kg/m ² and 30kg/m ² of wall cladding Internal lining of minimum 17kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard, on resilient/isolating mountings
		Option B	Medium cladding: surface mass between 30 kg/m ² and 65kg/m ² of wall cladding Internal lining of minimum 17kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard
		Option C	Heavy cladding: surface mass greater than 65kg/m ² of wall cladding Internal lining of minimum 6kg/m ² plasterboard, such as one layer of 10mm thick plasterboard
	Roof/ceiling	1. Ceiling cavity infill of fibrous insulation, batts or similar, with a minimum density of 7kg/m ³ ; and 2. ceiling penetrations, such as for recessed lighting or ventilation, must not allow additional noise break-in; and 3. roof type and internal ceiling lining complying with either Option A, B or C below:	
		Option A	Skillion roof with light cladding: surface mass up to 13kg/m ² of roof cladding Internal lining of minimum 17kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard on resilient/isolating mountings
		Option B	Pitched roof with light cladding: surface mass up to 20kg/m ² of roof cladding Internal lining of minimum 17kg/m ² plasterboard, such as two layers of 10mm thick high density plasterboard
		Option C	Heavy roof cladding: surface mass greater than 20kg/m ² of roof cladding Internal lining of minimum 17kg/m ² plasterboard, such as one layer of 10mm thick high density plasterboard

	Glazed areas	<ol style="list-style-type: none"> 1. Timber or aluminum frames with full compression seals on opening panes (excludes glazed sliding doors or windows) 2. glazed areas shall be less than 35% of each room floor area 3. double-glazing with: <ol style="list-style-type: none"> a. a laminated pane of glass at least 6mm thick; and b. a cavity between the two panes of glass at least 12mm deep; and c. a second pane of glass at least 6mm thick; or d. any other glazing with a minimum performance of $R_w + C_{tr} 34dB$.
	Exterior doors to any habitable room	Solid core exterior door, minimum surface mass $20kg/m^2$, with compression seals; or other door sets with minimum performance of $R_w 30dB$

HEARING STREAM 5 – TE ORO – NOISE AMENDMENTS AND SECTION 32AA ASSESSMENT

Proposed Provisions (as per the Section 42A report, dated 3 rd July 2023)	Amended Provisions (deleted text struck through added text underlined)	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective		
<p>NOISE-O1 Managing noise generation and effects</p> <p>Amenity values and peoples' health and well-being are protected from adverse noise levels, consistent with the anticipated outcomes for the receiving environment.</p>	<p>NOISE-O1 Managing noise generation and effects</p> <p><u>Amenity values and peoples' health and well-being are protected from adverse noise levels; Adverse noise effects on the amenity values and health of people and communities are managed to levels</u> consistent with the anticipated outcomes for the receiving environment.</p>	<ul style="list-style-type: none"> Notified objective does not recognise that “protection” of amenity values is not always practicable, particularly in the context of existing authorised activities and their effects on outdoor amenity effects which cannot be mitigated for. Amenity values can also change over time in response to changes in the surrounding environment. Attendant policies allow for higher levels of noise to be generated within a range of high and moderate areas, which is not consistent with the policy directive to “protect” amenity values. Use of the term “manage” recognises that a range of methods can be adopted to achieve this outcome – the policy directives range from “enable”, “restrict”, “discourage” enable a range of management options to be applied within the attendant policies. The amendment also aligns with the heading of the objective. Amendment will enable the activities to be managed in a way provides for their health and wellbeing of people and the community, while enabling the continued use of physical resources in a way that meet the foreseeable needs of future generation. 		
	<p>NOISE 7 Development restrictions on noise sensitive activities within the Air Noise Overlays</p> <ol style="list-style-type: none"> <u>Avoid the establishment of new noise sensitive activities within the Air Noise Overlays and the Open Space, Natural Open Space and General Industrial Zones;</u> <u>Discourage the establishment of new or the intensification of existing noise sensitive activities within the Air Noise Overlays and all other zones unless the reverse sensitivity effects on Wellington International Airport can be appropriately managed.</u> <p>NOISE-R3A Noise sensitive activity within the Air Noise Overlay</p> <p>1. Activity status: Permitted <u>One residential unit per site is permitted within the Air Noise Overlay where:</u></p> <ol style="list-style-type: none"> <u>Compliance with the requirements of NOISE-S16 and S17 is achieved;</u> <p>2. Activity status: Restricted Discretionary <u>Where:</u></p> <ol style="list-style-type: none"> <u>Compliance with the requirements of NOISE-R3A.1 cannot be achieved.</u> <u>Any other noise sensitive activity is proposed on a site and the requirements of NOIS-S16 and NOISE-S6 are achieved.</u> <p>Matters of discretion are:</p>	<ul style="list-style-type: none"> Enabling the intensification of noise sensitive activities within the Air Noise Overlays has the potential to compromise the efficient and effective operation of the Airport and also compromise amenity values and people’s health and wellbeing. The provisions will sustain the potential of the Airport to meet the reasonably foreseeable needs of future generations through constraining permitted levels of development and minimising the potential for reverse sensitivity effects that would compromise Airport operations. The provisions are no so limiting that they do not allow competing considerations to be evaluated on a case by case basis to determine what is appropriate in the circumstances. As regionally significant infrastructure, Wellington International Airport is an important existing physical resource that enables people and communities to provide for their social, economic and cultural wellbeing. The GWRPS requires particular regard to be given to such matters (Policy 39(b)). Protecting regionally significant infrastructure from incompatible new subdivision, use and development is consistent with SCA-O5 and Policy 8 and 39(b) of the GWRPS. Despite the distinction in the GWRPS and SCA-O6, NOISE-P3, P4 and P6 and its attendant methods do not distinguish between general zone based activities and regionally significant infrastructure. Similarly, the matters of discretion and assessment matters do not engage specific consideration of the effects of the proposal on regionally significant infrastructure and its ability to operate efficiently and effectively. Restricting intensification within the Air Noise Overlays is consistent with the outcomes sought by CC-O2(4) of the Proposed Plan. The proposed new provisions are more effective at achieving the outcomes sought by SCA-O6, NOISE-O1 and NOISE-O2 (when comprised to NOISE-P6) and will ensure the effects of the intensification of noise sensitive activities within the Air Noise Overlays more appropriately protects the existing and authorised activities at Wellington International Airport from adverse reverse sensitivity. 		
		<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p>	<p>Environmental, Cultural, Economic, Social and Cultural Costs</p>	<p>Effectiveness and Efficiency</p>

	<ol style="list-style-type: none"> 1. The matters in NOISE-P7; 2. The ability to achieve acceptable outdoor amenity; 3. Any proposed mitigation of aircraft noise, in accordance with a best practicable option approach (e.g site layout and design, design and location of structures and buildings and outdoor amenity areas). 4. The extent to which the effects, as a result of the sensitivity of the activities to current and future noise generation from aircraft operations, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Wellington International Airport. <p>Wellington International Airport Limited will be considered an affected party for applications for noise sensitive activities within the Air Noise Overlay.</p> <ol style="list-style-type: none"> 1. Activity status: Non-complying Where: Any noise sensitive activity located within the Air Noise Overlay and not subject to NOISE-R3. <p>NOISE-S16 Air Noise Overlay – Internal Noise Environment</p> <ol style="list-style-type: none"> 1. Any habitable room used by a noise sensitive activity in a new building or an addition or alteration to an existing building must be designed, constructed and maintained to achieve an internal noise level of Ldn 40dB, based on the Air Noise Overlay. 2. Within the Inner Noise Overlay, compliance with NOISE-S16.1 shall be demonstrated by: <ol style="list-style-type: none"> a. Designing, constructing and maintaining all habitable rooms in a manner that accords with: Table I Minimum construction requirements and implementing a mechanical ventilation system in accordance with NOISE-S17; or, b. Submitting a certificate to the Council from a suitably qualified acoustic engineer stating the design proposed will achieve this standard. 3. Within the Outer Noise Overlay, compliance with NOISE-S16.1 shall be demonstrated by: <ol style="list-style-type: none"> a. Implementing a mechanical ventilation system in accordance with NOISE-S17; or, b. Submitting a certificate to the Council from a suitably qualified acoustic engineer stating the design proposed will achieve this standard. 	<ul style="list-style-type: none"> • The provisions will ensure that inappropriate development within the Airport noise boundaries will be avoided or mitigated, contributing towards the protection of the communities health, wellbeing and amenity values an the outcomes sought by NOISE-O1. • The policies and methods will reduce the extent to which operation of Wellington International Airport is affected by reverse-sensitivity issues and will consequently provide for the on-going operation of the airport. This will result in a positive economic benefit brought to the Region by the Airport. • The acoustic treatment and ventilation requirements will ensure alignment with the Quieter Homes Programme and will ensure a consistent internal noise environment is achieved throughout the Air Noise Overlay. • Greater ease of interpretation to achieve an internal design sound level of 40dB Ldn when compared to NOISE-S4. • Reduction of potential adverse amenity and health effects by reducing the number of people exposed to aircraft noise. • Reduced acoustic treatment costs when compared to NOISE-S4 and S5. 	<ul style="list-style-type: none"> • Opportunity costs arising from a potential reduction in noise sensitive activities within the Air Noise Overlay. • Greater consenting costs and challenges may arise for those seeking to develop sites within the Air Noise Overlay for noise sensitive activities. • There will be costs for some landowners included in the new, extended boundaries i.e. construction costs to achieve certain ventilation requirements and/or consent requirements for sites with more than one residential unit. • While the intensification of residential activity within the Air Noise Overlays will be constrained, reports and evidence by Property Economics appears to demonstrate that there is capacity to accommodate such activity outside of the Air Noise Overlays, while still meeting demand for housing capacity. • Effects on outdoor amenity will remain for noise sensitive activity within the Air Noise Overlay, however measures will be able to be adopted (as practicable) to minimise such effects. • Some cross over of acoustic and mechanical ventilation requirements for noise sensitive activities located within Air Noise Overlay and other high or moderate noise overlays. 	<ul style="list-style-type: none"> • WIAL is a significant infrastructure asset for the region. It is necessary to protect this from reverse sensitivity effects in order to maintain its operational capacity, the provisions will seek to discourage activities which have the potential to create increase reverse sensitivity effects on the airport operations and is therefore appropriate in 'protecting' this infrastructure asset. • The provisions will be effective in ensuring that any noise sensitive activities (in excess of the permitted allowances) within the Air Noise Overlay goes through a consenting process and will be required to demonstrate how reverse sensitive effects will be appropriately managed.
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Red underline and strike-out: show additions and deletions to the notified Wawaetanga Subdivision Chapter, as recommended by Hannah van Haren-Giles in the section 42A report dated 3rd July 2023.

Blue underline and strike-out: show further additions and deletions to the s42A report version of the Te Oro, as recommended by Kirsty O'Sullivan, State of Evidence dated 18th July 2023.

Parts of this chapter have been notified using either a Part One Schedule 1 process (**P1 Sch1**), or as part of an Intensification Planning Instrument using the Intensification Streamlined Planning Process (**ISPP**). Please see notations.

This chapter contains provisions that have legal effect. They are identified with a



next to the provision. To see more about what legal effect means please click here.

Wawaetanga

Subdivision

SUB	Subdivision
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P1 Sch1

Introduction

The purpose of this chapter is to assist the Council to carry out its functions under the Act relating to the control of subdivision.

Subdivision involves the division of an allotment or building into multiple allotments, or the alteration of existing boundaries. Subdivision often entails a change in land ownership arrangements, and commonly affects future development potential for newly created allotments. In this way, subdivision will play an important role in accommodating 50,000 to 80,000 additional residents in Wellington City to 2050.

Greater housing choice is also desired in the City over the short, medium and long-term. Subdivision controls will need to be flexible enough to facilitate that aim, whilst also ensuring adverse effects on people, communities and the wider environment can be appropriately managed.

In addition to facilitating increased housing supply and choice, subdivision is related to the Council's aims for a more sustainable and resilient future for Wellington. For example, poorly-designed subdivisions can limit neighbourhood connectivity and cohesion, entailing also longer travel times, greater reliance on private vehicle transport and associated increases in greenhouse gas emissions. In contrast, well-connected subdivisions can enhance community values and sense of place, and promote greater uptake of active and public transport modes.

Poorly-designed subdivisions can also lead to greater energy consumption and associated costs for home heating, relative to designs that make better use of solar aspect and other renewable energy opportunities.

When subdivision and related land use activities are assessed concurrently, it enables a comprehensive understanding of the resulting pattern, scale and density of development. For this reason, the Council prefers combined subdivision and land use resource consent applications to be made wherever possible and therefore the District Plan provides a more enabling framework for combined subdivision and land use application. However, it is understood that such an integrated approach is not always practicable or preferable for applicants, for a variety of reasons.¹

Where buildings and activities are lawfully established prior to subdivision, the subdivision process may be little more than a formalisation of new property or unit boundaries to provide for separate ownership. Where subdivision precedes land use, the resulting development potential needs to be taken into account to ensure newly created allotments and units are of a size, shape and orientation that are fit-for-purpose and sympathetic to the local context.

Subdivisions commonly lead to an increase in intensity of land use activity, and steps need to be taken at subdivision stage to ensure existing and future activities can be serviced for access, water supply, wastewater disposal, stormwater management, telecommunications and power supply.

Subdivision involving certain activities in close proximity to some network utilities also needs to be managed. The provisions in the subdivision chapter work together with provisions in the infrastructure and other chapters to achieve the Plan's aims regarding the operation, maintenance, development and upgrade of infrastructure.

Subdivisions adjacent to surface waterbodies and the CMA afford opportunities for greater access to these features to enhance a range of values. Esplanade reserves and esplanade strips will generally be required by the Council in such circumstances. Esplanades also provide opportunities to maintain or enhance conservation values associated with ecological characteristics of surface water and the coast, as well as natural hazard mitigation.

Subdivision is only permitted in limited circumstances. Under Section 223 of the RMA, a requires that a² survey plan for such subdivisions may be submitted to Council for approval provided that a certificate of compliance has been obtained for the subdivision and that certificate has not lapsed.

Application of rules in this Chapter³

This chapter includes objectives, policies and rules that relate to subdivision generally. It also includes policies and rules that implement objectives in other chapters, specifically as they relate to the management of subdivision.

Rule SUB-R1 relates specifically to subdivision of land for the purpose of the construction and use of residential units in the Medium Density Residential Zone and the High Density Residential Zone.

Subdivisions under Rule SUB-R1 are not subject to Rules SUB-R2 – SUB-R5, but are subject to the area-specific and topic-specific district wide⁴ rules where the land also contains a corresponding planning notation or overlay.

With the exception of Rule SUB-R1, the general subdivision objectives, policies and rules apply

¹ Kāinga Ora [391.189]

² Kāinga Ora [391.189]

³ Consequential in response to Kāinga Ora [391.189]

⁴ Transpower [315.167 and 315.168]

to all subdivision proposals, including those that affect land subject to other planning map notations, areas, or overlays. To the extent relevant, this includes Objectives SUB-O1 and SUB-O2, Policies SUB-P1 – SUB-P8, and Rules SUB-R2 – SUB-R5.

In addition to those general provisions, the area-specific and ~~topic-specific~~ district wide⁵ policies and rules apply to subdivisions affecting land subject to the applicable planning notation or overlay. This includes Policies SUB-P89 – SUB-P26, and Rules SUB-R6 – SUB-R31.

Responsibilities

GWRC has a key role under the RMA in conserving soil, maintaining and enhancing water quality and aquatic ecosystems and avoiding or mitigating natural hazards. In practice, this means that:

1. GWRC have functions and responsibilities for the control relating to subdivision;
2. GWRC manages potable water where a connection to Council's reticulated potable systems is not available, and the water supply is from groundwater or a waterbody.
3. GWRC manages wastewater disposal where a connection to Council's reticulated wastewater systems is not available and sewage is to be disposed to ground.
4. GWRC manages stormwater disposal where a connection to Council's reticulated wastewater systems is not available and stormwater is to be disposed to ground or into a waterbody.
5. GWRC also manages disturbance activities in the beds of rivers and lakes.⁶

Other relevant District Plan provisions

P1 Sch1

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide chapters also contain provisions that may be relevant including:

- **Transport**- The Transport Chapter contains provisions relating to transport matters, including traffic generation.
- **Three Waters – The Three Waters Chapter contains provisions that relate to the management of the Three Waters infrastructure including servicing, hydraulic neutrality, water-sensitive urban design and infrastructure enabled urban development.**⁷
- **Historic Heritage and Sites and Areas of Significance to Māori** - Land subject to subdivision proposals may include archaeological sites and sites and areas of significance to Māori. Specific objectives and policies for the protection of these sites are located in the Sites and Areas of Significance to Māori Chapter and Historic Heritage Chapter.
- **Notable Trees – The Notable Trees Chapter contains provisions that identify and protect certain trees for their significant historic heritage, ecological or amenity values.**⁸
- **Infrastructure** - the subdivision chapter includes rules to implement objectives and policies in the Infrastructure Chapter where certain types of subdivision are in close proximity to some network utilities.
- **Natural Hazards** - the subdivision chapter includes policies and rules that implement the

⁵ Transpower [315.167 and 315.168]

⁶ Consequential amendment in response to GWRC [351.195]

⁷ Consequential amendment in response to Rod Halliday [25.24] and AdamsonShaw [137.5, 137.6, 137.7, and 137.8]

⁸ Administrative amendment

objectives in the Natural Hazards chapter where subdivision proposals affect land subject to identified natural hazards.

- **Natural Character** – the subdivision chapter contains the rules that implement the objectives in the Natural Character chapter where subdivision proposals affect riparian margins
- **Ecosystems and Indigenous Biodiversity** - the subdivision chapter includes policies and rules that implement the objectives in the Ecosystems and Indigenous Biodiversity chapter where subdivision proposals affect Significant Natural Areas
- **Natural Features and Landscapes** - the subdivision chapter includes policies and rules that implement the objectives in the Natural Features and Landscapes chapter where subdivision proposals affect Outstanding Natural Features and Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops.
- **Public Access** - the subdivision chapter includes policies and rules that implement the objectives in the Public Access chapter where subdivision proposals affect access to the coast and surface waterbodies
- **Coastal Environment** - the Coastal Environment Chapter contains the objectives and policies relating to the subdivision of land on property that is subject to coastal hazards. The subdivision chapter contains the rules that implement the objectives in the Coastal Environment chapter where subdivision proposals affect land in the Coastal Environment
- **Earthworks** - The Earthworks Chapter manages the adverse effects of earthworks on the environment, including earthworks associated with subdivision proposals.
- **Noise** - The Noise Chapter contains specific controls in relation to noise, including temporary construction noise from subdivision and associated development.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Objectives

ISPP

SUB-O1	<p>Efficient pattern of development</p> <p>Subdivision achieves an efficient development pattern that:</p> <ol style="list-style-type: none"> 1. Maintains or enhances Wellington’s compact urban form; 2. Is compatible with the nature, scale and intensity anticipated for the underlying zone and local context; 3. Enables appropriate future development and use of resulting land or buildings; and 4. Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities- and; 5. Protects regionally significant infrastructure from incompatible development.
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P1 Sch1

SUB-O2	<p>Esplanades</p> <p>The network of esplanade reserves and esplanade strips in Wellington is progressively increased.</p>
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Policies

All subdivision

ISPP

SUB-P1**Recognizing and providing for subdivision**

Recognise the benefits of subdivision in facilitating the supply and variety of new housing, business and other activities that meet the needs of people and communities.

ISPP

SUB-P2**Boundary adjustments and amalgamation**

Enable boundary adjustments and site amalgamation to enhance the efficient use of land, provided that the nature and scale of resulting development potential is compatible with the local context.

ISPP

SUB-P3**Sustainable design**

Provide for subdivision design and layout that makes efficient use of renewable energy and other natural and physical resources, and delivers well-connected, resilient communities including development patterns that:

1. Maximise solar gain;
2. Incorporate effective water sensitive design;
3. Achieve hydraulic neutrality;
4. Provide for safe vehicle access;
5. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety; and
6. Are adaptive to the effects of climate change.

ISPP

SUB-P4**Integration and layout of subdivision and development**

Provide for the efficient integration and layout of subdivision and associated development by:

1. Encouraging joint applications for subdivision and land use;
2. Enabling subdivision around development that has already been lawfully established; and
3. Ensuring standalone subdivision proposals provide allotments that can be feasibly developed and are fit for the future intended purpose.

ISPP

SUB-P5**Subdivision for residential activities**

Provide for flexibility, innovation and choice for future development enabled by subdivision for residential activities, while ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity

		anticipated for the underlying zone or activity area.
P1 Sch1	SUB-P6	<p>Subdivision in the General Rural Zone</p> <p>Require subdivisions in the General Rural Zone to result in allotments of a size, shape and orientation that:</p> <ol style="list-style-type: none"> 1. Preserve the predominant open character of the rural zone and contributes to urban containment; 2. Can accommodate a residential unit in a position that manages effects on the privacy and amenity of residential units on neighbouring allotments; and 3. Do not increase the risk of reverse sensitivity effects arising on existing lawfully established activities.
ISPP	SUB-P7	<p>Servicing</p> <p>Require all allotments created by any subdivision to be adequately serviced such that:</p> <ol style="list-style-type: none"> 1. In urban areas, suitable access, connections to reticulated water supply, wastewater and stormwater management networks are provided in accordance with the Council's Code of Practice for Land Development; 2. Allotments in rural or other areas that are unable to connect to reticulated networks are of sufficient size and shape to accommodate on-site wastewater disposal, stormwater management, and water supply, including water supply for fire-fighting purposes; and 3. <u>Suitable connections to telecommunications</u>⁹ and electricity are supplied.
	<u>SUB-PX</u>	<p><u>Subdivision within the Air Noise Overlay Boundary</u></p> <p><u>Provide for subdivision within the Air Noise Boundary where the potential future permitted density of noise sensitive activities will avoid adverse reverse sensitivity effects on Wellington International Airport.</u>¹⁰</p> <p><u>Discourage subdivision within the Air Noise Overlays unless the reverse sensitivity effects on Wellington International Airport can be appropriately managed.</u></p>
	<u>Historical and Cultural Value</u>	
P1 Sch1	SUB-P10	Subdivision of land on which a heritage building or heritage structure is located

⁹ Wellington Electricity Lines [355.52 and 355.53]

¹⁰ WIAL [406.263]

		<p>Provide for the subdivision of land on which heritage buildings and heritage structures are located, having regard to:</p> <ol style="list-style-type: none"> 1. <u>The extent to which the subdivision and any anticipated development would detract from the identified heritage values;</u>¹¹ 2. The identified relationship and contribution of the setting and surroundings of the site to the values of the heritage building or heritage structure; 3. The extent to which the subdivision would retain an appropriate setting for the heritage building or heritage structure; and 4. Whether covenants or consent notices can be imposed on any new allotment to manage any anticipated development. 5. <u>Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga where it is listed as a Category 1 or Category 2 Historic Place.</u>¹²
P1 Sch1	SUB-P11	<p>Subdivision within heritage areas</p> <p>Provide for the subdivision of land within heritage areas, having regard to:</p> <ol style="list-style-type: none"> 1. The extent to which the subdivision and any anticipated development would detract from the identified heritage values; and 2. Whether covenants or consent notices can be imposed on any new allotment to manage any anticipated development. 3. <u>Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga where it is listed as a Historic Area.</u>¹³
P1 Sch1	SUB-P12	<p>Subdivision of land containing a scheduled archaeological site</p> <p>Provide for the subdivision of land containing a scheduled archaeological site, having regard to:</p> <ol style="list-style-type: none"> 1. The location of site access and new structures in relation to the scheduled archaeological site; 2. The extent to which the subdivision and any anticipated development would adversely affect archaeological values; 3. The findings of any advice by a suitably qualified heritage professional; <u>and</u> 4. The outcomes of any consultation with Heritage New Zealand Pouhere Taonga; and 5. Whether controls such as covenants or consent notices can be imposed on any new allotment to manage anticipated development.
P1 Sch1	SUB-P13	<p>Subdivision of land containing a notable tree</p>

¹¹ Wellington City Council [266.97]

¹² Consequential amendment in response to Wellington Heritage Professionals [412.58]

¹³ Consequential amendment in response to Wellington Heritage Professionals [412.61]

ISPP

	<p>Require subdivision of land containing notable trees to support the maintenance of tree health and minimise the potential for interference, having regard to:</p> <ol style="list-style-type: none"> 1. The extent to which the location of new boundaries relative to the notable tree and any anticipated development will increase the risk of the interference with property; <u>and</u> 2. Whether controls such as consent notices or covenants can be imposed on any new allotment; and 3. Whether site access and new utilities can be located outside of the root protection area of the notable tree.
SUB-P9	<p>Subdivision of land within a site or area of significance to Māori Category A or B</p> <p>Provide for the subdivision of land within a site or area of significance to Māori Category A or B having regard to:</p> <ol style="list-style-type: none"> 1. The extent to which <u>C</u>onsultation has been¹⁴ undertaken with mana whenua; 2. The extent to which the values of mana whenua have been incorporated into the proposal; 3. Whether alternative methods, locations or designs are available that would avoid or reduce the impact on the identified site or area of significance; 4. Any positive effects of the development for mana whenua or opportunities to enhance the cultural values of the site; and 5. The extent to which mana whenua retain access and use of the site or area.

