

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:
Trevor Robinson (Chair)
David McMahon

SUBJECT:

Proposed Porirua District Plan: Designations

PREPARED BY:

Rory Smeaton, Senior Policy Planner

REPORT DATED:

26 May 2022

DATE OF HEARING:

27 and 28 June 2022

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the designations set out in chapters under the Designations section in Part 3: Area Specific Matters in the Proposed Porirua District Plan (PDP), and the associated maps. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. Designations enable works to be undertaken by requiring authorities without the need to comply with section 9(3) of the RMA, meaning that the rules of a district plan do not apply to the designated project or works. Where the land is used for a purpose other than the designated purpose, the provisions of a district plan or proposed district plan continue to apply. Designations also act to protect land from other activities occurring within the designated area.¹
3. Twelve requiring authorities issued 81 notices of requirement for designations to be included in the PDP. Of these, seventy designations were rolled over from the Operative District Plan (ODP) into the PDP. Four requiring authorities issued notices of requirement for 11 new designations.
4. There were 19 submissions and four further submissions received on designations. The following are considered to be the key issues in contention in the chapters as raised through submissions:
 - Removal of Condition 1 of FGL-01 which exempts the need for an outline plan process;
 - Clarification of adjacent designation boundaries on the planning maps;
 - Amendments to the boundaries of designations for State Highways; and
 - The removal of conditions relating to State Highway 1 (now 59).
5. This report makes recommendations on whether a designation sought by the relevant requiring authorities should be included in the PDP. It also addresses each of these key issues noted above, as well as any other issues raised by submissions, and makes recommendations in response to the submissions received. The report is intended to assist the Hearing Panel to make decisions on the original submissions and further submissions on the PDP and make recommendations to the relevant requiring authorities on the designations.
6. I have recommended some modifications to the designations included in the PDP to address matters raised in submissions and other matters identified through assessment of the designations. These modifications are summarised below:
 - Removal of Condition 1 from FGL-01;
 - Inclusion of conditions on CNZ-03 relating to a notable tree on the site;
 - Inclusion of additional conditions on FGL-01 relating to construction management and significant natural areas;
 - Amending KRH-01 to remove it from the Mana railway bridge and the territorial authority area of Kapiti Coast District Council, and identify the hierarchy status as 'Varies';

¹ See section s176 of the RMA.

- Removal of Lot 3 DP 529535 from MEDU-29 and inclusion an additional small area of land within MEDU-30;
 - Inclusion of additional conditions on NZTA-01 from the existing designations, amendment of the boundaries of NZTA-01 and NZTA-02 to follow parcel boundaries and align with adjoining designations, amendment of the designation names of NZTA-01 and NZTA-03, and amendment of the designation hierarchy for NZTA-01, NZTA-03 and NZTA-04; and
 - Correcting the legal description of the site for SPK-01.
7. Having considered all the submissions and the matters set out in sections 168A and 171 of the RMA, I recommend that the Panel recommend the designations included in the PDP be confirmed or modified as set out in Appendix C of this report.

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Interpretation

8. Throughout my report I refer to Porirua City Council in two ways. Where I refer to 'the Council' this is the Council generally. Where I refer to 'PCC' I am referring to the Council as the requiring authority.
9. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 and Table 2 below:

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Chorus	Chorus New Zealand Limited
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Firstgas	First Gas Limited
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited

Abbreviation	Means
Chorus	Chorus New Zealand Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Spark	Spark New Zealand Trading Limited
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

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

1 Introduction

1.1 Purpose

11. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the rollover of designations from the ODP and new notices of requirement for designations included in the PDP and submissions received on the designations, and to recommend possible amendments in response to those submissions.
12. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the designations and associated maps in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
13. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the designations or maps based on the preceding discussion in the report.
14. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

15. My name is Rory McLaren Smeaton. My qualifications and experience are set out in Appendix E of this report.
16. My role in preparing this report is that of an expert planner.
17. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to the Designations chapters. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

21. There were 21 submissions and four further submissions received on designations included in the PDP. I consider the following to be the key issues in contention in the Designation chapter:

- Removal of Condition 1 from FGL-01 which exempts the need for an outline plan process;
- Clarification of adjacent designation boundaries on the planning maps;
- Amendments to the boundaries of designations for State Highways; and
- The removal of conditions relating to State Highway 1 (now 59).

22. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

23. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
24. I note that communication with some requiring authorities has occurred to clarify some matters that arose during the preparation of this report, including Waka Kotahi, Firstgas, KiwiRail, and the Ministry of Education.

2 Statutory Considerations

2.1 Resource Management Act 1991

25. The PDP has been prepared in accordance with the RMA and in particular the requirements of Clause 4 of Schedule 1, 'Requirements to be inserted prior to notification of proposed district plans'.
26. When reviewing a district plan Clause 4 (1A) and (1B) of Schedule 1 requires the Council to invite requiring authorities that have an existing designation in the ODP that has not lapsed to give written notice to the Council stating whether the requiring authority requires the Council to include the designation in its proposed district plan, with or without modification. If a requiring authority does not respond the Council's invitation, the designation is not included in the proposed district plan.
27. In January 2019, the Council issued a written notice in accordance with Clause 4(1). The notice also requested that the requiring authorities issue notices of requirement for any new designations sought.²
28. The submission process on designations ran in parallel to the submission process on all other content in the PDP. The requirements for recommendations and decisions on requirements in the PDP are set out in Clause 9 of Schedule 1:

9 Recommendations and decisions on requirements

(1) The territorial authority shall make and notify its recommendation in respect of any provision included in the proposed district plan under clause 4(5) to the appropriate authority in accordance with section 171 or section 191.

(2) The territorial authority shall make its decision on provisions included in the proposed district plan under clause 4(6) in accordance with section 168A(3) or section 189A(3), as the case may be.

(3) Nothing in this clause shall allow the territorial authority to make a recommendation or decision in respect of any existing designations or heritage orders that are included without modification and on which no submissions are received.

29. Consideration of requirements and designations must take into account the matters set out in sections 168A and 171 for notices of requirement from PCC and other requiring authorities, respectively.

2.1.1 Section 168A Notice of requirement by territorial authority

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

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

² Under section 170, if a notice of requirement is issued under section 168 within 40 working days of the Council proposing to notify a proposed district plan, it may with the consent of the requiring authority, be included in the proposed district plan.

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

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

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

(iv) a plan or proposed plan; and

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

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

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

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

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

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

(4) The territorial authority may decide to—

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

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

2.1.2 Section 171 Recommendation by territorial authority

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

(1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.

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

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

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

(iv) a plan or proposed plan; and

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

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

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

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

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

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

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

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

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

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

2.1.3 Rolled-over designations

32. In accordance with Clause 9(3) of Schedule 1 of the RMA, where a designation has been rolled-over from the ODP into the PDP without modification and no submissions are received, the rolled-over designation must be included in the PDP. In these instances, the Council does not make a recommendation or decision.
33. As set out in Appendix B, all designations sought to be rolled-over into the PDP were submitted on. Therefore, there are no designations where the situation under Clause 9(3) of Schedule 1 applies. I note, however, that many of the submissions were from Kāinga Ora in support of the designation chapters.

2.2 Trade Competition

34. Trade competition is not considered relevant to the Designations chapters of the PDP.
35. There are no known trade competition issues raised within the submissions.

3 Consideration of Designations

3.1 Overview

3.1.1 Designations in the PDP

36. The designations chapters are contained in the PDP under the Designations heading within Part 3: Area Specific Matters, as required in the National Planning Standards. There are 12 requiring authorities that have sought designations be rolled over from the ODP or issued notices of requirement to be included in the PDP.
37. There are 70 existing designations that were sought to be 'rolled over' into the PDP from the ODP. All of these designations include minor changes to align with the requirements of the National Planning Standards and some involve amendments to spatial boundaries, legal descriptions, site addresses, the 'purpose' description of the designation, as well as the inclusion or modification of designation conditions. Some existing designations have been amalgamated into new designations such as a number of designations for Waka Kotahi.
38. Eleven notices of requirement for new designations were included in and notified with the PDP in accordance with section 170 of the RMA. The new designations that are sought are:
- CNZ-02 Pukekura Bay Exchange;
 - CNZ-03 Titahi Bay Exchange;
 - CNZ-04 Waitangirua Exchange;
 - CNZ-05 Whitby Exchange;
 - FGL-01 Gas Transmission Network;
 - MEDU-29 Bishop Viard College;
 - MEDU-30 Holy Family School (Porirua);
 - MEDU-31 St Pius X School (Titahi Bay);
 - MEDU-32 St Theresa's School (Plimmerton);
 - MEDU-33 Wellington S D A School; and
 - SPK-01 Spark Exchange.
39. A summary of the designations sought by each requiring authority is set out in Table 3 below, including identification of new designations and where modifications have been sought to rollover designations.

Table 3: Summary of Designations Issued by Requiring Authorities

Requiring Authority	Rollover without modifications	Rollover with modifications	New	Total
Chorus New Zealand Limited	1	0	4	5
First Gas Limited	0	0	1	1

Requiring Authority	Rollover without modifications	Rollover with modifications	New	Total
Greater Wellington Regional Council	0	3	0	3
KiwiRail Holdings Limited	0	1	0	1
Minister of Justice	0	1	0	1
Minister of Education	0	28	5	33
Minister of Police	3	0	0	3
New Zealand Transport Agency	2	2 ³	0	4
Porirua City Council	0	27 ⁴	0	27
Radio New Zealand Limited and NZME Radio Limited	0	1	0	1
Spark New Zealand Trading Limited	0	0	1	1
Transpower New Zealand Limited	1	0	0	1
Total	7	63	11	81

40. Two existing designations in the ODP were requested not to be 'rolled over' into the PDP:

- PCC designation known as K1054 titled 'Existing public roads'.
- PCC designation known as K1021 titled 'Proposed Reservoir', as this site was decommissioned.

3.1.2 Submissions Received

41. Twenty one original submissions were received on the 81 designations included in the PDP, with 14 of these being from Kāinga Ora seeking retention of the designations. Of the seven substantive submissions, two relate to the conditions for FGL-01, and three are from Waka Kotahi seeking amendments to mapping of its designations and better differentiation of adjacent designations. The remaining two are from requiring authorities (KiwiRail and Transpower) supporting their respective designations.
42. Four further submissions are also addressed within the report. Two of these relate to the conditions for FGL-01, and two relate to the conditions of NZTA-01.

3.1.3 Report Structure

43. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and designation-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the

³ Eight designations under the ODP (K0401, K0402, K0403, K0404, K0407, K0410, K0411 and K0412) were amalgamated into two designations in the PDP.

⁴ Two designations under the ODP (K1062 and K1063) were amalgamated into a single designation in the PDP.

layout of chapters of the PDP as notified. Submissions on designations which raised general issues have been grouped into sub-topics within this report.

44. This evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate. Specific recommendations on each submission / further submission point are contained in Appendix B.
45. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapters with recommended amendments in response to submissions as Appendix A.
46. I note that section 32 of the RMA does not apply to the consideration of designations and is therefore not addressed in this report.

3.1.3.1 Format for Consideration of Designations

47. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
48. The recommended amendments to the designations chapter are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.

3.2 General Submissions

3.2.1 Matters raised by submitters

49. Waka Kotahi [82.289] seeks that the planning maps be amended to differentiate designations which abut, intersect or overlap each other. The submitter suggests this is achieved by clearly labelling the designations, or by using different colours or shading.

3.2.2 Assessment

50. I recognise the issue raised by Waka Kotahi [82.289] and agree that in some cases it is difficult to differentiate the various designations shown on the PDP planning maps where they abut, intersect or overlap each other.
51. However, I note that the National Planning Standards set the requirements for the graphical representation of designations within district plans in Table 20 of that document, as reproduced in Figure 1 below.

Designation		Polygon Fill: None RGB 20, 177, 231	Outline width: 1.5 pts Designation unique identifier
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Figure 1: Symbol representation for designations required by Table 20 of the National Planning Standards

52. As shown in Figure 1, designations must be shown with a blue polygon with no fill. Therefore, the potential solution put forward by submitter by using different colours or shading would not be in accordance with the National Planning Standards, and as such is not an available option for the PDP maps. Additionally, I note that the PDP maps do include labels for the designations on the maps; however, these are generally only shown at certain scales.
53. A potential solution is to provide different GIS map layers for each requiring authority, which would then enable each layer to be turned on or off by the map user. This is the solution used by Kapiti Coast District Council. However, I am informed by Council's GIS Manager, Mike Bricker, that this would likely significantly reduce the speed and useability of the GIS system for all users.
54. I also note that Council's publicly available online GIS Map Gallery includes a 'Local Maps' version of the PDP maps.⁵ This version of the maps provides greater functionality than the PDP maps themselves. The Local Maps interface allows users to select individual designations, and filter the mapped features on individual layers. This would therefore enable users to select and interrogate individual designations. As such, the outcome sought by the submitter is already provided for by this version of the PDP map data.
55. For these reasons, I do not consider that it is possible, necessary or preferable to amend the PDP maps to differentiate designations which abut, intersect or overlap each other.

⁵ <https://maps.porirua.govt.nz/localmaps/gallery/>

3.2.3 Recommendation

56. I recommend for the reasons given in the assessment, that the submissions from Waka Kotahi [82.289] be **rejected**.

3.3 Chorus New Zealand Limited

3.3.1 Matters raised by submitters

57. No substantive submissions were received on the CNZ - Chorus New Zealand Limited chapter.

3.3.2 Assessment

58. Chorus is a requiring authority under section 167 of the RMA in accordance with section 69XI of the Telecommunications Act 2001.

3.3.2.1 Roll-over designation

59. Chorus requested rollover of designation K0301 in the ODP, with modifications limited to the format of the designation in the PDP. This is designation CNZ-01 in the PDP.
60. The designation already exists and has been given effect to. I consider that there are no additional adverse effects on the environment that will be generated as the designated activities are a part of the existing environment.
61. I do not consider alternative sites, routes or methods are necessary as the designation and facilities already exist and the designation is not changing in geographic extent.
62. I consider the designation to be necessary to achieve the objectives of the requiring authority in respect of ensuring the ongoing security and resilience of the communication services the facilities provide.
63. No existing conditions apply to the designations and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.3.2.2 New designations

64. Chorus gave notice for the designation of four separate sites for telecommunication and radiocommunication purposes to be included in the PDP. These are identified in chapter CNZ - Chorus New Zealand Limited as:
- CNZ-02 Pukerua Bay Exchange;
 - CNZ-03 Titahi Bay Exchange;
 - CNZ-04 Waitangirua Exchange; and
 - CNZ-05 Whitby Exchange.
65. These sites are further defined in Table 4 below.

Table 4: Chorus exchange sites sought to be designated

Identifier	Address	Legal Description	PDP	
			Zone	Overlays
CNZ-02 Pukerua Bay Exchange	2 Muri Road, Pukeura Bay	Lot 1 DP 15313, held in Record of Title 35C/874	GRZ	-
CNZ-03 Titahi Bay Exchange	2 Tireti Road, Titahi Bay	Sec 1 SO 35629, held in Record of Title WN36A/413	MRZ	Notable Tree ID: TREE006
CNZ-04 Waitangirua Exchange	210 Warspite Avenue, Waitangirua	Lot 37 DP 29172 held in Record of Title WN36A/467	LCZ	Active Street Frontage
CNZ-05 Whitby Exchange	67 Discovery Drive, Whitby	Lot 2 DP 75372, held in Record of Title WN42B/589	GRZ	-

66. The designation purpose sought for all of the sites is 'telecommunication and radiocommunication and ancillary purposes'. There are no immediate works proposed to be carried out as part of the notice of requirement.
67. Existing infrastructure on the sites generally include an exchange building, ancillary building furniture such as vents and external air conditioning plant, diesel fuel storage, and sealed driveway and parking areas. The Waitangirua Exchange includes a mobile facility (telecommunications pole with antenna) located near the middle of the site, and a transformer located on the northern boundary of the site.
68. As these new notices of requirement all apply to existing exchange sites and because the notice of requirement document assesses these sites together as a group, a similar approach is taken in the sections below.

Effects on the environment

69. There will be no immediate adverse effects on the environment of allowing the requirement for the designations. The exchange infrastructure has been established on each respective site for a number of decades, and forms part of the existing environment. The notice of requirement states that the sites currently operate under existing use rights. No detailed information on the history of the establishment of the infrastructure is provided.
70. If changes to the sites are proposed in the future, the outline plan process will enable appropriate consideration of any actual or potential adverse effects on the environment.
71. I note that under section 43D(4) of the RMA, any existing national environmental standards will prevail over the new designations. This includes the NES-CS. The Waitangirua Exchange and Titahi Bay Exchange sites are identified on Greater Wellington's Selected Land Use Register (SLUR) as having had activities undertaken on them that are listed on the Hazardous Activities and Industries List (HAIL). Any disturbance of soil on these sites will need to comply with the permitted activity standards under regulation 9 of the NES-CS, or a resource consent for the works obtained.

Relevant provisions of RMA documents

72. The site at 2 Tireti Road, Titahi Bay (CNZ-03 Titahi Bay Exchange) contains a Norfolk Island Pine identified as TREE006 in SCHED5 – Notable Trees of the PDP. The section 32 evaluation report for the TREE - Notable Trees chapter identifies the matters in section 7(c), (f) and (g) as relevant to notable trees.
73. Strategic telecommunications facilities are defined as regionally significant infrastructure under the RPS. Similarly, 'facilities and structures necessary for the operation of telecommunications and radiocommunications networks operated by network utility operators' is included as regionally significant infrastructure in the PDP definitions. The PDP's strategic objective FC-O1 includes seeking effective, efficient, resilient and safe infrastructure throughout the City that achieves a range of benefits.

Alternative sites, routes or methods

74. I do not consider that consideration of alternative sites, routes or methods is necessary as the sites are owned by Chorus and it is not likely that there will be significant adverse effects on the environment.

Reasonably necessary

75. I consider the designations are reasonably necessary to achieve Chorus's objectives in respect of providing a reliable, efficient and resilient communications network and to provide certainty for the operation, maintenance, use and improvement of the facilities.

Conditions

76. Chorus does not propose any conditions on the designations. I consider that no conditions are necessary for CNZ-02, CNZ-04 or CNZ-05 as the works to which the designations relate are established on the respective sites and there are no relevant overlays on the sites which would require additional management through conditions. The outline plan process allows for appropriate consideration of any adverse effects from any additional works proposed in the future.
77. In relation to CNZ-03, I consider that conditions are required in order to protect the Norfolk Island Pine located on the site identified as TREE006 in SCHED5 – Notable Trees of the PDP. Without appropriate conditions, Chorus would be able to trim, prune or remove the tree without any further processes under the RMA. Because of the values associated with the notable tree, I do not consider that this would be appropriate. I consider that the standards set out in INF-S19 in the INF – Infrastructure chapter of the PDP provide an appropriate basis for conditions to be imposed on the designation to protect the notable tree on the site, and therefore recommend that these are imposed as conditions with appropriate rewording. If future development of the site requires removal of the tree which does not comply with the conditions, I consider that assessment of such a proposal through a process to alter the designation under section 181 would be appropriate.

Part 2 of the RMA

78. I consider that the notice of requirement for designations identified as CNZ-02, CNZ-03, CNZ-04 and CNZ-05 is in accordance with Part 2 of the RMA through enabling the sustainable management of established physical resources, and for people and communities to provide for

their social, economic, and cultural well-being through enabling the on-going security and resilience of essential communication services.

3.3.3 Recommendation

79. I recommend for the reasons given in the assessment, that the Hearings Panel:

- Recommend that CNZ-01, CNZ-02, CNZ-04 and CNZ-05 be **confirmed** as set out in Appendix C; and
- Recommend that CNZ-03 be **modified** as set out in Appendix C.

3.4 First Gas Limited

3.4.1 Matters raised by submitters

80. Porirua City Council [11.70] seeks that Condition 1 on the designation be deleted as the RMA has an Outline Plan waiver process when works within a designation are proposed.
81. Bill McGavin [42.1] seeks that First Gas consult with the landowners in relation to access for repairing or maintenance of the pipeline, with any damages to a property in gaining access fixed at no cost.

3.4.2 Assessment

82. Firstgas is a requiring authority under section 167 of the RMA, with Gazette notice 2016-go4097 amending the approval as a requiring authority from 'Vector Gas Limited' to 'First Gas Limited' in 2016.⁶
83. Firstgas issued a new notice of requirement for a designation for the Gas Transmission Network within Porirua. The purpose of the designation is the 'ongoing operation and maintenance of the Gas Transmission Network within the Porirua District, inclusive of above-ground incidental equipment'.
84. Firstgas' objectives are to:
- enable the safe, efficient and effective operation and maintenance (including repair and replacement of assets and the ability to achieve access) of the Gas Transmission Network and
 - provide statutory protection to safeguard the integrity of the Gas Transmission Network.
85. The PDP includes a definition of Gas Transmission Network:

means pipelines for the transmission of natural or manufactured gas or petroleum at a gauge pressure exceeding 2,000 kilopascals, including any associated above or below ground fitting, appurtenance, fixture or equipment required for the conveyance of the product or material in the pipeline and / or for its safe, efficient or effective operation.

⁶ The approval was first gazetted in 1994 for the Natural Gas Corporation of New Zealand Limited (1994-go5501), and amended in 2009 to change the name to 'Vector Gas Limited' (2009-go6401).

86. The site of the designation is described in the notice of requirement as the land six metres either side of the Gas Transmission Pipeline. The pipeline crosses the entire Porirua territorial area, from north to south, as shown in Figure 2 below. The designation encompasses approximately 45 hectares in area.

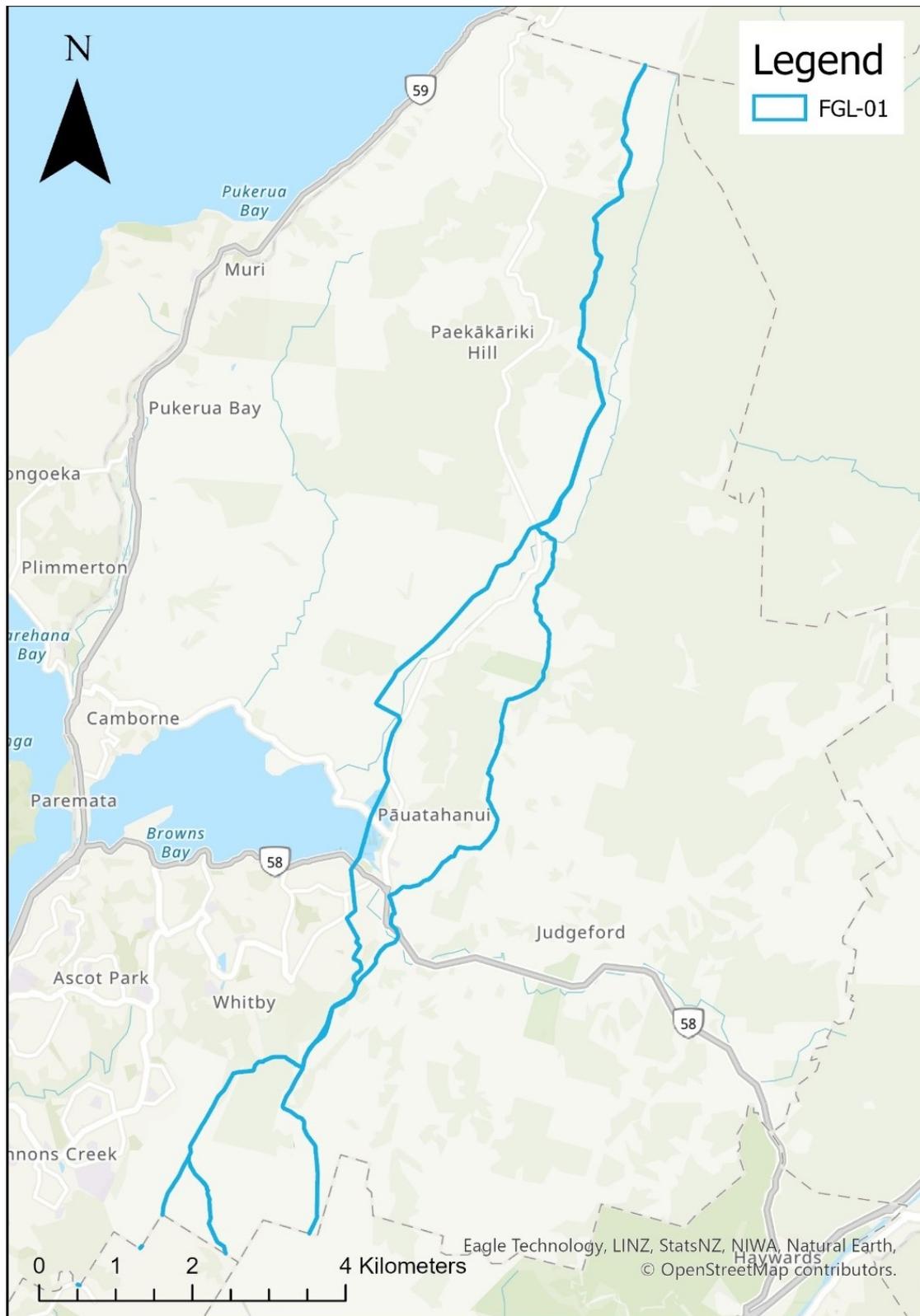


Figure 2: Designation FGL-01

87. The notice identifies that the designation is located on land that is either owned by Firstgas or which contains a legal easement in favour of the Gas Transmission Pipeline. These easements exist along the alignment of the pipeline and provide legal rights to the owner of the pipeline, and restrictions on the use of the land to which it relates. The easements relate to the area within six metres either side of the pipeline. The designation therefore aligns with the 12 metre wide easements.
88. The designation site intersects multiple PDP features:
- Multiple zones, including OPZ - Open Space Zone, FUZ - Future Urban Zone, RLZ - Rural Lifestyle Zone, GRZ - General Residential Zone, GRUZ - General Rural Zone, and SETZ - Settlement Zone;
 - Numerous overlays, including Fault Rupture Zone, Flood Hazard and Coastal Hazard overlays; Significant Natural Areas; Special Amenity Landscapes; Sites and Areas of Significance to Māori; Coastal High Natural Character Areas; Flood Hazard and Coastal Hazard areas;
 - The National Grid Corridor;
 - Other designations being GWRC-03, NZTA-02, NZTA-03, and PCC-26;
 - Ngāti Toa Rangatira Statutory Acknowledgement Areas; and
 - The Coastal Environment Inland Extent.
89. Additionally, I note that the designation includes one identified Selected Land Use Register (SLUR) site (Site ID 2566).
90. The submission point from Porirua City Council [11.70] is addressed below in relation to conditions. In relation to the submission from Bill McGavin [42.1], I agree with the further submission from Firstgas [FS63.37] that access over designated land that is not directly owned by Firstgas can be addressed through civil processes between Firstgas and the landowners. I note that ongoing access to the pipeline would also be considered through subdivision processes under the matters identified in INF-P5.

3.4.2.1 Nature of the works

91. The activities which the designation will provide for is summarised in the notice of requirement as:
- Small scale utility structures and buildings;
 - Maintenance (including repair and / or replacement) of the Gas Transmission Network;
 - Gas flaring and venting; and
 - Maintaining and enabling access.
92. I note that the conditions proposed by Firstgas in section 2.1 of the notice of requirement include:
- Restrictions on third party activities;
 - A condition that would be placed on approval of third party works within the designation;

- An exemption from providing an Outline Plan of Works for ongoing maintenance works; and
 - An Accidental Discovery Protocol.
93. Only conditions relating to an exemption from providing an Outline Plan of Works and Accidental Discovery Protocol were included in the notified PDP.

3.4.2.2 *Effects on the environment*

94. Section 171(a) requires consideration of the effects on the environment of allowing the requirement. The notice of requirement assessed actual and potential effects in respect of positive effects, land use and property, visual and landscape, noise, cultural heritage and archaeology, and construction related effects.

Positive effects

95. Firstgas notes positive effects relating to social and economic benefits to the people and communities of the district and wider North Island through providing a reticulated source of gas for domestic and commercial use, and better managing reverse sensitivity effects. I agree with this assessment.

Venting and Flaring

96. I note that gas flaring and venting activities are addressed by Rule R34 of the PNRP (Appeals Version). That rule includes a standard that the venting or flaring of natural gas is required for operational, maintenance or repair purposes. Any non-compliance with the standards set out in that rule would require consent under the PNRP. Firstgas identifies potential adverse effects relating to visual and noise effects associated with gas flaring and venting activities. I agree that any adverse effects of these activities will be temporary, and as these activities are required for operational, maintenance or repair purposes, will be acceptable.

Land use and property

97. In terms of adverse effects on land use and property, Firstgas considers these to be negligible due to the designation covering existing easements. I note that Firstgas did not provide examples or description of the easements with the notice of requirement.
98. The designation applies to approximately 144 properties.⁷ The number of properties within each zone and the total area within each zone is shown in Table 5 below.

Table 5: Number of properties intersected by FG-01 in each zone

Zone	Number of properties ⁸	Area (ha)
GRZ – General Residential Zone	50	3.12
GRUZ – General Rural Zone	30	11.3
RLZ – Rural Lifestyle Zone	61	14.4

⁷ There are an additional 17 road segments covered by the designation. These parcels are not included in this number.

⁸ These figures include properties crossing multiple zones

Zone	Number of properties ⁸	Area (ha)
SETZ – Settlement Zone	5	0.85
OSZ – Open Space Zone	19	12.4
FUZ – Future Urban Zone	4	1.89

99. As shown by Table 5, the largest number of properties and area of the designation is within the RLZ – Rural Lifestyle Zone. While the area within the GRZ – General Residential Zone is relatively small, due to the generally smaller allotment sizes there are also a large number of properties affected in this zone.
100. I have obtained and reviewed an example of an easement document relating to the gas pipeline.⁹ The easement generally restricts the following activities within six metres of the pipeline without first obtaining consent of the owner of the pipeline: buildings; structures; planting or trees and shrubs; land disturbance below a depth of 15 inches; or anything which could damage or endanger the pipeline. As such, I agree with Firstgas that where an existing easement exists, there would be negligible effects on land use and property in terms of allowing the requirement as the designation would essentially duplicate the requirements of the easement in terms of restrictions on the use of underlying land.

Operational noise

101. In terms of operational noise, Firstgas notes that the operation of the Gas Transmission Network generally complies with district plan noise standards.
102. I consider that, as the infrastructure is existing and the designation provides for operational and maintenance activities, there will be no additional adverse effects from operational noise from allowing the requirement. I note that construction effects, including construction noise from maintenance activities, are addressed below.

Landscape and visual

103. In terms of visual and landscape effects, Firstgas notes that the majority of the infrastructure is below ground, and any above ground assets are existing. Firstgas states that as the assets are already constructed and are operating there will be no additional visual or landscape effects beyond those existing in the longer term.
104. The designation extent intersects with a number of landscape overlays, primarily Special Amenity Landscapes and a Coastal High Natural Character Area in and around the Pāuatahanui Inlet, and Special Amenity Landscapes in the south of the district, as shown in Figure 3 below.

⁹ Relating to Lot 2 Deposited Plan 79793 which is held by Porirua City Council for reserve purposes.

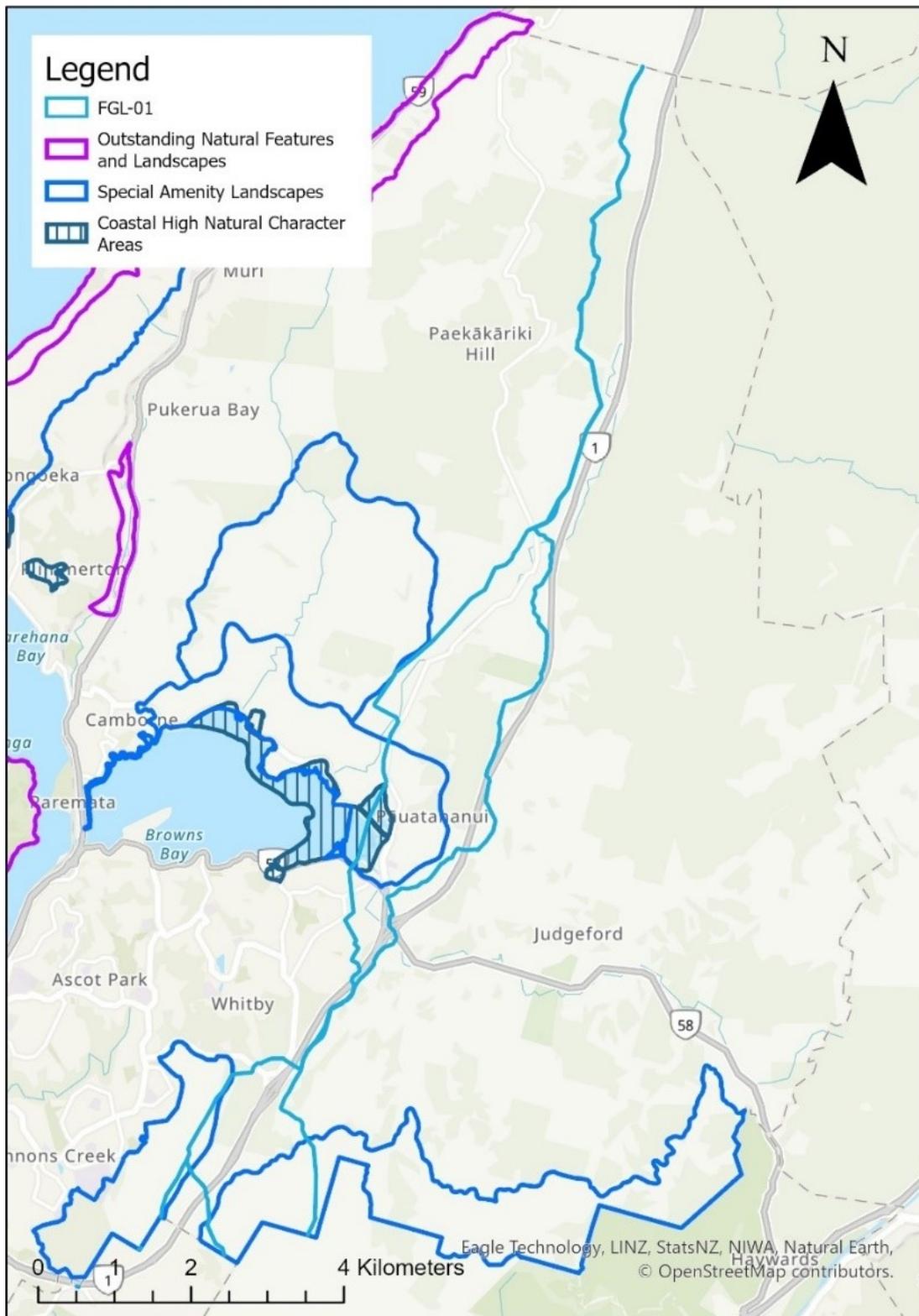


Figure 3: FGL-01 intersection with landscape overlays

105. As the designation purpose is for operation and maintenance, I generally agree with Firstgas' assessment set out in the notice of requirement that there will be no additional visual or landscape effects beyond those already existing. However, I consider that where any maintenance works are undertaken involving earthworks there is the potential for adverse

effects on landscape and visual amenity values, particularly within the overlays identified in Figure 3 above.

106. I consider that the potential for adverse effects on landscape and visual amenity values from earthwork activities can be appropriately mitigated through a requirement to reinstate any disturbed areas back to the pre-existing ground level and re-establish and maintain any vegetation or groundcover following the works. This can be implemented through additional conditions on the designation.

Cultural heritage and archaeology

107. In terms of cultural heritage and archaeology, Firstgas states in the notice of requirement that, 'there are no known significant cultural sites ... indicated on the District Planning Maps along the designation alignment'. However, as noted above and shown in Figure 4 below, the designation alignment includes an area of Sites and Areas of Significance to Māori (SASM003 Battle Hill Farm Forest Park) and Ngāti Toa Rangatira Statutory Acknowledgement Areas (STAT004 Pāuatahanui Wildlife Reserve and STAT006 Battle Hill Farm Forest Park). Additionally, I note that the alignment also includes known tapu sites and is in close proximity to known archaeological sites, as identified on internal Council GIS layers.¹⁰ TROTR did not submit on the designation chapters.

¹⁰ These are not publicly available layers due to the potential sensitivity of the sites.

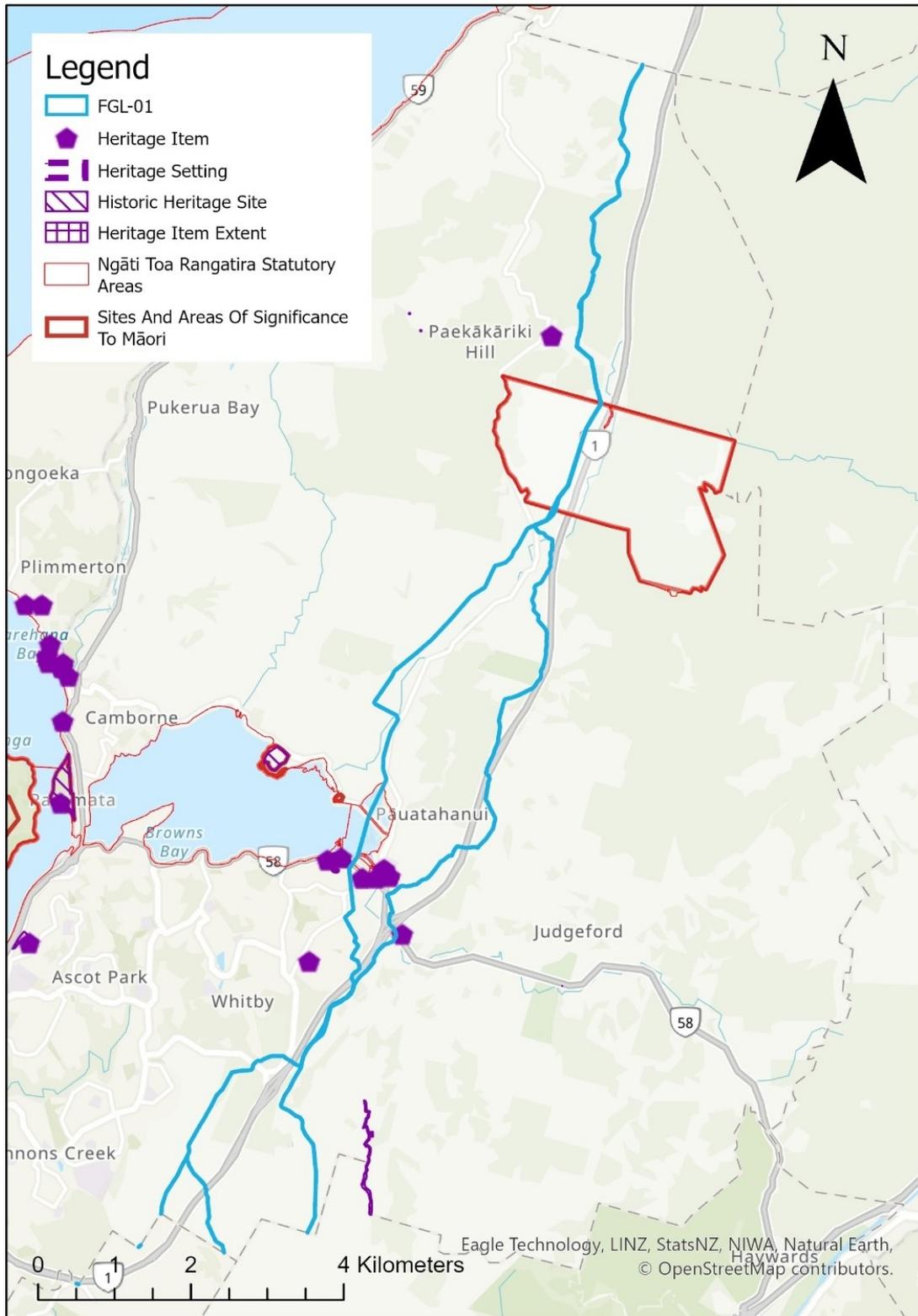


Figure 4: FGL-01 intersection with cultural and heritage overlays

108. Firstgas proposes conditions setting out accidental discovery protocols for the discovery of taonga and artefacts (Condition 2) and skeletal remains (Condition 3) as part of the designation. I agree that including a condition or conditions is appropriate to address the potential adverse effects of accidental disturbance of waahi tapu or archaeological sites. However, I note that while many of the known archaeological sites in the vicinity of the designation alignment are

associated with pre-European Māori activities, there are archaeological sites in the wider Porirua area associated with colonial activities. The conditions as included in the PDP would not address the accidental discovery of such sites. As such, I consider that it would be more appropriate to include the wording from the new Appendix 16 as proposed in previous PDP hearing streams, as this will appropriately address all relevant sites and additionally will provide greater consistency with the PDP, reducing potential confusion.