Natural Environment Values

P1 Sch1

SUB-P15	<p>Protection of significant natural areas</p> <p>Protect the biodiversity values of significant natural areas identified within SCHED8 by requiring subdivision to:</p> <ol style="list-style-type: none"> 1. Avoid adverse effects on indigenous biodiversity values where practicable; 2. Minimise adverse effects on the biodiversity values where avoidance is not practicable; 3. Remedy adverse effects on the biodiversity values where they cannot be avoided or minimised; 4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP2 – Biodiversity Offsetting are met; and
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¹⁴ Te Rūnanga o Toa Rangatira [488.55 and 488.56]

P1 Sch1

	5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP3 – Biodiversity Compensation are met.
SUB-P16	<p>Subdivision in significant natural areas</p> <p>Allow for subdivision in significant natural areas listed in SCHED8 where it:</p> <ol style="list-style-type: none"> 1. Applies the effects management hierarchy approach in SUB-P15; and 2. Demonstrates that it is appropriate by taking into account the: <ol style="list-style-type: none"> a. Findings of an ecological assessment in accordance with APP15; and b. Provision of any proposed protective covenants of the significant natural area; and c. Degree to which fragmentation of the significant natural area is minimised; and d. Extent to which building platforms and vehicle accessways within the new lots are proposed to locate outside the significant natural area or designed to minimize the degree of impact; and e. Extent that the ecological processes, functions and integrity of the significant natural area are maintained.

P1 Sch1

SUB-P14	<p>Subdivision within riparian margins</p> <p>Provide for<u>Only allow</u>¹⁵ subdivision within riparian margins where:</p> <ol style="list-style-type: none"> 1. The natural character is protected; and 2. The subdivisions is designed to minimise the adverse effects of future use and development enabled by the subdivision on the natural character.
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P1 Sch1

SUB-P17	<p>Subdivision of land within ridgeline and hilltops <u>overlay or within the ridgetop area of the</u> Upper Stebbings <u>and</u> Glenside West Development Area¹⁶</p> <p>Provide for <u>Only allow</u>¹⁷ subdivision of land containing ridgelines and hilltops <u>or within the ridgetop area</u>¹⁸ where:</p> <ol style="list-style-type: none"> 1. The integrity of the ridgeline is protected; and 2. The subdivision is designed to minimise the adverse effects of future use
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¹⁵ GWRC [351.185]

¹⁶ Consequential amendment

¹⁷ Forest & Bird [345.274]

¹⁸ John Tiley [142.14], Churton Park Community Association [189.14], Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.21]

		and development on the visual amenity and landscape values.
P1 Sch1	SUB-P18	<p>Subdivision of land within special amenity landscapes</p> <p>Manage subdivision of land within identified special amenity landscapes as follows:</p> <ol style="list-style-type: none"> 1. Provide for subdivision of land in identified special amenity landscapes outside the coastal environment where: <ol style="list-style-type: none"> a. The subdivision is designed to ensure that adverse effects of future use and development enabled by the subdivision on the identified values are avoided, remedied or mitigated; and b. The identified landscape values and characteristics are maintained. 2. Provide for subdivision of land in identified special amenity landscapes within the coastal environment where: <ol style="list-style-type: none"> a. The subdivision is designed to ensure that significant adverse effects of future use and development enabled by the subdivision on the identified values are avoided; and b. The subdivision is designed to ensure that any other adverse effects of future use and development enabled by the subdivision on the identified values are avoided, remedied or mitigated; and c. The identified landscape values and characteristics are maintained.
P1 Sch1	SUB-P8	<p>Esplanade requirements</p> <p>Require the provision of esplanade reserves and esplanade strips where subdivisions are proposed adjacent to the CMA or rivers to enhance:</p> <ol style="list-style-type: none"> 1. Public access to and along the coast and surface waterbodies; 2. Ecological, amenity and recreational values; and 3. Natural hazard resilience.
P1 Sch1	SUB-P19	<p>Subdivision of land within outstanding natural features and landscapes located outside of the coastal environment</p> <p>Only allow for the subdivision of land within identified outstanding natural features and landscapes or special amenity landscapes located outside of the coastal environment where the subdivision:</p> <ol style="list-style-type: none"> 1. Is compatible with the identified values of the identified outstanding natural features and landscapes; 2. Avoids, remedies or mitigates significant adverse effects on the identified values and characteristics of outstanding natural features and landscapes; and 3. Is designed to protect the identified values and characteristics of the outstanding natural features and landscapes.
<u>Coastal Environment</u>		

P1 Sch1	SUB-P20	<p>Subdivision of land within outstanding natural features and landscapes located within the coastal environment</p> <p>Avoid the subdivision of land within identified outstanding natural features and landscapes within the coastal environment, unless:</p> <ol style="list-style-type: none"> 1. Any adverse effects of future use and development enabled by the subdivision on the identified values of the outstanding natural features and landscapes are avoided; and 2. The identified values and characteristics of the outstanding natural features and landscapes are protected.
P1 Sch1	SUB-P21	<p>Subdivision of land within the landward extent of the coastal environment</p> <p>Provide for subdivision of land within the landward extent of the coastal environment where it:</p> <ol style="list-style-type: none"> 1. Consolidates existing urban areas; and 2. Does not establish new urban sprawl along the coastline.
P1 Sch1	SUB-P22	<p>Subdivision of land within high coastal natural character areas</p> <p>Only allow for subdivision in areas of very high or high coastal natural character within the coastal environment where:</p> <ol style="list-style-type: none"> 1. Any significant adverse effects on the identified values described in Schedule 12 - High Coastal Natural Character Areas are avoided and any other adverse effects on the identified values described in Schedule 12 - High Coastal Natural Character Areas are avoided remedied or mitigated; and 2. It can be demonstrated that: <ol style="list-style-type: none"> a. The particular values and characteristics of the areas of high coastal natural character areas as identified in SCHED12 – High Coastal Natural Character Areas are protected from inappropriate subdivision, considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes; b. The duration and nature of adverse effects are limited; c. There is a functional need or operational need for the subdivision to locate in the area; d. There are no reasonably practical alternative locations that are outside of the coastal environment or are less vulnerable to change; and e. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.
P1 Sch1	SUB-P23	<p>Subdivision of land within coastal margins and riparian margins in the</p>

	<p>coastal environment located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone</p> <p>Provide for subdivision of land within coastal margins and riparian margins where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone.</p>
ISPP	<p>SUB-P24 Subdivision of land within coastal margins and riparian margins in the coastal environment located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone and City Centre Zone</p> <p>Only allow for subdivision within coastal and riparian margins in the coastal environment located outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone where:</p> <ol style="list-style-type: none"> 1. Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and 2. It can be demonstrated that: <ol style="list-style-type: none"> a. There is a functional need or operational need for the subdivision to locate within the coastal margin or riparian margin; b. There are no reasonably practical alternative locations that are outside of the coastal margin or riparian margins or are less vulnerable to change; and c. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.
ISPP	<p><u>Natural Hazards</u></p>
	<p>SUB-P25 Subdivision of land affected by natural hazards</p> <p>Take a risk-based approach to the management of subdivision of land affected by natural hazards identified in the District Plan based on:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of natural hazards; and 2. The hazard posed to people's lives and wellbeing, and property, by considering the likelihood and consequences of differing natural hazard events.
P1 Sch1	<p>SUB-P26 Subdivision of land within the port and railway yards within the Wellington Fault Overlay</p> <p>Require subdivision of land within the port and railway yards within the</p>

Wellington Fault Overlay to incorporate mitigation measures that ~~reduce or avoid an increase in~~¹⁹ risk to people, property and infrastructure from the ground shaking and fault rupture on the Wellington Fault.

Rules: Land use activities

All Subdivision

ISPP

SUB-R1 Subdivision for the purpose of the construction and use of residential units in the Medium Density Residential Zone or High Density Residential Zone

<p><u>Medium Density Residential Zone</u></p> <p><u>High Density Residential Zone</u></p>	<p>1. Activity status: Controlled</p> <p>Matters of control are:</p> <ol style="list-style-type: none"> 1. The provision of practical, physical and legal access from each allotment directly to a formed legal road or by registered right of way; 2. The provision of a water supply connection to the Council’s reticulated water supply system for each allotment sufficient to meet the levels of service in the Wellington Water Regional Standard for Water Services 2022 and the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008; 3. The provision of a wastewater disposal connection to Council’s reticulated wastewater system for each allotment sufficient to meet the level of service in the Wellington Regional Standard for Water Services 2022; 4. The provision of a stormwater connection to Council’s reticulated stormwater system for each allotment sufficient to meet the level of service in the Wellington Regional Standard for Water Services 2022; 5. The provision of fibre optic cable connections to the legal boundary of each allotment; 6. The provision of electricity connections to the legal boundary or each allotment; and 7. Any consent notices, covenants, easements or other legal instruments necessary.²⁰ <p>Notification status:</p> <p>Applications under this rule are precluded from being publicly notified or limited notified if the subdivision is only associated with residential units that fully comply with density standards MRZ-S1, MRZ-S2, MRZ-S3, MRZ-S4, MRZ-S5, MRZ-S6, MRZ-S7 and MRZ-S8 in the Medium Density Residential Zone; or HRZ-S1, HRZ-S3, HRZ-S4, HRZ-S5, HRZ-S6, HRZ-S7, HRZ-S8 and HRZ-S9 in the High Density Residential Zone.</p> <p>Applications under this rule are precluded from being publicly or limited notified if the subdivision is associated with an application for the construction and use of 4 or more residential units that comply with density standards MRZ-S1, MRZ-S2, MRZ-S3, MRZ-S4, MRZ-S5, MRZ-S6, MRZ-S7 and MRZ-S8 in the Medium Density Residential Zone; or HRZ-S1, HRZ-S3, HRZ-S4, HRZ-S5, HRZ-S6, HRZ-S7, HRZ-S8 and HRZ-S9 in the High Density Residential Zone.</p> <p>Applications under this rule are precluded from being publicly notified if the</p>
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¹⁹ GWRC [351.187]

²⁰ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

ISPP

	subdivision is associated with an application for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of density standards MRZ-S1, MRZ-S2, MRZ-S3, MRZ-S4, MRZ-S5, MRZ-S6, MRZ-S7 and MRZ-S8 in the Medium Density Residential Zone; or HRZ-S1, HRZ-S3, HRZ-S4, HRZ-S5, HRZ-S6, HRZ-S7, HRZ-S8 and HRZ-S9 in the High Density Residential Zone.
	<p>SUB-R2 Subdivision around an existing lawfully established building which does not result in the creation of any new undeveloped allotment</p>
	<p><u>All zones</u></p> <p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The subdivision is not located in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone; and b. Compliance with the following standards is achieved: <ul style="list-style-type: none"> i. SUB-S1; ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; and vi. SUB-S7; and c. The subdivision will not lead to, or increase the degree of, non-compliance with land use standards of the applicable Zone.
	<p><u>All Zones</u></p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of SUB-R2.1b cannot be achieved <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7; and SUB-P8; 2. The extent and effect of non-compliance with any relevant Standard as specified in the associated assessment criteria for the infringing standards; 3. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and 4. Any consent notices, covenants, easements or other legal instruments necessary.²¹ <p>Notification status: Applications under this rule are precluded from being publicly or limited notified.</p>
	<p><u>General Rural Zone</u></p> <p><u>Large Lot Residential Zone</u></p> <p><u>Future Urban Zone</u></p> <p>3. Activity Status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of SUB-R2.1.a cannot be achieved.

²¹ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

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SUB-R3	Boundary adjustments
<p><u>All Zones, except for:</u></p> <p><u>General Rural Zone</u></p> <p><u>Large Lot Residential Zone</u></p> <p><u>Future Urban Zone</u></p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The boundary adjustment is not located in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone; and</p> <p>b. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. SUB-S1; ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; and vi. SUB-S7; and <p>c. The boundary adjustment will not lead to, or increase the degree of, non-compliance with land use standards of the applicable Zone.</p>
<p><u>General Rural Zone</u></p> <p><u>Large Lot Residential Zone</u></p> <p><u>Future Urban Zone</u></p>	<p>2. Activity status: Controlled</p> <p>Where:</p> <p>a. Compliance with the requirements of SUB-R3.1.a cannot be achieved; and</p> <p>b. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. SUB-S1; ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; and vi. SUB-S7; and <p>c. The boundary adjustment will not lead to, or increase the degree of, non-compliance with land use standards of the applicable Zone;</p> <p>d. In the Future Urban Zone, the subdivision is in general accordance with the relevant Development Plan and Requirements set out in APP12 – Lincolnshire Farm Development Area and APP13 – Upper Stebbings and Glenside West Development Area; and</p> <p>e. In the General Rural Zone:</p> <ul style="list-style-type: none"> i. All allotments identify a building platform for any existing or proposed residential unit that is no closer than 100m to any other existing or proposed building platform for a residential unit; and ii. Any allotment to be subdivided must be at least five years old from the deposit of survey plan.²² <p>Matters of control are:</p> <ul style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P6, SUB-P7 and SUB-P8; 2. For subdivisions in Lincolnshire Farm Development Area, the matters in DEV2-P1, DEV2-P2 and DEV2-P6; 3. For subdivisions in Upper Stebbings/Glenside West Development Area, the matters in DEV3-P1, DEV3-P2, DEV3-P5 and DEV3-P6; <u>and</u> 4. Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> 5. Any consent notices, covenants, easements or other legal instruments

²² Rod Halliday [25.23]

	<p style="text-align: center;">necessary.²³</p> <p>Notification status: Applications under this rule are precluded from being publicly notified.</p>
<u>All Zones</u>	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. The boundary adjustment is not a permitted activity under SUB-R3.1 or a controlled activity under SUB-R3.2.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, SUB-P6, SUB-P7, and {Link,16616,SUB-P8}; 2. The matters in the Subdivision Design Guide; 3. The extent and effect of non-compliance with any relevant Standard as specified in the associated assessment criteria for the infringed Standards; 4. For subdivisions in Lincolnshire Farm Development Area, the matters in DEV2-P1, DEV2-P2 and DEV2-P6; 5. For subdivisions in Upper Stebbings/Glenside West Development Area, the matters in DEV3-P1, DEV3-P2, DEV3-P5 and DEV3-P6; 6. For subdivisions in the General Rural Zone, the matters in the Rural Design Guide; <u>and</u> 7. Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> 8. Any consent notices, covenants, easements or other legal instruments necessary.²⁴ <p>Notification Status: Applications under this rule are precluded from being publicly notified.</p>

P1 Sch1

	SUB-R4	Subdivision to create a new allotment for infrastructure
<u>All Zones</u>	<p>1. Activity status: Controlled</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with the following standards for any balance allotment²⁵:</p> <ol style="list-style-type: none"> i. SUB-S1; <u>and</u> ii. SUB-S6; <u>and</u>²⁶ iii. SUB-S7. <p>Matters of control are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P7, and SUB-P8; <u>and</u> 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> 3. Any consent notices, covenants, easements or other legal instruments necessary.²⁷ 	

²³ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

²⁴ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

²⁵ WIAL [406.262]

²⁶ WIAL [406.262]

		Notification status: Applications under this rule are precluded from being publicly or limited notified.
	<u>All Zones</u>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R4.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P6, SUB-P7, and SUB-P8; 2. The extent and effect of non-compliance with any relevant Standard as specified in the associated assessment criteria for the infringed standards; <u>and</u> 3. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and 4. Any consent notices, covenants, easements or other legal instruments necessary.²⁸ <p>Notification status: Applications under this rule are precluded from being publicly notified.</p>
ISPP	SUB-R5	Subdivision that creates any vacant allotment, <u>excluding new allotments for infrastructure.</u> ²⁹
	<u>All Zones, except: General Rural Zone</u> <u>Large Lot Residential Zone</u> <u>Future Urban Zone</u>	<p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. The subdivision is not located in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone; and</p> <p>b. Compliance with the following standards is achieved:</p> <ol style="list-style-type: none"> i. SUB-S1 ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; vi. SUB-S6; and vii. SUB-S7. <p>Matters of control are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7, and SUB-P8; <u>and</u> 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and 3. Any consent notices, covenants, easements or other legal instruments necessary.³⁰

²⁷ WCC [266.95, 266.96] (Supported by Survey & Spatial New Zealand FS 116.4)

²⁸ Consequential amendment in response to WIAL [406.262]





²⁹ WIAL [406.262] – consequential to change to SUB-R4

³⁰ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

	<p>Notification status: Applications under this rule are precluded from being publicly or limited notified.</p>
<p><u>General Rural Zone</u></p> <p><u>Large Lot Residential Zone</u></p> <p><u>Future Urban Zone</u></p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of SUB-R5.1.a cannot be achieved; and b. Compliance with the following standards is achieved: <ul style="list-style-type: none"> i. SUB-S1; ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; vi. SUB-S6; vii. SUB-S7; and c. In the Future Urban Zone, the subdivision is in general accordance with the relevant Development Plan in the Planning Maps and with the Requirements set out in APP12 – Lincolnshire Farm Development Area and APP13 – Upper Stebbings and Glenside West Development Area; and d. In the General Rural Zone: <ul style="list-style-type: none"> i. All allotments identify a building platform for any existing or proposed residential unit that is no closer than 100m to any other existing or proposed building platform for a residential unit; and ii. Any allotment to be subdivided must be at least five years old from the deposit of survey plan. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P6, SUB-P7, and SUB-P8; 2. The matters in the Subdivision Design Guide; 3. <u>The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;</u>³¹ 4. For subdivisions in Lincolnshire Farm Development Area, the matters in DEV2-P1, DEV2-P2 and DEV2-P6; 5. For subdivisions in Upper Stebbings/Glenside West Development Area, the matters in DEV3-P1, DEV3-P2, DEV3-P5 and DEV3-P6; 6. For subdivisions in the General Rural Zone, the matters in the Rural Design Guide; <u>and</u> 7. Site access and the design of any vehicle parking and associated maneuvering areas; <u>and</u> 8. Any consent notices, covenants or other legal instruments necessary.³² <p>Notification status: Applications under this rule are precluded from being publicly or limited notified.</p>
<p><u>All zones, except:</u></p> <p><u>General Rural Zone</u></p>	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of SUB-R5.1.b cannot be achieved; and

³¹ Trelissick Park [168.21 and 168.22]


³² ibid

		<p>b. The subdivision is not located in the General Rural Zone.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7, and SUB-P8; 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; <u>and</u> 3. Site access and the design of any vehicle parking and associated maneuvering areas; <u>and</u> 4. Any consent notices, covenants or other legal encumbrances or instruments necessary.³³ <p>Notification status: Applications under this rule are precluded from being publicly notified.</p>
	<u>All Zones</u>	<p>4. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. The subdivision is not a controlled activity under SUB-R5.1 or a restricted discretionary activity under SUB-R5.2 or SUB-R5.3.
<u>Historical and Cultural Values</u>		
ISPP	<p>SUB-R7</p> 	<p>Subdivision of a site on which a scheduled heritage building or object heritage structure³⁴ is located</p>
	<u>All Zones</u>	1. Activity status: Discretionary
ISPP	<p>SUB-R8</p> 	<p>Subdivision of a site within a heritage area</p>
	<u>All Zones</u>	1. Activity status: Discretionary
P1 Sch1	<p>SUB-R9</p> 	<p>Subdivision of a site on which a scheduled archaeological site is located</p>
	<u>All Zones</u>	1. Activity status: Discretionary
P1 Sch1	<p>SUB-R10</p>	<p>Subdivision of a site on which a notable tree is located</p>
	<u>All Zones</u>	1. Activity status: Discretionary
P1 Sch1	<p>SUB-R6</p> 	<p>Subdivision of land within a site or area of significance to Māori Category A and B</p>
	<u>All Zones</u>	1. Activity status: Restricted Discretionary

³³ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

³⁴ Administrative amendment

P1 Sch1

		Matters of discretion are: 1. The matters in SUB-P9.
Natural Environment Values		
	SUB-R11 	Subdivision of land within a significant natural area
<u>All Zones</u>		<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. A future building platform to contain a residential unit <u>including areas for access to the building platform are</u>³⁵ identified for each new undeveloped allotment that:</p> <p style="margin-left: 40px;">i. Complies with the underlying zone provisions for buildings; and</p> <p style="margin-left: 40px;">ii. Is located outside of the significant natural area.</p> <p>Matters of discretion are:</p> <p>1. The matters in SUB-P15 and 16624,SUB-P16.</p> <p>Section 88 information requirements for applications: Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15.</p>
<u>All Zones</u>		<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R11.1.a cannot be achieved; <u>and</u></p> <p>b. <u>The subdivision is located outside of the coastal environment.</u></p> <p><u>Section 88 information requirements for applications: Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15.</u>³⁶</p>
<u>All Zones</u>		<p>3. <u>Activity Status: Non-complying</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with any of the requirements of SUB-R11.2 cannot be achieved; and</u></p> <p>b. <u>The subdivision is located outside the coastal environment.</u>³⁷</p> <p><u>Section 88 information requirements for applications: Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15.</u>³⁸</p>

³⁵ Forest & Bird [345.284]

³⁶ Forest & Bird [345.284]

³⁷ Forest & Bird [345.284]

³⁸ Forest & Bird [345.284]

P1 Sch1

SUB-R12		Subdivision of land within special amenity landscapes
<u>All Zones</u>	1. Activity status: Restricted Discretionary	<p>Where:</p> <p>a. A future building platform to contain a residential unit is identified for each new undeveloped allotment that:</p> <p>i. complies with the underlying zone provisions for buildings.</p> <p>Matters of discretion are:</p> <p>1. The effects on the identified values of the special amenity landscape; and</p> <p>2. The matters in SUB-P18.</p>
<u>All Zones</u>	2. Activity status: Discretionary	<p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R12.1.a cannot be achieved.</p>

P1 Sch1

SUB-R13		Subdivision of land within outstanding natural features and landscapes
<u>All Zones</u>	1. Activity status: Restricted Discretionary	<p>Where:</p> <p>a. A future building platform to contain a residential unit <u>including areas for access to the building platform are</u>³⁹ identified for each new undeveloped allotment that:</p> <p>i. complies with the underlying zone provisions for buildings; and</p> <p>ii. is located outside of the outstanding natural feature or landscape.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in SUB-P19 and SUB-P20; and</p> <p>2. The effects on the identified values of the outstanding natural features or landscapes.</p>
<u>All Zones</u>	2. Activity status: Discretionary	<p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R13.1.a cannot be achieved; and</p> <p>b. The subdivision is located outside the coastal environment.</p>
<u>All Zones</u>	3. Activity status: Non-Complying	<p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R13.2 cannot be achieved; and</p>

³⁹ Forest & Bird [345.286]

		b. The subdivision is located outside the coastal environment.
P1 Sch1	SUB-RX	Subdivision of land within ridgeline and hilltops overlay or within the ridgetop area of the Upper Stebbings and Glenside West Development Area
	<u>All Zones</u>	<p>1. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>A future building platform to contain a residential unit is identified for each new undeveloped allotment that:</u></p> <ul style="list-style-type: none"> i. <u>complies with the underlying zone provisions for buildings; and</u> ii. <u>For the Upper Stebbings and Glenside West Development Area is located outside of the ridgetop area.</u> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> 1. <u>The matters in SUB-P17; and</u> 2. <u>Any measures proposed to protect ridgeline and hilltop or ridgetop area, including the location and size of future building platforms.⁴⁰</u>
P1 Sch1	SUB-R14	Subdivision of land within the coastal environment outside of high coastal natural character areas and outside of coastal margins and riparian margins
	<u>All Zones</u>	<p>1. Activity status: Controlled</p> <p>Where:</p> <ul style="list-style-type: none"> a. The subdivision is not located in any Open Space and Recreation Zone or the General Rural Zone; and b. Compliance is achieved with the following standards: <ul style="list-style-type: none"> i. SUB-S6; and ii. SUB-S7. <p>Matters of control are:</p> <ul style="list-style-type: none"> 1. The matters in PA-P1, SUB-P8 and SUB-P21.
	<u>Open Space and Recreation Zones</u> <u>General Rural Zone</u>	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of SUB-R14.1.a cannot be achieved; and b. Compliance is achieved with the following standards: <ul style="list-style-type: none"> i. SUB-S6; and ii. SUB-S7.

⁴⁰ Proposed amendment in response to John Tiley [142.14], Churton Park Community Association [189.14], and Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.21]

P1 Sch1

		<p>Matters of discretion are:</p> <ol style="list-style-type: none"> The matters in PA-P1, SUB-P8 and SUB-P21.
	<u>All Zones</u>	<ol style="list-style-type: none"> Activity status: Discretionary <p>Where:</p> <ol style="list-style-type: none"> The subdivision is not a controlled activity under SUB-R14.1 or a restricted discretionary activity under SUB-R14.2.
	SUB-R15	Subdivision of land within the coastal environment within coastal margins or riparian margins
	<u>Port Zone</u> <u>Airport Zone</u> <u>Stadium Zone</u> <u>Waterfront Zone</u> <u>City Centre Zone</u>	<ol style="list-style-type: none"> Activity status: Controlled <p>Where:</p> <ol style="list-style-type: none"> The subdivision is located in the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone <p>Matters of control are:</p> <ol style="list-style-type: none"> The effect on coastal margins and riparian margins; Any measures proposed to protect the natural character values of the area, including the location and size of future building platforms; and The matters in SUB-P14, SUB-P21, SUB-P23, PA-P1, PA-P2 and PA-P3.
	<u>All Other Zones</u>	<ol style="list-style-type: none"> Activity Status: Restricted Discretionary <p>Where:</p> <ol style="list-style-type: none"> Compliance with the requirements of SUB-R15.1.a cannot be achieved; and A future building platform to contain a residential unit is identified for each new undeveloped allotment that: <ol style="list-style-type: none"> Complies with the underlying zone provisions for buildings; and Is located outside of the coastal margin or riparian margin. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> The effect on coastal margin and riparian margins; Any measures proposed to protect the natural character values of the area, including the location and size of future building platforms; and The matters in SUB-P14, SUB-P21, SUB-P24, PA-P1, PA-P2 and PA-P3.
	<u>All Other Zones</u>	<ol style="list-style-type: none"> Activity Status: Discretionary <p>Where:</p> <ol style="list-style-type: none"> Compliance with any of the requirements of SUB-R15.2.b cannot be achieved.
	SUB-R16	Subdivision of land within the coastal environment within high coastal natural character areas
	<u>All Zones</u>	<ol style="list-style-type: none"> Activity status: Restricted Discretionary

P1 Sch1

	<p>Where:</p> <p>a. A future building platform to contain a residential unit <u>including areas for access to the building platform are</u>⁴¹ identified for each new undeveloped allotment that:</p> <ol style="list-style-type: none"> complies with the underlying zone provisions for buildings; and is located outside of the high coastal natural character area. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> The effects on the identified coastal natural character values; Any measures proposed to protect the natural character values of the area, including the location and size of future building platforms; and The matters in SUB-P14, SUB-P21, SUB-P22, PA-P1, PA-P2 and PA-P3.
<p><u>All Zones</u></p>	<p>2. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R16.1.a cannot be achieved.</p>
<p>Natural Hazards</p>	
<p>ISPP</p>	<p>SUB-R17 Subdivision that creates building platforms for less hazard sensitive activities within the low, medium or high hazard areas of the Coastal Hazard Overlays or within the Flood Hazard, Liquefaction, Wellington Fault, Ohariu Fault, Sheppards Fault or Terawhiti Fault Overlays</p>
<p><u>All Zones</u></p>	<p>1. Activity status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> The building platform is not located within an identified overland flowpath of the Flood Hazard Overlay; and The building platform is not located within a stream corridor of the Flood Hazard Overlay. <p>Matters of control are:</p> <ol style="list-style-type: none"> The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7; <u>and</u> Site access and the design of any vehicle parking and associated maneuvering areas proposed; and Any consent notices, covenants, easements or other legal instruments necessary.⁴²
<p><u>All Zones</u></p>	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R17.1.a.</p> <p>Matters of discretion are:</p>

⁴¹ Forest & Bird [345.289]

⁴² WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

		<ol style="list-style-type: none"> The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7; Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> Any consent notices, covenants, easements or other legal instruments necessary; and⁴³ The matters in NH-P3.
	<u>All Zones</u>	<ol style="list-style-type: none"> Activity Status: Discretionary <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with SUB-R17.1.b.
ISPP	SUB-R18	Subdivision that creates building platforms for potentially hazard sensitive activities within the low hazard area of the Coastal Hazard Overlays, or within the inundation area of the Flood Hazard Overlay, or within the Liquefaction, Sheppards Fault or Terawhiti Fault Overlays
	<u>All Zones</u>	<ol style="list-style-type: none"> Activity status: Controlled <p>Matters of control are:</p> <ol style="list-style-type: none"> For subdivision where the building platforms are located in the Liquefaction, Sheppards Fault or Terawhiti Fault Overlays: <ol style="list-style-type: none"> The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; <u>and</u> Site access and the design of any vehicle parking and associated maneuvering areas proposed; and Any consent notices, covenants, easements or other legal instruments necessary;⁴⁴ The matters in NH-P6 for building platforms that are located in <u>ponding inundation</u>⁴⁵ of the Flood Hazard Overlay.
ISPP	SUB-R19	Subdivision that creates building platforms for potentially hazard sensitive activities within the medium hazard area of the Coastal Hazard Overlays
	<u>All Zones</u>	<ol style="list-style-type: none"> Activity Status: Restricted Discretionary <p>Matters of discretion are:</p> <ol style="list-style-type: none"> The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> Any consent notices, covenants, easements or other legal instruments necessary; and⁴⁶ The matters in CE-P16 for building platforms that are located in the medium hazard area of the Coastal Hazard Overlays.
ISPP	SUB-R20	Subdivision that creates building platforms for potentially hazard

⁴³ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

⁴⁴ ibid

⁴⁵ Administrative amendment

⁴⁶ ibid

		sensitive activities within <u>the</u> ⁴⁷ overland flow path of the Flood Hazard Overlay, the Wellington Fault Overlay or the Ohariu Fault Overlay
ISPP	All Zones	1. Activity status: Discretionary
	SUB-R21	Subdivision that creates building platforms for potentially hazard sensitive activities within the stream corridor of the Flood Hazard Overlay or the high hazard area of the Coastal Hazard Overlays
ISPP	All Zones	1. Activity status: Non-Complying
	SUB-R22	Subdivision that creates building platforms for hazard sensitive areas activities ⁴⁸ within the Sheppards Fault, Terawhiti Fault or Liquefaction Overlays
ISPP	All Zones	1. Activity status: Controlled Matters of control are: 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; <u>and</u> 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; <u>and</u> 3. Any consent notices, covenants, easements or other legal instruments necessary. ⁴⁹
	SUB-R23	Subdivision that creates building platforms for hazard sensitive activities within the inundation area of the Flood Hazard Overlay or the low hazard area of the Coastal Hazard Overlays
	All Zones	1. Activity Status: Restricted Discretionary Matters of discretion are: 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7, <u>and</u> SUB-P8, <u>and</u> SUB-P25 ⁵⁰ ; 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; 3. Any consent notices, covenants, easements or other legal instruments necessary. ⁵¹ 4. The matters in NH-P6 for building platforms that are located in the inundation area of the Flood Hazard Overlay; and 5. The matters in CE-P15 for building platforms that are located in the low hazard area of the Coastal Hazard Overlay.
ISPP	SUB-R24	Subdivision that creates building platforms for hazard sensitive activities within an overland flow path of the Flood Hazard Overlay or the medium

⁴⁷ Administrative amendment

⁴⁸ Administrative amendment

⁴⁹ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

⁵⁰ GWRC [351.190]

⁵¹ WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

		hazard areas of the Coastal Hazard Overlays
ISPP	All Zones	1. Activity status: Discretionary
	SUB-R25	Subdivision that creates building platforms for hazard sensitive activities within the stream corridor of the Flood Hazard Overlay, the Wellington Fault Overlay, the Ohariu Fault Overlay or the high hazard area of the Coastal Hazard Overlays
P1 Sch1	All Zones	1. Activity status: Non-Complying
	SUB-R26	Subdivision within the Wellington Fault Overlay or medium or high coastal hazard areas on land occupied by City Centre Zone or Airport <u>Zone</u> , operational <u>al</u> port activities, passenger port facilities and rail activities
	As specified in rule	<p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; Site access and the design of any vehicle parking and associated maneuvering areas proposed; Any consent notices, covenants, easements or other legal instruments necessary;⁵² The matters in <u>SUB-P26</u> and NH-P14 for building platforms associated with operational <u>al</u> port activities, passenger port facilities and rail activities the that are located in the Wellington Fault Overlay; The matters in CE-P20 for subdivision on land occupied by the Airport <u>Zone</u>, operation port activities, passenger port facilities and rail activities that are located in a medium or high coastal hazard areas; and The matters in <u>CE-P19</u> and⁵³ CE-P22 for subdivision on land within the City Centre Zone that is located in a medium or high coastal hazard areas;
	Other overlays	
P1 Sch1	SUB-R27	Subdivision in the National Grid substation buffer
	- All Zones	<p>1. Activity status: Controlled</p> <p>Where:</p> <ul style="list-style-type: none"> - a. All resulting allotments, except allotments for access or a public work, demonstrate that they can accommodate a building footprint for the principal building and any dwelling or sensitive activity outside of the National Grid substation buffer. <p>Matters of control are:</p> <ul style="list-style-type: none"> - 1. The extent to which the proposed development design and layout enables appropriate separation distances between sensitive activities and the substation;

⁵² WCC 266.95, 266.96 (Supported by Survey & Spatial New Zealand FS 116.4)

⁵³ Consequential amendment

	<p>2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</p> <p>3. Measures proposed to avoid potential adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the substation;</p> <p>4. Technical advice from an electrical engineer specialising in electricity transmission;</p> <p>5. The outcome of any consultation with Transpower; and</p> <p>6. Whether the building, structure or sensitive activity could be located further from the substation.</p> <p>Notification status:</p> <p>- Applications under this rule are precluded from being publicly notified.</p> <p>-</p> <p>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
All Zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of SUB-R27.1.a cannot be achieved.</p>
	<p>SUB-R287 Subdivision in the National Grid subdivision corridor</p>
All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building footprint for the principal building and any dwelling or sensitive activity outside of the National Grid yard; and</p> <p>b. Vehicle access to National Grid assets is maintained.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663; 2. The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines <u>and support structures</u> for maintenance, inspections and upgrading; 3. The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms; 4. The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines; 5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid, <u>and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the</u>

P1 Sch1

	<p><u>National Grid</u>;</p> <p>6. The outcome of any consultation with Transpower; and</p> <p>7. The extent to which the design and layout of the subdivision demonstrates that a suitable building platform or platforms for a principal building or dwelling can be located outside of the National Grid Yard for each new allotment- ; and</p> <p>8. <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u>⁵⁴</p> <p>Notification status:</p> <p>Applications under this rule are precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
All Zones	<p>2. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R28.1 cannot be achieved.</p>
P1 Sch1	<p>SUB-R298 <u>Subdivision of land containing a Gas Transmission Pipeline corridor</u></p> <p><u>Subdivision of land within the Gas Transmission Pipeline Corridor and/or within 30m of any above-ground station site forming part of the Gas Transmission Network</u></p>
All Zones, except: Residential Zones	<p>1. Activity status: Controlled Restricted Discretionary⁵⁵</p> <p>Where:</p> <p>a. The subdivision will not result in any building(s) (or any part of any building) or sensitive activities being located within the gas transmission pipeline corridor <u>and/or within 30m of above ground related infrastructure</u>;</p> <p>b. New allotment boundaries are outside of, and do not cross, the gas transmission pipeline corridor;</p> <p>c. The layout of allotments, including the balance area, and any associated earthworks, maintains physical and practical access to the gas transmission pipeline; and</p> <p>d. The subdivision is not located in any Residential Zone.</p> <p>Matters of control<u>discretion</u> are:</p> <p>1. The extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the gas transmission pipeline, including the ability for continued reasonable access for inspections, maintenance and upgrading;</p> <p>2. The location of any future building platform as it relates to the gas transmission pipeline;</p> <p>3. The risk of hazards affecting public or individual safety, and the risk of</p>

⁵⁴ Transpower [315.171] and [315.172, 315.173]

⁵⁵ Firstgas [304.39 and 304.40]

	<p>property damage;</p> <ol style="list-style-type: none"> 4. The extent to which the subdivision design allows for activities to be setback from the gas transmission <u>network pipeline</u>; 5. The nature and location of any vegetation to be planted in the vicinity of the gas transmission <u>network pipeline</u>⁵⁶; and 6. The outcome of any consultation with the owner and operator of the gas transmission pipeline. <p>Notification status:</p> <p>Applications under this rule are precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
<p><u>All Zones, except:</u></p> <p><u>Residential Zones</u></p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of SUB-R29.1.a, SUB-R29.1.b or SUB-R29.1.c cannot be achieved.</p> <p>-</p> <p>Matters of discretion are:-</p> <ol style="list-style-type: none"> 1. The extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the gas transmission pipeline, including the ability for continued reasonable access for inspections, maintenance and upgrading; 2. The location of any future building platform as it relates to the gas transmission pipeline; 3. The risk of hazards affecting public or individual safety and the risk of property damage; 4. The extent to which the subdivision design allows for activities to be setback from the gas transmission pipeline; 5. The nature and location of any vegetation to be planted in the vicinity of the gas transmission pipeline; and 6. The outcome of any consultation with the owner and operator of the gas transmission pipeline. <p>-</p> <p>Notification status:-</p> <p>Applications under this rule are precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
<p><u>Residential Zones</u>⁵⁷</p>	<p>3. Activity status: Discretionary</p> <p>Where:</p>

⁵⁶ All changes in response to FirstGas [304.39 & 304.40]

⁵⁷

		a. Compliance with the requirements of SUB-R29.1.d cannot be achieved.
P1 Sch1	SUB-R3029	Subdivision with <u>in</u> the Air Noise <u>Overlay Boundary</u>
	<u>All Zones</u>	1. Activity status: Discretionary <u>Notification status: For a resource consent application made in respect of Rule SUB-R29, WIAL must be considered to be an affected person in accordance with Section 95E of the RMA.⁵⁸</u>
	Other subdivision	
P1 Sch1	SUB-R3030	Any other subdivision
	<u>All Zones</u>	1. Activity status: Discretionary Where: a. The subdivision is not otherwise provided for as a permitted activity, controlled activity, restricted discretionary activity, or non-complying activity.
	Standards	
ISPP	SUB-S1	Access
	Every allotment must have practical, physical and legal access directly to a formed legal road or by way of a registered right-of-way.	Assessment criteria where the standard is infringed: 1. Whether the safe, efficient and effective functioning of the transport network is maintained; 2. Whether any alternative access arrangement is located, formed and constructed in a manner that is suited to the development or activity it serves; and 3. Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.
ISPP	SUB-S2	Water supply
	1. Where a connection to Council's reticulated water supply systems is available, all new allotments must: a. Be provided with a water supply connection at the allotment boundary, that provides the level of service in Chapter 6, Tables 6.1 and	Assessment criteria where the standard is infringed: 1. The extent to which the proposed water supply is sufficient for the development or activity it serves;

⁵⁸ WIAL [406.282 and 406.283]

<p>6.2 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>b. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008; and</p> <p>2. Where a connection to Council's reticulated water supply systems is not available, all allotments must:</p> <p>a. Be provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L; and</p> <p>b. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	<p>2. The suitability of the proposed water supply for fire-fighting purposes, including effects on peoples' health and safety, and on property;</p> <p>3. Where Council's reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems; and</p> <p>4. Whether any site constraints make compliance impracticable.</p>
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ISPP

<p>SUB-S3</p>	<p>Wastewater disposal</p>
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<p>1. Where a connection to Council's reticulated wastewater systems is available, all new allotments must be provided with a connection at the allotment boundary that provides the level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>2. Where a connection to Council's reticulated wastewater systems is not available, all allotments must be provided with <u>on-site wastewater systems a septic tank or soakage field⁵⁹</u> or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>3. Where a connection to Council's reticulated wastewater systems is not available and sewage is to be disposed to ground, that area must not be subject to instability or inundation or used for the disposal of stormwater.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which the proposed wastewater disposal solution is sufficient for the development or activity it serves;</p> <p>2. The extent to which the proposed wastewater disposal solution will result in adverse effects on peoples' health and safety;</p> <p>3. Whether the proposed wastewater disposal solution may result in contamination of groundwater or stormwater, including as a result of wet weather overflows;</p> <p>4. Where Council's reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems; and</p> <p>5. Whether any site constraints make compliance impracticable.</p>
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ISPP

<p>SUB-S4</p>	<p>Stormwater management</p>
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<p>1. Where a connection to Council's stormwater management systems is available, all new allotments must be provided with a connection at the allotment boundary, that provides the level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019;</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which the proposed stormwater management solution is sufficient for the development or activity it serves;</p>
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⁵⁹ GWRC [351.192]

<ol style="list-style-type: none"> 2. All subdivisions must achieve hydraulic neutrality; and 3. Where a connection to Council's stormwater systems is not available and the means of stormwater disposal is to ground, that area must not be subject to instability or inundation or be used for the disposal of wastewater. 	<ol style="list-style-type: none"> 2. The extent to which the proposed stormwater management solution results in adverse effects on peoples' health and safety; 3. Whether the proposed stormwater management solution results in adverse flooding effects on other property, including on the effective function of Council's reticulated network; 4. Where Council's reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems; and 5. Whether any site constraints make compliance impracticable.
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ISPP

SUB-S5	Telecommunications and power supply
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<ol style="list-style-type: none"> 1. All new allotments must have provision for fibre optic cable connections to the legal boundary of the allotments; and 2. All new allotments must have provision for electricity connections to the legal boundary of the allotments. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which the proposed telecommunications and power supply is sufficient for the development or activity it serves; 2. Where any reticulated telecommunications and power supply system is not immediately available but is likely to be in the near future, the appropriateness of temporary supply solutions; and 3. Whether any site constraints make compliance impracticable.
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ISPP

SUB-S6	Number, size and shape of allotments
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<p>The following maximum allotment number and minimum size and shape limits must be complied with for any fee simple subdivision:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Standard</th> <th style="width: 65%;">Limit</th> </tr> </thead> <tbody> <tr> <td colspan="2">Large Lot Residential Zone</td> </tr> <tr> <td>1. Minimum size of any allotment following subdivision:</td> <td style="text-align: center;">3,500m²</td> </tr> <tr> <td colspan="2">General Rural Zone</td> </tr> <tr> <td>2. Maximum number of allotments following subdivision</td> <td style="text-align: center;">2</td> </tr> <tr> <td>3. Minimum size of allotment that may be</td> <td></td> </tr> </tbody> </table>	Standard	Limit	Large Lot Residential Zone		1. Minimum size of any allotment following subdivision:	3,500m ²	General Rural Zone		2. Maximum number of allotments following subdivision	2	3. Minimum size of allotment that may be		<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which a higher density of development is compatible with the <u>anticipated zone purpose, form and function and</u> local site⁶⁰ context; 2. Whether the size, shape and other physical characteristics of resulting allotments will enable feasible future development of a nature and scale that is generally anticipated by the relevant Zone provisions; 3. The extent to which any adverse effects on privacy or sunlight access for neighbours can be
Standard	Limit												
Large Lot Residential Zone													
1. Minimum size of any allotment following subdivision:	3,500m ²												
General Rural Zone													
2. Maximum number of allotments following subdivision	2												
3. Minimum size of allotment that may be													

subdivided	nil	<p>managed by allotment size, shape, orientation and topography or by landscaping, restrictions on future buildings or other mitigation;</p> <p>4. The extent to which clustering of smaller allotments and associated buildings in the General Rural Zone is appropriate to the local rural character and the overall maintenance of spaciousness, compared to a more dispersed development pattern; and</p> <p>5. The effectiveness of any legal or instruments <u>necessary proposed</u>⁶¹ to limit future intensification.</p>
a. In the Horokiwi Area;	30ha	
b. In all other areas		
4. Minimum size of any allotment following subdivision:	50ha	
a. In the Horokiwi Area;	nil	
b. In all other areas		
Metropolitan Centre, Local Centre, Neighbourhood Centre, Mixed Use & General Industrial Zones		
5. Maximum number of allotments	nil	
6. Minimum allotment size	500m²	
7. Minimum allotment shape	nil⁶²	
Upper Stebbings and Glenside West Development Area		
8. Minimum allotment size and shape	Capable of providing a building platform within the 'built' area	
All other Zones		
9. Maximum number of allotments	nil	
10. Minimum allotment size and shape	nil	

P1 Sch1

SUB-S7	Esplanade reserves and esplanade strips
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<p>1. Where any subdivision creates any allotment adjoining the CMA, an esplanade reserve or esplanade strip with a minimum width of 20m must be provided;</p> <p>2. Where any subdivision creates any allotment which adjoins or contains a river whose bed has an average width of 3m or more where the river adjoins or flow through the allotment, an esplanade reserve or esplanade strip with a minimum width of 20m must be provided in accordance with section 230 of the RMA; and</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which the land will maintain or enhance the ecological values and natural character, landscape, historic heritage and natural function of the adjacent surface waterbody or area of coast;</p> <p>2. Whether safe public access, recreational use, and natural hazard management are:</p>
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⁶¹ Kainga Ora [391.244 and 291.245]

⁶² Kainga Ora [391.244 and 291.245]

<p>3. Standards SUB-S7.1 and SUB-S7.2 do not apply to the creation of any allotments in the Port Zone or the Airport Zone.</p>	<ul style="list-style-type: none">a. Already available and can be maintained for the future; orb. Unable to be achieved irrespective of any reserve or strip being provided due to functional needs, operational needs, physical characteristics of the land, or other practical constraints; <p>3. The extent to which an esplanade strip would better provide for public access, recreation, natural hazard management, and ecological values compared to an esplanade reserve; and</p> <p>4. Whether any reduction in width is offset by an increase in width in other locations which would result in a net positive public benefit, in terms of public access, recreation, or natural hazard management.</p>
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HEARING STREAM 5 – WAWAETANGA – SUBDIVISION AMENDMENTS AND SECTION 32AA ASSESSMENT

Proposed Provisions (as per the Section 42A report, dated 3 rd July 2023)	Amended Provisions (deleted text struck through added text underlined)	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective		
<p><u>SUB-PX Subdivision within the Air Noise Boundary</u></p> <p><u>Provide for subdivision within the Air Noise Boundary where the potential future permitted density of noise sensitive activities will avoid adverse reverse sensitivity effects on Wellington International Airport.</u></p> <p>SUB-R3029 Subdivision within the Air Noise Boundary</p> <p>1. Activity status: Discretionary</p> <p><u>Notification status: For a resource consent application made in respect of Rule SUB-R29, WIAL must be considered to be an affected person in accordance with Section 95E of the RMA.¹</u></p>	<p><u>SUB-PX Subdivision within the Air Noise Overlay Boundary</u></p> <p><u>Provide for subdivision within the Air Noise Boundary where the potential future permitted density of noise sensitive activities will avoid adverse reverse sensitivity effects on Wellington International Airport.²</u></p> <p>1. <u>Discourage subdivision within the Air Noise Overlays unless the reverse sensitivity effects on Wellington International Airport can be appropriately managed.</u></p> <p>SUB-R3029 Subdivision within the Air Noise Overlay Boundary</p> <p>2. Activity status: Discretionary</p> <p><u>Notification status: For a resource consent application made in respect of Rule SUB-R29, WIAL must be considered to be an affected person in accordance with Section 95E of the RMA.³</u></p>	<ul style="list-style-type: none"> • Policy is appropriate at achieving the outcomes sought by Objective SCA-O6 and NOISE-O2 as it the directive to “discourage” subdivision is more consistent with requirement to “protect” regionally significant infrastructure. • Policy allows for reverse sensitivity effects to be “managed” which provides an array of resources which could be implemented in certain appropriate circumstances. • The provisions will sustain the potential of the Airport to meet the reasonably foreseeable needs of future generations through constraining permitted levels of development and minimising the potential for reverse sensitivity effects that would compromise Airport operations. • 		
		Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Cultural, Economic, Social and Cultural Costs	Effectiveness and Efficiency
		<ul style="list-style-type: none"> • Appropriately recognises that increased density associated with noise sensitive activities will not always be appropriate within the Air Noise Overlay. • The policies and methods will reduce the extent to which operation of Wellington International Airport is affected by reverse-sensitivity issues and will consequently provide for the on-going operation of the airport. This will result in a positive economic benefit brought to the Region by the Airport. • Will assist in ensuring that the community is not exposed to high levels of aircraft noise. 	<ul style="list-style-type: none"> • Opportunity costs arising from a potential reduction in subdivision activities for noise sensitive activities within the Air Noise Overlay. • Greater consenting costs and challenges may arise for those seeking to develop sites within the Air Noise Overlay for noise sensitive activities. 	<ul style="list-style-type: none"> • WIAL is a significant infrastructure asset for the region. It is necessary to protect this from reverse sensitivity effects in order to maintain its operational capacity, this policy will seek to discourage activities which have the potential to create increase reverse sensitivity effects on the airport operations and is therefore appropriate in ‘protecting’ this infrastructure asset. • This policy will be effective in ensuring that any subdivision within the Air Noise Overlay goes through a consenting process and will be required to demonstrate how reverse sensitive effects will be appropriately managed.