Ecology

109. The designation passes through six SNAs identified on the PDP planning maps, as shown in Figure 5 below and further described in Table 6.¹¹

Table 6: Areas of SNAs designated FGL-01

Site ID	Site Name	Area (m ²)
SNA074	Pāuatahanui Inlet Saltmarsh	13,631.4
SNA075	Lanyon Reserve escarpment	50.4
SNA077	Scoresby Grove Remnant Forest	102.3
SNA083	Duck Creek & Saltmarsh	323.9
SNA084	Exploration Drive Kānuka Forest	12.2
SNA212	Upper Western Horokiri Face and Tributary	70.3
Total		14,190.4

110. As shown in Table 6, the largest area of SNA affected by the designation is SNA074 Pāuatahanui Inlet Saltmarsh. I note that the area of the Pāuatahanui Wildlife Reserve and Wildlife Refuge are also identified within PNRP schedules relating to ecological values, including:
- Schedule A: Outstanding waterbodies;
 - Schedule F2c: Habitats for indigenous birds in the coastal marine area; and
 - Schedule F4: Sites with significant indigenous biodiversity values in the coastal marine area.
111. Firstgas has not provided any ecological assessment of the land within the designation. The notice of requirement makes no mention or assessment of actual or potential ecological effects of allowing the requirement.
112. I note that the standards within the INF – Infrastructure chapter of the PDP allow for trimming, pruning or removal of up to 20 square metres of indigenous vegetation within an area identified in SCHED7 - Significant Natural Areas within any 12 month period, within two metres of the footprint of existing infrastructure and either side of an associated access track or fence. This provides a basis for acceptable adverse effects in relation to trimming, pruning or removal of

¹¹ I note that in my right of reply for Hearing Stream 4, I stated that approximately 14,533 square metres of SNA is located within FGL-01 within the Pauatahanui Wildlife Reserve and an additional 533 square metres of SNA within the designation outside of this area. Those figures were based on areas calculated from hand drawn polygons using Council's online PDP planning maps. The figures provided in Table 6 are based on analysis of the GIS layers within ArcGIS, and are therefore more accurate estimates.

indigenous vegetation within an SNA associated with operation and maintenance of infrastructure.

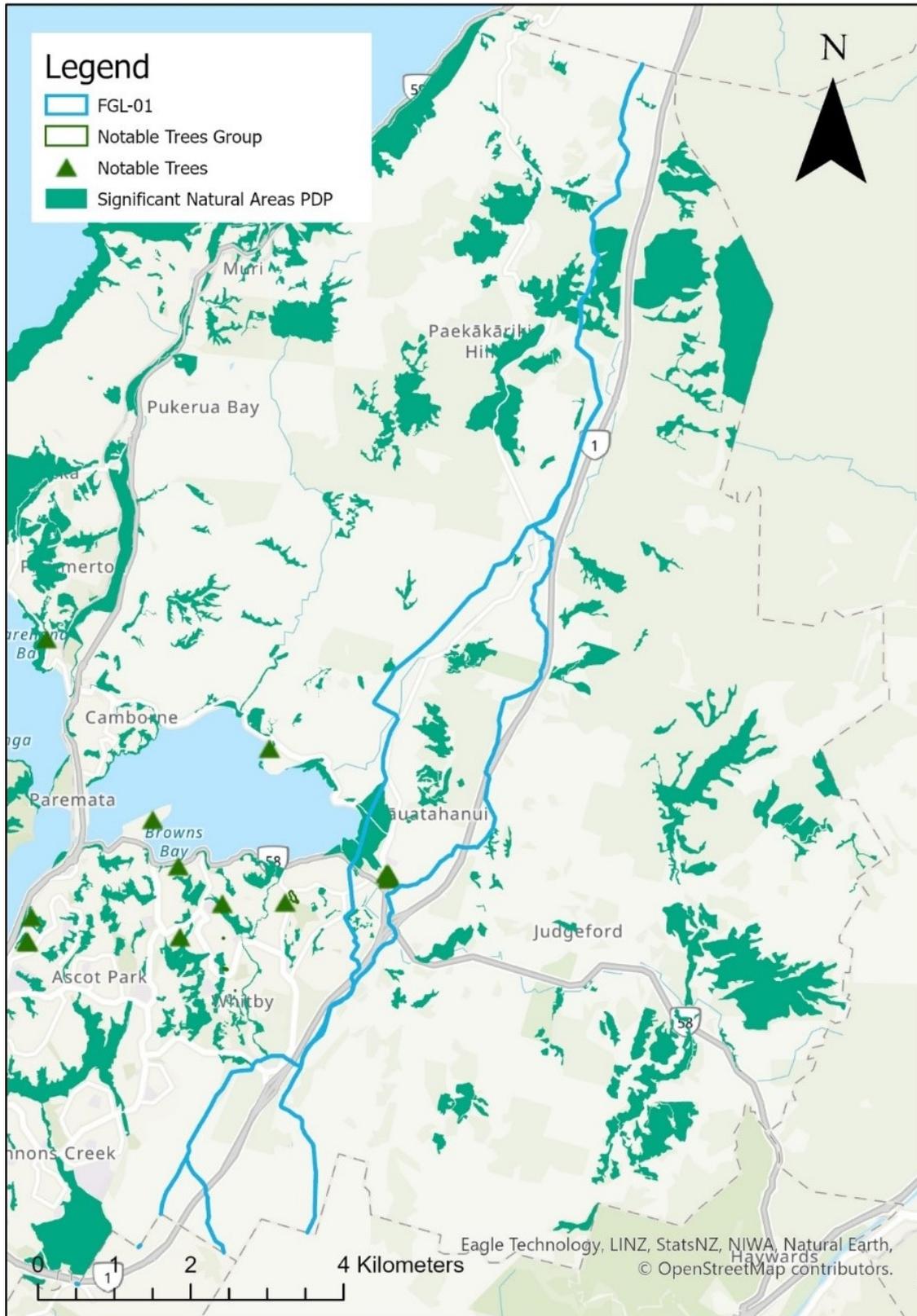


Figure 5: FGL-01 and PDP SNAs

113. Allowing the requirement would enable the removal of all of the indigenous vegetation within the designation, including within an area identified in SCHED7 - Significant Natural Areas, without a resource consent. Given the relatively large area of SNAs within the designation area, I consider that there is the potential for significant adverse effects on indigenous biodiversity values of allowing the requirement.
114. Deleting Condition 1 would require an outline plan process to be undertaken prior to works within the designation which would enable some involvement of Council. This would enable the effects to be assessed and Council to request changes to the outline plan to include additional mitigation measures; however, I consider that additional certainty is required in relation to avoiding, remedying or mitigating actual and potential adverse effects on indigenous biodiversity values.
115. To achieve that certainty, I consider that an additional condition relating to trimming, pruning or removal of indigenous vegetation and any earthworks within an area identified in SCHED7 - Significant Natural Areas is appropriate. I consider that such a condition should set out a requirement for an ecological assessment from a suitably qualified and experienced professional on the effects of the proposed works to be submitted with any outline plan of works, and the implementation of any recommendations made in such an assessment.

Construction effects

116. The designation is to provide for operational and maintenance activities. As the transmission pipeline is underground, maintenance activities will likely involve construction activities including excavation. In terms of construction effects, Firstgas states that these may include noise, vibration, dust, and traffic effects, and that construction management plans are prepared prior to works being undertaken.
117. Without assessing the site specific context of any proposed works and any associated construction management plans, I disagree with Firstgas' assertion that '[c]onstruction related effects of operating and maintaining the Gas Transmission Pipeline will be both temporary and less than minor'. As identified above, the designation includes a number of sensitive environments, including those identified by overlays within the PDP, and that the works may involve repair or replacement of the Gas Transmission Network.
118. I consider that deletion of the condition exempting Firstgas from providing an outline plan for ongoing maintenance works is required to address the mitigation of any construction related effects. This will ensure that a process is undertaken prior to works within the designation, where Council is able to request changes to an outline plan including in relation to matters to avoid, remedy, or mitigate any adverse effects on the environment. Firstgas has not provided any evidence with its notice of requirement that any adverse effects would be able to be avoided, remedied or mitigated so that I might consider an exemption to be appropriate.
119. To ensure that construction effects are appropriately managed, I also consider that it is appropriate to include a condition on the designation requiring the provision of a construction management plan with any outline plan submitted for works undertaken in accordance with the designation. This reflects Firstgas' notice which states that construction management plans are developed prior to works being undertaken, and would ensure that those plans include sufficient detail of methods to avoid, remedy, or mitigate any adverse effects on the environment.

3.4.2.3 Relevant provisions of RMA documents

120. Firstgas assessed in section seven of the notice of requirement the relevant provisions of RMA documents including the NZCPS, RPS, and the Porirua City Council Draft District Plan.

NZCPS

121. The NZCPS is relevant as part of the designation is within the Coastal Environment Inland Extent. Firstgas notes Objective 6, Policy 13 and Policy 15 of the NZCPS in the notice of requirement, stating that:

The purpose of the designation is for the ongoing operation and maintenance of the gas network. Firstgas' infrastructure is already established and operating. Any future maintenance work will be of a small scale and therefore will not result in any additional effects to the coastal natural character and special amenity of the coastal environment. The gas network is located entirely underground and is not visible, therefore there are no potential visual effects on the coastal environment.

122. As the designation passes through an area of Coastal Environment Inland Extent which is Open Space Zone and which also intersects with a Significant Natural Area, Special Amenity Landscape, Coastal High Natural Character Area, Coastal Hazard and Flood Hazard areas, I consider that Policy 11, Policy 18, Policy 25 and Policy 27 are also relevant.
123. I consider that Firstgas' assessment above is also applicable to these policies, and that as the designation is for existing infrastructure, it will not be contrary to these policies.

RPS

124. Firstgas identifies that Objective 10, Policy 7, Policy 8 and Policy 39 of the RPS as being relevant to the designation in terms of the Gas Transmission Network being regionally significant infrastructure. This objective and associated policies provide strong direction for the recognition and protection of regionally significant infrastructure, and therefore support the notice of requirement as a designation will assist in protecting the infrastructure through the provisions in section 176 of the RMA.
125. Objectives 1, 4, 17, 18, 19 and 20 of the RPS are also addressed in the notice of requirement. The assessment in the notice of requirement states that any maintenance works will be temporary and of a small scale, and the designation will enable any required actions following a natural hazard event. I note that the relevant associated regulatory policies of these objectives include Policies 35, 36 and 51.
126. In addition to those provisions identified by the requiring authority, I consider that Objectives 3, 7, 8, 16, and 23 – 28, 29 and 30 are also relevant, along with the associated regulatory policies not otherwise noted above being Policies 37, 41, 47, 48, 49, and 53. This is due to the range of overlays and other features with which the designation intersects, as noted above.
127. I consider that the designation will not be contrary to these objectives and policies primarily due to the existing nature of the infrastructure within the environment, where outline plan processes are followed under section 176A of the RMA. Without outline plan processes there is a risk that operation and maintenance activities may be contrary to the objectives and policies due to potentially unacceptable adverse effects on areas of high landscape or ecological value, particularly within the coastal environment. I also consider that additional conditions are

required to ensure that outline plan processes incorporate consideration of the relevant sensitive environments identified by overlays in the PDP that the designation intersects.

PDP

128. The Gas Transmission Network is specifically identified as regionally significant infrastructure in the definitions section of the PDP. The relevant chapter of the PDP for assessing activities associated with the Gas Transmission Network is INF – Infrastructure. The only objectives and policies in other chapters that are relevant are those specifically referenced in the INF – Infrastructure chapter. The relevant PDP objectives and policies are assessed in Table 7 below.

Table 7: Assessment of PDP objectives and policies

Objective / Policy	Comments
INF-O1 The benefits of Regionally Significant Infrastructure	The Gas Transmission Network is specifically identified as regionally significant infrastructure. The designation would recognise and provide for the infrastructure within the PDP as section 9(3) would not apply to the work under section 176 (1)(a) of the RMA. I note that National Environmental Standards in effect will prevail over the designation.
INF-P1 The benefits of Regionally Significant Infrastructure	
INF-O2 The protection of Regionally Significant Infrastructure	The designation would protect the Gas Transmission Network under the provisions in section 176 (1)(b) of the RMA.
INF-P5 Adverse effects on Regionally Significant Infrastructure	
INF-O3 Availability of infrastructure to meet existing and planned needs	Enabling operation and maintenance of the Gas Transmission Network through a designation will assist in ensuring the infrastructure is available for future needs.
INF-P3 Infrastructure for planned future growth	
INF-O5 Providing for infrastructure	The designation would enable the operation, maintenance and repair to be undertaken efficiently, securely and sustainably under section 176 (1)(a) of the RMA. The adverse effects of these activities are to be avoided, remedied or mitigated, which could be achieved through outline plan processes under section 176A of the RMA. The avoidance, remedy or mitigation of any adverse effects on identified values and characteristics of overlays which intersect the designation could be addressed through outline plan processes under section 176A(3)(f) of the RMA.
INF-P4 Appropriate infrastructure	
INF-P9 Recognise operational needs and functional needs of infrastructure	The operational and functional needs of the Gas Transmission Network would be recognised through the designation, including the time, duration and frequency of adverse effects of operation and maintenance activities.

129. As such, I consider that the designation is consistent with the PDP, if outline plan processes are not precluded through conditions on the designation. Outline plan processes will be important to avoid, remedy or mitigate adverse effects or operation or maintenance activities, particularly

within overlays. Conversely, I consider that without the outline plan process, there is the potential for significant adverse effects as a result of works within the designation.

3.4.2.4 *Alternative sites, routes or methods*

130. Firstgas did not undertake an assessment of alternative sites or routes. I agree with Firstgas that no assessment of alternative sites or routes is necessary as the gas transmission pipeline is an existing asset with easements providing an interest in the underlying land.
131. I consider that it is not likely that the work will have a significant adverse effect on the environment where compliance with the recommended conditions is achieved. If the recommended conditions are not accepted by Firstgas, I consider that there is a risk that significant adverse effects on the environment may result.
132. In terms of methods, Firstgas has noted that reliance on the gas easement or on district plan provisions have been considered as other methods to achieve its objectives, but notes that these are complimentary to the designation rather than true alternatives. I disagree somewhat with this position, as the 'do nothing' approach (i.e not designate) is a valid alternative, and Firstgas has essentially been relying on this approach up until the issuing of the notice of requirement. It is the relative costs and benefits of those approaches that must be assessed in considering the appropriateness of each method.
133. I consider that continued reliance on the easements and district plan provisions may be insufficient to fully achieve Firstgas' objectives in the future. While the provisions of the PDP have introduced greater restrictions on land use and subdivision adjacent to the gas transmission pipeline, historic development has resulted in sensitive land uses being constructed directly adjoining the easement area. Additionally, the Government's recent amendments to the RMA will enable up to three residential units on all residential zoned allotments, and the PDP has zoned a large area of rural land to RLZ – Rural Lifestyle Zone, both of which will likely result in intensification of land use in proximity of the gas transmission pipeline. The easement may not appropriately protect the pipeline from people seeking to gain resource consents for land uses or subdivision of land within the easement area. A designation will enable the Council to monitor land uses within the area and take enforcement action if required, including identifying proposed land uses through building consent processes. As such, I consider that there are significant potential costs associated with relying on existing easements alone, and benefits associated with the designation option.
134. I therefore agree with Firstgas that the designation is an appropriate method, where there is an existing interest in the underlying land sufficient for undertaking the work created by the existing easements.

3.4.2.5 *Reasonably necessary*

135. I consider the designation is reasonably necessary to achieve Firstgas' objectives in respect of enabling the safe, efficient and effective operation and maintenance of the Gas Transmission Network and to provide statutory protection to safeguard the integrity of the Gas Transmission Network.
136. As identified in the section 42A report for the INF – Infrastructure chapter, the designation integrates with the PDP land use provisions in protecting the Gas Transmission Network, which is identified as regionally significant infrastructure, in giving effect to Policy 8 of the RPS. The

various provisions create a stepped approach with increasing restrictions on land use with decreasing proximity to the pipeline.

3.4.2.6 Conditions

137. I agree with the submission from Porirua City Council [11.70] which sought that Condition 1 on the designation be deleted for the reasons discussed above. I note that the submission point was supported by Firstgas [FS63.29] through a further submission.
138. Firstgas proposed additional conditions in section 2.1.1 of the notice of requirement, including proposed conditions on third party activities within the designation. Only conditions relating to discovery protocols for taonga and artefacts and of skeletal remains were included in the PDP as notified.
139. The designation purpose relates to the operation and maintenance of the existing Gas Transmission Network. Deletion of Condition 1 will mean that an outline plan process will require consideration of any actual or potential adverse effects from any works proposed relating to operation and maintenance in the future. Because of the number of overlays that the designation intersects with, I consider that further conditions are necessary in order to appropriately ensure that adverse effects will be avoided remedied or mitigated, as discussed in the sections above. These relate to submission of Construction Environmental Management Plans (CEMPs) with any outline plan, and reinstatement of the disturbed ground following any earwork activities. Additionally, an ecological assessment and implementation of associated recommendations must be undertaken when proposed works will affect indigenous vegetation within a SNA.

3.4.2.7 Part 2 RMA

140. I consider that the notice of requirement for the designation identified as FGL-01 is in accordance with Part 2 of the RMA through enabling the sustainable management of an established physical resource, and through enabling people and communities to provide for their social, economic, and cultural well-being through the on-going security and resilience of infrastructure providing access to energy resources.

3.4.3 Recommendation

141. I recommend for the reasons given in the assessment, that the Hearings Panel recommend to Firstgas that FGL-01 be **modified** as set out in Appendix C to:
- Remove Condition 1; and
 - Include conditions for:
 - Construction Environmental Management Plans;
 - Mitigation of effects on significant natural areas; and
 - Reinstatement of earthwork areas.
142. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.5 Greater Wellington Regional Council

3.5.1 *Matters raised by submitters*

143. No substantive submissions were received on the GWRC – Greater Wellington Regional Council chapter.

3.5.2 *Assessment*

144. GWRC is a requiring authority in accordance with section 166 of the RMA. GWRC sought to roll-over existing designations under part K07 of Section K of the ODP, being K0701, K0702 and K0703. These are identified as GWRC-01, GWRC-02 and GWRC-03 in the PDP.

145. The only modifications sought were minor amendments in relation to the designation title, purpose and site identifier for each designation, and correction of the physical and legal descriptions of the sites. I consider that the modifications sought provide clarity and that the amendments to the designation details should be made, as sought.

146. The designations are already in existence and therefore given effect to. There are not expected to be any additional, or changes to, the adverse effects on the environment from the designations.

147. I note that the water supply areas designated under K0701 and K0702 in the ODP are part of the water supply network and therefore defined as 'regionally significant infrastructure' in the RPS and the PDP.

148. Consideration of alternative sites, routes or methods is not necessary as the designations and associated facilities are already in existence and the designations are not changing in geographic extent.

149. I consider the designations are reasonably necessary in respect of providing certainty for the on-going operation and maintenance of the public facilities covered by the designations.

150. No existing conditions apply to the designations and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.5.3 *Recommendation*

151. I recommend for the reasons given in the assessment, that the Hearings Panel recommend to GWRC that GWRC-01, GWRC-02 and GWRC-03 be **confirmed** as set out in Appendix C.

3.6 KiwiRail Holdings Limited

3.6.1 *Matters raised by submitters*

152. No substantive submissions were received on the KRH - KiwiRail Holdings Limited chapter.

3.6.2 *Assessment*

153. KiwiRail is a requiring authority pursuant to section 167 of the RMA under the approval gazetted in 2013 (Gazette notice number 2013-go1447).

154. KiwiRail requested a rollover of designation K0101 with the following modifications:

- An update to the requiring authority to reflect the status granted to KiwiRail Holdings Limited on 4 March 2013; and
 - Updates to the railway land cadastre that has occurred over the life of the ODP, including the designation of rail land that is currently undesignated, removal of land that has been deemed surplus, and where the existing railway lines crosses over roads and watercourses.
155. I also note that the purpose of K0101 under the ODP was 'the activities stated in the requiring authority approval granted for New Zealand Rail Limited'. KiwiRail sought that the purpose under the PDP reflect the designation title under the PDP, being 'Railway purposes'.
156. Additionally, the description of the location of designation K0101 under the ODP excluded land covered by K1047. On the ODP maps, K0101 and K1047 overlapped in the location of Redoubt Lane, with an area of approximately 1,738 square metres. The clarification of the exclusion of K0101 to this overlap was not addressed in the notice of requirement for rolling over K0101 provided by KiwiRail.
157. I consider that the designation in the PDP should therefore be modified to identify that the hierarchy of KRH-01 under section 177 of the RMA 'Varies' in accordance with the National Planning Standards.
158. I consider that the change of the requiring authority is necessary as this provides a correction. I also consider that the designation purpose is appropriate as this is consistent with the purpose given to KiwiRail's designations in other district plans.
159. The designation is already in existence and has been given effect to. No additional adverse effects on the environment will be generated as the designated activities are a part of the existing environment and no additional activities are proposed as a part of the notice of requirement.
160. I do not consider that a consideration of alternative sites, routes or methods is necessary as the designation and rail infrastructure are already in existence and the underlying land is generally held for railway purposes, and it is not likely that there will be significant adverse effect on the environment from the changes to the extent of the designation.
161. However, there are areas where I consider that modification of the designation extent is required. The first area is the extension sought by KiwiRail of the existing ODP designation extent over the bridge at the entrance to the Pāuatahanui Arm of the Porirua Harbour between Paremata and Mana, as shown in Figure 6 below.
162. As the underlying land is within the coastal marine area, I do not consider that the designation should be extended to cover the bridge, but rather the existing extent of designation K0101 in the ODP should be retained in this area.
163. Additionally, a small area of the designation extends beyond Porirua's territorial authority boundary with the Kapiti Coast District Council, as shown in Figure 7. I consider that this area of the designation should be removed.

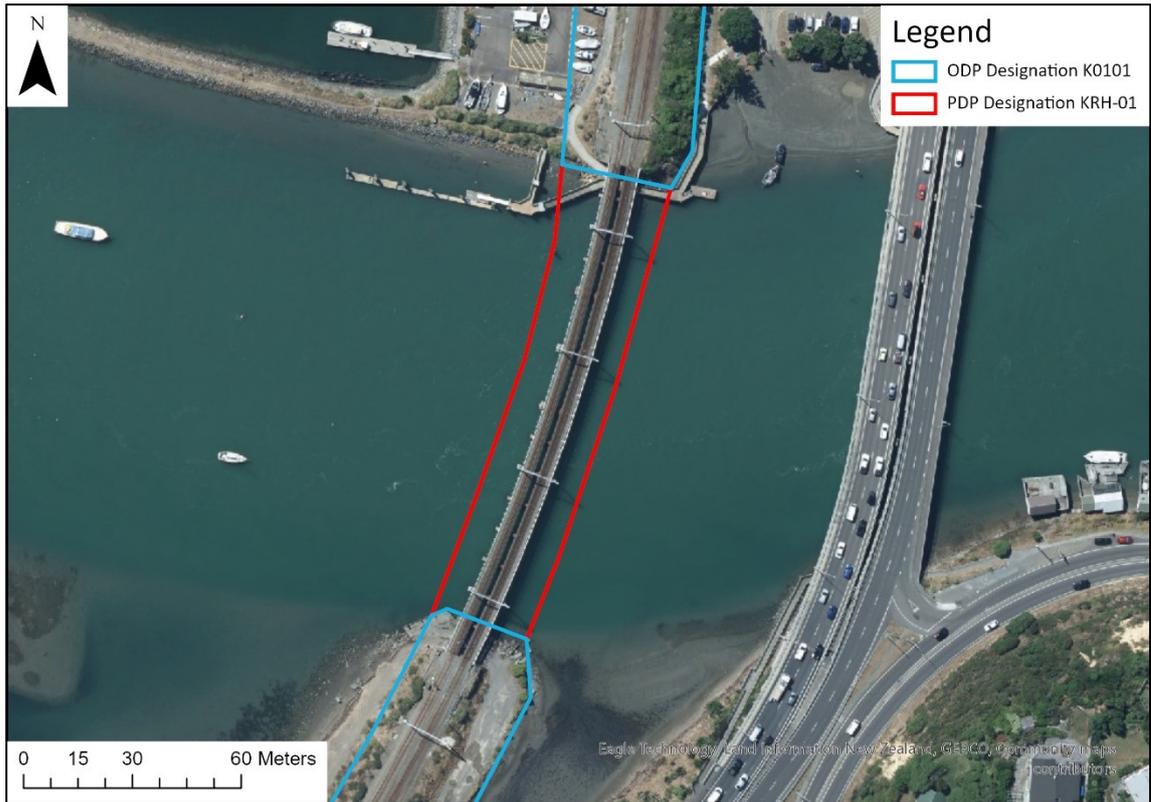


Figure 6: Extension of designation sought by KiwiRail

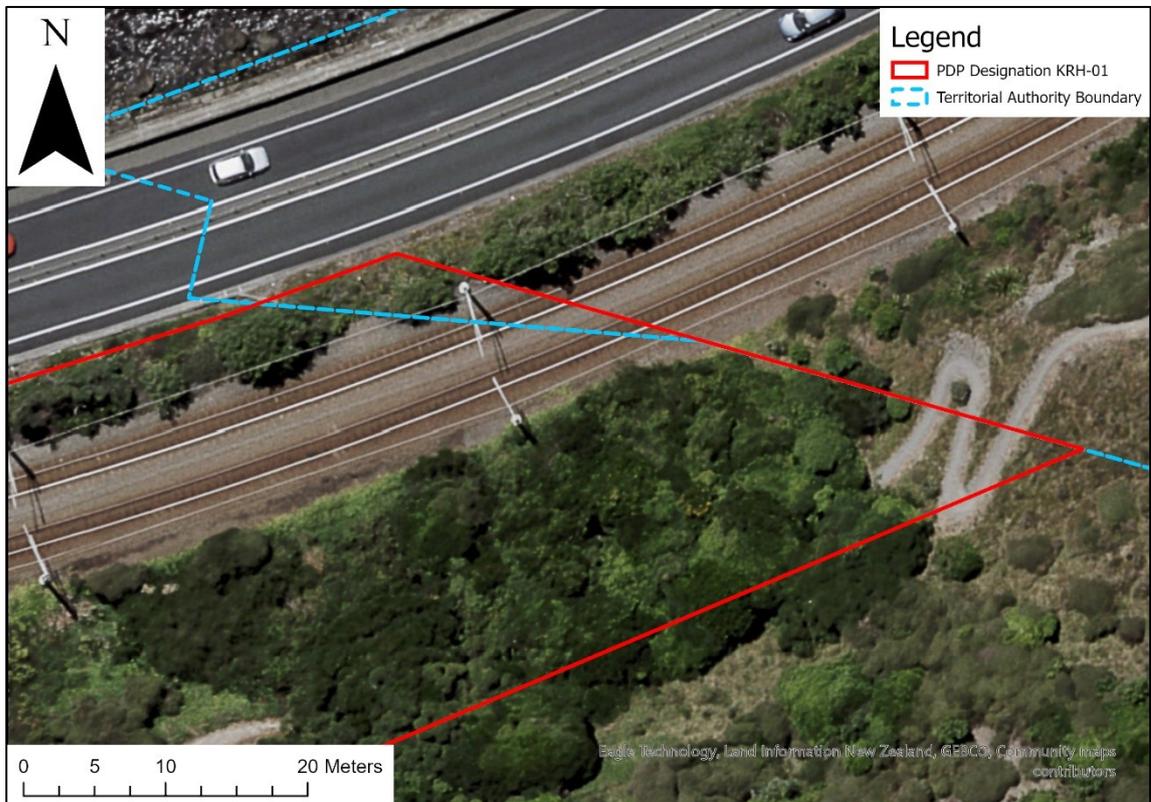


Figure 7: Designation extending beyond Porirua boundary.

164. I consider the designation, as modified as identified above, is necessary to achieve KiwiRail's objectives of in respect of providing certainty for the on-going operation and management of the existing railway infrastructure.
165. No existing conditions apply to the designation and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designation.

3.6.3 Recommendation

166. I recommend for the reasons given in the assessment, that the Hearings Panel recommend to KiwiRail that KRH-01 be **modified** as set out in Appendix C to;
- Replace 'Primary' with 'Varies' in the hierarchy under section 177 of the RMA;
 - Remove designation KRH-1 from the coastal marine area at the entrance to the Pāuatahanui Arm of the Porirua Harbour; and
 - Remove designation KRH-1 from the territorial authority area of Kapiti Coast District Council.

3.7 Minister of Justice

3.7.1 Matters raised by submitters

167. No substantive submissions were received on the MJUS - Minister of Justice chapter.

3.7.2 Assessment

168. The Minister for Courts requested a rollover of the only relevant designation in the ODP (K1101), with modifications to the name of the requiring authority and the designation purpose. These modifications are:
- Changing the name of the requiring authority from the 'Minister of Courts' to the 'Minister of Justice'; and
 - Inclusion of a detailed designation purpose, being 'Judicial, court, tribunal and related purposes including the collection of fines and reparation, administration, support, custodial services, and ancillary works. Works include development and operation of land and buildings for aforementioned purposes'.
169. The change of the requiring authority is stated as being for administrative purposes. The inclusion of a designation purpose is in accordance with the National Planning Standards and will provide greater certainty as to what can occur on the site and a planning framework for assessing activities and development at the Porirua Courthouse.
170. The designation is already in existence and has been given effect to. No additional adverse effects on the environment will be generated as the designated activities are a part of the existing environment.
171. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the designation is not changing in geographic extent.

172. I consider the designation necessary to achieve the objectives of the requiring authority in respect of providing certainty for the on-going operation and management of the existing Porirua Courthouse.
173. No existing conditions apply to the designation and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.7.3 Recommendation

174. I recommend for the reasons given in the assessment, that the Hearings Panel recommend that MJUS-01 be **confirmed** as set out in Appendix C.

3.8 Minister of Education

3.8.1 Matters raised by submitters

175. No substantive submissions were received on the MEDU - Minister of Education chapter.

3.8.2 Assessment

3.8.2.1 Roll-over designations

176. The Minister of Education requested rollover of designations K0901 to K0928 in the ODP, with modifications to the designation purposes, school names and legal descriptions where relevant. An explanation of 'Education purpose' was sought to be included in the chapter to support the designation purpose.
177. The spatial boundaries of designations K0905, K0914, K0917 and K0925 were also identified as requiring amendment:
- K0905: Inclusion of a small (less than one square metre) triangle of land within Part Lot 4 DP 26680;
 - K0914: Inclusion of the adjoining Discovery Kindergarten site on Lot 251 DP 34182;
 - K0917: Inclusion of Lot 201 426357 adjoining the eastern side of the site; and
 - K0925: Inclusion of the adjoining Waitangirua Kindergarten site on Lots 13 & 14 DP 27148.
178. These designations are already in existence and have been given effect to. I consider that there are no additional adverse effects on the environment that will be generated as the designated activities are a part of the existing environment. The explanation of 'Education purpose' reflects normal use of school sites.
179. Other than K0905, K0914, K0917 and K0925, I do not consider alternative sites, routes or methods are necessary as the designations and facilities are already in existence and the designations are not changing in geographic extent.
180. In relation to K0905, K0914, K0917 and K0925, while the geographic extent of the designations is being increased, the inclusion of additional land within the designations is to incorporate existing adjoining kindergarten sites (K0914 and K0925), or to include relatively small pieces of adjoining land that already form part of the school site. As such, I also do not consider alternative sites, routes or methods are necessary to be assessed in relation to these designations.

181. I consider the designations to be necessary to achieve the Ministry of Education's objectives of providing certainty for the on-going operation and management of the existing schools for education purposes.

182. No existing conditions apply to the designations and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.8.2.2 *New notices of requirement*

183. The Minister of Education issued new notices of requirement for the following existing state integrated schools within Porirua:

- MEDU-29 Bishop Viard College;
- MEDU-30 Holy Family School (Porirua);
- MEDU-31 St Pius X School (Titahi Bay);
- MEDU-32 St Theresa's School (Plimmerton); and
- MEDU-33 Wellington S D A School.

184. As these new notices of requirement all apply to existing school sites and because of the similarity of the notices of requirement documents these are assessed together as a group in the sections below.

185. A summary of the sites is provided in Table 8 below.

Table 8: Summary of new Minister of Education designations

ID	Site name	Location	Legal Description	Landowner
MEDU-29	Bishop Viard College	20 Kenepuru Drive	Pt Lot 1 DP 54751	Roman Catholic Archbishop
MEDU-30	Holy Family School	169 Mungavin Avenue	Part Lot 1 DP 26026	Roman Catholic Archbishop
MEDU-31	St Pius X School	Tuki Street	Pt Lot 2 DP 90760	Roman Catholic Archbishop
MEDU-32	St Theresa's School	James Street	Lots 13 – 21 DP 9683; Pt Lots 4 & 5 DP 9683; and Pt Lot 6 DP 9683	Roman Catholic Archbishop
MEDU-33	Wellington S D A School	58 Raiha Street	Lot 1 DP 90268	The New Zealand Seventh-Day Adventist Schools Assn Ltd

186. I note that not all of the land within each site is sought to be designated. This reflects the nature of the sites being state integrated schools, with associated Integration Agreements relating to the administration of land and facilities on the sites.

187. However, due to small errors the geographic extents of MEDU-29 and MEDU-30 do not completely reflect the required areas:

- MEDU-29 as notified in the PDP includes Lot 3 DP 529535. The land defined by that allotment is no longer owned by the Roman Catholic Archbishop and should not be included within the designated area. Additionally, the recorded site description in the PDP for MEDU-29 of Pt Lot 1 DP 54751 is incorrect and should instead be recorded as Lot 1 DP 529535; and
- MEDU-30 as notified in the PDP excludes a small area within Part Lot 1 DP 26026. The area is approximately 45 square metres and adjoins Lot 1 DP 63393. This area should be included within the designated area.

Nature of the proposed work

188. The designations are sought to enable the ongoing operation, maintenance and development of existing public education facilities on the sites. There are no immediate works proposed to be carried out as part of the notices of requirement.

Effects on the environment

189. I consider that there are no adverse effects on the environment that will be generated through the designation of the sites as the activities are a part of the existing environment. The explanation of 'Education purpose' sought by the Minister reflects normal use of school sites.
190. I note that some of the sites are identified with natural hazard overlays, and part of MEDU-32 is within the area potentially affected by noise from State Highway 59. If changes to the site are proposed in the future, I consider that the outline plan process will enable appropriate consideration of any actual or potential adverse effects on the environment, including in relation to overlay areas identified in the PDP.

Relevant provisions of RMA documents

191. Educational facilities are defined in the NPS-UD as community services. Objective 3, Policy 1 and Policy 3 of the NPS-UD relate to community services and tier 1 urban environments. These generally seek accessibility of urban development to community services. The designation of these existing sites will enable ongoing operation, maintenance and development of public education facilities on the sites, and will therefore support future urban development within areas accessible to the sites, in accordance with the policy direction of the NPS-UD.

Alternative sites, routes or methods

192. I do not consider alternative sites, routes or methods are necessary to be assessed as the facilities are already in existence and it is not likely that there will be significant adverse effects on the environment.
193. I note that while the underlying land is owned by third parties, the Minister of Education and the proprietor of each school have entered into an Integration Agreement which records the integration terms and conditions including the property to be integrated and is governed by Schedule 6 of the Education and Training Act 2020.

Reasonably necessary

194. I consider that the designations are reasonably necessary to achieve the Ministry of Education's objectives of providing public education services and to provide certainty for the operation, maintenance, use and development of the associated facilities.

Conditions

195. The Minister of Education has not proposed any conditions be applied to the designations. I do not consider that any conditions are necessary as the works to which the designations relate are established on the sites. The outline plan process allows for appropriate consideration of any adverse effects from any additional works proposed in the future.

Part 2 of the RMA

196. I consider that the notices of requirement for designations identified as MEDU-29, MEDU-30, MEDU-31, MEDU-32 and MEDU-33 are in accordance with Part 2 of the RMA through enabling the sustainable management of established physical resources and for people and communities to provide for their social, economic, and cultural well-being through enabling the on-going operation, maintenance and development of public education facilities.

3.8.3 Recommendation

197. I recommend for the reasons given in the assessment, that the Hearings Panel recommend that:

- The existing roll-over designations be **confirmed** as set out in Appendix C; and
- The new notices of requirement for designations MEDU-31, MEDU-32, MEDU-33 be **confirmed** as set out in Appendix C; and
- The new notices of requirement for designations MEDU-29 and MEDU-30 be **modified** as set out in Appendix C to:
 - Remove Lot 3 DP 529535 from MEDU-29; and
 - Include an additional area of land within MEDU-30.