¹ WIAL [406.282 and 406.283]

² WIAL [406.263]

³ WIAL [406.282 and 406.283]

~~Red underline and strike-out~~: show additions and deletions to the notified Ngā Mōrearea ā-Taiao Natural Hazards Chapter, as recommended by Jamie Sirl in the section 42A report dated 3rd July 2023.

~~Blue underline and strike-out~~: show further additions and deletions to the s42A report version of the Ngā Mōrearea ā-Taiao Natural Hazards Chapter, as recommended by Kirsty O’Sullivan, State of Evidence dated 18th July 2023.

This entire chapter has been notified as part of an Intensification Planning Instrument, using the Intensification Streamlined Planning Process (**ISPP**) in accordance with Section 80E of the RMA.

Ngā Mōrearea ā-Taiao

Natural Hazards

NH	Natural Hazards
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Introduction

Wellington City is susceptible to a wide range of natural hazards, which can result in damage to property and buildings, and lead to a loss of human life. It is therefore important to identify areas susceptible to natural hazards and to avoid or manage subdivision, use, and development, relative to the natural hazard risk posed, to reduce the potential for damage to property and the potential for loss of human life.

The District Plan focuses on the following natural hazards as they are the hazards that present the greatest risk to people, property and infrastructure and their potential effects can be addressed through appropriate land use planning measures:

- Flooding;
- Fault rupture;
- Liquefaction;
- Coastal inundation, including from sea level rise; and
- Tsunami.

The coastal hazard provisions (coastal inundation, sea level rise, and tsunami) are addressed in the Coastal Environment chapter of the District Plan. The Natural Hazards Chapter addresses the other hazards identified above.

Flooding and coastal inundation from sea level rise are influenced by climate change. It is predicted that climate change will result in more intense rainfall events, storm events will become more common and the sea level will rise. The flooding and coastal inundation hazard maps incorporate current climate change predictions.

Slope stability will be addressed through the earthworks rules within the District Plan. When a development does not comply with the earthworks rules, site stability will be one of the matters that will be considered as part of the resource consent process.

Natural hazards such as severe winds, wildfires, and ground shaking from earthquakes are primarily managed by other statutory instruments or processes including the Building Act 2004, Civil Defence Emergency Management Act 2002 and the Local Government Act 1974 and 2002.

The hazard ranking for each of the natural hazards addressed in the Natural Hazard Chapter is provided in the table below:

Natural Hazard Overlay	Respective Hazard Ranking
Flood Hazard – Stream Corridor	High
Wellington Fault Overlay and the Ohariu Fault Overlay	
Liquefaction Hazard Overlay	
Flood Hazard – Overland Path	Medium
Flood Hazard – Inundation	Low
Terawhiti Fault Hazard Overlay	
Sheppards Shepherds Gully Fault Hazard Overlay	
Liquefaction Hazard Overlay	

Risk

Risk is a product of both the likelihood of and the consequences from a natural hazard. A risk-based approach to natural hazards balances allowing for people and communities to use their property and undertake activities, while also ensuring that lives or significant assets are not harmed or lost as a result of a natural hazard event. When addressing the consequences from natural hazards, priority has been given in this plan as follows to:

- The protection of people from loss of life and injury;
- Reducing damage to buildings from natural hazard events; and
- The protection of essential infrastructure to ensure the health, safety and resilience of communities.

While in most instances development is unable to change the likelihood of a natural hazard event, incorporating mitigation measures or avoiding any further development in certain hazard areas can reduce the consequences from natural hazards, thereby over time reducing the associated risks. Potential mitigation measures that can be incorporated into developments to reduce the consequences of natural hazards include:

- Building design and location (for example minimum floor levels or the ability for buildings to be relocated);
- Raising floor or ground levels to avoid inundation;
- The creation of flood water detention areas to protect areas from flooding;
- The creation, retention or enhancement of natural systems and features;
- The use of suitable materials in infrastructure and building construction;
- The type of activities within buildings and structures, or the type of development;
- The use of green infrastructure options (for example sacrificial fill); and
- Securing Overland Flowpaths to allow for controlled stormwater flows when primary network capacity is exceeded.

Hazard sensitivity

To assist with determining the consequences associated with natural hazards, buildings and activities have been allocated a sensitivity rating (see Definitions – [less hazard sensitive activities, potentially hazard sensitive activities, hazard sensitive activities](#)). This rating is based on the potential for life and property to be impacted as a result of those respective activities occurring within an identified hazard area.

Where one or more of the above activities or associated buildings are proposed to be undertaken within a Natural Hazard Overlay on a site, the most sensitive of the activities shall be used to determine the sensitivity of the proposal. This is different to traditional approaches to natural hazard rules, which largely focus on new buildings. The proposed provisions for natural hazards address both buildings and activities, unless otherwise identified in the rule structure. This is to assist with situations where new activities that are sensitive to the impacts of natural hazards being located within existing structures, without any resulting consideration of the resulting consequences.

If an activity is not identified in the definitions is proposed in a Natural Hazard Overlay, then for the purposes of the application it shall be assessed as a less hazard sensitivity activity. The exception to this are Wellington Airport, operational port activities, passenger port facilities and rail activities. These have been specifically excluded from the hazard classification above and they have their own District Plan framework, for development for these activities. This is in recognition of the social and economic benefits these activities have and that their position in the City is largely fixed. When considering development for the purposes of the Wellington Airport, operational port activities, passenger port facilities and rail activities, then this will be assessed against the specific policies and rules provided in this chapter.

Other relevant District Plan provisions

Natural hazards are addressed within the following five chapters:

- Natural Hazards (which addresses buildings and activities in non-coastal hazards overlays);
- Coastal Environment (which addresses buildings and activities in the coastal hazards overlays);
- Subdivision;
- Earthworks; and
- Infrastructure.

These chapters all take the same risk-based approach to natural hazards. To avoid duplication, the natural hazards chapter provides an overview of all hazards within the Wellington City and the risk-based approach to managing those hazards (both coastal and non-coastal). However, the objectives, policies and rules in the Natural Hazards Chapter only deal with non-coastal hazards.

The objectives, policies and rules in the Coastal Environment Chapter address coastal hazards.

When earthworks, subdivision or the installation of infrastructure is being undertaken within a Natural Hazard Overlay (whether coastal or non-coastal), the relevant rules will be contained within these respective chapters.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Objectives	
NH-O1WI	<p>Risk from natural hazards <u>in High Hazard Areas of the Natural Hazard Overlays</u></p> <p>Subdivision, use and development within <u>the High Hazard Areas of</u> the Natural Hazard Overlays reduce or do not increase the <u>existing</u> risk from natural hazards to people, property and infrastructure.</p>
<u>NH-O2</u>	<p><u>Risk from natural hazards in Low and Medium Hazard Areas of the Natural Hazard Overlays</u></p> <p><u>Subdivision, use and development within the Low and Medium Hazard Areas of the Natural Hazard Overlays minimise the risk from natural hazards to people, property and infrastructure.</u></p>
NH- O3 O2	<p>Planned natural hazard mitigation works</p> <p>There is reduced risk to people, property and infrastructure from flood hazards through planned mitigation works and catchment management.</p>
NH- O4 O3	<p>Natural systems and features</p> <p>Natural systems and features that reduce the susceptibility of people, property and infrastructure from damage from natural hazards are created, retained or enhanced.</p>
NH- O5 O4	<p><u>Airport activities, Ooperational port activities, passenger port facilities and rail activities</u></p> <p><u>Airport activities, Ooperational port activities, passenger port facilities and rail activities are provided for, while also ensuring that subdivision, development and use of land occupied by</u></p>

	<p>the airport activities, operational port activities, passenger port facilities and rail activities do not increase <u>minimise</u> the risk to people, property and infrastructure.</p>
<p>Policies</p>	
<p>NH-P1</p>	<p>Identification of natural hazards</p> <p>Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of natural hazards; and 2. The hazard posed to people’s lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events-; and 3. <u>The operational need or functional need for some activities to locate in Natural Hazard Overlays.</u>
<p>NH-P2</p>	<p>Levels of risk</p> <p>Subdivision, use and development reduce or do not increase the <u>manages natural hazard</u> risk to people, property and infrastructure by:</p> <ol style="list-style-type: none"> 1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays; 2. Requiring buildings and activities to mitigate the impacts the risk <u>resulting from the development</u> from natural hazards to people, property and infrastructure <u>as far as reasonably practicable</u> in the low hazard and medium hazard areas within the Natural Hazard Overlays; and 3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an <u>operational need or functional need</u> exceptional reason for the building or activity to be located in this area and the <u>building or</u> activity mitigates the impacts from natural hazards to people, property and infrastructure.
<p>NH-P3</p>	<p>Less hazard sensitive activities</p> <p>Allow for subdivision, use and development associated with less hazard sensitive activities and associated additions to buildings within the Natural Hazards Overlays, provided that:</p> <ol style="list-style-type: none"> 1. It can be demonstrated that overland flowpaths are unimpeded and unobstructed; 2. The building or the additions are not located within a stream corridor; and 3. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability flood.
<p>NH-P4</p>	<p>Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area of the flood hazard overlay</p> <p>Provide for additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area, where:</p> <ol style="list-style-type: none"> 1. The impact from the 1% Annual Exceedance Probability flood event is low due to either the: <ol style="list-style-type: none"> a. Incorporation of mitigation measures; b. Size of the addition in relation to the existing building; or c. Type of activities undertaken within the addition; and 2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability flood.
<p>NH-P5</p>	<p>Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors of the Flood Hazard Overlays</p> <p>Only allow additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors, where it can be demonstrated that:</p>

	<ol style="list-style-type: none"> 1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the: <ol style="list-style-type: none"> a. Proposed mitigation measures; b. Size of the addition; or c. Nature of the activities undertaken within the addition; and 2. <u>In an overland flowpath, the risk to people and property is reduced or not increased minimised from the 1% Annual Exceedance Probability flood event; and</u> 3. <u>In a stream corridor the existing risk to people and property is not increased or is reduced from the 1% Annual Exceedance Probability flood event; and</u> 3. Overland flowpaths and stream corridors are unimpeded, and unobstructed to allow for the conveyancing of flood waters. 4. <u>The conveyancing of flood waters through the stream corridor or overland flowpath is still able to occur unimpeded and is not diverted onto adjacent properties.</u>
<p>NH-P6</p>	<p>Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays</p> <p>Provide <u>for</u> subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced minimised.</p>
<p>NH-P7</p>	<p>Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays</p> <p>Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:</p> <ol style="list-style-type: none"> 1. Incorporating mitigation measures that reduce or avoid an increase in minimise the risk to people and property from the 1% Annual Exceedance Probability flood; 2. <u>Ensuring the conveyancing of flood waters through the stream corridor or overland flowpath is still able to occur unimpeded and is not diverted onto adjacent properties; and</u> 2-3. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood event; and 4. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.
<p>NH-P8</p>	<p>Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay</p> <p>Avoid subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity or subdivision has an operational need or functional need to locate within the stream corridor and locating outside of these stream corridor is not a practicable option; 2. Mitigation measures are incorporated that reduce or avoid an increase in the existing risk to people and property from the 1% Annual Exceedance Probability Flood; 3. People can safely evacuate the property during a 1% Annual Exceedance Probability flood; and 4. The conveyancing of flood waters through the stream corridor is still able to occur unimpeded and is not diverted onto adjacent properties.
<p>NH-P9</p>	<p>Emergency facilities in the Liquefaction Overlay</p> <p>Only allow new emergency service facilities within the Liquefaction Overlay where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The emergency service facility will be able to maintain post disaster functionality following an earthquake, <u>including having foundation designs designed by a certified engineer to prevent liquefaction induced deformation of the building</u>; and 2. Emergency vehicles will be able to service the impacted community by being able to enter and leave the site.

<p>NH-P10</p>	<p>Potentially hazard sensitive activities within the Wellington Fault Overlay and Ohariu Fault Overlay</p> <p>- Manage subdivision, development or use associated with potentially hazard sensitive activities, including additions to existing buildings within the Wellington Fault Overlay and Ohariu Fault Overlay by ensuring that:</p> <ol style="list-style-type: none"> 1. The activity is located more than 20m of the Wellington Faultline or Ohariu Faultline; and 2. The activity incorporates mitigation measures that ensure the risk from fault rupture to people, property and infrastructure is reduced or not increased.
<p><u>NH-P10</u></p>	<p><u>Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays</u></p> <p><u>Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays are managed as follows:</u></p> <ol style="list-style-type: none"> <u>1. Allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays;</u> <u>2. Allow for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, distributed well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays with the exception of educational facilities, health care facilities, major hazardous facilities, and emergency service facilities;</u> <u>3. Only allow educational facilities, health care facilities, hazardous facilities major hazardous facilities, and emergency service facilities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays, where it can be demonstrated that:</u> <ol style="list-style-type: none"> <u>a. The building, building platforms associated with subdivision or activity is more than 20 m from the edge of the fault deformation zone of the Shepherds Gully Fault and Terawhiti Fault; or</u> <u>b. Mitigation measures are incorporated into the building to maintain safety of the occupants and the structural integrity of the building in the event of fault rupture; and</u> <u>c. The building or activity has an operational need or functional need to locate within the Terawhiti and Shepherds Gully Fault Overlays and locating outside of these overlays is not a practicable option.</u>
<p>NH-P11</p>	<p>Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay</p> <p>- Avoid subdivision, development or use associated with hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity is located more than 20m from the Wellington Faultline or Ohariu Faultline, or 2. The activity, excluding additions to existing building, has a operational and functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option; and

	<p>3. The activity incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased; or</p> <p>4. For additions to existing buildings, the change in risk from fault rupture to people and property is reduced or not increased.</p>
<p><u>NH-P11</u></p>	<p><u>Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault and Ohariu Fault Overlays</u></p> <p><u>Provide for subdivision, development, and use for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures for these activities within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault and Ohariu Fault Overlays provided:</u></p> <ol style="list-style-type: none"> <u>1. Any new buildings, building platforms associated with subdivision, or additions to existing buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u> <u>2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u>
<p><u>NH-P12</u></p>	<p><u>Potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay</u></p> <p>-</p> <p>Allow for potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay with the exception of educational facilities, health care facilities and emergency facilities, where it can be demonstrated that the activity is more than 20m from either the Sheppard's Fault or Terawhiti Fault and the development incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased.</p>
<p><u>NH-P12</u></p>	<p><u>NH-P12 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays</u></p> <p><u>Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the of the Wellington Fault and Ohariu Fault Overlays are managed as follows:</u></p> <ol style="list-style-type: none"> <u>1. Only allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:</u> <ol style="list-style-type: none"> <u>a. For activities that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:</u> <ol style="list-style-type: none"> <u>i. Any new additions are located more than 20m from the edge of the fault deformation zone; or</u> <u>ii Mitigation measures are incorporated into the addition to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;</u> <u>b. For any other additions to buildings containing potentially hazard sensitive activities and hazard sensitive activities:</u> <ol style="list-style-type: none"> <u>i. Any new additions are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u>

	<ul style="list-style-type: none"> ii. <u>Mitigation measures are incorporated into the addition to not increase the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;</u> <p><u>2. Only allow a single residential unit on an existing vacant site to be located within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:</u></p> <ul style="list-style-type: none"> <u>a. Locating a residential unit on the site outside of the Wellington Fault and Ohariu Fault Overlays is not a practicable option; and</u> <u>b. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u> <p><u>3. Avoid subdivision, use, and development (with the exception of a single residential dwelling on an existing vacant site) for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays as follows:</u></p> <ul style="list-style-type: none"> <u>a. For building, building platforms associated with subdivisions or activity that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:</u> <ul style="list-style-type: none"> <u>i Any new building, building platforms associated with subdivisions or activity are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u> <u>ii. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u> <u>b. For any other building, building platforms associated with subdivisions or activity containing potentially hazard sensitive activities and hazard sensitive activities:</u> <ul style="list-style-type: none"> <u>i. Any building, building platforms associated with subdivisions or activity are able to be or are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u> <u>ii Mitigation measures are incorporated into the building to not increase risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u>
<p>NH-P13</p>	<p>Subdivision, use and development which will be occupied by members of the public, or employees associated with the Buildings with a low occupancy associated with Operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay.</p> <p>Provide for subdivision, development and use associated with the operational port activities, passenger port facilities and rail activities, within the Wellington Fault Overlay, where the subdivision, development and use does not involve the construction of new buildings which will be occupied by more than 10 employees associated with the operational port activities, passenger port facilities and rail activities or any members of the public.</p>

<p>NH-P14</p>	<p>Subdivision, use and developmentBuildings which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay.</p> <p>Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with the operational port activities, passenger port facilities and rail activities by ensuring that:</p> <p>1. Mitigation measures are incorporated that avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault.</p> <ol style="list-style-type: none"> 1. <u>Any new buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault; or</u> 2. <u>Mitigation measures are incorporated into the building to minimise the risk to people and buildings in the event of fault rupture and the activity can continue to operate following an earthquake.</u>
<p>NH-P15</p>	<p>Natural systems and features</p> <p>Maintain and enhance natural systems and features where they will reduce the existing risk posed by natural hazards to people’s lives and wellbeing, property and infrastructure.</p>
<p>NH-P16</p>	<p>Natural hazard mitigation works</p> <p>Enable natural hazard mitigation or stream and river management works undertaken by a statutory agency <u>the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited</u> or their nominated contractors or agents within Natural Hazard Overlays where these will significantly decrease the existing risk to people’s lives and wellbeing, property and infrastructure.</p>
<p>NH-P17</p>	<p>Green infrastructure</p> <p>Encourage the use of green infrastructure, or Mātauranga Māori approaches when undertaking natural hazard mitigation or stream and river management works by a statutory agency <u>the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited</u> or their nominated contractors or agents within Natural Hazard Overlays.</p>
<p>Rules</p>	
<p>NH-R1</p>	<p>Less hazard sensitive activities within all hazard areas Natural Hazard Overlays</p>
<p>All Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. Any buildings are located outside of the identified overland flowpaths or stream corridor of the Flood Hazard Overlay.
<p>All Zones</p>	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NH-R1.1.a cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NH-P3.
<p>NH-R2</p>	<p>Flood mitigation works within the <u>inundation area, overland flowpaths or the stream corridor of</u> the Flood Hazard Overlays</p>

All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The works must be undertaken by either the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractor Crown entity, Regional or Territorial Authority or an agent on their behalf for the express purpose of flood mitigation works.</p>
All Zones	<p>2. Activity Status Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R2.1.a cannot be achieved.</p>
NH-R3	Green infrastructure in all Natural Hazard Overlays
All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The works must be undertaken by either the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractor Crown entity, Regional or Territorial Authority or an agent on their behalf.</p>
All Zones	<p>1. <u>2.</u> Activity Status Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R3.1.a cannot be achieved.</p>
NH-R4	Additions to all buildings in the inundation area, overland flowpaths or the stream corridor <u>of the Flood Hazard Overlay</u>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. When located within an <u>inundation area</u>, the finished floor levels of the addition for hazard sensitive <u>activities and/or</u> potentially hazard sensitive activities are demonstrated to be above the 1% Flood Annual Exceedance Probability level <u>plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of</u> the floor joists or the base of the concrete floor slab <u>and an allowance for freeboard; or</u></p> <p>b. The additions are not located within an overland flowpaths; or <u>and</u></p> <p>c. The additions are not located within a stream corridor.</p>
All Zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in NH-P4.</p>

<p>All Zones</p>	<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.b cannot be achieved</p>
<p>All Zones</p>	<p>4. Activity status: Non-Complying</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.c cannot be achieved</p>
<p>NH-R5</p>	<p>Additions to a building for a containing a potentially hazard sensitive activity or hazard sensitive activity within a Fault Overlay the Shepherds Gully Fault Overlay Terawhiti Fault Overlay, Wellington Fault Overlay or the Ohariu Fault Overlay</p>
<p>All Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The additions are to a residential unit, or b. The additions are to a building in the Sheppards Fault Overlay or the Terawhiti Fault Overlay; or c. The additions do not increase the Gross Floor Area of a Hazard Sensitive Activity (excluding a residential unit) in the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 20m²; or d. The additions do not increase the Gross Floor Area of a Potentially Hazard Sensitive Activity in Wellington Fault Overlay or the Ohariu Fault Overlay by more than 30m².</p> <p>a. <u>The additions are to a building in the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the Shepherds Gully Fault Overlay or the Terawhiti Fault Overlay;</u> b. <u>The additions do not increase the Gross Floor Area of a hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 20m²;</u> c. <u>The additions do not increase the Gross Floor Area of a potentially hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 30m² or</u> d. <u>The additions are not to a hazard sensitive activity or potentially hazard sensitive activity in the well-defined and well-defined extended areas of the Wellington Fault Overlay or the Ohariu Fault Overlay.</u></p>
<p>All Zones</p>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R5.1.c or NH-R5.1.d cannot be NH-R5.1b - NH-R.5.1d is cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. For additions to potentially hazard sensitive activities – the matters in NH-P11; and 2. For additions to potentially hazard sensitive activities – the matters in NH-P10.</p> <p><u>1. For additions to a building containing a potentially hazard sensitive activity or hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained and distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay, the matters contained in NH-P11.</u></p>