3.9 Minister of Police

3.9.1 Matters raised by submitters

198. No substantive submissions were received on the MPOL - Minister of Police chapter.

3.9.2 Assessment

199. The Minister of Police requested a rollover of the three designations in the ODP (K0501, K0502 and K0503). While no modifications were specifically sought or identified by the Minister of Police, I note that the designation purpose for these designations under the ODP is 'the development and operation of facilities and services which are the financial responsibility of New Zealand Police'. As such, the PDP included the following modifications to the designations:

- Modification of the designation purpose of K0501 (MPOL-01 in the PDP) to be 'Police Training College', consistent with the stated nature of the proposed public work provided in the Form 18 information for the notice of requirement for the rollover;
- Modification of the designation title of K0502 (MPOL-2 in the PDP) to be 'Waitangirua Police Station' consistent with the stated nature of the proposed public work provided in the Form 18 information for the notice of requirement for the rollover, and modification of the designation purpose to be 'Police Community Base' consistent with the designation title under the ODP; and

- Modification of the designation title of K0503 (MPOL-3 in the PDP) to be 'Porirua Central Police Station' consistent with the stated nature of the proposed public work provided in the Form 18 information for the notice of requirement for the rollover, and modification of the designation purpose to be 'Police Station' consistent with the designation title under the ODP.

200. I consider that these minor modifications are in accordance with the National Planning Standards and are therefore necessary.
201. The designations are already in existence and have been given effect to. No additional adverse effects on the environment will be generated as a result of allowing the requirement.
202. I do not consider alternative sites, routes or methods are necessary as the designation and facilities are already in existence and the designation is not changing in geographic extent.
203. I consider the designations to be necessary to achieve the Ministers of Police's objectives of providing certainty for the on-going operation and management of the existing facilities for training and accommodating police officers and other staff members serving the community.
204. No existing conditions apply to the designations and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.9.3 Recommendation

205. I recommend for the reasons given in the assessment, that the Hearings Panel recommend that MPOL-01, MPOL-02 and MPOL-03 be **confirmed** as set out in Appendix C.

3.10 New Zealand Transport Agency (Waka Kotahi)

3.10.1 Matters raised by submitters

206. Kāinga Ora [81.870 and 81.888] sought the chapter and associated conditions in APP14 - Designation Conditions for NZTA-03 and NZTA-04 be retained. In response to submission [81.870], the Paremata Residents Association [FS08.1] lodged a further submission seeking that NZTA-01 be disallowed in its current form, stating that it may be best if the original designations were not amalgamated or all the conditions were included in an appendix. Similarly, another further submission was lodged¹² [FS17.11] seeking that Kāinga Ora [81.870] be disallowed while the chapter omits any relevant RMA Conditions.
207. Waka Kotahi [82.288 and 82.303] seeks specific amendments to the PDP maps to correctly record the Waka Kotahi state highway designation boundaries.

3.10.2 Assessment

208. The New Zealand Transport Agency is a requiring authority under section 167 as approved by the relevant Gazette notices (notice numbers 1992/348, 1994-go1500, and 2015-go6742).

¹² The further submitter wishes to keep their name and contact information private.

209. I note that in the below assessment, I have assessed all of Waka Kotahi's designations as a grouping, with reference to individual designations where relevant. This is for brevity due to the common matters between the designations to be addressed. This is also consistent with the approach taken by Waka Kotahi in the roll-over report for the designations to be included in the PDP.
210. Prior to notification of the PDP, Waka Kotahi requested that the designations included in the ODP be rolled over into the PDP with modifications. Waka Kotahi sought to:
- Amalgamate some of the designations;
 - Modify the purpose of the designations;
 - Remove irrelevant conditions (only Condition 59 being retained in relation to K0412);
 - Modifications to the boundaries of the designations to:
 - 'Snap' the boundaries to align with the legal road corridor;
 - Widen the designation boundary to designate land that is already currently owned and maintained by Waka Kotahi; and
 - Reduce the state highway designation where the designation is surplus to requirements.

3.10.2.1 Amalgamation

211. Waka Kotahi describes the existing designations in the ODP for SH1 and SH58 in section 3.1 of the rollover report¹³:

Currently, the existing designations for SH1 separate the state highway asset into Limited Access Road (K0401), Road (State Highway) (K0402), and Motorway (K0403). The existing designations for SH58 separate the state highway asset into Limited Access Road (K0404), plus there are separate designations for 'Public Road' (Harris Road) (K0407), and SH58 (Mt Cecil Road to 750m north of Harris Road) (K0410).

212. The report also describes how K0411, K0412 and K0410, which provide for improvements to SH1 and SH58, overlie K0401, K0402 and K0404 respectively, and have expanded footprints and conditions.
213. Waka Kotahi requested the various designations for SH1 and SH58 be amalgamated. The amalgamation of the existing ODP designations sought by Waka Kotahi to be included in the PDP is described in Table 9 below.

Table 9: Amalgamation of Waka Kotahi designations

Existing Designations (ODP)	Amalgamated Designations (PDP)
K0401 (Limited Access Road)	NZTA-01 State Highway 1

¹³ From page 54 of the report available on the Porirua City Council website: https://storage.googleapis.com/pcc-wagtail-media/documents/Rollover_information_and_correspondence_for_existing_designations.pdf

Existing Designations (ODP)	Amalgamated Designations (PDP)
K0402 Road (State Highway)	
K0403 Motorway	
K0411 SH 1 (Pukerua Bay to Plimmerton)	
K0412 SH 1 (Plimmerton to Paremata)	
K0404 Limited Access Road (State Highway)	NZTA-02 State Highway 58
K0407 Public Road (Harris Road)	
K0410 SH 58 (Mt Cecil Road to 750m north of Harris Road)	

214. I also note that K0408 Transmission Gully Main Alignment and K0409 Kenepuru Link Road were sought to be rolled over to become NZTA-03 Transmission Gully and NZTA-04 Kenepuru Link Road, respectively.
215. I agree with the Waka Kotahi rollover report where, at section 2, it states that the amalgamation will simplify the administration of Waka Kotahi's designations within Porirua City.
216. However, I note that renumbering of the section of SH1 that passes through Porirua to SH59 occurred on 7 December 2021. As such, I consider that the heading and site identifier for NZTA-01 should refer to 'State Highway 59', rather than 'State Highway 1'.

3.10.2.2 Purpose

217. Waka Kotahi requested the purpose for the designations be notated as, 'To undertake construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure'. Waka Kotahi states that this purpose will be consistent with the purpose of state highways in other local authorities in New Zealand.
218. I note that the purpose of all designations under K04 of Park K of the ODP is '...for the activities stated in the requiring authority approvals granted for Transit New Zealand Limited'.
219. I consider that the amended purpose will provide greater clarity and assist in the implementation of the designations and is therefore appropriate.

3.10.2.3 Conditions

220. As noted above, further submissions from the Paremata Residents Association [FS08.1] and another submitter [FS17.11] sought that the submission from Kāinga Ora [81.870] be disallowed, as they sought additional existing conditions on the designations be rolled over into NZTA-01.
221. I have reviewed the information from the Paremata Residents Association's further submission, and the conditions on the existing designations K0411 and K0412. I agree that additional existing conditions on the designations are still relevant, being conditions 4, 10(b) and (c), 18 and 19 on K0411, and 5A, 7A, 35, 36, 37, 48 on K0412. As such, I consider that these conditions should be rolled over into NZTA-01 of the PDP. I have included these conditions as recommended amendments to NZTA-01 in Appendix A.

3.10.2.4 Alterations to boundaries

222. Waka Kotahi's rollover report notes at section 3.2 the requested alterations to the designation boundaries, as summarised above.

223. Further to these amendments, Waka Kotahi sought additional amendments to designation boundaries through its submission on the PDP, for example alignment with the updated territorial authority boundary with Kapiti Coast District Council.

224. I have reviewed these boundary amendments and generally consider that the alterations to the designations sought by Waka Kotahi are appropriate. However, there are a number of places where I consider that the requested alterations to the designation boundaries are not appropriate:

- Where the designation extends over land within the coastal marine area;
- Where the boundary extends over land not owned by Waka Kotahi; and
- Where the boundary extends over coastal land that is not within cadastral boundaries.

225. In relation to the first point, Waka Kotahi [82.288] has sought through its submission that the Mana Road Bridge be designated as NZTA-01 as shown in Figure 8 below, as the underlying land is legal road parcel.



Figure 8: NZTA-01 in the vicinity of Mana Bridge

226. While the underlying land is legal road parcel, the land is also within the coastal marine area as defined by the line of mean high water springs. The district plan does not apply within the coastal marine area. Correspondence with Waka Kotahi identified that section 167(2)(b) allows for a requiring authority to give notice of a requirement for a designation, 'in respect of any land, water, subsoil, or airspace where a restriction is reasonably necessary for the safe or efficient functioning or operation of such a project or work.' Waka Kotahi therefore considers that it has the ability to designate land withing in the coastal marine area, but only for spatial protection from other land users rather than giving Waka Kotahi development rights.

227. I note that Clause 4 for Schedule 1 of the RMA states that:

(3) Where the requiring authority states that a designation is to be included in the proposed plan, with modifications, the requiring authority shall include in its written notice the nature of the modifications, and the reasons for the modifications.

228. Waka Kotahi provided a rollover report, as noted above, which addressed the modifications to the designations to be rolled over, and the reasons for those modifications as required under Clause 4 of Schedule 1. However, the amendment to the designation boundary to include the Mana Road Bridge was included in the submission on the PDP received from Waka Kotahi (see page 108 of submission 82). While the rollover report stated that 'minor modifications' to the designation boundaries were sought 'in a small number of places to designate land that is already currently owned and also maintained by the Transport Agency', it did not include that additional land is sought specifically for spatial protection.
229. The submission from Waka Kotahi did not specify that alterations to the designation boundary to include land within the coastal marine area would be for the sole purpose of providing spatial protection of that land. On this matter, I note that the purpose of the designation, as stated in section 3.10.2.2 above, relates to construction, maintenance, operation, use and improvement activities. As such, there would likely be confusion as to the purpose of the part of the designation within the coastal marine area.
230. Additionally, I note that Waka Kotahi has existing regional consents issued by Greater Wellington Regional Council for activities within and occupation of the coastal marine area associated with the bridge (WGN970226(16) and WGN970226(17)). The consent includes the operation, maintenance and repair of the bridge.
231. Therefore, as Waka Kotahi own the relevant land parcels which are within the coastal marine area, and holds relevant regional resource consents for occupation of and activities within that part of the coastal marine area, I consider that it is questionable as to whether it is reasonably necessary to include those parcels within designation NZTA-01 where the purpose of the designation relates to construction, maintenance, operation, use and improvement activities.
232. Consequently, I do not consider that designation NZTA-01 should be modified to include the land in the vicinity of the Mana Road Bridge. I consider that if Waka Kotahi wish to designate areas of the coastal marine area for spatial protection purposes, this would be more appropriately achieved through a new notice of requirement, or a section 181 alteration to designation, specific to that purpose.
233. Similarly, I consider that where Waka Kotahi has sought that a designation boundary extends over coastal land that is not within cadastral boundaries, the designation should not be altered. This has been sought though both the designation rollover as well as submission processes. An example of where Waka Kotahi has extended NZTA-01 seaward of the parcel boundary through the designation rollover is shown in Figure 9 below. An example of where a similar extension is sought though Waka Kotahi's submission is shown in Figure 10 below.
234. In these instances, I consider that Waka Kotahi should first survey the road and define the location of mean high water springs and therefore the landward extend of the coastal marine area, so that the designation can then be altered to accurately follow that line.

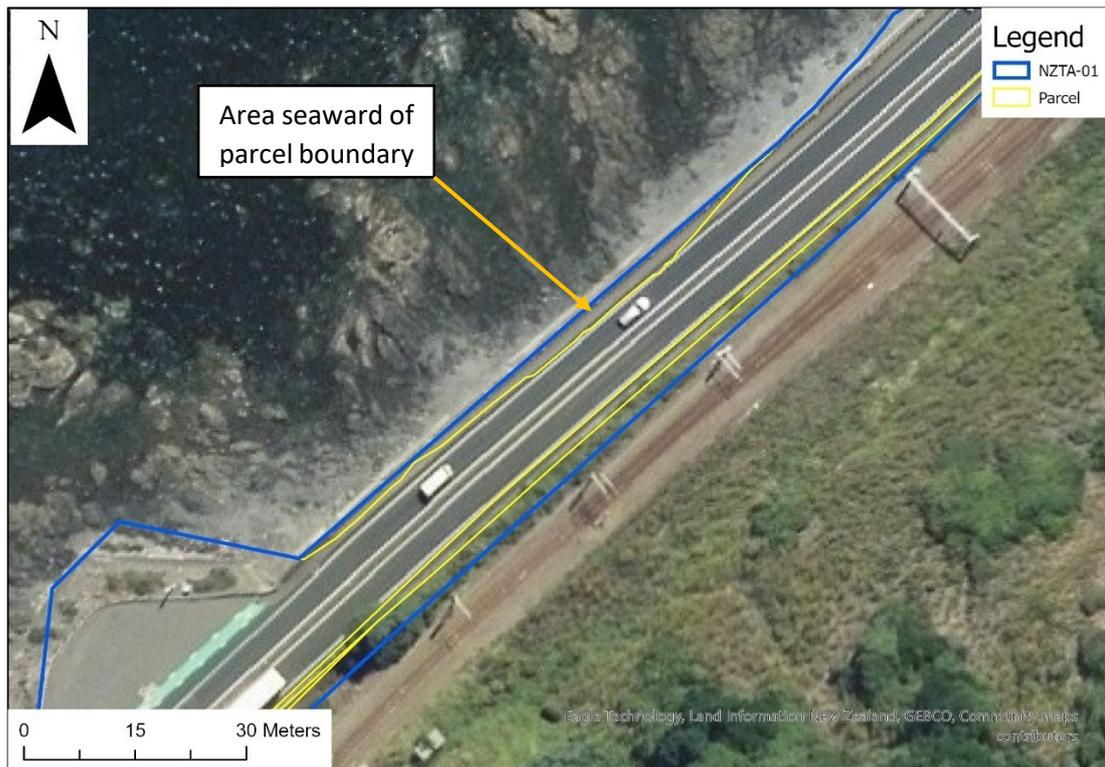


Figure 9: Example of extension of NZTA-01 seaward beyond parcel boundaries



Figure 10: Waka Kotahi submission seeks extension of designation NZTA-02 into CMA

235. Waka Kotahi sought through the rollover report that the designation for State Highway 1 (now 59) be extended over part of the land parcel legally described as Part Pukerua 3C Block held in WN43B/596 and owned by KiwiRail, as shown in Figure 11 below (parcel boundaries are shown in yellow for clarity).

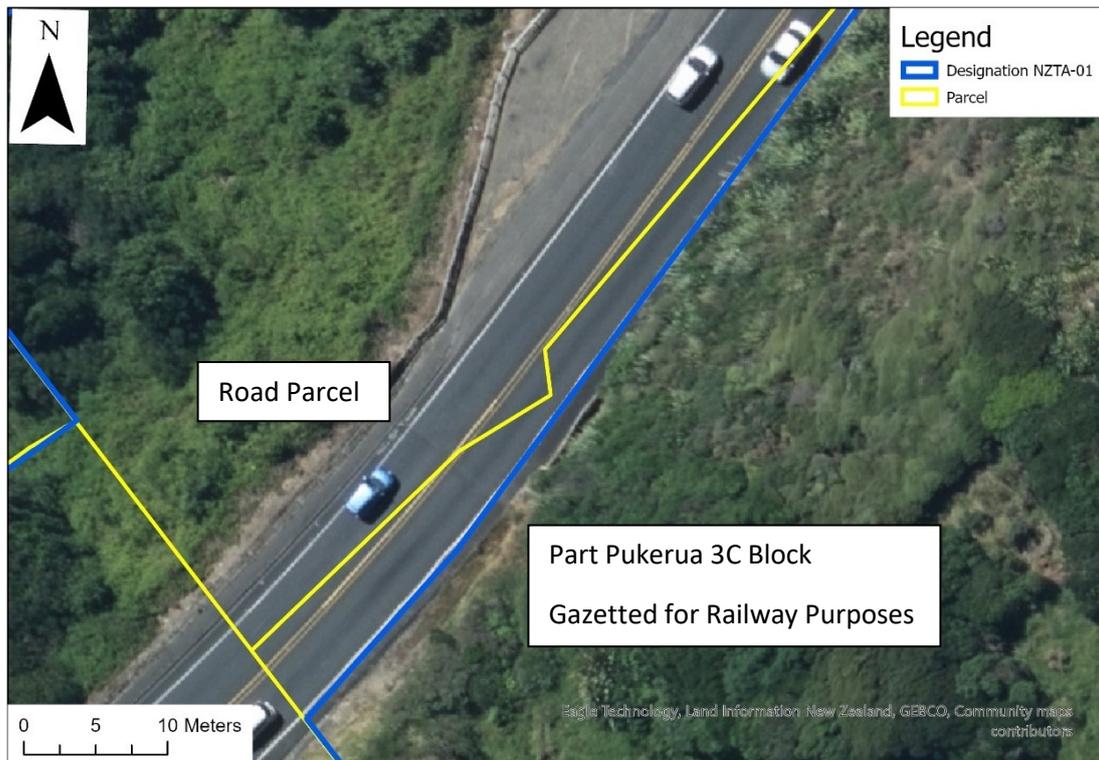


Figure 11: Designation boundary sought by Waka Kotahi extending into KiwiRail land

236. Waka Kotahi's rollover report notes that '[a]ny additional land to be designated is land owned and managed by the Transport Agency'. Waka Kotahi also notes that no notification of directly affected landowners or occupiers was necessary, as Waka Kotahi is the owner of the only directly affected land. As such, where this is not the case, such as Part Pukerua 3C Block identified above, I consider that the designation should not extend over that land unless Waka Kotahi is able to provide evidence that the extension is accepted by the relevant landowner.
237. Additionally, there are further alterations that I consider should be made to Waka Kotahi's designations:
- Amendment to boundaries where agreement has been reached subsequent to notification of the PDP in relation to the alignment of adjoining designations;
 - Amendment to the designation information regarding hierarchy under section 177 RMA; and
 - Minor amendments to designation headings to reflect revised state highway numbering.
238. In relation to the first point, there is an overlap of NZTA-01 and KRH-01 north of the Porirua Stream mouth and north of Aotea Lagoon, as shown in Figure 12 and Figure 13 respectively. These overlaps were created through the modifications to K0101 (now KRH-01) requested by KiwiRail when rolled over into the PDP. Correspondence with officials of both Waka Kotahi and

KiwiRail has resulted in an agreement that the boundary of NZTA-01 be amended to follow the boundary of KRH-01 in these areas.



Figure 12: Overlap of NZTA-01 and KRH-01 north of Porirua Stream mouth

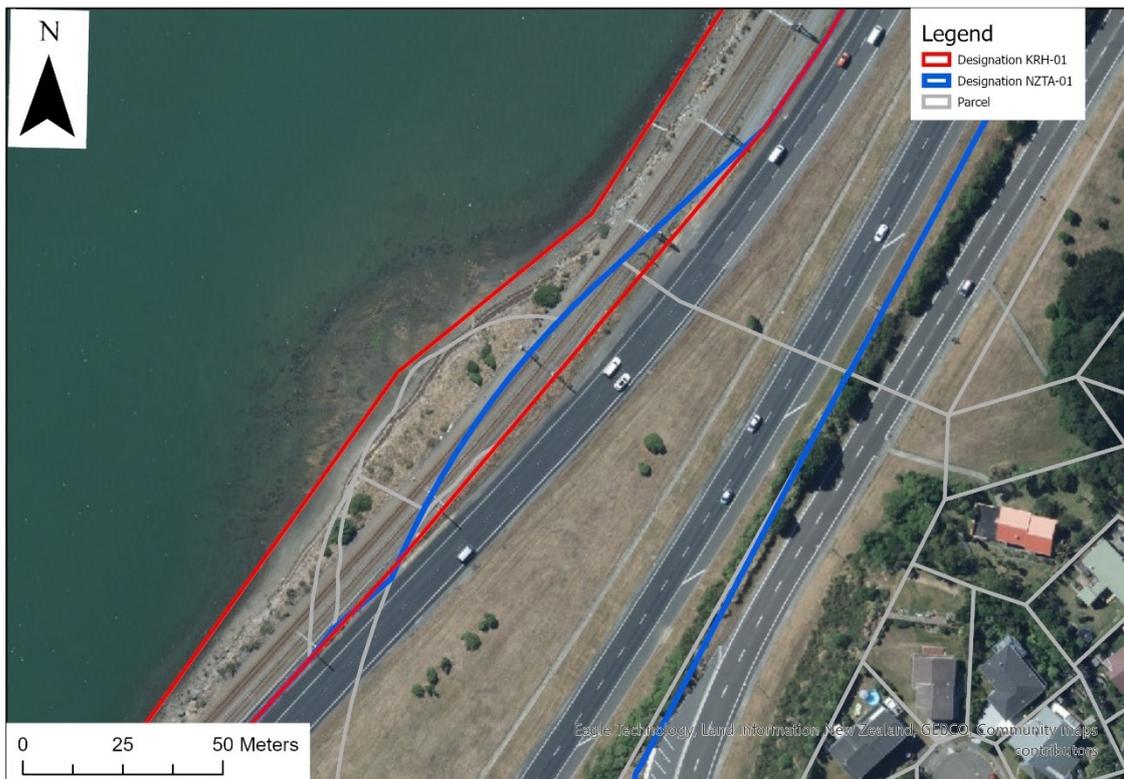


Figure 13: Overlap of NZTA-01 and KRH-01 north of Aotea Lagoon

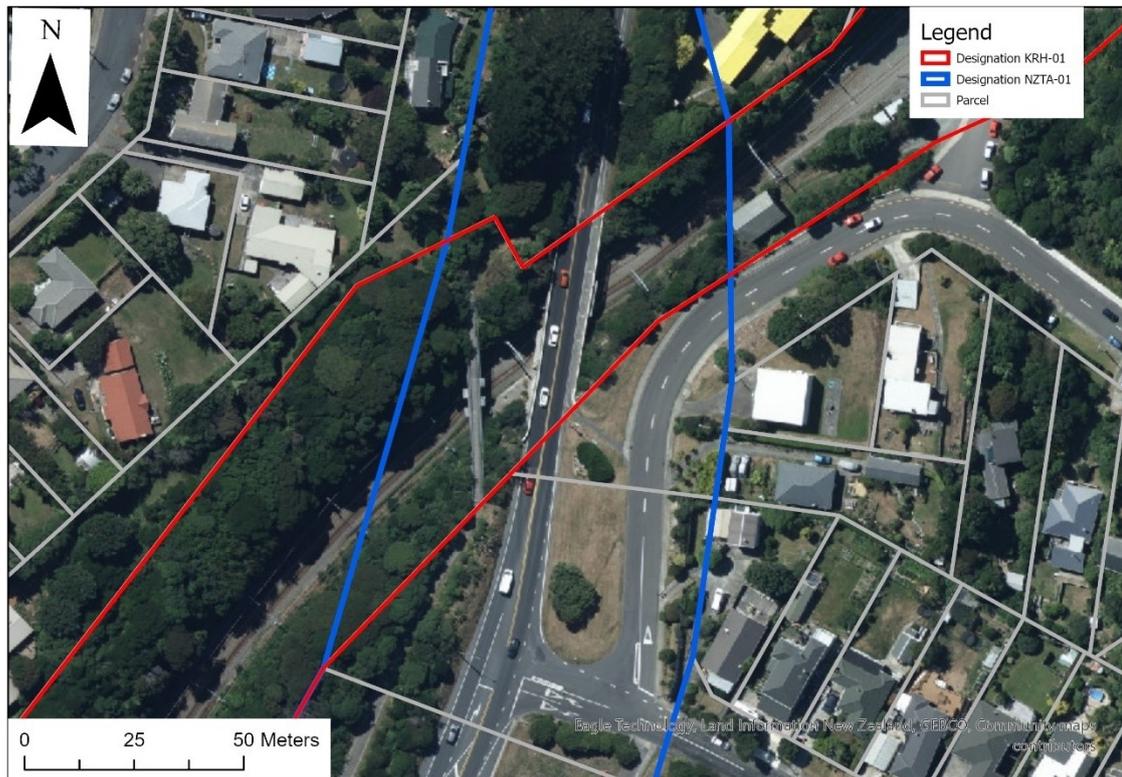


Figure 14: State Highway 59 and NIMT rail line underpass

239. In relation to the second point, I note that NZTA-01, NZTA-03 and NZTA-04 are identified as 'Primary' in relation to the designation hierarchy under section 177 of the RMA. This is despite these designations covering the same area as KRH-01 in places, including the rail underpass under State Highway 59 within Pukerua Bay, as shown in Figure 14, and the Kenepuru Link Road overpass. As these locations involve both state highway and NIMT infrastructure, it is necessary for multiple designations to cover the areas. As such, I consider that NZTA-01, NZTA-03 and NZTA-04 should be amended to replace 'Primary' with 'Varies' in accordance with the National Planning Standards.
240. In relation to the third point, as noted above, subsequent to the notification of the PDP State Highway 1 through Porirua has been renamed to State Highway 59. As such, I consider that the heading of NZTA-01 should be amended to reflect this.
241. Similarly, since its opening Transmission Gully has been gifted the name Te Ara Nui o Te Rangihaeata by Ngāti Toa. As such, I also consider that the designation name for NZTA-03 should be amended to reflect this.

3.10.2.5 Effects on the environment

242. The designations are already in existence and have been given effect to. Where modified as recommended above, no additional adverse effects on the environment will be generated as a result of allowing the requirements.

3.10.2.6 Alternatives assessment

243. I do not consider an assessment of alternative sites, routes or methods is necessary as the designations and state highway infrastructure are already in existence. The changes to the

boundary or extent of the designations will not adversely affect any other parties where modified as recommended above.

3.10.2.7 Reasonably necessary

244. I consider the designations to be necessary to achieve Waka Kotahi's objectives of providing certainty for the on-going operation and management of the existing state highway infrastructure.

3.10.2.8 Part 2

245. I consider that the designations, where modified as recommended above, to be in accordance with Part 2 of the RMA through enabling the sustainable management of an established physical resource and for people and communities to provide for their social, economic, and cultural well-being through enabling the on-going security and resilience of essential transportation infrastructure.

3.10.3 Recommendations

246. I recommend for the reasons given in the assessment, that the Hearings Panel recommend to Waka Kotahi that NZTA-01, NZTA-02, NZTA-03 and NZTA-04 be **modified** as set out in Appendix C to:

- That NZTA-01 be amended in the area north of the Porirua Stream mouth, and north of the Aotea Lagoon, to follow the boundary of KRH-01;
- That NZTA-01 not be extended to cover the Mana Bridge or other land within the coastal marine area;
- The designation boundaries of NZTA-01 and NZTA-02 along the coastal area align with the relevant parcel boundaries and not be extended seaward until such time that MHWS has been determined through surveying of the area;
- Inclusion of additional existing conditions from K0411 and K0412 as set out in Appendix A;
- Amendment of the designation names for NZTA-01 and NZTA-03 as set out in Appendix A; and
- Amendment of the designation hierarchy for NZTA-01, NZTA-03 and NZTA-04 from 'Primary' to 'Varies'.

247. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.11 Porirua City Council

3.11.1 Matters raised by submitters

248. No substantive submissions were received on the PCC – Porirua City Council chapter.

3.11.2 Assessment

249. PCC is a requiring authority under section 166 of the RMA. PCC sought to roll-over all existing designations under part K10 of Section K of the ODP, except K1054 (Existing public roads) and K1021 (Reservoir). K1062 and K1063 were merged into one designation (PCC-26 Whitby Link Road and Waitangirua Link Road).
250. The only modifications sought, other than minor amendments in relation to the designation titles, purposes and site identifiers, was to remove the conditions on K1062 and K1063 when merged into PCC-26 Whitby Link Road and Waitangirua Link Road as these relate to construction of the roads. I consider that the modifications sought provide clarity and that the amendments to the designation details should be made, as sought.
251. The designations are already in existence and therefore given effect to. There are not expected to be any additional or changes to the adverse effects on the environment from the designations.
252. I note that a number of facilities that are designated by PCC are defined as 'regionally significant infrastructure' in the RPS and the PDP. These facilities include reservoirs, drainage reserves, and the wastewater treatment plant.
253. Consideration of alternative sites, routes or methods is not necessary as the designations and associated facilities are already in existence and the designations are not changing in geographic extent.
254. I consider the designations are reasonably necessary in respect of providing certainty for the on-going operation and maintenance of the public facilities covered by the designations.
255. Other than K1062 and K1063 as discussed above, no existing conditions apply to the designations and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the adverse effects of any future works proposed within the designations.
256. I note that an additional designation (PCC-28) has been included in the PDP under section 175 of the RMA following notification. This designation relates to the Porirua wastewater retention tank at 1 Station Road, just north of the Porirua Train Station. PCC decided to confirm notice of requirement for that designation on 24 February 2022.

3.11.3 Recommendations

257. I recommend for the reasons given in the assessment, that the Hearings Panel decide to **confirm** PCC-01 to PCC-27 as set out in Appendix C.

3.12 Radio New Zealand Limited and NZME Radio Limited

3.12.1 Matters raised by submitters

258. No substantive submissions were received on the RNZ - Radio New Zealand Limited and NZME Radio Limited chapter.

3.12.2 Assessment

259. RNZ and NZME Radio Limited are requiring authorities under section 167 of the RMA pursuant to the relevant gazette notices (notice numbers 1994-go1553, 2001-go902, 2006-go8237, 2006-go8238, 2006-go8236, 2016-go3142 and 2016-go3143).
260. RNZ sought to roll-over designation K0201 from the ODP, with modifications. The modifications sought were relatively minor, being:
- An amendment to the name of the requiring authority to remove reference to 'The Radio Network Limited' and replace this with 'NZME Radio Limited';
 - A new purpose of the designation, being 'Radio-communication, telecommunication and ancillary purposes and land uses'; and
 - Inclusion of a note stating that Radio New Zealand Ltd has primary financial responsibility for the designation.
261. I consider that the modifications provide clarity and that the amendments to the designation details should be made, as sought. The designation is already in existence and therefore given effect to. There are not expected to be any additional or changes to the adverse effects on the environment from the designation.
262. I note that strategic radio communications facilities are defined as 'regionally significant infrastructure' in the RPS, and Radio New Zealand and NZME Radio Limited's radio transmission facilities at Titahi Bay are specifically defined as 'regionally significant infrastructure' in the PDP.
263. Consideration of alternative sites, routes or methods is not necessary as the designation and associated facilities are already in existence and the designation is not changing in geographic extent.
264. I consider the designation is reasonably necessary in respect of providing certainty for the on-going security and resilience of the broadcasting and communication facilities covered by the designation.
265. No existing conditions apply to the designation and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include appropriate consideration of the effects of any future works proposed within the designations.

3.12.3 Recommendation

266. I recommend for the reasons given in the assessment, that the Hearings Panel recommend that RNZ-01 be **confirmed** as set out in Appendix C.

3.13 Spark New Zealand Trading Limited

3.13.1 Matters raised by submitters

267. No substantive submissions were received on the SPK - Spark New Zealand Trading Limited chapter.

3.13.2 Assessment

268. Spark is a requiring authority pursuant to section 167 of the RMA under gazette notices 1994-go9129, 2001-go6886 and 2014-go5231.
269. Spark issued a new notice of requirement for a designation for telecommunication and radiocommunication works. The proposed designation covers the Spark Exchange located at 12 Mungavin Avenue, Ranui, legally described as Section 1 SO 23570, Sec 1 SO 30519 and Sec 1 SO 31722. The proposed purpose of the designation is 'telecommunication and radiocommunication and ancillary purposes'.
270. I note that the notice of requirement incorrectly states that the extent of the area sought to be designations as SPK-01 only encompasses Section 1 SO 23570. Additionally, the site identifier in the PDP incorrectly described the designation site as Sec 1 SO 23579.
271. The site is zoned Suburban under the ODP and Local Centre Zone in the ODP and is approximately 1,325 square metres in area. Areas of Flood Hazard – Ponding and Flood Hazard – Overland Flow are identified on the site. The site is located directly adjacent to the north-east of Porirua East School and Awatea Kindergarten, and within a wider area of Local Centre Zone on the southern side of Mungavin Avenue.
272. The Spark Exchange facilities on the site include the exchange building and ancillary infrastructure including exhaust stacks, vents, external air conditioning plant, diesel fuel storage, and vehicle access, manoeuvring and parking space. The site includes 'engine alternators' to provide emergency electricity supply. The exchange building is two-storey and covers most of the site. It was constructed in 1956 and extended in 1975. The site is listed as a HAIL site.

3.13.2.1 Nature of the proposed works

273. There are no immediate works proposed to be carried out as part of the notice of requirement. The designation is sought to enable the on-going security and resilience of essential communication services and provide for flexibility to adapt to changing technology and community expectations. Maintenance, upgrades and replacement of equipment and other ancillary works will be required on an ongoing basis.

3.13.2.2 Effects on the environment

274. There will be no immediate adverse effects on the environment of allowing the requirement for the designation. The exchange infrastructure has been established on the site for a number of decades, and forms part of the existing environment.
275. If changes to the site are proposed in the future, the outline plan process will enable appropriate consideration of any actual or potential adverse effects on the environment.
276. I note that under section 43D(4) of the RMA, any existing national environmental standards will prevail over the designation. This includes the NES-CS. As the site is identified as having activities undertaken on it that are listed on the HAIL, any disturbance of soil on the site will need to comply with the permitted activity standards under regulation 9 of the NES-CS, or a resource consent for the works obtained.

3.13.2.3 Relevant provisions of RMA documents

277. Strategic telecommunications facilities are defined as regionally significant infrastructure under the RPS. Similarly, 'facilities and structures necessary for the operation of telecommunications

and radiocommunications networks operated by network utility operators' is included as regionally significant infrastructure in the PDP definitions. The PDP's strategic objective FC-O1 includes seeking effective, efficient, resilient and safe infrastructure throughout the City that achieves a range of benefits.

3.13.2.4 Alternative sites, routes or methods

278. I do not consider that consideration of alternative sites, routes or methods is necessary as the site is owned by Spark and it is not likely that there will be significant adverse effect on the environment.

3.13.2.5 Reasonably necessary

279. I consider the designation is reasonably necessary to achieve Spark's objectives of providing a reliable, efficient and resilient communications network and to provide certainty for the operation, maintenance, use and improvement of the facility.

3.13.2.6 Conditions

280. Spark does not propose any conditions on the designation. I consider that no conditions are necessary as the works to which the designation relates are established on the site. The outline plan process allows for appropriate consideration of any adverse effects from any additional works proposed in the future, including potential adverse effects on flood risk.

3.13.2.7 Part 2 of the RMA

281. I consider that the notice of requirement for a designation identified as SPK-01 is in accordance with Part 2 of the RMA through enabling the sustainable management of an established physical resource and people and communities to provide for their social, economic, and cultural well-being through enabling the on-going security and resilience of essential communication services.

3.13.3 Recommendation

282. I recommend for the reasons given in the assessment, that the Hearings Panel recommend to Spark that SPK-01 be **modified** to correct the legal description of the site within the 'Site identifier' as set out in Appendix C.

3.14 Transpower New Zealand Limited

3.14.1 Matters raised by submitters

283. No substantive submissions were received on the TPR - Transpower New Zealand Limited chapter.

3.14.2 Assessment

284. Transpower sought to roll-over designation K0801 from the ODP, without modifications.

285. The designation is already in existence and therefore given effect to. There are not expected to be any additional changes to the adverse effects on the environment from the designation.

286. I note that national electricity grid is defined as 'regionally significant infrastructure' in the RPS and the PDP.

287. Consideration of alternative sites, routes or methods is not necessary as the designation and associated facilities are already in existence and the designation is not changing in geographic extent.
288. I consider the designation is reasonably necessary in respect of providing certainty for the on-going security and resilience of the electricity transmission facilities covered by the designation.
289. No existing conditions apply to the designation and no new conditions are sought. I do not consider that any conditions are necessary as the activities already exist. An outline plan process would include consideration of the effects of any future works proposed within the designations.

3.14.3 Recommendation

290. I recommend for the reasons given in the assessment, that the Hearings Panel recommend that TPR-01 be **confirmed** as set out in Appendix C.

3.15 Minor Errors

291. I recommend that amendment be made to the introduction to the designation chapters to remove superfluous information relating to roll-over and new designations included in the PDP. This amendment could have been made after PDP was notified through the RMA process to correct minor errors¹⁴, but I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity. The amendment is set out below.

¹⁴ Clause 16 of RMA Schedule 1

4 Conclusions

292. This report provides an assessment of and recommendations on designations contained in the PDP, and submissions received in relation to designations.
293. I have considered and made recommendations on the notices of requirement issued by requiring authorities. I consider that the notices of requirement in the Designations chapters should be confirmed or modified (with or without conditions imposed), as set out in my recommendations in Appendix C.
294. Submissions have been received in support of, and in opposition to, the designations contained in the PDP. While most of these submissions relate to the topic as notified, some submissions seek that additional conditions be included on certain designations to address concerns raised.
295. This report considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Designations chapters should be accepted, accepted in part, or rejected as set out in my recommendations in Appendix B.
296. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

Recommendations:

I recommend that:

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

Signed:

Name and Title		Signature
Report Author	Rory Smeaton Senior Policy Planner	

Appendix A. Recommended Amendments to Designations Chapters

Where I recommend changes following consideration of the designations under Clause 9 of Schedule 1 of the RMA, these are shown as follows:

- Text recommended to be added to the PDP is in red and underlined.
- Text recommended to be deleted from the PDP is in red and ~~struckthrough~~.

Where these recommendations are in response to submissions, the relevant submissions are noted.

Other notes

- This appendix only shows designations that are recommended for amendment since the Proposed District Plan was notified. If a designation is not shown here, the recommendation is that it stays the same as what was notified.

Introduction to Designations

What is a Designation?

A Notice of Requirement is the term for an application made by a Requiring Authority under the RMA to create a new Designation (a form of 'spot zoning') over land or to alter an existing Designation. It is a mechanism used by Ministers of the Crown, local authorities and network utility operators approved as requiring authorities under the RMA to obtain planning authorisation and protect land for public works. Requiring authorities can only designate land where they are financially responsible for the project, work or operation on the designated land. A designation enables a requiring authority to undertake works in the designated area without the need for resource consent under the District Plan, unless works will be undertaken that are outside the scope of the designation. However, they may still need to obtain resource consents from the Greater Wellington Regional Council.

When does a Notice of Requirement for a new Designation take effect?

A Notice of Requirement has immediate interim effect when it is notified, meaning that no person may do anything that would prevent or hinder the public work, project, or work to which the designation relates unless the person has the prior written consent of the requiring authority.

Once the Requiring Authority accepts the local authority's recommendation on the Notice of Requirement (if the recommendation is approval) it becomes a new Designation or the existing Designation is altered in accordance with what the Requiring Authority has accepted.