	<p><u>2. For additions to a building containing potentially hazard sensitive activity or hazard sensitive activity in the well-defined and well-defined extended areas of the Wellington Fault Overlay or the Ohariu Fault Overlay the matters contained in NH-P12.</u></p>
NH-R6	Construction of a residential unit or conversion of any non-residential building into a residential unit in the Wellington Fault and Ohariu Fault Overlays
All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The development involves the construction of no more than one additional residential unit on a site; and</p> <p>b. The total number of residential units on a site is no more than two.</p>
All Zones	<p>2. Activity status: Non-Complying</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R6.1 cannot be achieved.</p>
NH-R76	Hazard sensitive or potentially hazard sensitive activities <u>The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitive activity within the uncertain poorly-constrained, uncertain constrained areas, well-defined or well-defined extended areas of Sheppard Shepherds Gully Fault and Terawhiti Fault Overlays</u>
All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The development does not involve the establishment of either:</p> <ul style="list-style-type: none"> i. Educational facilities; ii. Health care facilities; or iii. Emergency service facilities; or <u>iv. Hazard facilities and major hazard facilities.</u>
All Zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R7.1.a6.1.a cannot be achieved.</p>
NH-R87	<u>The construction of buildings or the conversion of existing buildings that will contain Operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay</u>

All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity or any members of the public; or b. It does not involve the conversion of an existing building that would be occupied by either more than 10 employees of the activity or any members of the public.
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NH-R8.1 cannot be achieved. <p>Matters of Discretion are:</p> <ul style="list-style-type: none"> 1. Matters contained in NH-P14
NH-R98	Activities in the Liquefaction Hazard Overlay
All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. It involves a less hazard sensitive or potentially hazard sensitive activity; or b. It involves a hazard sensitive activity that is not an emergency service facility.
All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NH-R9.4<u>R8.1.b</u> cannot be achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. Matters contained in NH-P9
NH-R409	<u>The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activities</u> in the inundation area of the Flood Hazard Overlay
All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. When located within an Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the potentially hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab <u>and an allowance for freeboard.</u>
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NH-R10.1.a cannot be achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:

	<ul style="list-style-type: none"> a. Implementation mitigation measures; b. The shallow depth of the flood waters within the building; or c. Type of activity undertaken within the building; and <p>2. The risk to people and property is reduced or not increased.</p>
NH-R10	<u>The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault and Ohariu Fault Overlays</u>
All Zones	<p><u>1. Activity status: Restricted Discretionary Activity</u></p> <p><u>Where:</u></p> <p><u>(a) Buildings for potentially hazard sensitive activities or hazard sensitive activities located within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault Overlay and Ohariu Fault Overlays.</u></p> <p><u>The matters of discretion are:</u></p> <p><u>1. The matters contained in Policy NH-P11</u></p>
NH-R11	<u>The construction of buildings or the conversion of existing buildings that will contain a Hazard sensitive activities in the inundation area of the Flood Hazard Overlay</u>
All Zones	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. When located within an Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab <u>and an allowance for freeboard.</u> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The impact from the 1% Annual Exceedance Probability flood is low due to either the: <ul style="list-style-type: none"> a. Implementation mitigation measures; b. The shallow depth of the flood waters within the building; or c. Type of activity undertaken within the building; and 2. The risk to people and property is reduced or not increased <u>from flooding, including displacement of flood waters.</u>
All Zones	<p>2. Activity Status: Non-Complying</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of NH-R11.1.a cannot be achieved.
NH-R12	<u>The construction of buildings or the conversion of existing buildings that will contain a Potentially hazard sensitive activities in the overland flowpath of the Flood Hazard Overlay</u>
All Zones	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. When located within an overland flowpath of the Flood Hazard Overlay, the finished floor levels of the building for the potentially hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab <u>and an allowance for freeboard.</u>

	<p>Matters of discretion are:</p> <ol style="list-style-type: none"> The matter contained in NH-P7
All Zones	<ol style="list-style-type: none"> Activity Status: Non-ComplyingDiscretionary <p>Where:</p> <ol style="list-style-type: none"> Compliance with the requirements of NH-R12.1.a cannot be achieved
NH-R13	<u>The construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlay</u>
All Zones	<ol style="list-style-type: none"> Activity Status: Discretionary
NH-R14	<u>Potentially hazard sensitive activities within the Wellington Fault and Ohariu Fault Overlay</u>
All Zones	<ol style="list-style-type: none"> Activity status: Discretionary
NH-R15	<u>The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay</u>
All Zones	<ol style="list-style-type: none"> Activity status: Non-Complying
NH-R16	<u>The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitivity activity Hazard sensitive activities (excluding a single residential unit) within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay</u>
All Zones	<p><u>1.Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>It involves the construction of one residential unit on an existing vacant site where the residential unit is located within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay.</u> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> <u>Locating the building elsewhere on the site outside of the fault hazard overlay is not a practicable option; and</u> <u>Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u>
All Zones	<p>1.2. Activity status: Non-Complying</p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>Any construction of buildings or conversion of existing buildings within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay is not provided for by NH-R15.1a.</u>

Red underline and strike-out: show additions and deletions to the notified Taiao Takutai Coastal Environment Chapter, as recommended by Jamie Sirl in the section 42A report dated 3rd July 2023.

Blue underline and strike-out: show further additions and deletions to the s42A report version of the Taiao Takutai Coastal Environment chapter, as recommended by Kirsty O’Sullivan, Statement of Evidence dated 18th July 2023.

Parts of this chapter have been notified using either a Part One Schedule 1 process (**P1 Sch1**), or as part of an Intensification Planning Instrument using the Intensification Streamlined Planning Process (**ISPP**). Please see notations.

Taiao Takutai

Coastal Environment

CE	Coastal Environment
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P1 Sch1

Introduction

Coastal Environment

The purpose of this chapter is to manage the effects of activities and development on the landward extent of the coastal environment.

Wellington City’s coastal environment includes the coastal marine area (CMA) as well as the inland extent of the coastal environment. The CMA extends up to 12 nautical miles out to sea and falls under the jurisdiction of the Greater Wellington Regional Council (GWRC). The landward extent of the coastal environment represents the area inland from mean high water springs where coastal processes, influences or qualities are significant. The extent of the landward portion of the coastal environment has been determined by applying Policy 1 of the New Zealand Coastal Policy Statement (NZCPS).

This chapter only applies to the inland extent of the coastal environment, which is identified on the District Plan maps. Any activities within the coastal marine area fall within the responsibility of Greater Wellington Regional Council.

Wellington City’s coastline extends for over 100 kilometers. The western and southern parts of this coastline are largely undeveloped. Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. At the same time the urban areas have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with residential and commercial development having modified the natural character throughout this area.

Wellington’s coastline contributes to the character and identity of the City, and while exposed to natural hazards it also provides amenity, recreation opportunities, cultural and social value to the community, and is a place of importance to tangata whenua.

The direction in the New Zealand Coastal Policy Statement is to preserve and restore the natural character of the coastal environment (Policies 13 and 14). Within the landward extent of the coastal environment in the Wellington District, High Coastal Natural Character Areas have been identified using the criteria of the NZCPS and the Wellington Regional Policy Statement

(RPS). This chapter introduces provisions to protect identified High Coastal Natural Character Areas from inappropriate use and development. These areas are shown on the District Plan maps and the identified values can be found in SCHED 12.

The New Zealand Coastal Policy Statement 2010 also requires development to be set back from the coastal marine area and other water bodies, where practicable and reasonable (Policy 6). For this reason, within the landward extent of the coastal environment, riparian margin setbacks and a coastal margin setback are applied. Within these coastal margins and riparian margins within the coastal environment, activities are restricted to ensure that these sensitive areas are managed in a way that protects the natural character, open space, public access and amenity values of the coastal environment. Activities are still able to be undertaken within these areas, however activities such as new buildings will require consent to ensure the effects are minor and consider the character of the area. The coastal and riparian margin provisions do not apply in highly modified areas like the Port Zone or the City Centre Zone.

Council has also identified areas of outstanding natural features and landscapes (ONFL), special amenity landscape (SAL), and significant natural areas (SNA) within the district using the relevant criteria of the RPS. These overlays are identified on the planning maps and the relevant values are listed in SCHED8, SCHED10 and SCHED11. Some of the identified ONFL, SAL and SNA are located within the coastal environment. The relevant provisions that apply to these areas within the coastal environment are located in the NFL and ECO chapters.

Public access is to be encouraged and managing activities within coastal margins allows for the consideration of the effects of proposals on existing or future public access.

Provisions relating to infrastructure within the coastal environment are located in the INF-CE sub-chapter. The provisions in the INF-CE chapter apply in addition to the general provisions of the infrastructure chapter.

Provisions relating to renewable electricity generation within the coastal environment are located in the REG chapter.

Provisions relating to subdivision within the coastal environment are located in the SUB chapter.

Provisions relating to earthworks within the coastal environment are located in the EW chapter.

Coastal Hazards

Wellington City's coastal environment is susceptible to a range of coastal hazards, which are mapped as Coastal Hazard Overlays. These include:

1. Tsunami; and
2. Coastal inundation including sea level rise, [storm surges and storm events](#).

This Chapter's objectives, policies and rules provide the framework for ensuring that the risks of coastal hazards that threaten people and property are recognised and provided for, while also taking into account climate change effects over time. Given the continued uncertainty associated with the rate of sea level rise, the different sea level rise scenarios as outlined in the Ministry for the Environment 'Preparing for Coastal Change' (2017) guidance have been used to form the basis of the mapping of these hazards.

The Natural Hazards Chapter (NH) provides a comprehensive assessment of the risk-based approach including a break-down of the susceptibility of different activities and the corresponding sensitivities to natural hazards. The assessment against the risk-based approach within the natural hazard chapter is equally applicable to coastal hazards, and therefore is not duplicated in this chapter. The hazard ranking of coastal hazards is set out below:

Coastal Hazard Overlay	Respective Hazard Ranking
Tsunami – 1:100 year scenario inundation extent	High
Existing coastal inundation extent with a 1:100 year storm	
Tsunami – 1:500 year scenario inundation extent	Medium
Coastal inundation extent – with 1.49m sea level rise scenario and 1:100 year storm	
Tsunami 1:1000 year scenario inundation extent	Low

The framework below provides a specific pathway for any development within either the City Centre Zone or the Wellington Airport, operational port activities, passenger port facilities and rail activities. Any activities within the City Centre Zone or are associated with the Wellington Airport, operational port activities, passenger port facilities and rail activities are assessed against their own specific objectives, policies and rules. This is in recognition of the social and economic benefits these activities have and that their position in the City is largely fixed.

Other relevant District Plan provisions

P1 Sch1

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide chapters also contain provisions that may be relevant for your activity, including:

- **Ecosystems and Indigenous Biodiversity** - Provisions relating to significant natural areas in the Coastal Environment are located in the Ecosystems and Indigenous Biodiversity Chapter.
- **Natural Features and Landscapes** - Provisions relating to outstanding natural features and landscapes and special amenity landscapes in the coastal environment are located in the Natural Features and Landscapes Chapter.
- **Public access** – the Public Access Chapter contains additional policy direction relating to public access within the coastal environment.
- **Subdivision** - Provisions relating to subdivision in the coastal environment are located in the Subdivision Chapter.
- **Earthworks** - Provisions relating to earthworks in the coastal environment are located in the Earthworks Chapter.
- **Infrastructure - Coastal Environment** - Provisions relating to infrastructure in the coastal environment are located in the Infrastructure - Coastal Environment Chapter.
- **Renewable Electricity Generation** - Provisions relating to renewable electricity generation in the coastal environment are located in the Renewable Electricity Generation Chapter.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Objectives

P1 Sch1

CE-O1	Coastal environment
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		The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced.
P1 Sch1	CE-O2	High coastal natural character areas The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.
P1 Sch1	CE-O3	Coastal margins and riparian margins Coastal margins and riparian margins in the landward extent of the coastal environment are protected from inappropriate subdivision, use and development.
P1 Sch1	CE-O4	Customary Harvesting Tangata whenua are able to exercise customary harvesting within the landward extent of the coastal environment.

Objectives – Coastal hazards

ISPP	CE-O5	Risk from coastal hazards <u>in High Hazard Areas of the Coastal Hazard Overlays</u> Subdivision, use and development <u>within the High Hazard Areas of the Coastal Hazard Overlays</u> reduces or does not increase the <u>existing risk from coastal hazards</u> to people, property, and infrastructure.
	CE-O6	<u>Risk from coastal hazards in Low and Medium Hazard Areas of the Coastal Hazard Overlays</u> <u>Subdivision, use and development within the Low and Medium Hazard Areas of the Coastal Hazard Overlays minimise the risk from coastal hazards to people, property and infrastructure.</u>
P1 Sch1	CE-O67	Natural systems and features Natural systems and features that reduce the susceptibility of people, property, and infrastructure, <u>and Sites and Areas of Significance to Māori</u> from damage by coastal hazards are created, maintained or enhanced.

P1 Sch1	CE-O78	<p>Airport <u>Activities</u>, operational port activities, passenger port facilities and rail activities</p> <p>Airport <u>Activities</u>, operational port activities, passenger port facilities and rail activities are provided for, while also ensuring that subdivision, development and use of land occupied by <u>Airport Activities</u>, operational port activities, passenger port facilities and rail activities do not increase <u>minimise</u> the risk to people, property, and infrastructure.</p>
P1 Sch1	CE-O89	<p>City Centre Zone</p> <p>Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that subdivision, development and use in these areas do not increase <u>minimise</u> the risk to people, property, and infrastructure.</p>
P1 Sch1	CE-O910	<p>Measures to reduce damage from sea level rise and coastal erosion</p> <p>Green infrastructure is the primary methods used to reduce damage from sea level rise and coastal erosion.</p>

Policies – Coastal environment

P1 Sch1	CE-P1	<p>Identification of the coastal environment and of high coastal natural character areas within the coastal environment</p> <ol style="list-style-type: none"> 1. Identify and map the landward extent of the coastal environment. 2. Identify and map areas of very high and high natural character within the coastal environment and list the identified values in SCHED 12 – High Coastal Natural Character Areas.
P1 Sch1	CE-P2	<p>Use and development within the coastal environment</p> <p>Provide for use and development in the landward extent of the coastal environment where it:</p> <ol style="list-style-type: none"> 1. Consolidates existing urban areas; and 2. Does not establish new urban sprawl along the coastline.
P1 Sch1	CE-P3	<p>Restoration and enhancement within the coastal environment</p>

		<p>Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:</p> <ol style="list-style-type: none"> 1. Recognising the values present that could be enhanced; 2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species; 3. Rehabilitating dunes or other natural coastal features or processes; 4. Restoring or protecting riparian and coastal margins; 5. Removing redundant structures that do not have heritage or amenity value; 6. Modifying structures that interfere with coastal or ecosystem processes; or 7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity.
P1 Sch1	CE-P4	<p>Customary harvesting within the coastal environment</p> <p>Recognise and provide for tangata whenua to exercise customary harvesting within the landward extent of the coastal environment in accordance with tikanga Māori and traditional cultural practices.</p>
P1 Sch1	CE-P5	<p>Use and development in high coastal natural character areas</p> <p>Only allow use and development in high coastal natural character areas in the coastal environment where:</p> <ol style="list-style-type: none"> 1. Any significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated; 2. It can be demonstrated that: <ol style="list-style-type: none"> a. The particular values and characteristics of the high coastal natural character areas as identified in SCHED12 are protected from inappropriate use and development, considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes; b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects the identified values and the design and development integrates with the existing landform and dominant character of the area; c. The duration and nature of adverse effects are limited; d. There is a functional or operational need for the activity to locate in the area; e. There are no reasonably practical alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and f. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.
P1 Sch1	CE-P6	<p>Use and development within coastal margins and riparian margins in the coastal environment – located inside the Port Zone, Airport Zone,</p>

		<p>Stadium Zone, Waterfront Zone, City Centre Zone or Evans Bay Marine Recreation Area</p> <p>Provide for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone or Evans Bay Marine Recreation Area.</p>
P1 Sch1	CE-P7	<p>Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone and the Evans Bay Marine Recreation Area</p> <p>Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone or the Evans Bay Marine Recreation Area where:</p> <ol style="list-style-type: none"> 1. Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and 2. It can be demonstrated that: <ol style="list-style-type: none"> a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate the natural character of the area and do not limit or prevent public access to, along or adjacent to the coast and waterbodies; b. There is a functional or operational need for the activity to locate within the coastal or riparian margin; c. There are no reasonably practical alternative locations that are outside of the coastal or riparian margins or are less vulnerable to change; and d. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.
P1 Sch1	CE-P8	<p>Vegetation removal within the coastal environment</p> <p>Manage the removal of vegetation in the coastal environment as follows:</p> <ol style="list-style-type: none"> 1. Allow for the removal of vegetation in the coastal environment outside of high coastal natural character areas; 2. Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character areas; and 3. Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character areas that: <ol style="list-style-type: none"> a. Is of a scale that maintains the identified values; or b. Is associated with ongoing maintenance of existing public accessways.
P1 Sch1	CE-P9	<p>Mining and quarrying activities within the coastal environment</p>

P1 Sch1

	<p>Manage mining and quarrying activities within in the coastal environment as follows:</p> <ol style="list-style-type: none"> 1. Allow for established mining and quarrying activities in the Coastal Environment; 2. Only allow for the extension of established mining and quarrying activities or new quarrying and mining activities where it is located outside of high coastal natural character areas and outside of coastal and riparian margins and any potential adverse effects can be avoided, remedies or mitigated; 3. Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying within high coastal natural character areas and within coastal and riparian margins in the coastal environment; and 4. Avoid the establishment of new mining and quarrying activities within the coastal environment.
CE-P10	<p>Inappropriate activities within the coastal environment</p> <p>Avoid the establishment of activities that are incompatible with or detrimental to the natural character and qualities within the landward extent of the coastal environment.</p>

Policies – Coastal hazards

ISPP

CE-P11	<p>Identification of coastal hazards</p> <p>Identify coastal hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on the following:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of coastal hazards; 2. The risk posed to people, property, and infrastructure, by considering the likelihood and consequences of different coastal hazard events; and 3. The longer term impacts of climate change and sea level rise 4. The operational need or functional need for some activities to locate in the Natural Hazard Overlays.
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ISPP

CE-P12	<p>Levels of risk</p> <p>Ensure sSubdivision, use and development reduces manages the coastal hazard risk to people, property, and infrastructure by:</p> <ol style="list-style-type: none"> 1. Enable Enabling subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays; 2. Requiring mitigation for subdivision, use and development that addresses minimises the impacts risk resulting from the development from the relevant coastal hazards to people, property, and infrastructure
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		<p><u>as far as reasonably practicable</u> in the low and medium hazard areas <u>of the Coastal Hazard Overlays</u>; and</p> <p>3. Avoiding subdivision, use and development in the high hazard area <u>of the Coastal Hazard Overlays (with the exception of the City Centre Zone)</u> unless there is a functional and operational need for the building or activity to be located in this area and <u>the building or activity</u> incorporates mitigation measures are incorporated that reduces <u>minimise</u> the risk to people, property, and infrastructure.</p>
ISPP	CE-P13	<p>Less hazard sensitive activities</p> <p>Allow less hazard sensitive activities within all hazard areas of the Coastal Hazards Overlays.</p>
ISPP	CE-P14	<p>Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area</p> <p>Enable additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area, where:</p> <ol style="list-style-type: none"> 1. They enable the continued use <u>same level of hazard sensitivity as</u> of the existing <u>use of the</u> building; and 2. The risk from the coastal hazard is low due to either: <ol style="list-style-type: none"> a. Proposed mitigation measures; or b. The size and the activity of the addition.
ISPP	<u>CE-PX</u>	<p><u>Potentially hazard sensitive activities in low coastal hazard areas</u></p> <p><u>Allow potentially hazard sensitive activities in low coastal hazard areas.</u></p>
ISPP	CE-P15	<p>Subdivision and hazard sensitive activities within the low coastal hazard areas</p> <p>Provide for hazard sensitive activities within the low coastal hazard area, or any subdivision where the building platform for a hazard sensitive activity yes is within the low coastal hazard area, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that reduce or do not increase <u>minimise</u> the risk to people, and property from a tsunami; 2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami. 3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a tsunami; and 4. For health care facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the tsunami.

<p>ISPP</p>	<p>CE-P16</p>	<p>Potentially hazard sensitive activities within the medium coastal hazard areas</p> <p>Provide for potentially hazard-sensitive activities in the medium coastal hazard areas, or any subdivision where the building platform for a potentially hazard-sensitive activity will be within the medium coastal hazard areas where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that reduce or do not increase <u>minimise</u> the risk to people and property from the coastal hazard; and 2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami.
<p>ISPP</p>	<p>CE-P17</p>	<p>Hazard sensitive activities in the medium coastal hazard areas</p> <p>Only allow hazard-sensitive activities in the medium coastal hazard area where, or any subdivision where the building platform for a hazard-sensitive activity will be within the medium coastal hazard area, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that demonstrate that reduce or not increase <u>minimise</u> the risk to people and property from the coastal hazard; and; 2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; ; 3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a coastal hazard event; and 4. For health care facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the coastal hazard.
<p>ISPP</p>	<p>CE-P18</p>	<p>Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area</p> <p>Avoid Hhazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where <u>(with the exception of the City Centre Zone and the Airport Activities, operational port activities, passenger port facilities and rail activities) unless</u> it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building or subdivision has an operational <u>need</u> or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option; 2. The activity, building, or subdivision incorporates measures that demonstrate that reduce or do not increase the <u>existing</u> risk to people, and property from the coastal hazard; 3. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; and

		4. The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.
P1 Sch1	CE-P19	<p>Subdivision, use and development which will not be occupied by members of the public, or employees associated with the Airport activities, operational port Activities, passenger port facilities and rail activities in the Coastal Hazards Overlays</p> <p>Enable subdivision, development and use associated with the Airport Activities, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with either of these activities or the creation of vacant allotments.</p>
P1 Sch1	CE-P20	<p>Subdivision, use and development which will be occupied by members of the public, or employees associated with the Airport Activities, operational port activities, passenger port facilities and rail activities in the Coastal Hazards Overlays</p> <p>Manage subdivision, development and use associated with the Airport, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays where they involve the construction of new buildings which will be occupied by members of the public, or over 10 employees associated with either of these activities by ensuring that:</p> <ol style="list-style-type: none"> 1. The activity, building or subdivision incorporates measures that do not increase minimise the risk to people, property, and infrastructure; and 2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard.
P1 Sch1	CE-P21	<p>Subdivision, use and development in the City Centre Zone which will not be occupied by members of the public and within the Coastal Hazards Overlays</p> <p>Enable subdivision, development and use associated within the City Centre Zone and within all of the Coastal Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public, or employees or the creation of vacant allotments.</p>
P1 Sch1	CE-P22	<p>Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays</p>

		<p>Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, employees or result in the creation of a vacant allotment by ensuring that:</p> <ol style="list-style-type: none"> 1. The activity, building or subdivision incorporates measures that reduce or not increase <u>minimise</u> the risk to people, and property; and 2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard.
P1 Sch1	CE-P23	<p>Natural systems and features</p> <p>Protect, restore, and enhance natural systems and features where they will reduce the existing risk posed by coastal hazards to people, property, and infrastructure.</p>
P1 Sch1	CE-P24	<p>Coastal hazard mitigation works involving green infrastructure</p> <p>Enable green infrastructure and <u>encourage Mātauranga Māori approaches</u> undertaken by a Crown entity or their nominated contractors or agents within the identified Coastal Hazard Overlay where they <u>this</u> will reduce the risk from coastal hazards to people, property and infrastructure.</p>
P1 Sch1	CE-P25	<p>Green infrastructure and <u>planned</u> coastal hazard mitigation works</p> <p>Encourage green infrastructure measures <u>and Mātauranga Māori approaches</u> when undertaking planned coastal hazard mitigation works within the identified Coastal Hazard Overlays where they <u>this</u> will reduce the risk from coastal hazards risk to people, property and infrastructure.</p>
	<u>CE-P26</u>	<p><u>Repair and maintenance of existing hard engineering hazard mitigation structures in the high coastal hazard area</u></p> <p><u>Enable the repair and maintenance of existing hard engineering hazard mitigation structures in the high coastal hazard area where they will reduce the risk from coastal hazards to people, property and infrastructure.</u></p>
P1 Sch1	CE-P26 2627	<p>Hard engineering measures <u>Hard engineering natural hazards mitigation works</u></p> <p>Only allow for hard engineering measures <u>hard engineering natural hazards mitigation works</u> for the reduction of the risk from coastal hazards where:</p> <ol style="list-style-type: none"> 1. The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative;

	<ol style="list-style-type: none"> 2. There is an immediate demonstrable risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard; 3. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures; 4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; 5. Hard engineering structures are designed to minimise adverse effects on the coastal environment; 6. Significant natural features and systems; and any adverse effects are avoided; remedied or mitigated; and 7. It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk.
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Rules: Land use activities

P1 Sch1

	CE-R1	Customary harvesting by tangata whenua within the coastal environment
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All Zones	1. Activity status: Permitted
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P1 Sch1

	CE-R2	Restoration and enhancement activities within the coastal environment: <ol style="list-style-type: none"> 1. Outside of high coastal natural character areas; and 2. Outside of coastal and riparian margins.
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All Zones	1. Activity status: Permitted
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P1 Sch1

	CE-R3	Restoration and enhancement activities within the coastal environment: <ol style="list-style-type: none"> 1. Within high coastal natural character areas; or 2. Within coastal or riparian margins.
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All Zones	1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. The works are for the purpose of restoring or maintaining the coastal natural character by: <ol style="list-style-type: none"> i. Planting eco-sourced local indigenous vegetation; ii. Carrying out pest animal and pest plant control activities; iii. Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or iv. Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977; or b. The works are undertaken by mana whenua in accordance with the principle of kaitiakitanga.
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All Zones	2. Activity status: Restricted Discretionary Where: <ol style="list-style-type: none"> a. Compliance with the requirements of CE-R3.1.a cannot be achieved. Matters of discretion are: <ol style="list-style-type: none"> 1. The matters in CE-P3.
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P1 Sch1	CE-R4	Vegetation trimming or removal within the coastal environment, outside of high coastal natural character areas
	All Zones	1. Activity status: Permitted
P1 Sch1	CE-R5	Exotic vegetation trimming or removal within the coastal environment, within high coastal natural character areas but outside of an significant natural area
	All Zones	1. Activity status: Permitted
P1 Sch1	CE-R6	Indigenous vegetation trimming or removal within the coastal environment, within high coastal natural character areas but outside of significant natural area
	All Zones	1. Activity status: Permitted Where: a. Compliance with CE-S1 is achieved.
	All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with the requirements of CE-R6.1.a cannot be achieved. Matters of discretion are: 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; and 2. The matters in CE-P8.
	CE-R7	Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment but: <ul style="list-style-type: none">• Outside of high coastal natural character areas; and• Outside of coastal or riparian margins.
P1 Sch1	All Zones	1. Activity status: Permitted Where: a. Compliance is achieved with the rules and standards for activities in the underlying zones.
	All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with the requirements of CE-R7.1.a cannot be achieved. Matters of discretion are: 1. The matters in CE-P2 and CE-P10.

P1 Sch1

CE-R8	Any activity not otherwise listed as permitted, restricted discretionary or non-complying within the coastal environment, within coastal or riparian margins
Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area	1. Activity status: Permitted Where: a. Compliance is achieved with the rules and standards for land use activities in the underlying zones.
Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area	2. Activity status: Restricted Discretionary Where: a. Compliance with the requirements of CE-R8.1.a cannot be achieved; Matters of discretion are: 1. The matters in CE-P6, PA-P1, PA-P2 and PA-P3.
All other Zones	3. Activity status: Discretionary

P1 Sch1

CE-R9	Any activity not otherwise listed as permitted, restricted discretionary or discretionary within the coastal environment, within high coastal natural character areas
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All Zones	1. Activity status: Discretionary
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P1 Sch1

CE-R10	Extension of existing mining and quarrying activities within the coastal environment
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P1 Sch1

All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. It is located outside of high coastal natural character areas and outside of coastal and riparian margins in the coastal environment.</p> <p>Matters of discretion are:</p> <p>1. The effects of the activity on the natural character of the coastal environment;</p> <p>2. Whether there is a functional or operational need for the activity to be located within the coastal environment; and</p> <p>3. The matters in CE-P9.</p>
All Zones	<p>2. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R10.1.a cannot be achieved.</p>

All Zones	<p>1. Activity status: Non-complying</p>
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All Zones	<p>1. Activity status: Non-complying</p>
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Rules: Buildings and structures activities

P1 Sch1

All Zones	<p>1. Activity status: Non-complying</p>
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All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with the rules and standards for buildings and structures in the underlying zones.</p>
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All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R12.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in CE-P2, PA-P1, PA-P2 and PA-P3.</p>
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P1 Sch1

All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R12.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in CE-P2, PA-P1, PA-P2 and PA-P3.</p>
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All Zones	<p>1. Activity status: Non-complying</p>
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All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. A maximum of one building or structure per site; and b. Compliance with CE-S2 is achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in CE-P2, CE-P4, PA-P1, PA-P2 and PA-P3; and 2. The effects on identified coastal natural character values and measures proposed to avoid, remedy or mitigate the adverse effects.
All zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of CE-R13.1 cannot be achieved. <p>Section 88 information requirements for applications:</p> <p>Applications under this rule must provide the following in addition to the standard information requirements:</p> <p>An assessment by a suitably qualified landscape architect to assess the proposal against the identified values of the high coastal natural character area.</p>

P1 Sch1

CE-R14	<p>Additions and alterations to existing buildings and structures within in the coastal environment:</p> <ul style="list-style-type: none"> • Within coastal or riparian margins
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All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with the rules and standards for buildings and structures in the underlying zones.
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of CE-R14.1.a cannot be achieved; <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in CE-P2, PA-P1, PA-P2 and PA-P3

P1 Sch1

CE-R15	<p>Construction of new buildings and structures within in the coastal environment and within coastal or riparian margins</p>
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Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area	1. Activity status: Permitted Where: a. Compliance is achieved with the rules and standards for buildings and structures in the underlying zones.						
Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area	2. Activity status: Restricted Discretionary Where: a. Compliance with the requirements of CE-R15.1.a cannot be achieved. Matters of discretion are: 1. The matters in CE-P7, PA-P1, PA-P2 and PA-P3.						
All other Zones	3. Activity status: Discretionary						
Rules – Coastal hazards							
ISPP	<table border="1"> <tr> <td style="background-color: #FFD700;"> CE-R16 </td> <td> Less hazard sensitive activities within all the Coastal Hazard Overlays </td> </tr> </table>	CE-R16	Less hazard sensitive activities within all the Coastal Hazard Overlays				
CE-R16	Less hazard sensitive activities within all the Coastal Hazard Overlays						
P1 Sch1	<table border="1"> <tr> <td style="background-color: #90EE90;"> All Zones </td> <td> 1. Activity status: Permitted </td> </tr> <tr> <td style="background-color: #FFD700;"> CE-R17 </td> <td> Green infrastructure for the purposes of coastal hazard mitigation works undertaken by a Crown entity or their nominated contractor or agent within the Coastal Hazard Overlays </td> </tr> <tr> <td style="background-color: #90EE90;"> All Zones </td> <td> 1. Activity status: Permitted Where: a. The works must be undertaken by either Crown entity, Regional or Territorial Authority or an agent on their behalf for the express purpose of coastal hazard mitigation works. </td> </tr> </table>	All Zones	1. Activity status: Permitted	CE-R17	Green infrastructure for the purposes of coastal hazard mitigation works undertaken by a Crown entity or their nominated contractor or agent within the Coastal Hazard Overlays	All Zones	1. Activity status: Permitted Where: a. The works must be undertaken by either Crown entity, Regional or Territorial Authority or an agent on their behalf for the express purpose of coastal hazard mitigation works.
All Zones	1. Activity status: Permitted						
CE-R17	Green infrastructure for the purposes of coastal hazard mitigation works undertaken by a Crown entity or their nominated contractor or agent within the Coastal Hazard Overlays						
All Zones	1. Activity status: Permitted Where: a. The works must be undertaken by either Crown entity, Regional or Territorial Authority or an agent on their behalf for the express purpose of coastal hazard mitigation works.						

ISPP

CE-R18	Additions to buildings within the Coastal Hazard Overlays
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>The additions are above the ground floor of a building containing a hazard-sensitive activity or potentially hazard sensitive activity within the City Centre Zone</u></p> <p>a. <u>b.</u> The additions are to a <u>building containing a</u> hazard sensitive activity or potentially hazard sensitive activity in the low coastal hazard area;</p> <p>b. <u>c.</u> The additions are to <u>a buildings for containing</u> a less hazard sensitive activity in either the low coastal hazard area, medium coastal hazard area or high coastal hazard area;</p> <p>e. <u>d.</u> The additions are to a <u>building containing a</u> potentially hazard sensitive activity in the medium coastal hazard area <u>or to the ground floor of a building containing a hazard sensitive activity or potentially hazard sensitive activity within the City Centre Zone</u> and they do not increase the building footprint by more than 100m²; or</p> <p>d. <u>e.</u> The additions are to a <u>building containing a</u> hazard sensitive activity in the medium coastal hazard area and they do not increase the building footprint by more than 50m².</p>
All Zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R18.1.ed or CE-R18.1.de cannot be achieved; or</p> <p>b. The addition is to a potentially hazard sensitive activity or a hazard sensitive activity within a high coastal hazard area <u>and is located outside of the City Centre Zone.</u></p> <p>Matters of discretion are:</p> <p>1. The matters in CE-P14 <u>and P16.</u></p>

P1 Sch1

CE-R19	<u>The construction of buildings or the conversion of existing buildings that will contain Airport activities, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay</u>
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or</p> <p>b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.</p>

ISPP	All Zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R19.1 cannot be achieved</p> <p>Matters of discretion are:</p> <p>1. The matters in CE-P20.</p>
	CE-R20	<p><u>The construction of buildings or the conversion of existing buildings that will contain P</u>otentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas</p>
ISPP	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or</p> <p>b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.</p>
	All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R20.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in CE-P22.</p>
ISPP	CE-R21	<p>Potentially hazard sensitive activities in the low coastal hazard area</p>
ISPP	All Zones	<p>1. Activity status: Permitted</p>
	CE-R22	<p><u>The construction of buildings or the conversion of existing buildings that will contain H</u>azard sensitive activities in the low coastal hazard area</p>
	All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The development does not involve the construction of a <u>building or conversion of a building for</u> childcare service, retirement village educational facility, hospital, emergency service facility or health care facility; or</p> <p>b. If the development involves the construction of <u>a building or conversion of a building for</u> residential units, the total number of residential units on a site is no more than three.</p>
	All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p>

		<p>a. Compliance with the requirements of CE-R22.1.a <u>or CE-R22.1.b</u> cannot be achieved. Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matter in CE-P15.
ISPP	CE-R23	<p><u>The construction of buildings or the conversion of existing buildings that will contain P</u>potentially hazard sensitive activities in the medium coastal hazard area, excluding the City Centre Zone or Airport <u>activities</u>, operation port activities, passenger port facilities and rail activities</p>
	All Zones	<p>1. Activity Status: Restricted Discretionary Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CE-P<u>4416</u>.
ISPP	CE-R24	<p>All hHard engineering <u>measures natural hazards mitigation works</u> in the high coastal hazard area</p>
	All Zones	<p>1. Activity Status: Permitted Where:</p> <ol style="list-style-type: none"> a. <u>The works involve maintenance and repair of existing hard engineering natural hazard mitigation works; or</u> b. <u>Upgrades of existing hard engineering natural hazard mitigation works that protect existing regionally or nationally significant infrastructure that do not increase the footprint or height of the structure.</u>
	All Zones	<p>2. 4. Activity Status: Discretionary Where:</p> <ol style="list-style-type: none"> a. <u>The works involve new hard engineering natural hazard mitigation works; or</u> b. <u>Upgrades to existing hard engineering natural hazard mitigation works cannot comply with CE-R24.1b.</u>
ISPP	CE-R25	<p><u>The construction of buildings or the conversion of existing buildings that will contain P</u>potentially hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport <u>activities</u>, operation port activities, passenger port facilities and rail activities</p>
	All Zones	<p>1. Activity status: Discretionary</p>
ISPP	CE-R26	<p><u>The construction of buildings or the conversion of existing buildings that will contain H</u>azard sensitive activities within the medium coastal hazard area, excluding the City Centre Zone or Airport <u>activities</u>, operation port activities, passenger port facilities and rail activities</p>
	All Zones	<p>1. Activity status: Discretionary</p>

ISPP	CE-R27	The construction of buildings or the conversion of existing buildings that will contain Hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport activities, operation port activities, passenger port facilities and rail activities	
	All Zones	1. Activity status: Non-Complying	
Standards			
P1 Sch1	CE-S1	Indigenous vegetation trimming or removal within in the coastal environment and within high coastal natural character areas	
	All Zones	<p>1. Indigenous vegetation removal must not exceed 50m² in total area per 12 month contiguous period per site.</p> <p>The following are exempt from the maximum permitted area of removal:</p> <ul style="list-style-type: none"> a. Vegetation removal addressing an imminent threat to people or property represented by deadwood, diseased or dying vegetation; b. Vegetation removal that is necessary to ensure the safe and efficient operation of any formed public road or access; c. Vegetation removal within 35m from the external wall of an existing building; d. Vegetation removal within 1m width either side of an existing fence or other structure; e. Vegetation removal of 2.5m in total width for maintenance of public access track (where undertaken by WCC, GWRC or their agents); f. Vegetation removal that is required in accordance with sections 43 or 64 of the Fire and Emergency New Zealand Act 2017; and g. Customary harvesting. 	<p>Assessment criteria where the standard is infringed:</p> <p>1. The effects on identified coastal natural character values and measures proposed to avoid, remedy or mitigate the adverse effects.</p>
P1 Sch1	CE-S2	New buildings and structures within the coastal environment and within high coastal natural character areas	
	All Zones	<p>1. Buildings or structures in high coastal natural character areas must not exceed:</p> <ul style="list-style-type: none"> a. A maximum height of 5m above ground level; and b. A gross floor area of 50m² <p>2. The exterior façade and roof must be finished in a colour that is contained within Groups A, B or C of BS5252 and that does not exceed a reflectance value of 30%. (Note: Some colours in Groups A, B or C of BS5252 have a reflectance value of over 30% and are therefore not compliant.)</p>	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Whether the building or structure and its scale and location is integrated into the landform to limit prominence and protect the identified values and characteristics and any measures to avoid, remedy or mitigate the adverse effects; and 2. The effect of the reflectivity and colour of external materials on the identified values and characteristics

HEARING STREAM 5 – TAI AO TAKUTAI – COASTAL HAZARDS AMENDMENTS AND SECTION 32AA ASSESSMENT

Proposed Provisions (as per the Section 42A report, dated 3 rd July 2023)	Amended Provisions (deleted text struck through added text underlined)	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective		
<p>CE-P27 Hard engineering measures <u>Hard engineering natural hazards mitigation works</u></p> <p>Only allow for hard engineering measures <u>hard engineering natural hazards mitigation works</u> for the reduction of the risk from coastal hazards where:</p> <ol style="list-style-type: none"> The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative; There is an an immediate demonstrable <u>immediate demonstrable</u> risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard; The construction of the hard engineering measures will not increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures; It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; Hard engineering structures are designed to minimise adverse effects on the coastal environment; Significant natural features and systems; and any adverse effects are avoided; remedied or mitigated; and It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk. 	<p>CE-P27 Hard engineering measures <u>Hard engineering natural hazards mitigation works</u></p> <p>Only allow for hard engineering measures <u>hard engineering natural hazards mitigation works</u> for the reduction of the risk from coastal hazards where:</p> <ol style="list-style-type: none"> The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative; There is an an immediate demonstrable <u>immediate demonstrable</u> risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard; The construction of the hard engineering measures will not increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures; It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; Hard engineering structures are designed to minimise adverse effects on the coastal environment; Significant natural features and systems; and any adverse effects are avoided; remedied or mitigated; and It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk. 	<ul style="list-style-type: none"> This policy recognises that in specified circumstances hard engineering mitigation works may be necessary to manage natural hazard risks. Under such scenarios it is highly likely that such systems will be required where existing natural defences may have already failed and/or need to be supported particularly under extreme events. In such cases this may require modification to existing natural features and systems, and an ability to modify these should be supported by the policy framework. The amendments also avoid potential conflict arising from the implementation of the policy, for example engineering systems may be necessary to protect existing infrastructure assets, and also where “green” or natural solutions would not be sufficient in providing the level of protection required. 		
		Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Cultural, Economic, Social and Cultural Costs	Effectiveness and Efficiency
		<ul style="list-style-type: none"> Existing natural defences may have already failed or are compromised during extreme events that necessitate modifications, particularly where such features may be necessary to protect existing infrastructure, and/or other significant parts of the environment. There will likely be cost benefits in adding to (supplementing) existing natural defence systems with a supportive engineering solution. 	<ul style="list-style-type: none"> None foreseen. 	<ul style="list-style-type: none"> This amendment is likely to be effective in enabling situations where engineering can be used as a solution to support existing natural defences. With this amendment the policy itself is more effective as inherent conflicts created within it (i.e. protecting infrastructure and where green (or natural) based solutions are not fit for purpose) are avoided.

Operative District Plan Provisions	Proposed Plan (as amended by s42A report recommendations)	WIAL Main Site Designation (WIAL4)
<p>Rule 30.1</p> <p>The rules in this chapter apply in conjunction with the relevant area based rules in other chapters except the rules do not apply to:</p> <ul style="list-style-type: none"> - Earthworks activities in the Airport and Golf Course Precinct (which must comply with the provisions in Chapter 11A). 	<p>The last paragraph of the Introduction</p> <p>The provisions of this chapter do not apply in relation to activities provided for in the Airport Chapter, except to the extent specified in EW-R17 and EW-S14.</p>	
<p>Rule 11.5.3</p> <p>Any activity relating to the upgrade and maintenance of existing formed roads and [public] accessways [including associated earthworks] , except the construction of new legal road, is a Permitted Activity.</p>	<p>Rule EW-R17 (1)(b)</p> <p>Earthworks are permitted in the Airport Zone</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with EW-S14; and, b. Earthworks are for the purposes of the upgrade or maintenance of existing formed roads and public accessways; or 	
	<ul style="list-style-type: none"> c. Earthworks are for the purposes of construction, upgrade, maintenance or repair of the Airport pavement (apron and taxiway surfaces) 	

<p>Rule 11.1.6</p> <p>Earthworks are Permitted Activities on Rongotai Ridge (Sec 1 SO 31875) provided that they comply with the following conditions:</p> <p>11.1.6.1 That existing ground level is not to be altered by more than 2.5 metres measured vertically.</p> <p>11.1.6.2 That total area of ground surface disturbance is less than 250m²</p> <p>11.1.6.3 That earthworks are not undertaken on slopes of more than 45°.</p> <p>11.1.6.4 That no contamination, including siltation, of any waterbody or coastal water occurs</p>	<p>EW-S14 Earthworks in the Airport Zone</p> <p>1. In the Rongotai Ridge Precinct, or in relation to the Hillock at the south end of the Terminal precinct earthworks shall not:</p> <p>a. Alter the existing ground level by more than 2.5 metres measured vertically.</p> <p>b. Disturb more than 250m² of ground surface.</p> <p>c. Be undertaken on slopes of more than 34°.</p> <p>2. In the Miramar South Precinct, earthworks must be undertaken in accordance with an Erosion and Sediment Control Plan prepared in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region (or equivalent)</p> <p>3. In all areas, a structure used to retain or stabilize a slope must be no higher than 2.5m measured vertically.</p> <p><i>[Note this is as per EW-S2]</i></p> <p>4. No earthwork shall create a dust nuisance.</p> <p><i>[Note this is as per EW-S5]</i></p>	<p>Condition 1A</p> <p>Hillock (south end of Terminal Precinct)</p> <p>Any earthworks where:</p> <p>i. The existing ground level will be altered by more than 2.5 metres measured vertically; and</p> <p>ii. The total area of ground surface disturbance will exceed 250m²; and</p> <p>iii. The earthworks will be undertaken on slopes of more than 34 degrees°.</p>
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	<p>5. <i>As soon practicable, but not later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.</i></p> <p><i>[Note this is as per EW-S5]</i></p> <p>Except:</p> <p>a. The construction, upgrade or maintenance of:</p> <ul style="list-style-type: none"> i. Apron and taxiway surfaces. ii. Road and accessway surfaces. 	
<p>Rule 11.3.5</p> <p>Earthworks on Rongotai Ridge (Sec 1 SO 31875) that do not comply with the conditions for Permitted Activities are a Discretionary Activity (Restricted) in respect of:</p> <p>11.3.5.1 visual appearance</p> <p>11.3.5.2 geomorphological impacts</p> <p>11.3.5.3 dust and sediment control</p> <p>11.3.5.4 traffic impacts caused by transporting earth and construction fill material.</p>	<p>Rule EW-R17 (2)</p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>Compliance with any of the requirements of EW-R2017.1.a cannot be achieved:</p> <ul style="list-style-type: none"> i. in the Rongotai Ridge Precinct; ii. in the Miramar South Precinct; and iii. in relation to the Hillock (south end of Terminal Precinct). <p>Matters of discretion are:</p> <p>1. The extent and effect of non-compliance with any relevant standard as specified in the</p>	<p>3.</p>


	<p>associated assessment criteria for the infringed standards;</p> <ol style="list-style-type: none"> 2. Relevant matters in AIRPZ-P4 and AIRPZ-P5; 3. Visual appearance and mitigation; and 4. Geomorphological impacts; and 5. <u>Traffic impacts caused by transporting earth and construction fill material.</u>¹ 	
	<ol style="list-style-type: none"> 3. Activity status: Discretionary Where: <ol style="list-style-type: none"> a. Compliance with EW-R2017.1.b, e or d or c cannot be achieved. 	<ol style="list-style-type: none"> 4.

¹ WIAL [406.373 and 406.374]

Red underline and strike-out: show additions and deletions to the notified Ngā Mahi Apu Whenua Earthworks Chapter, as recommended by Hannah van Haren-Giles in the section 42A report dated 3rd July 2023.

Blue underline and strike-out: show further additions and deletions to the s42A report version of the Ngā Mahi Apu Whenua Earthworks chapter, as recommended by Kirsty O’Sullivan, State of Evidence dated 18th July 2023.

Parts of this chapter have been notified using either a Part One Schedule 1 process (**P1 Sch1**), or as part of an Intensification Planning Instrument using the Intensification Streamlined Planning Process (**ISPP**). Please see notations.

This chapter contains provisions that have legal effect. They are identified with a  next to the provision. To see more about what legal effect means please click here.

Ngā Mahi Apu Whenua

Earthworks

EW	Earthworks
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P1 Sch1

Introduction

The purpose of the Earthworks Chapter is to provide for the sustainable management of earthworks.

Earthworks are essential to the development of the City. They create level and managed gradients for buildings, roads, paths, parking areas, recreation facilities and the installation of services. They are integral to the construction and development process. Associated structures provide for the retention of land and the management of landslips.

The undertaking of earthworks and construction of associated structures can have adverse short or long-term effects on the environment if poorly designed or managed, or if undertaken in inappropriate areas. These effects may include:

1. Increasing risks to the sites where earthworks are undertaken and to neighbouring properties from natural hazards, including landslips induced by earthquakes and increased rainfall intensities arising from climate change;
2. Slope destabilisation;
3. Accelerating erosion of land, sedimentation of water bodies and their margins, with resulting impacts on water quality and ecological, cultural and recreational values;
4. Impacting the amenity enjoyed by people or damaging other properties as a result of the inappropriate management of earth, sediment or dust;
5. Impacting visual amenity due to the scale and appearance of earthworks; and
6. Impacting the safety of the roading network from the associated transport of materials.