Overview of Designations in the Proposed District Plan

- ~~1. There are 12 Requiring Authorities that have Designations in the Proposed District Plan 2020~~
- ~~2. There are 11 new Designations in the Proposed District Plan 2020~~
- ~~3. There are 70 existing Designations that have been 'rolled over' into the Proposed District Plan 2020 from the Operative District Plan 1999. All of these Designations include minor changes to align with the requirements of the National Planning Standards and some involve amendments to spatial boundaries, legal descriptions, site addresses, the 'purpose' description of the Designation as well as the inclusion of or modification of designation conditions. Some existing designations have been amalgamated into one designation such as a number of designations for the New Zealand Transport Agency.~~
- ~~4. Existing designations in the Operative District Plan 1999 that were requested not to be 'rolled over' include:

 - ~~a. Porirua City Council designation known as K1054 titled "Existing public roads".~~
 - ~~b. Porirua City Council designation known as K1021 titled "Proposed Reservoir" as this site was decommissioned~~~~

The 11 new Designations that are being included under the Proposed District Plan 2020 include:

- ~~1. CNZ-02 Pukekura Bay Exchange~~
- ~~2. CNZ-03 Titahi Bay Exchange~~
- ~~3. CNZ-04 Waitangirua Exchange~~
- ~~4. CNZ-05 Whitby Exchange~~
- ~~5. FGL-01 Gas Transmission Network~~

- ~~6. MEDU-29 Bishop Viard College~~
~~7. MEDU-30 Holy Family School (Porirua)~~
~~8. MEDU-31 St Pius X School (Titahi Bay)~~
~~9. MEDU-32 St Theresa's School (Plimmerton)~~
~~10. MEDU-33 Wellington S D A School~~
~~11. SPK-01 Spark Exchange~~

[...]

CNZ - Chorus New Zealand Limited

[...]

CNZ-03	Titahi Bay Exchange
Designation unique identifier	CNZ-03
Designation purpose	Telecommunication and Radio communication and Ancillary Purposes
Site identifier	2 Tireti Road, Titahi Bay, Section 1 on SO 35629
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No <u>Yes</u>
Additional information	Existing facility New Designation (Notice of Requirement under Section 168 of the RMA 1991).
<u>Conditions for CNZ-03</u>	
<u>Condition 1</u>	
<u>Any trimming or pruning of the Norfolk Island Pine located on the site identified as TREE006 in SCHED5 – Notable Trees:</u>	
<ul style="list-style-type: none"> <u>a. Must not exceed a branch diameter of 50mm at severance unless it is the removal of deadwood;</u> <u>b. Retains the natural shape, form and branch habitat of the tree; and</u> <u>c. Is undertaken or supervised by a works arborist.</u> 	
<u>Condition 2</u>	
<u>Any works within the root protection area of the Norfolk Island Pine located on the site identified as TREE006 in SCHED5 – Notable Trees must only undertaken where:</u>	
<ul style="list-style-type: none"> <u>a. The works are undertaken or supervised by a technician arborist;</u> 	

- b. Any machinery associated with undertaking the earthworks is operated on top of paved surfaces and/or ground protection measures;
- c. Any excavation is undertaken by:
 - i. Hand-digging, air spade, or hydro vac, where it is an open cut excavation;
 - ii. Directional drilling machine where the excavation is at a depth of 1m or greater;
- d. The pruning of roots is limited to roots 35mm in diameter or less at the point of severance; and
- e. The works do not create new impermeable surfaces (including sealing, paving, soil compaction), buildings or structures within the root protection area; and
- f. The works will affect less than 10% of the protected root area.

Condition 3

Removal of the Norfolk Island Pine located on the site identified as TREE006 in SCHED5 – Notable Trees must only be undertaken where:

- a. It is essential due to a serious imminent threat to the safety of people or property;
- b. The tree is confirmed to be dead by a technician arborist;
- c. Porirua City Council is advised as soon as reasonably practicable prior to work commencing;
- d. The works are undertaken or supervised by a technician arborist; and
- e. Porirua City Council is provided with written documentation by a technician arborist confirming that the works were necessary and undertaken in accordance with good arboricultural practice no more than 10 working days after the works have been completed.

[...]

FGL - First Gas Limited

FGL-01	Gas Transmission Network
Designation unique identifier	FGL-01
Designation purpose	Ongoing operation and maintenance of the Gas Transmission Network within the Porirua District, inclusive of above-ground incidental equipment.
Site identifier	Includes land that contains the Gas Transmission Network via a legal easement in favour of the Gas Transmission Pipeline or land that is owned by Firstgas. Includes land 6m either side of the Gas Transmission Pipeline (aligning with the 12m gas easement), and all associated above or below-ground fitting, appurtenance, fixture or equipment required for the conveyance of the product or material in the pipeline and/or for its safe, efficient or effective operation.
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the	Varies

Resource Management Act	
Conditions	Yes Conditions are included below this table
Additional information	New Designation (Notice of Requirement under Section 168 of the RMA 1991).
Conditions for FGL-01	
Condition 1 – Maintenance Construction Environmental Management Plan	
<p>Firstgas shall be exempt from providing an Outline Plan of Works for ongoing maintenance works (including the repair and replacement of existing assets) enabled by this designation.</p> <p><u>The Requiring Authority shall submit a Construction Environmental Management Plan (or Plans) (CEMP) to the Council for certification with any Outline Plan submitted in accordance with section 176A of the RMA. The purpose of the CEMP is to detail the methods, processes and practices to avoid, remedy or mitigate the adverse effects of construction activities associated with operation or maintenance of the Gas Transmission Network. The CEMP shall be prepared with sufficient detail corresponding with the scale and extent of the works, and shall as a minimum include details of construction management methods, practices and processes to address:</u></p> <ol style="list-style-type: none"> a. <u>Description of the works;</u> b. <u>Construction vehicle access and parking;</u> c. <u>Traffic management;</u> d. <u>Noise and vibration;</u> e. <u>Air quality (dust);</u> f. <u>Erosion and sediment control;</u> g. <u>Earthworks stability;</u> h. <u>Accidental discovery protocol management;</u> i. <u>Incident management;</u> j. <u>Complaints management; and</u> k. <u>Roles and responsibilities.</u> <p><u>The CEMP shall also address the matters identified in conditions 3 and 4, where relevant.</u></p>	
Condition 2 – Accidental Discovery Protocol for the Discovery of Taonga and Artefacts	
<p>[include accidental discovery protocol from new Appendix 16]</p> <p>If Taonga (treasure or prized possession, including a natural resource, having tangible or intangible value) is discovered in any area, the Requiring Authority is to contact the Ngāti Toa Rangatira through Te Rūnanga o Te Rangatira Incorporated, the New Zealand Historic Places Trust and Porirua City Council. The Requiring Authority is to cease all work in the area until a site inspection is carried out by Ngāti Toa representatives (the site inspection by Ngāti Toa representatives will be undertaken within 48 hours from date of notice) and Council staff and approval to continue is given by the General Manager, Environment and Regulatory Services, Porirua City Council. Ngāti Toa representatives shall be given access to the site for the purpose of monitoring at any time subject to giving the applicant or applicants' agent 24 hours notice.</p>	
Condition 3 – Protocol for the Discovery of Skeletal Remains	

~~If during construction activities, the Requiring Authority uncovers any skeletal remains or similar material, operations are to cease in the vicinity immediately and the Requiring Authority is to notify the New Zealand Police, Te Rūnanga o Teo Rangitira, the General Manager, Environment and Regulatory Services, Porirua City Council and where appropriate the New Zealand Historic Places Trust.~~

Condition 3 – Significant Natural Areas

1. Where any works result in the trimming, pruning or removal of indigenous vegetation or any earthworks within a Significant Natural Area identified in SCHED7 - Significant Natural Areas, the Requiring Authority shall provide an Ecological Assessment prepared by a suitably qualified and experienced ecologist to the Council with any Outline Plan submitted in accordance with section 176A of the RMA.

The Ecological Assessment must include recommendations on the management of the works within the Significant Natural Area, so that:

- a. The works avoid adverse effects on indigenous biodiversity values in relation to:
 - i. Loss of ecosystem representation and extent;
 - ii. Disruption to sequences, mosaics or ecosystem function;
 - iii. Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and
 - iv. A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle; and
- b. Any other adverse effects on the identified indigenous biodiversity as a result of the works are:
 - i. Avoided where possible;
 - ii. Minimised where avoidance is not possible;
 - iii. Remedied where they cannot be avoided or minimised;
 - iv. Only addressed through biodiversity offsetting where residual adverse effects cannot otherwise be avoided, minimised or remedied; and
 - v. Only addressed through biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 – Biodiversity Compensation are met.

2. The recommendations of an Ecological Assessment required under Condition 3(1) must be incorporated as far as practicable into the CEMP required under Condition 1.

Condition 4 – Reinstatement of earthwork areas

Any area disturbed by earthworks as a result of works within the designation area shall be reinstated as soon as practicable so that:

- a. The ground level following completion of the works matches as far as practicable the level that existed prior to the works being undertaken;
- b. The area is replanted, with any vegetation, grass, or other groundcover that existed prior to the works being undertaken being replaced as far as practicable with equivalent vegetation, grass, or groundcover; and
- c. Any replanting required under Condition 4(b) is maintained for a period of three years, with any dead or dying plants replaced to achieve sufficient coverage to the satisfaction of the Manager Resource Consents & Monitoring, Porirua City Council.

[...]

KRH - KiwiRail Holdings Limited

KRH-01	Railway
Designation unique identifier	KRH-01
Designation purpose	Railway Purposes
Site identifier	Railway, as shown on the district planning maps
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	<u>Primary Varies</u>
Conditions	No
Additional information	Formerly K0101 Rollover designation (updated to be in accordance with the National Planning Standards including an update to the Requiring Authority Name and mapping boundaries to accurately reflect the rail land and assets.

[...]

MEDU - Minister of Education

[...]

MEDU-29	Bishop Viard College
Designation unique identifier	MEDU-29
Designation purpose	Education Purposes
Site identifier	Bishop Viard College, 20 Kenepuru Drive, Pt Lot 1 DP 54751 <u>Lot 1 DP 529535</u>
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource	Primary

Management Act	
Conditions	No
Additional information	<p>Existing education facility New Designation (Notice of Requirement under Section 168 of the RMA 1991).</p> <p>Education Purposes means:</p> <ol style="list-style-type: none"> a. Enable the use of the facilities on the site by and for the educational benefit of any preschool and school age students (i.e. years 0 to 13) regardless of whether they are enrolled at the institution located on the site. b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities. c. Enable the provision of community education (e.g. night classes for adults) outside school hours in school facilities. d. Include but not be limited to the provision of academic, sporting, social and cultural education including through: <ol style="list-style-type: none"> i. Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours; ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs. e. Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours. f. Enable the provision of associated administrative services; carparking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays). g. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker) and their families.

[...]

NZTA - New Zealand Transport Agency

NZTA-01	State Highway 4 <u>59</u>¹⁵
Designation unique identifier	NZTA-01
Designation purpose	To undertake construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure.
Site identifier	State Highway 4 <u>59</u> ¹⁶ from the Kāpiti Coast District Council boundary to the north to the Wellington City Council boundary to the south.
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary <u>Varies</u>
Conditions	Yes Conditions are included below this table
Additional information	<p>Formerly K0401, K0402, K0403, K0411 and K0412 Rollover designation updated to be in accordance with the National Planning Standards</p> <p>Additional minor amendments include:</p> <ol style="list-style-type: none"> 1. Amalgamating the five existing designations relating to SH1 (K0401, K0402, K0403, K0411 and K0412) into one designation, modifying the purpose of the designation, and remove all irrelevant conditions, and retain Condition 55.1a through to 55.8, 55A, 56 and 59 of K0412. 2. Minor modifications to the designation boundaries to: <ol style="list-style-type: none"> a. Adjust the Transport Agency's designations to align with the legal road corridor to ensure that surveyed legal road boundaries are accurately reflected in the designation overlay; and b. Widen the designation boundary in a small number of places to designate land that is already currently owned and also maintained by the Transport Agency (under the draft agreement with Porirua City Council on the state highway network maintenance boundaries); and c. Reduce the state highway designation in a small number of places, where the designation is surplus to requirements.

¹⁵ Clause 16 minor amendment

¹⁶ Clause 16 minor amendment

Notes:

1. The following section of State Highway 459¹⁷ is Limited Access Road, as declared under Section 88 of the Government Rooding Powers Act 1989:
 - a. From Gray Street, Pukerua Bay (RS/RP 01N1035/7750*) to James Street, Plimmerton (RS/RP 01N 1035/1315*).
2. The following section of State Highway 459¹⁸ is classified as a 'Motorway' under Section 71 of the Government Rooding Powers Act 1989:
 - a. From south of the SH1/Mungavin Road interchange to the north (RS/RP 01N 1050/5006*) to the Wellington City Council boundary to the south.

* *Approximate location as per Argonaut Roadrunner*

Conditions for NZTA-01**Condition 1**

In its operation of the Work as SH459¹⁹, the NZ Transport Agency ('NZTA') shall ensure that practical provision is made to enable those portions of the northbound and southbound kerbside lanes shown marked 'Parking Permitted Except When Clearway Operates' on Plans Ga to Ja in Appendix 1a ('Northbound and Southbound Lanes') to be available for kerbside vehicle parking except during the periods which are specified in condition 2 below, or during any altered no-parking periods notified under condition 5 following the NZTA undertaking the process set out in conditions 3 and 4 ('Clearway Hours').

The NZTA may at any time extend the areas available for kerbside parking and may amend the Plans Ga (November 2010) to Ja (and hence the areas where Clearway Hours will operate) accordingly.

Condition 2

From commencement of the operation of the Clearways and unless and until the NZTA decides to alter the Clearway Hours (as provided in conditions 3 and 4), the Clearway Hours shall be as set out below:

- a. There is to be no parking in the Southbound Kerbside Lane, except for emergency vehicles, and passenger service vehicles picking up or setting down passengers at authorised bus stops or parking bays during the following periods:
 - i. Monday to Friday (other than Public Holidays), from 6.30am to 9.30am; and
 - ii. Sunday and Public Holidays, from 3.30pm to 6.30pm.
- b. There is to be no parking in the Northbound Kerbside Lane, except for emergency vehicles, and passenger vehicles picking up or setting down passengers at authorised bus stops or parking bays, during the following periods:

¹⁷ Clause 16 minor amendment

¹⁸ Clause 16 minor amendment

¹⁹ Clause 16 minor amendment

- i. Monday to Friday (other than Public Holidays), from 3.30pm to 6.30pm; and
- ii. Saturday from 11.30pm to 2.30pm.

Condition 3

The NZTA may undertake reviews of the Clearway Hours for the purposes of determining whether or not it would be desirable for the days and hours of operation to be altered. The first review should be undertaken within 18 months of the commencement of the Clearway Hours. Subsequent reviews may be undertaken when:

- a. Significant regular traffic back-ups are observed;
- b. Traffic volumes in one direction along Mana Esplanade exceed 1,400 vehicles per hour on a regular basis (generally over the same period for eight continuous weeks) outside Clearway Hours; or
- c. Significant changes in traffic volumes or patterns warrant such a review.

Any such review shall include an assessment of whether or not traffic patterns and volumes warrant altering the days and/or hours of clearway operation.

Condition 4

If, during a review undertaken under condition 3, the NZTA considers that it might be desirable for the days and/or hours of Clearway operation to be altered, then the NZTA shall:

- a. Give written notice to the Chief Executive of PCC (Porirua City Council) that the Clearway Hours are proposed to be altered, specifying the proposed alterations to the hours and the proposed date for the altered hours to come into force;
- b. Consult, on the proposed alterations to the Clearway Hours and the proposed date for the altered hours to come into force, with the New Zealand Automobile Association, the Road Transport Association, the Paremata Residents Association Inc, the Plimmerton Residents Association Inc, Ngāti Toa Rangatira and anyone else whom the Chief Executive of PCC or their nominee recommends that the NZTA should consult with by notice in writing received by the NZTA within 10 working days of NZTA giving notice to PCC under condition 4(a). (Nothing in this condition shall prevent NZTA from consulting with any other person in respect of proposed alterations to the Clearway Hours or the proposed date for any altered hours to come into force);
- c. Provide a report that summarises any issues raised during the consultation undertaken under condition 4(b) to the Chief Executive of PCC;
- d. Allow the Chief Executive of PCC 15 working days, from the date on which the NZTA provides PCC with a report under condition.4(c), in which to provide the NZTA with any comments on the proposed alterations to the Clearway Hours and the proposed date for the altered hours to come into force;
- e. Consider any comments on the proposed alterations to the Clearway Hours and proposed date for the altered hours to come into force, provided during the consultation undertaken under condition 4(b) or by PCC within the timeframe specified under condition 4(d), in making any decision as to whether or not to alter the Clearway Hours and when any altered Clearway Hours should come into force;
- f. Decide whether or not to alter the days and/or hours of the clearway operation and, if so, when the altered Clearway Hours will come into force; provided that, if the NZTA decides that it would be desirable to increase the Clearway Hours beyond a maximum of 3.5 hours on any day in each of the northbound

- and southbound kerbside lanes, the NZTA must apply for an Alteration of the Designation under section 181 of the Resource Management Act 1991; and
- g. If the NZTA decides to alter the Clearway Hours, comply with the obligations in relation to alterations to the Clearway Hours in conditions 5 and 6.

Advice Note: For the avoidance of doubt, this condition enables the requiring authority to introduce and alter Clearway Hours on any day of the week, including Public Holidays.

Condition 5

At least one month prior to the commencement of Clearway operation, and again at least one month prior to any subsequent alterations to the Clearway Hours coming into force, the NZTA shall:

- a. Place notices in a newspaper or newspapers circulating in the greater Wellington area, and on a radio station or radio stations broadcasting in the greater Wellington area;
- b. Notify the New Zealand Automobile Association, the Road Transport Association, the Paremata Residents Association, the Plimmerton Residents Association and Ngāti Toa Rangatira; and
- c. Undertake a mail drop to properties fronting, or located within 100m of the Northbound or Southbound Lanes.

The publicity shall set out the new Clearway Hours and any alterations and when they will come into force, and shall:

- a. Encourage all heavy motor vehicles to use the centre lanes between the Paremata bridges (in the south) and the intersection at Steyne Avenue (in the north) at all times, unless turning; and
- b. Encourage all vehicles to use the centre lanes whenever the clearways are not in operation, unless turning.

Condition 6

From commencement of clearway operation, NZTA shall display electronic messaging signs to:

- a. Advise motorists whether or not the clearways are operating at the time;
- b. Encourage, through the use of instructional language, all heavy motor vehicles to use the centre lanes between the Paremata bridges (in the south) and the Steyne Avenue intersection (in the north) at all times unless turning;
- c. Encourage, through the use of instructional language, all vehicles to use the centre lanes whenever the clearways are not in operation, unless turning; and
- d. Advise motorists of road incidents.

In determining the location and wording of signs, the NZTA shall first:

- a. Advise the Paremata Residents and Plimmerton Residents Associations of its intention to consult with the PCC; and then
- b. Consult with PCC.

Condition 7

Within 18 months of the Clearway Hours becoming operational, the Requiring Authority shall consult with PCC on the terms of reference for a report which shall include:

- a. Effectiveness of measures to:
 - i. Encourage all heavy motor vehicles to use the centre lanes between the Paremata bridges (in the south) and the intersection at Steyne Avenue (in the north) at all times, unless turning;

ii. Encourage all vehicles to use the centre lanes whenever the clearways are not in operation, unless turning;

b. Feedback from Stakeholders; and

c. Recommendations.

The Requiring Authority shall implement recommendations as it considers appropriate.

Condition 8

Within 18 months of the clearway lanes becoming operational, or earlier if significant problems eventuate and if requested by PCC, the NZTA shall complete a safety and operational audit of the stretch of road between the Paremata and Plimmerton roundabouts, and provide a report to PCC, GWRC (Greater Wellington Regional Council), the Paremata and Plimmerton Residents Associations and Ngāti Toa Rangatira on the results of that audit.