Responsibilities

GWRC has a key role under the RMA in conserving soil, maintaining and enhancing water quality and aquatic ecosystems and avoiding or mitigating natural hazards. In practice, this means that:

1. Both the Council and GWRC have functions and responsibilities for the control of earthworks;
2. The Council focuses on:
 - a. Managing issues associated with instability, visual amenity, dust nuisance and road safety for all earthworks; and
 - b. Addressing erosion and sediment effects associated with smaller earthworks (being those up to and including areas 3,000m² in size); while
3. GWRC manages erosion and sediment effects on larger sites, above that 3,000m² threshold, and earthworks on all sites in proximity to water bodies, among other matters.
4. GWRC also manages disturbance activities in the beds of rivers and lakes.

In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (or uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.

Heritage New Zealand Pouhere Taonga is responsible for issuing any archaeological authority for any earthworks that may affect an archaeological site (refer to [Appendix 4 APP1 – Historic Heritage Advice Notes](#) for more information on [the archaeological authority process and Accidental Discovery Protocol](#)).¹

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 manage earthworks within 10 metres of natural wetlands. As such, Council has decided not to duplicate provisions for these activities and they are not managed through this chapter.²

The resource consent requirements for the removal or replacement of underground fuel storage tanks also falls under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.³

Application of rules in this Chapter

EW-R1 to EW-R~~64~~ and EW-R~~2017~~ apply to all earthworks activities to the extent expressed within the rule concerned.

EW-R~~64~~ to EW-R~~4916~~ and EW-R~~2418~~ to EW-R~~2420~~ do not apply to any earthworks activities that are described and catered for solely by EW-R1 to EW-R~~53~~ ~~and/or~~ EW-R~~2017~~.

EW-R~~2420~~ applies with respect to structures used to retain or stabilise landslips. Other earthworks rules may also apply, depending on the nature and scope of any broader project that the construction of such structures may form a part. The one exception to this is where the structures concerned are associated with the operation, maintenance or repair of existing roads, in which case they are exempt from EW-R~~2420~~ and subject instead to INF-R1.

In addition to the general earthworks requirements set out in EW-R~~64~~, EW-R~~75~~ to EW-R~~4916~~ and EW-R~~2418~~ to EW-R~~2420~~ apply to earthworks activities in the particular locations and circumstances described in the rule concerned.

The provisions of this Chapter do not apply to quarrying activities provided for in the Quarry Zone.

The provisions of this Chapter do not apply in relation to activities provided for in the Infrastructure Chapter, unless specifically stated in the rule or standard concerned.

¹ Consequential amendment in response to Te Rūnanga o Toa Rangatira [488.68]

² Forest & Bird [345.361]

³ Consequential in response to The Fuel Companies [372.92 and 372.93]

The provisions of this chapter ~~only do not~~ apply in relation to activities provided for in the Airport Zone Chapter, except to the extent specified in EW-R2017 and EW-S14.

Other relevant District Plan provisions

P1 Sch1

It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide chapters may also be of relevance, including:

- **Transport** - The Transport Chapter contains provisions relating to transport matters.
- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision of land.
- ~~Trees~~ — ~~The Notable Tree chapter contains specific provisions relating to the management of notable trees, including works within the root protection area.~~
- **Infrastructure** - ~~the Infrastructure chapter contains provisions relating to certain types of earthworks within the National Grid Yard and Gas Transmission Pipeline Corridor.~~⁴
- **Infrastructure – Coastal Environment** – ~~the Infrastructure Coastal Environment chapter includes policies regarding earthworks for infrastructure in the coastal environment~~
- **Infrastructure – Ecosystems and Biodiversity** – ~~the Infrastructure Ecosystems and Biodiversity chapter includes policies and standards regarding earthworks for infrastructure in significant natural areas.~~
- **Infrastructure – Natural Features and Landscapes** – ~~the Infrastructure Natural Features and Landscapes chapter includes policies, rules and standards regarding earthworks for infrastructure in Special Amenity Landscapes, outstanding natural features and landscapes, and identified ridgelines and hilltops.~~
- **Infrastructure –Other Overlays** – ~~the Infrastructure Other Overlays chapter includes a rule regarding earthworks for upgrading of existing underground infrastructure in other overlays.~~
- **Renewable Electricity Generation** – ~~the renewable electricity generation chapter includes, policies, rules and standards relating to earthworks.~~
- **Historic Heritage** – ~~The Historic Heritage Chapter manages the adverse effects of modifications, including earthworks within the extent of scheduled archaeological sites identified in SCHED4.~~⁵
- **Sites and Areas of Significance** – ~~The Sites and Areas of Significance Chapter contains specific provisions relating to modification of features integral to a Category A or B site or area of significance to Māori identified in SCHED7.~~⁶
- **Noise** – ~~the Noise chapter contains a rule and a standard in relation to noise from earthworks~~⁷

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Objectives

ISPP

EW-01	Management of earthworks
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⁴ Transpower [315.174]

⁵ Consequential amendment in response to Heritage NZ [70.21]

⁶ Consequential amendment in response to Heritage NZ [70.21]

⁷ Administrative amendment

	<p>Earthworks are undertaken in a manner that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the relevant zone; 2. Minimises adverse effects on visual amenity values, including changes to natural landforms; 3. Minimises erosion and sediment effects beyond the site; 4. Minimises risks associated with slope instability; and 5. Protects the safety of people and property.
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Policies

ISPP

EW-P1	<p>Co-ordination and integration with development and subdivision</p> <p>Provide for the efficient integration of earthworks and associated subdivision and development by:</p> <ol style="list-style-type: none"> 1. Encouraging joint applications for land use and subdivision; and 2. Ensuring earthworks proposals provide finished landforms that can be feasibly developed or are fit for the future intended purpose.
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ISPP

EW-P2	<p>Provision for minor earthworks</p> <p>Enable the efficient use and development of land by providing for earthworks and associated structures where:</p> <ol style="list-style-type: none"> 1. The risk associated with instability is not increased⁸; 2. Erosion, dust and sedimentation effects on land and water bodies will be minimal; and 3. Effects on visual amenity would be insignificant.
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ISPP

EW-P3	<p>Maintaining stability</p> <p>Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from climate change.</p>
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ISPP

EW-P4	<p>Erosion, dust and sediment control</p> <p>Require earthworks to adopt effective measures to manage the potential for:</p>
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⁸ GWRC [351.230 and 351.231]

		<ol style="list-style-type: none"> 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and 2. The movement of dust beyond the site, where all proposals for earthworks are concerned.
ISPP	EW-P5	<p>Effects on earthworks on landform and visual amenity</p> <p>Require earthworks and associated structures, including structures used to retain or stabilise landslips, to be designed and constructed to minimise adverse effects on natural landforms and visual amenity and where located within identified ridgelines and hilltops ensure the effects are mitigated or remedied.</p>
ISPP	EW-P6	<p>Earthworks and the transport network</p> <p>Require any transport of earth and cleanfill material to and from any site to be undertaken in a way that minimises adverse effects on surrounding amenity and the safety of the transport network.</p>
ISPP	EW-P7	<p>Earthworks on the site of heritage buildings and heritage structures, and within heritage areas</p> <p>Manage earthworks within sites occupied by heritage buildings and heritage structures, and within heritage areas, having regard to:</p> <ol style="list-style-type: none"> 1. The identified heritage values of the heritage building, heritage structure or heritage area; 2. The extent to which the earthworks would detract from those identified values and setting; and 3. Whether the earthworks can be achieved without altering the significance of the heritage building, heritage structure or heritage area.
P1 Sch1	EW-P8	<p>Earthworks within the root protection area of notable trees</p> <p>Require earthworks to be located outside of the root protection area of notable trees unless the earthworks will not compromise:</p> <ol style="list-style-type: none"> 1. The long-term health of the scheduled notable tree; and 2. The values of the notable tree.
P1 Sch1	EW-P9	<p>Minor earthworks within significant natural areas</p>

		Enable earthworks within Significant Natural Areas identified within SCHED8 where they are of a minor scale and nature that maintains the identified biodiversity values.
P1 Sch1	EW-P10	<p>Earthworks within significant natural areas</p> <p>Only allowProvide⁹ for earthworks of a more than minor scale within Significant Natural Areas only where it can be demonstrated that any adverse effects on indigenous biodiversity values are addressed in accordance with ECO-P12¹² and the matters in ECO-P43⁴³ and ECO-P75¹⁰.</p>
P1 Sch1	EW-P11	<p>Earthworks within High Coastal Natural Character Areas within the coastal environment</p> <p>Only allow for earthworks within High Coastal Natural Character Areas where:</p> <ol style="list-style-type: none"> 1. They are of a scale and for a purpose that is compatible with the identified values described in SCHED12, including restoration and conservation activities; 2. They are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the High Coastal Natural Character Areas described in SCHED12; 3. There is a functional need or operational need for the earthworks to be undertaken within a High Coastal Natural Character Area; and 4. They incorporate measures to restore and rehabilitate disturbed areas.
P1 Sch1	EW-P12	<p>Earthworks within coastal margins and riparian margins within the coastal environment</p> <p>Provide for earthworks within coastal margins and riparian margins within the coastal environment where located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone; and</p> <p>Only allow for earthworks within coastal and riparian margins in the coastal environment located outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or the City Centre Zone where:</p> <ol style="list-style-type: none"> 1. They are of a scale and for a purpose that is compatible with the natural character of the coastal or riparian margin concerned; 2. They are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment and the affected margins;

⁹ GWRC [351.236]

¹⁰ Forest & Bird [345.365]

	<ol style="list-style-type: none"> 3. There is a functional need or operational need for the earthworks to be undertaken within a coastal or riparian margin; 4. They would not significantly increase the flooding risk, when compared to the existing situation, including by compromising the effectiveness of community scale natural hazard mitigation structures; and 5. They incorporate measures to restore and rehabilitate disturbed areas.
<p>P1 Sch1</p>	<p>EW-P13 Earthworks within riparian margins outside of the coastal environment</p> <p>Only allow earthworks within riparian margins outside of the coastal environment where:</p> <ol style="list-style-type: none"> 1. They are of a scale that maintains the natural character of the riparian margin concerned; 2. There is a functional need or operational need for the earthworks to be undertaken within a riparian margin; 3. They would not significantly increase the flooding risk, when compared to the existing situation, including by compromising the effectiveness of community scale natural hazard mitigation structures; and 4. They incorporate measures to restore and rehabilitate disturbed areas.
<p>P1 Sch1</p>	<p>EW-P14 Earthworks within special amenity landscapes</p> <p>Manage earthworks within identified special amenity landscapes as follows:</p> <ol style="list-style-type: none"> 1. Provide for earthworks within special amenity landscapes outside the coastal environment only where: <ol style="list-style-type: none"> a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids, remedies or mitigates any adverse effects on the identified values of the special amenity landscape. 2. Provide for earthworks within special amenity landscapes within the coastal environment only where: <ol style="list-style-type: none"> a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids any significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the special amenity landscape. 3. Require earthworks within special amenity landscapes to incorporate measures that: <ol style="list-style-type: none"> a. Restore or rehabilitate disturbed areas; b. Minimise changes to the landform; and c. Recognise and provide for Tangata Whenua cultural and spiritual values and practices.
<p>P1 Sch1</p>	<p>EW-P15 Earthworks within outstanding natural features and landscapes</p>

	<p>Manage earthworks within identified outstanding natural features and landscapes as follows:</p> <ol style="list-style-type: none"> 1. Only allow for earthworks within outstanding natural features and landscapes outside the coastal environment where: <ol style="list-style-type: none"> a. They are of a scale that protects the identified values of the outstanding natural features and landscapes; and b. They are undertaken in a way that avoids any significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the outstanding natural features and landscapes. 2. Avoid earthworks within outstanding natural features and landscapes within the coastal environment unless: <ol style="list-style-type: none"> a. They are of a scale that protects with the identified values of the outstanding natural features and landscapes; and b. They are undertaken in a way that avoids any adverse effects on the identified values of the outstanding natural features and landscapes. 3. Require earthworks within outstanding natural landscapes to incorporate measures that: <ol style="list-style-type: none"> a. Restore or rehabilitate disturbed areas; b. Minimise changes to the landform; and c. Recognise and provide for Tangata Whenua cultural and spiritual values and practices.
<p>P1 Sch1</p>	<p>EW-P16 Earthworks within Flood Hazard Overlays</p> <p>Provide for earthworks in Flood Hazard Overlays only where:</p> <ol style="list-style-type: none"> 1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and 2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks.
<p>P1 Sch1</p>	<p>EW-P17 Earthworks on community scale natural hazard mitigation structures-</p> <p>-</p> <p>Only allow for earthworks on community scale natural hazard mitigation structures where:-</p> <p>-</p>

		<p>1. The community scale natural hazard mitigation structures are fully reinstated to the original profile and condition that existed prior to the commencement of the earthworks;-</p> <p>2. The earthworks do not compromise the short or long term integrity of the community scale natural hazard mitigation structures;- and</p> <p>3. The earthworks to reinstate the community scale natural hazard mitigation structures are undertaken in accordance with accepted engineering practices.¹¹</p>
P1 Sch1	EW-P18	<p>Earthworks associated with natural hazard mitigation works</p> <p>Enable earthworks associated with natural hazard mitigation works where:</p> <ol style="list-style-type: none"> 1. They provide a natural hazard risk reduction benefit at a community scale; 2. They are part of a planned natural hazard mitigation works programme by a Central Government Agency, GWRGreater Wellington Regional Council, Wellington City Councilthe Council, Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited¹² or a nominated contractor or agent and will be maintained by one or more of these parties at the completion of the works; 3. They do not result in an increase in natural hazard risk to any other property; 4. They are constructed in accordance with approved engineering practices; and 5. There is a maintenance programme for the natural hazard mitigation works to ensure their on-going effectiveness.
P1 Sch1	EW-P19	<p>Earthworks associated with soft engineering natural hazard mitigation works</p> <p>Enable earthworks associated with soft engineering natural hazard mitigation works where:</p> <ol style="list-style-type: none"> 1. They provide a natural hazard risk reduction benefit to either individual or a collective group of properties or infrastructure; 2. They are undertaken by a Central Government Agency, GWRGreater Wellington Regional Council, Wellington City Councilthe Council, Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited¹³ or a nominated contractor or agent; 3. They do not result in an increase in natural hazard risk to any other property; and 4. There is a maintenance programme for the soft engineering natural hazard mitigation works to ensure their on-going effectiveness.
P1 Sch1	EW-P20	<p>Earthworks in development areas</p>

¹¹ Consequential amendment to align with Natural and Coastal Hazards s42A recommendations

¹² CentrePort [402.123 and 402.124] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

¹³ CentrePort [402.125 and 402.126] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

	<p>Enable earthworks associated with the development of the Lincolnshire Farm and Upper Stebbings Glenside West Development Areas where the design of those earthworks:</p> <ol style="list-style-type: none"> 1. Is generally in accordance with the Development Plan in the Planning Maps and with the requirements set out in Appendix 12 and Appendix 13, respectively; 2. Provides for water sensitive urban design; 3. Provides for long-term access to intended open space areas; 4. Incorporates functional overland flowpaths, stream corridors and ponding areas that are capable of conveying flood waters in a manner that minimises risk to existing and new residential properties downstream; and 5. Protects ridgetop, ridgeline and hilltop¹⁴ areas from inappropriate earthworks.
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Rules: Land use activities

ISPP

	EW-R1	<p>Earthworks for the purposes of piling, trenching, maintaining sports fields, undertaking geotechnical investigations and grave digging, the replacement or removal of underground petroleum storage systems associated with service stations¹⁵</p>
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the following standards is achieved: <ol style="list-style-type: none"> i. EW-S5; and ii. EW-S6.
	All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with any of the requirements of EW-R1.1 cannot be achieved <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P4; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R1.2 is precluded from being publicly or limited notified.</p>
	EW-R2	<p>Earthworks for the purposes of <u>constructing and</u> maintaining tracks associated with permitted <u>rural and conservation</u> activities in <u>the General Rural Zones</u>¹⁶</p>

P1 Sch1

¹⁴ WCC [266.121]

¹⁵ The Fuel Companies [372.92 and 372.93]

¹⁶ Administrative amendment

P1-Sch1

General Rural Zones ¹⁷	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S8</p>
General Rural Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2.1 cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R2.2 is precluded from being publicly notified.</p>
EW-R3	Earthworks for the purposes of constructing tracks associated with permitted activities in Rural Zones
Rural zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S8.</p>
Rural zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R3.1.a cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R3.2 is precluded from being publicly notified.¹⁸</p>
EW-R4	Earthworks for the purposes of maintaining public walking or cycling tracks in Open Space Zones
Open Space Zones	1. Activity status: Permitted

P1-Sch1

¹⁷ Administrative amendment


¹⁸ Administrative amendment

P1 Sch1



		<p>Where:</p> <p>a. Compliance is achieved with EW-S9</p>
	<p>Open Space Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P4 and EW-P5; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R4.2 is precluded from being publicly or limited notified.¹⁹</p>
	<p>EW-R53</p>	<p>Earthworks for the purposes of constructing <u>and maintaining</u>²⁰ public walking or cycling tracks in Open Space <u>and Recreation</u>²¹ Zones</p>
	<p>Open Space <u>and Recreation</u>²² Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S9.</p>
	<p>Open Space <u>and Recreation</u>²³ Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R53.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P3, EW-P4 and EW-P5; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R53.2 is precluded from being publicly or limited notified.</p>
	<p>EW-R64</p>	<p>General earthworks</p>
	<p>All Zones</p>	<p>1. Activity status: Permitted</p>

ISPP

¹⁹ Administrative amendment
²⁰ Administrative amendment
²¹ Administrative amendment
²² Administrative amendment
²³ Administrative amendment

	<p>Where:</p> <p>a. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; and vi. EW-S6
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R64.1 cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P1; 2. The matters in EW-P1820²⁴, where relevant; 3. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 4. For applications under this rule which arise from non-compliance with EW-R64.1.a.i: <ul style="list-style-type: none"> a. The matters in EW-P3, EW-P4 and EW-P5; 5. For applications under this rule which arise from non-compliance with EW-R64.1.a.ii: <ul style="list-style-type: none"> a. The matters in EW-P3, EW-P4 and EW-P5; 6. For applications under this rule which arise from non-compliance with EW-R64.1.a.iii: <ul style="list-style-type: none"> a. The matters in EW-P3 and EW-P4; 7. For applications under this rule which arise from non-compliance with EW-R64.1.iv: <ul style="list-style-type: none"> a. The matters in EW-P6; 8. For applications under this rule which arise from non-compliance with EW-R64.1.v: <ul style="list-style-type: none"> a. The matters in EW-P4; 9. For applications under this rule which arise from non-compliance with EW-R64.1.vi: <ul style="list-style-type: none"> a. The matters in EW-P4. <p>Notification Status:</p> <p>Applications under this rule which result from non-compliance with EW-R64.1.a.i and EW-R64.1.a.iii-vi are precluded from being publicly or limited notified.</p> <p>Applications under this rule that result from non-compliance with EW-R64.1.a.ii are precluded from being publicly notified.</p>
ISPP	<p>EW-R85</p>  <p>Earthworks on the site of scheduled heritage buildings and structures, and within heritage areas</p>
All Zones	<p>1. Activity status: Permitted</p>

²⁴ Minor and inconsequential amendment from EW-R15 assessment

		Where: a. Compliance is achieved with EW-S10.
	All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with any of the requirements of EW-R85.1 cannot be achieved Matters of discretion are: 1. The matters in EW-P7; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.
P1 Sch1	EW-R96	Earthworks within the root protection area of notable trees
	All Zones	1. Activity status: Discretionary
ISPP	EW-R247 	Earthworks within Sites and Areas of Significance Category A and Category B
	All Zones	1. Activity status: Restricted Discretionary Matters of discretion are: 1. The matters in SASM-P5; and 2. The outcome of consultation with mana whenua.
P1 Sch1	EW-R78 	Earthworks within a significant natural area
	All Zones	1. Activity status: Permitted Where: a. The earthworks: i. do not involve the removal of any indigenous vegetation <u>or habitat of indigenous fauna</u> ²⁵ ; or ii. are for the maintenance of existing public walking or cycling tracks, as carried out the Council, GWRC, or their approved contractor; or iii. are associated with permitted activities provided for in ECO-R1.1, ECO-R1.2, ECO-R2.1 or ECO-R3.1, required for the purpose of ECO-R1.1.a.iv (flood protection control); or iv. required for the purpose of ECO-R1.a.viii (installation of services); or or v. associated with fencing, farm drainage or creating farm access tracks in accordance with ECO-R1.2.a.i or ECO-R1.2.a.ii or ECO-R1.2.a.iv. ²⁶

²⁵ Forest & Bird [345.374, 345.375, and 345.376]

²⁶ Forest & Bird [345.374, 345.375, and 345.376]

P1 Sch1

All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of EW-R78.1 cannot be achieved--<u>and</u> b. <u>The significant natural area does not include matters identified in policy 11 of the NZ Coastal Policy Statement.</u> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in EW-P10.
All Zones	<p>3. <u>Activity Status: Non-complying</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The Significant Natural Area includes matters identified in Policy 11(a) of the New Zealand Coastal Policy Statement 2010 where located within the Coastal Environment.</u> <p><u>Section 88 requirements:</u> <u>Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15:</u></p> <ul style="list-style-type: none"> 1. <u>Identifying the indigenous biodiversity values and potential impacts from the proposal; and</u> 2. <u>Demonstrating that ECO-P5 has first been met, and the effects management hierarchy at ECO-P2 has been applied to other adverse effects.²⁷</u>
EW-R429	Earthworks within riparian margins (outside the coastal environment)
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with EW-S12²⁸.
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of EW-R429.1 cannot be achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in EW-P13 and NATC-P1; and 2. The matters in PA-P1, PA-P2 and PA-P3.

²⁷ Forest & Bird [345.362]

²⁸ Forest & Bird [345.380]

P1 Sch1

EW-R10	Earthworks within High Coastal Natural Character Areas within the coastal environment	
All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S11</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P11 and CE-P4; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>	
All Zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R10.1 cannot be achieved.</p>	
P1 Sch1	EW-R11	Earthworks within coastal or riparian margins within the coastal environment
Port Zone City Centre Zone Stadium Zone Waterfront Zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-R6</p>	
Port Zone Stadium Zone Waterfront Zone City Centre Zone	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R11.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P12 and CE-P5; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>	
All Zones (except for Port Zone Stadium Zone Waterfront Zone City Centre Zone)	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S12.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P12 and CE-P6; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>	
All Zones (except for Port Zone)	<p>4. Activity status: Discretionary</p>	

P1 Sch1

Stadium Zone Waterfront Zone City Centre Zone)	Where: a. Compliance with any of the requirements of EW-R11.3 cannot be achieved.
EW-R1312	Earthworks within special amenity landscapes
All zones	1. Activity status: Permitted Where: a. Compliance is achieved with EW-S13; or b. Earthworks are for the maintenance or construction of farm tracks required for permitted rural activities; and c. Compliance is achieved with EW-S8.²⁹
All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with any of the requirements of EW-R 13 12.1 cannot be achieved. Matters of discretion are: 1. The matters in EW-P14; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
EW-R13413	Earthworks within outstanding natural features and landscapes
All Zones	1. Activity status: Permitted Where: a. Earthworks are for the maintenance or construction of farm tracks required for permitted rural activities; and b. Compliance is achieved with EW-S8.³⁰
All Zones	1. Activity status: Restricted Discretionary Where: a. Compliance is achieved with EW-S13; and b. The earthworks are located outside the coastal environment; or c. Compliance with EW-R14.1 cannot be achieved. Matters of discretion are: 1. The matters in EW-P15; and

P1 Sch1

²⁹ Administrative amendment

³⁰ Administrative amendment

P1 Sch1

		2. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria.
All Zones		<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R4413.2.a cannot be achieved.</p>
All Zones		<p>3. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R4413.2.b cannot be achieved.</p>
EW-R4514	Earthworks within the ridgeline and hilltops <u>overlay or within the ridgetop area of the</u>³¹ Upper Stebbings <u>and</u> Glenside West Development Area	
All Zones		<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S13.; and</p> <p>b. <u>For the ridgetop area of the Upper Stebbings and Glenside West Development Area the earthworks are for the purpose of constructing public footpaths or tracks.</u>³²</p>
All Zones		<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4514.1 cannot be achieved; and</p> <p>b. The total area of earthworks in any 5-year period does not exceed:</p> <p>i. 500m² per site within the ridgeline and hilltops in the Upper Stebbings Glenside West Development Area³³; and</p> <p>c. The maximum cut height or fill depth does not exceed 1.5m above ground level measured vertically.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P5 and EW-P20-5³⁴; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.</p>
All Zones		<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. The earthworks are not a permitted activity under EW-R4514.1 or a restricted discretionary activity under EW-R4514.2.</p>

³¹ WCC [266.121 and 122]

³² WCC [266.121 and 122]

³³ WCC [266.121 and 122]

³⁴ John Tiley [142.19] and Churton Park Community Association [189.19]

ISPP

	All Zones	<p>4. Activity status: Non-complying</p> <p>Where:</p> <p>a. <u>Compliance with the requirements of EW-R14.1.b cannot be achieved.</u>³⁵</p>
	EW-R4615	Earthworks within the Flood Hazard Overlay
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks are not located within an Overland Flowpath or a Stream Corridor; or</p> <p>b. If the earthworks are located within an Overland Flowpath or a Stream Corridor, the finished ground level on the completion of the earthworks are the same as the natural ground level prior to the start of the earthworks.</p>
	All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4615.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P164.³⁶</p>
	EW-R4716	Earthworks associated with natural hazard mitigation works within the Flood Hazard Overlays and Coastal Hazard Overlays
	All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The natural hazard mitigation works are undertaken by a Central Government Agency, GWRC Greater Wellington Regional Council, Wellington City Council the Council, <u>Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited</u>³⁷ or a nominated contractor or agent for the express purpose of natural hazard mitigation works.</p>
	All Zones	<p>2. Activity Status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4716.1 cannot be achieved</p>

P1 Sch1

³⁵ WCC [266.122]

³⁶ GWRC [351.243]

³⁷ CentrePort [402.129 and 402.130] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

P1 Sch1	EW-R18	Earthworks associated with soft engineering natural hazard mitigation works within Flood Hazard Overlays and Coastal Hazard Overlays
	- All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The soft engineering natural hazard mitigation works are undertaken by a central government agency, GWRC, the Council or a nominated contractor or agent for the express purpose of soft engineering natural hazard mitigation works.</p>
	- All Zones	<p>2. Activity Status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R18.1 cannot be achieved.</p>
P1 Sch1	EW-R19	Earthworks on community flood defence scale natural hazard mitigation structures
	- All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The earthworks are undertaken by GWRC, the Council or a nominated contractor.</p>
	- All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance any of the requirements of EW-R19.1 cannot be achieved.</p> <p>-</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P17.</p>
P1 Sch1	EW-R2017	Earthworks in the Airport Zone
	Airport Zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S14.1 and EW-S14.2; and</p> <p>b. Compliance is achieved with EW-S14.3; and</p> <p>c. Earthworks are for the purposes of the upgrade or maintenance of existing formed roads and public accessways; or</p> <p>d. Earthworks are for the purposes of construction, upgrade, maintenance or repair of the Airport pavement (apron and taxiway surfaces); or</p> <p>e. Earthworks permitted by any other rule.³⁸</p>

³⁸ WIAL [406.376 and 406.377]

P1 Sch1

Airport Zone	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2017.1.a cannot be achieved:</p> <ul style="list-style-type: none"> i. in the Rongotai Ridge Precinct; ii. in the Miramar South Precinct; and iii. in relation to the Hillock (south end of Terminal Precinct). <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 2. Relevant matters in AIRPZ-P4 and AIRPZ-P5; 3. Visual appearance and mitigation; and 4. Geomorphological impacts; and 5. <u>Traffic impacts caused by transporting earth and construction fill material.</u>³⁹
Airport Zone	<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with EW-R2017.1.b, c or d or e cannot be achieved.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R20.3 must be publicly notified.⁴⁰</p>
EW-R2218	Earthworks in the national grid yard
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>Earthworks or vertical hole depth must be no greater (measured vertically) than:</u></p> <ul style="list-style-type: none"> <u>i. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support structure; or</u> <u>ii. Between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support structure.</u>⁴¹ <p>b. Compliance is achieved with EW-S15</p> <p>Note:</p> <p>The following earthworks activities are exempt from EW-R2218.1:</p> <ol style="list-style-type: none"> 1. Earthworks, excluding mining and quarrying, that are undertaken by the operator of the National Grid; 2. Earthworks, excluding mining and quarrying, for the repair, sealing or resealing of a footpath, driveway or farm track; 3. Vertical holes not exceeding 500 millimetres in diameter that: <ol style="list-style-type: none"> a. are more than 1.5 metres from the outer edge of the pole support structure or stay wire; or

³⁹ WIAL [406.373 and 406.374]

⁴⁰ WIAL [406.373 and 406.374]

⁴¹ Transpower [315.176]

	<p>b. are a post hole for a farm fence or horticulture structure more than 6 metres from the visible outer edge of a tower or support structure foundation; and</p> <p>4. Earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</p>
<p>All Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2218.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 2. Impacts on the operation, maintenance, upgrading and development of the National Grid; 3. The risk to the structural integrity of the affected National Grid support structure(s); 4. Any impact on the ability of Transpower to access the National Grid; 5. The risk of electrical hazards affecting public or individual safety, and the risk of property; 6. Technical advice provided by Transpower; and 7. Any effects on National Grid support structures including the creation of an unstable batter. <p>Notification Status:</p> <p>An application for resource consent made in respect of rule EW-R2218.2 is precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
<p>EW-R2319</p>	<p>Earthworks within the gas transmission pipeline corridor</p>
<p>All Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. For any earthworks within a gas pipeline easement area, a Pipeline Easement Permit is obtained and a copy of the permit is provided to the Council prior to the commencement of the earthworks; or</p> <p>b. For any earthworks outside of a gas pipeline easement area, written advice of the work is provided to the gas transmission pipeline owner and operator at least 15 working days prior to the commencement of the earthworks; and⁴²</p> <p><u>a. Compliance is achieved with EW-S156.</u></p> <p>Note:</p>

P1 Sch1

⁴² Firstgas [304.41]

		<p>1. Earthworks, excluding and quarrying, that are undertaken by the owner and operator of the gas transmission pipeline are exempt from EW-R2319.1.</p> <p>2. Clause (a) and (b) above do not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track.⁴³</p>
	All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2319.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard(s); 2. Effects on the stability or integrity of the gas transmission pipeline; 3. The risk of hazards affecting public or individual safety and the risk of property damage; 4. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline; and 5. The outcome of any consultation with the owner and operator of the gas transmission pipeline. <p>Notification Status:</p> <p>An application for resource consent under Rule EW-R2319.2 is precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>

Rules: Buildings and structures activities

P1 Sch1

	EW-R2420	Structures used to retain or stabilise landslips
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S7.</p>
	All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with EW-R2420.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and

⁴³ Consequential amendment in response to Firstgas [304.41]

	<p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R2420.1 is precluded from being publicly notified.</p>
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Standards

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EW-S1	Area	
All Zones	<p>1. The total area of earthworks must not exceed 250m² per site in any 12-month period.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the stability of land or buildings or structures in or on the site or adjacent sites is likely to be adversely affected; 2. The extent to which the earthworks will reflect and be sympathetic to the natural qualities of the surrounding landform; 3. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; <u>and</u> 4. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021; <u>and</u> 5. For applications involving areas of earthworks exceeding 1000m² in any 12-month period, the results of an ecological survey conducted by a suitably qualified expert.⁴⁴

ISPP

EW-S2	Cut height and fill depth	
All Zones	<p>1. Earthworks must not exceed the maximum cut height or fill depth specified in the table below. All heights and depths are expressed in metres, measured vertically.</p>	
	Condition	Max cut height/fill depth
	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical 	

⁴⁴ 289.12, 289.13, 359.33, 391.280 and 391.281

	<p>a. Where any cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing)</p>	<p>2.5m</p>	<p>assessment of the geology of the site and the surrounding land;</p> <ol style="list-style-type: none"> 2. Whether the earthworks and associated structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and construction of associated structures and certify them on their completion; 4. Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks and the efficacy of the structure or building; 5. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ol style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure or building can be assessed at a later date under the building consent process; 6. Whether the earthworks are designed in
<p>b. Where a. does not apply and the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane</p>	<p>1.5m</p>		

		<p>accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; b. NZS 4404:2010 Land Development and Subdivision Engineering; and c. NZS 4431:1989 Code of Practice for Earth Fill for Residential Earthworks. <p>7. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks;</p> <p>8. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021;</p> <p>9. The need for, and effectiveness of, measures to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them, including:</p> <ul style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands;
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		<ul style="list-style-type: none"> b. Avoiding unnatural scar faces; c. Favours untreated cut faces over artificial finishes in areas where bare rock is common; d. Favours alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings; f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow; g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures; h. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks and associated structures; i. Concealing views of earthworks and associated structures from streets, other
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ISPP

		<p>public places and other properties through the positioning of proposed or future buildings; and</p> <p>j. Placing pipes below ground or integrating them into earthworks and associated structures.</p>
<p>EW-S3</p>	<p>Existing slope angle</p>	
<p>All Zones</p>	<p>1. Earthworks must not be undertaken on an existing slope angle of 34° or greater, where angles of 34° or greater are sustained over a distance of at least 3m, measured horizontally.</p> <p>The following are exempt from this standard:</p> <ul style="list-style-type: none"> a. Earthworks compliant with EW-S2.a; and b. Earthworks associated with the repair, maintenance or upgrading of existing buildings or structures used to retain or stabilise earthworks. 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the earthworks and associated structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and construction of associated structures and certify them on their completion; 4. Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks and the efficacy of the structure or building; 5. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ul style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure or

		<p>building can be assessed at a later date under the building consent process.</p> <ol style="list-style-type: none"> 6. Whether the earthworks are designed in accordance with the relevant provisions of: <ol style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; b. NZS 4404:2010 Land Development and Subdivision Engineering; and c. NZS 4431:1989 Code of Practice for Earth Fill for Residential Earthworks. 7. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; 8. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021; 9. The need for, and effectiveness of, measures to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them, including: <ol style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands; b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting;
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		<ul style="list-style-type: none"> e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings; f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow; g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures; h. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks and associated structures; i. Concealing views of earthworks and associated structures from streets, other public places and other properties through the positioning of proposed or future buildings; and j. Placing pipes below ground or integrating them into earthworks and associated structures.
EW-S4	Transport of cut or fill material	
All Zones	<p>1. The combined volume of cut material resulting from earthworks transported off the site and cleanfill material required for earthworks transported onto the site must not exceed:</p> <ul style="list-style-type: none"> a. 2,000m³ in the Future Urban Zone,⁴⁵ City Centre, Centres, Mixed use and General industrial zones; or b. 200m³ in all other Zones. 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The extent to which the transport of material to or from the site will adversely affect the amenity of surrounding areas and safety of the roading network, having regard to: <ul style="list-style-type: none"> a. The type of trucks used; b. The frequency, timing and duration of truck movements;

ISPP

⁴⁵ Rod Halliday [25.29]

		<ul style="list-style-type: none"> c. The proposed route, wherein the use of collector, principal and arterial roads and the State Highway network is favoured over local roads; d. The width, sightlines and other characteristics relating to the safety of roads along the proposed route; e. The presence of sensitive land uses including schools along the proposed route; f. Whether the activity requires the closure of any roads; g. The location of site access and whether this can be sited safely; h. Measures to minimize the risk of material being deposited on roads; and i. Measures to allow traffic, cyclists and pedestrians to move safely past the site; and <p>2. The need for a traffic management plan, potentially as part of a wider earthworks and/or construction plan, that addresses how the matters referred to in (a)-(i) will be managed, including any procedures for receiving and responding to complaints.</p>
ISPP	EW-S5	Dust management
	All Zones	<p>1. No earthworks shall create a dust nuisance.</p>
ISPP	EW-S6	Site reinstatement
	All Zones	<p>1. As soon as practical, but not later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.</p>

P1 Sch1

		sediment, and reduce the volume and speed of runoff from the site.
EW-S7	Height of structures used to retain or stabilise landslips	
All Zones	<p>1. Structures used to retain or stabilise landslips must be no higher than 2.5m measured vertically.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the construction of the structures and certify them on their completion; 4. Whether the structures are designed in accordance with the relevant provisions of: <ol style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; and b. NZS 4404:2010 Land Development and Subdivision Engineering. 5. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; 6. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021; 7. Measures to reduce the visual prominence and particularly visual intrusiveness of the structures, including: <ol style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as

		<p>cliffs, escarpments, streams and wetlands;</p> <ul style="list-style-type: none"> b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Designing and finishing structures to reflect existing buildings and structures, in urban settings; f. Designing and finishing structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow; g. Retaining existing vegetation above, below and at the sides of structures; h. Integrating new landscaping and associated planting to conceal or soften the appearance of structures; i. Concealing views of structures from streets, other public places and other properties through the positioning of proposed or future buildings; and j. Placing pipes below ground or integrating them into structures.
<p>EW-S8</p>	<p>Cut height and fill depth associated with the construction or maintenance of tracks in the General Rural Zone</p>	
<p><u>General Rural Zones</u>⁴⁶</p>	<ul style="list-style-type: none"> 1. Cut height or fill depth must not exceed: <ul style="list-style-type: none"> a. A maximum of 2.5 metres, measured vertically; and 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the

P1 Sch1

⁴⁶ Administrative amendment

	<p>b. <u>The cut height and fill depth does not exceed 1.47</u> the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane</p>	<p>surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land;</p> <ol style="list-style-type: none"> 2. Whether the earthworks have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and certify them on their completion; 4. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ol style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure can be assessed at a later date under the building consent process; 5. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; 6. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021; and 7. The need for, and effectiveness of, measures to reduce the visual prominence and particularly visual intrusiveness of the earthworks, including: <ol style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands;
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⁴⁷ Administrative amendment

P1 Sch1

		<ul style="list-style-type: none"> b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Retaining existing vegetation above, below and at the sides of earthworks; f. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks; g. Placing pipes below ground or integrating them into earthworks.
EW-S9	Track width associated with the construction or maintenance of walking and cycling tracks in the Open Space and Recreation Zones	
Open Space <u>and Recreation</u> ⁴⁸ Zones	1. The width of the track surface must not exceed 1.5 metres at any point.	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The extent to which the earthworks will reflect and be sympathetic to the natural qualities of the surrounding landform; 2. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; and 3. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021.
EW-S10	Earthworks on the site of heritage building heritage structures or on a site within a heritage area	
All Zones	1. The total area of earthworks must not exceed 10m ² in any 12-month period per site.	Assessment criteria where the standard is infringed:

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⁴⁸ Administrative amendment

P1 Sch1

	<p>2. The total volume of earthworks must not exceed 10m³ in any 12-month period per site.</p> <p>The following are exempt from standards a. and b. <u>1 and 2</u>⁴⁹ above:</p> <p>a. Earthworks undertaken in the Botanic Gardens and Otari Native Botanic Garden Heritage Areas which are subject to zone based standards.</p>	<p>1. The extent of effect of non-compliance on identified heritage values.</p>
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P1 Sch1

EW-S11	Earthworks in areas of high coastal natural character within the Coastal Environment	
All Zones	<p>1. Earthworks must not exceed:</p> <p>a. A maximum cut height or fill depth greater than 1.5m above ground level measured vertically; and</p> <p>b. The following within any 5-year period:</p> <p>i. 100m² in total area per site.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent and effect of non-compliance on identified coastal natural character values in the area and the ability to integrate and be sympathetic with the surrounding landform.</p>

P1 Sch1

EW-S12	Earthworks in coastal or riparian margins	
All Zones	<p>1. The total area of earthworks must not exceed 10m² in any 12-month period per site.</p> <p>2. The total volume of earthworks must not exceed 10m³ in any 12-month period per site.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent and effect of non-compliance on identified, ecological values or amenity values or landscape values <u>or cultural values</u>⁵⁰.</p>

EW-S13	Earthworks within outstanding natural features and landscapes, within special amenity landscapes and within the ridgelines and hilltops in the Upper Stebbings Glenside West Development Area <u>Earthworks within: outstanding natural features and landscapes; special amenity landscapes; ridgelines and hilltops overlay; or the ridgetop area of the Upper Stebbings and Glenside West Development Area</u>⁵¹	
All Zones	<p>1. Earthworks must not exceed:</p> <p>a. A maximum cut height or fill depth greater than 1.5m above ground level measured vertically; and</p> <p>b. the following within any 5-year period:</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent and effect of non-compliance on identified values and characteristics of outstanding natural features</p>

⁴⁹ Administrative amendment

⁵⁰ Consequential amendment in response to GWRC [351.227]

⁵¹ WCC [266.123]

P1 Sch1

	<ul style="list-style-type: none"> i. 100m² in total area per site within an identified outstanding natural feature and landscape; or ii. 200m² in total area per site within identified special amenity landscapes; or iii. 200m² in total area per site within the ridgelines and hilltops <u>overlay or the ridgetop area</u>⁵² in the Upper Stebbings <u>and</u> Glenside West Development Area. 	<p>and landscapes, special amenity landscapes, and the ridgelines and hilltops, <u>and in the ridgetop area in</u> the Upper Stebbings Glenside West Development Area and the ability to integrate and be sympathetic with the surrounding landform; and</p> <p>2. The degree to which the effect of the earthworks can be remedied or mitigated.</p>
<p>EW-S14</p>	<p>Earthworks in the Airport Zone</p>	
<p>Airport Zone</p>	<ul style="list-style-type: none"> 1. In the Rongotai Ridge Precinct, or in relation to the Hillock at the south end of the Terminal precinct earthworks shall not: <ul style="list-style-type: none"> a. Alter the existing ground level by more than 2.5 metres measured vertically. b. Disturb more than 250m² of ground surface. c. Be undertaken on slopes of more than 34°. 2. In the Miramar South Precinct, earthworks must be undertaken in accordance with an Erosion and Sediment Control Plan prepared in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region (or equivalent) 3. In all areas, a structure used to retain or stabilize a slope must be no higher than 2.5m measured vertically. 4. <u>No earthwork shall create a dust nuisance.</u>⁵³ 5. <u>As soon practicable, but not later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.</u>⁵⁴ <p>Except:</p> <ul style="list-style-type: none"> a. The construction, upgrade or maintenance of: <ul style="list-style-type: none"> i. Apron and taxiway surfaces. 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Rongotai Ridge Precinct: <ul style="list-style-type: none"> a. Extent of cut faces; b. Enhancement of pedestrian and cycle networks; c. Impact on views of, through and within the site; and d. Connections to community and recreation resources. 2. Miramar South Precinct: <ul style="list-style-type: none"> a. Erosion and Sediment Control Guidelines for the Wellington Region (or equivalent). 3. In all areas, any relevant aspect of: <ul style="list-style-type: none"> a. A Landscape and Visual Amenity Management Plan; b. NZS 4404:2010 in particular erosion, sediment and dust control; c. NZS 6803:1999 for management of construction noise; d. An Erosion and Sediment Control Plan; e. A geotechnical assessment. 4. In all areas, any relevant aspect of:

⁵² WCC [266.123]

⁵³ WIAL [406.381, 406.382, 406.383]

⁵⁴ WIAL [406.381, 406.382, 406.383]

	<p>ii. Read and accessway surfaces.</p>	<p>a. The nature, scale and extent of planting and landscaping; b. Maintenance of planting and landscaping; c. Extent and quality of public recreational access, including connections to existing accessways; d. The nature and scale of engineered retaining features; e. Façade treatment of engineered retaining features over 1.5m in height; f. Staging of earthworks; g. Effects on adjacent residential land; h. Hours of work; and i. Construction traffic.</p> <p>5. <u>With respect to EW-S14(4):</u> a. <u>The effectiveness of temporary measures to avoid the creation of dust nuisance.</u></p> <p>6. <u>With respect to EW-S14(5):</u> a. <u>The effectiveness of permanent measures to avoid erosion, the creation of dust nuisance, to filter silt and sediment and reduce the volume and speed of runoff from the site.</u>⁵⁵</p>
<p>EW-S15</p>	<p>Earthworks in the Nnational Ggrid Yard and gas transmission pipeline corridor⁵⁶</p>	
<p>All Zones</p>	<p>1. Earthworks <u>or vertical holes</u> in the Nnational Ggrid Yard must comply with the following: a. Earthworks or vertical hole/s depth must be no greater than: i. 300 millimetres within 2.2 metres of any National Grid support poles or stay wires; or ii. 750 millimetres between 2.2 metres and 5 metres of the pole or stay wire. b. Earthworks or vertical hole depth must be no greater than: i. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support tower (including any tubular steel tower that replaces a steel lattice tower); or</p>	

P1 Sch1

⁵⁵ WIAL [406.381, 406.382, 406.383]

⁵⁶ Transpower [315.177]

	<p>ii. Between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support tower (including any tubular steel tower that replaces a steel lattice tower).</p> <p>c. The earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</p> <p>d. The earthworks must not result in vehicular access to a National Grid support structure being permanently obstructed.</p> <p>e. <u>Not compromise the stability of the National Grid Support Structure.</u>⁵⁷</p> <p>2. Earthworks within the gas transmission pipeline corridor must comply with the following:</p> <p>a. The stability or integrity of the gas transmission pipeline is not compromised.</p> <p>b. The earthworks must not involve:</p> <p>i. Any permanent alteration to the profile, contour or height of the land within the corridor; or the planting of trees within 10 metres of the gas transmission pipeline.</p> <p>Note: - Clause 2.b. above does not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track. Clause 2.b. does not apply to earthworks undertaken by a network utility operator within a road reserve.</p>
<p><u>EW-S16</u>⁵⁸</p>	<p><u>Earthworks in the Gas Transmission Pipeline Corridor</u></p>
<p><u>All Zones</u></p>	<p>1. <u>Earthworks within the gas transmission pipeline corridor must comply with the following:</u></p> <p>a. <u>The stability or integrity of the gas transmission pipeline is not compromised.</u></p> <p>b. <u>The earthworks must not involve:</u></p> <p>i. <u>Any permanent alteration to the profile, contour or height of the land within the corridor; or the planting of trees within 10 metres of the gas transmission pipeline.</u></p> <p>Note: <u>Clause 1.b. above does not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track. Clause 1.b. does not apply to earthworks undertaken by a network utility operator within a road reserve.</u></p>

⁵⁷ Transpower [315.177]

⁵⁸ Transpower [315.177]

Ngā Tautuhinga

Definitions

Term	Meaning
CUT HEIGHT	means the maximum height of the cut at the completion of earthworks, measured vertically from the highest point at the top of the cut to the bottom of the cut.
EARTHWORKS	means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
EXISTING SLOPE ANGLE	<p>means the maximum slope segment angle of all slope segments.</p> <p>For a Cut – slope segments are measured (on a horizontal plane); – within the extent of the cut; and – uphill of the cut, the distance to the boundary or 10m whichever is the lesser.</p> <p>For a Fill – slope segments are measured (on a horizontal plane); – within the extent of the fill; and – downhill of the fill, the distance to the boundary or 10m whichever is the lesser.</p> <p>A slope segment is a segment of sloping ground that falls generally at the same angle to the horizontal (slope segment angle) <u>sustained over a distance of at least 3m, measured horizontally.</u>⁵⁹</p> <p>...</p>
FILL DEPTH	means the maximum depth of the fill at the completion of the earthworks, measured vertically from the highest point on the top of the fill to the bottom of the fill placement.

⁵⁹ Survey & Spatial New Zealand Wellington Branch [439.5]