Condition 9

The NZTA shall monitor vehicle use and parking activity on the road, and keep records of any feedback from the public that may be relevant in enabling the reviews, reports or audits under conditions 3,7 and 8 to be carried out.

Condition 10

Where, in accordance with any condition of this designation, NZTA is required to give written notice of anything to any person, then NZTA shall be treated as having duly given such notice once:

- a. Any notice sent by pre-paid post addressed to the person at the usual or last known place of residence or business of that person, Post Office box or private bag or document exchange would have been delivered in the ordinary course of post or delivery;
- b. Any notice sent by facsimile to the usual or last known facsimile number is shown by the sender's facsimile records to have been transmitted.

Condition 11

Prior to the completion of the construction of Transmission Gully Motorway NZTA shall:

- a. Consult with PCC, GWRC, Paremata Residents Association Inc, Plimmerton Residents Association Inc, and Ngāti Toa Rangatira in relation to its proposals for the Work following the construction of the Transmission Gully Motorway, including the following matters:
 - i. Ownership and control of the Work;
 - ii. Options relating to the future of the existing Paremata Bridge;
 - iii. The continuation of four Laning of St Andrews Road between Acheron Road and James Street;
 - iv. Measures (to the extent that they are legally available) to restrict or discourage heavy vehicle movements through the Work;
 - v. Other measures required to ensure an adequate level of service for the traffic volumes and traffic type expected to use the Work;
 - vi. Provision of arrangements for cyclists;
 - vii. Alteration of footpath widths;
 - viii. Removal of traffic lights;
 - ix. Changes to the operation of the clearway or HOV lanes;
 - x. Alteration of arrangements in relation to capacity;
 - xi. Any changes to be sought to the designation in relation to those matters; and

- b. Report on the outcomes of that consultation to PCC and GWRC for the purposes of ensuring that the PCC and GWRC are fully informed of the views of the public and those bodies, and of NZTA's intended response to that consultation.

Condition 12

NZTA shall maintain the following structures located within the designation boundaries:

- a. Cut face at Steyne Avenue intersection;
- b. Goat Point access way;
- c. Lighting;
- d. Acoustic fence on the western side of SH 59, north of Steyne Avenue (75 to 91 St Andrews Road);
- e. Plimmerton Pedestrian over bridge;
- f. Signage north of the Acheron Road/service lane intersection ensuring clear direction is provided to SH 59 motorists wishing to use the services accessed to or from the service lane; and
- g. Handrails between the footpath and the carriageway.

Condition 13

NZTA shall maintain all landscaping work within the designation boundaries. Maintenance shall include replacement of any plants that perish or are damaged by the Work (e.g. because of changes to ground water or damage to root systems or canopies).

Condition 14

NZTA shall provide the following signage:

- a. A sign north of the Acheron Road/service lane intersection with SH59, to ensure clear direction is provided to SH 59 motorists wishing to use the services accessed to or from the service lane. The sign shall incorporate generic identification of the services offered.
- b. At the northern approach to Plimmerton and the southern approach to Mana to advise heavy goods drivers that they are entering a residential area and that the use of engine brakes should be avoided.
- c. Directional signage at the Plimmerton Roundabout clearly identifying the Plimmerton Industrial Estate, and clarifying the route to be taken to the state. The signage shall be constructed and erected following consultation with the owners and occupiers of the Estate.

Condition 15

NZTA shall maintain a permanent record of any complaints alleging adverse effects from its operations within the designation or any breach of these conditions or other comments received. The record shall include the name and address (as far as practicable) of the person who made the complaint or comment, and where a complaint is made, identification of the nature of the matter complained about, date and time of the complaint and of the alleged event, weather conditions at the time of the alleged event (as far as practicable), and any remedial action taken. This record shall be made available to the PCC on request.

Condition 16

To retain key views of the Taupō Swamp from the State highway (in particular between meterages 4500-4650, 4900-5200 and 6200-6300), NZTA shall, to the satisfaction of the General Manager, Policy, Planning & Regulatory Services, PCC,

undertake the following measures within the boundaries of the designation, in general accordance with the Landscape Mitigation and Enhancement Proposal Plans in Appendix 3 and as summarized in Table 1 in Appendix 2:

- a. Use wire rope (or similar suitable barrier) instead of concrete for any safety barrier at meterages 4400-6550 unless the General Manager, Environment and Regulatory Services, PCC, certifies that an alternative is acceptable; and
- b. Keep mown any strips of grass along the edge of the highway.

Condition 17

NZTA shall ensure that at the Airlie Road intersection:

- a. The road surface in the vicinity of the intersection shall be designed and constructed so the operational noise at the Whenua Tapu Cemetery or houses in the vicinity from vehicles using the road shall be no greater than that which would arise from the use of a small grade chip seal surface finish; and
- b. Any new or changed overhead lighting shall be designed so as not to exceed 8 lux on the face of any residential houses close to the intersection.²⁰

NZTA-02	State Highway 58
Designation unique identifier	NZTA-02
Designation purpose	To undertake construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure
Site identifier	State Highway 58 from the intersection with State Highway 459 to the west to the Upper Hutt City and Hutt City Council boundaries to the southeast.
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary <u>Varies</u>
Conditions	No
Additional information	Formerly K0404, K0407 and K0410 Rollover designation updated to be in accordance with the National Planning Standards Additional minor amendments include: <ol style="list-style-type: none"> 1. Amalgamating the three existing designations relating to SH58 (K0404, K0407 and K0410) into one designation and modifying the purpose of the designation 2. Minor modifications to the designation boundaries to: <ul style="list-style-type: none"> • Adjust the Transport Agency's designations to align with the legal road corridor to ensure that surveyed

²⁰ Paremata Residents Association [FS08.1] and (Name withheld) [FS17.11]

	<p>legal road boundaries are accurately reflected in the designation overlay; and</p> <ul style="list-style-type: none"> • Widen the designation boundary in a small number of places to designate land that is already currently owned and also maintained by the Transport Agency (under the draft agreement with Porirua City Council on the state highway network maintenance boundaries); and • Reduce the state highway designation in a small number of places, where the designation is surplus to requirements. <p>Notes:</p> <ol style="list-style-type: none"> 1. The following section of State Highway 58 is Limited Access Road, as declared under Section 88 of the Government Roading Powers Act 1989: <ol style="list-style-type: none"> a. Near 160 Paremata Road to the west (RS/RP 058 00/1386*) to the Upper Hutt City and Hutt City Council boundaries to the southeast. <p>* Approximate location as per Argonaut Roadrunner</p>
NZTA-03	<u>Te Ara Nui o Te Rangihaeata (State Highway 1, Transmission Gully)</u>
Designation unique identifier	NZTA-03
Designation purpose	To undertake construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure.
Site identifier	Transmission Gully Main Alignment from the intersection with the Kāpiti Coast District Council and Upper Hutt City boundaries to the north to the Wellington City Council boundary to the south.
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary <u>Varies</u>
Conditions	Yes Conditions NZTA.1 – NZTA.89 apply See APP14 - Designation Conditions for NZTA-03 and NZTA-04
Additional information	Formerly K0408 Rollover designation updated to be in accordance with the National Planning Standards Additional minor amendments include: <ol style="list-style-type: none"> 1. Modifying the purpose of the designation 2. Minor modifications to the designation boundaries to:

	<ul style="list-style-type: none"> • Adjust the Transport Agency's designations to align with the legal road corridor to ensure that surveyed legal road boundaries are accurately reflected in the designation overlay; and • Widen the designation boundary in a small number of places to designate land that is already currently owned and also maintained by the Transport Agency (under the draft agreement with Porirua City Council on the state highway network maintenance boundaries); and • Reduce the state highway designation in a small number of places, where the designation is surplus to requirements.
NZTA-04	Kenepuru Link Road
Designation unique identifier	NZTA-04
Designation purpose	To undertake construction, maintenance, operation, use and improvement of the state highway network and associated infrastructure.
Site identifier	Kenepuru Link Road from the Transmission Gully Main Alignment at Ranui Heights to Kenepuru Road which is adjacent to and partially within the Wellington City Council boundary to the south.
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary <u>Varies</u>
Conditions	Yes Conditions NZTA.1 – NZTA.89 apply See APP14 - Designation Conditions for NZTA-03 and NZTA-04
Additional information	Formerly K0409 Rollover designation updated to be in accordance with the National Planning Standards Additional minor amendments include: <ol style="list-style-type: none"> 1. Modifying the purpose of the designation 2. Minor modifications to the designation boundaries to: <ul style="list-style-type: none"> • Adjust the Transport Agency's designations to align with the legal road corridor to ensure that surveyed legal road boundaries are accurately reflected in the designation overlay; and • Widen the designation boundary in a small number of places to designate land that is already currently owned and also maintained by the Transport Agency (under the draft agreement with Porirua City Council

- on the state highway network maintenance boundaries); and
- Reduce the state highway designation in a small number of places, where the designation is surplus to requirements.

[...]

SPK - Spark New Zealand Trading Limited

SPK-01	Spark Exchange
Designation unique identifier	SPK-01
Designation purpose	Telecommunication and Radio communication and Ancillary Purposes
Site identifier	12 Mungavin Avenue, Sec 1 SO 2357 90 , held within Record of Title WN36B/378, Section 1 SO 30519 held within Record of Title WN36C/419 and Section 2 SO 30519 held within Record of Title WN37D/608
Lapse date	Given effect to (i.e no lapse date)
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No
Additional information	Existing facility New Designation (Notice of Requirement under Section 168 of the RMA 1991).

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to submissions and further submissions made on the designation chapters are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
Introduction							
81.862	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept in part	Accept in part subject to minor amendments recommended to the introduction to remove reference to the 'Proposed District Plan' and the overview of the designations included in the PDP.	No
CNZ - Chorus New Zealand Limited							
81.863	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
FGL - First Gas Limited							
81.864	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept in part	Agree with submitter, subject to amendments sought by other submitters.	No
11.70 ¹	Porirua City Council	Conditions for FGL-01 Condition 1 – Maintenance	Amend the designation as follows: Condition 1 – Maintenance Firstgas shall be exempt from providing an Outline Plan of Works for ongoing maintenance works (including the repair and replacement of existing assets) enabled by this designation.	3.4	Accept	Agree with submitter	Yes
42.1	Bill McGavin	Conditions for FGL-01	That First Gas consult with the land owner as to when, how, and where access is required to repair or maintain their pipeline on land owner's property. Any damages to property in gaining access (to and from the property) will be put right at no cost.	3.4	Reject	See body of main report.	No
FS63.37	First Gas Limited		<i>Disallow</i> <i>This is not a Resource Management Act matter and should be dealt with separately through Firstgas and the landowner.</i>	3.4	<i>Accept</i>	<i>See body of main report.</i>	<i>No</i>
GWRC - Greater Wellington Regional Council							
81.865	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
KRH - KiwiRail Holdings Limited							
81.866	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
86.71	KiwiRail Holdings Limited	KRH-01 Railway Designation unique identifier KRH-01	Retain as proposed.	n/a	Accept	Agree with submitter	No
MJUS - Minister of Justice							
81.867	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
MEDU - Minister of Education							

¹ Supported by First Gas Limited [FS63.29]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
81.868	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
MPOL - Minister of Police							
81.869	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
NZTA - New Zealand Transport Agency							
81.870	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept in part	Agree with submitter, subject to amendments sought by other submitters.	No
FS08.1	<i>Paremata Residents Association</i>		<i>Disallow</i> <i>Seeks that the proposed amalgamated designation (NZTA-01) be disallowed in its current form. It may in fact be best if the original designations were not amalgamated or all the conditions were included in an Appendix. We would be happy to meet with representatives from PCC and Waka Kotahi to discuss the alternatives and, if necessary, to go through the conditions with the intention of getting consensus on which conditions should be retained. Our current thoughts on this are listed in [attachment 2 of the further submission].</i>	3.10	Accept in part	See body of main report.	Yes
FS17.11	<i>[Name withheld for privacy reasons]</i>		<i>Disallow</i> <i>Request that Submission Point 81.870 (support of this chapter) be disallowed whilst the chapter omits any relevant RMA Conditions.</i>	3.10	Accept in part	See body of main report.	Yes
81.888	Kāinga Ora – Homes and Communities	APP14 - Designation Conditions for NZTA-03 and NZTA-04	Retain as notified.	n/a	Accept in part	Agree with submitter, subject to amendments sought by other submitters.	No
82.288	Waka Kotahi NZ Transport Agency	General	Amend Porirua PDP maps to correctly record the Waka Kotahi designations (refer specific amendments sought to state highway designation boundaries, as detailed in Appendix 5). [Refer to original submission for full decision requested, including attachments]	3.10	Accept in part	See body of main report.	Yes
82.289	Waka Kotahi NZ Transport Agency	General	Retain state highway designations on Porirua PDP maps, with mapping amendment: Differentiate designations which abut, intersect or overlap each other (e.g. by clearly labelling the designations, or by using different colours or shading) (refer example shown in Appendix 6). [Refer to original submission for full decision requested, including attachments]	3.10	Reject	See body of main report.	No
82.303	Waka Kotahi NZ Transport Agency	Planning Maps	Amendments to the state highway designation maps, including mapping corrections.	3.10	Accept in part	See body of main report.	Yes
PCC - Porirua City Council							
81.871	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
RNZ - Radio New Zealand Limited and NZME Radio Limited							
81.872	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
SPK - Spark New Zealand Trading Limited							
81.873	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
TPR - Transpower New Zealand Limited							
81.874	Kāinga Ora – Homes and Communities	General	Retain as notified.	n/a	Accept	Agree with submitter	No
60.120	Transpower New Zealand Ltd	TPR-01 Substation Designation	Rollover the designation TPR-01	n/a	Accept	Agree with submitter	No

Appendix C. Recommended Decisions on Designations

Unique Identifier	Assessment Summary	Officer Recommendation
CNZ – Chorus New Zealand Limited		
CNZ-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
CNZ-02	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
CNZ-03	New designation. No substantive submissions. Conditions are required in order to protect the Norfolk Island Pine located on the site identified as TREE006 in SCHED5 – Notable Trees of the PDP. Recommended conditions included in Appendix A.	Modify
CNZ-05	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
CNZ-05	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
FGL – First Gas Limited		
FGL-01	New designation. Submissions seeking deletion of Condition 1 and consultation with landowners. Area of designation should be removed from land where there is no underlying easement. Conditions are required in order to protect values of overlay areas identified in the PDP. Recommended conditions included in Appendix A.	Modify
GWRC - Greater Wellington Regional Council		
GWRC-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
GWRC-02	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
GWRC-03	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
KRH - KiwiRail Holdings Limited		
KRH-01	Rollover designation. No substantive submissions. Modifications to the designation are required to; align the designation boundary with the northern district boundary; remove the designation from the coastal marine area in the area of the Mana railway bridge; and replace 'Primary' with 'Varies' in relation to the s177 hierarchy.	Modify
MJUS - Minister of Justice		
MJUS-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU - Minister of Education		
MEDU-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU-02	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU-03	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU-04	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm

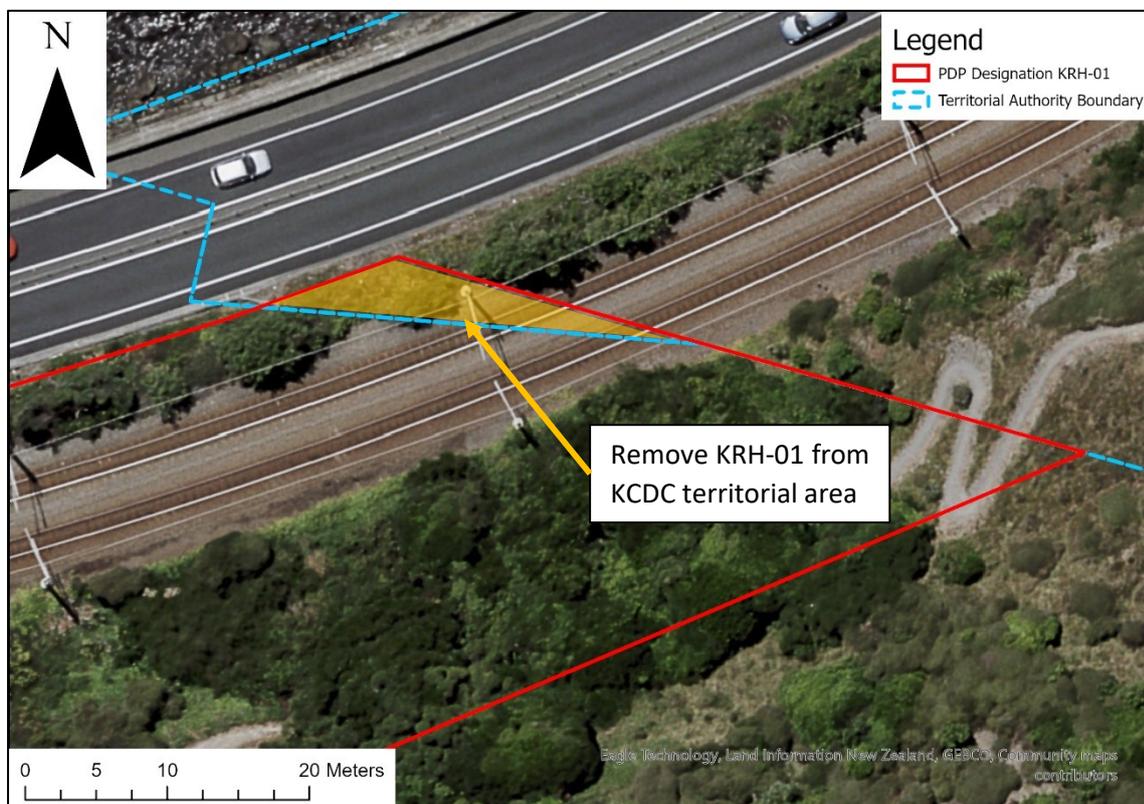
Unique Identifier	Assessment Summary	Officer Recommendation
MEDU-29	New designation. No substantive submissions. Lot 3 DP 529535. should not be included within the designated area, as shown in Appendix D. The recorded site description in the PDP for MEDU-29 is incorrect and should be Lot 1 DP 529535	Modify
MEDU-30	New designation. No substantive submissions. A small additional area of land should be included within the designation, as shown in Appendix D.	Modify
MEDU-31	New designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU-32	New designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MEDU-33	New designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MPOL - Minister of Police		
MPOL-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MPOL-02	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
MPOL-03	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
NZTA - New Zealand Transport Agency		
NZTA-01	Rollover designation. Further submissions raise issues relating to removal of conditions from the existing designations. Additional conditions recommended to be included as set out in Appendix A. Amendments to the extent of the designation boundary recommended to avoid unnecessary overlaps with adjoining designations, and unintended designation of the coastal marine area, as shown in Appendix D. Minor amendment to the designation name recommended in Appendix A.	Modify
NZTA-02	Rollover designation. No substantive submissions. Amendments to the extent of the designation boundary recommended to avoid unintended designation of the coastal marine area.	Modify
NZTA-03	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA. Minor amendment to the designation name recommended in Appendix A.	Modify
NZTA-04	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Modify
PCC - Porirua City Council		
PCC-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-02	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-03	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm

Unique Identifier	Assessment Summary	Officer Recommendation
PCC-04	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-05	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-06	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-07	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-08	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-09	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-10	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-11	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-12	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-13	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-14	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-15	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-16	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-17	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-18	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-19	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm

Unique Identifier	Assessment Summary	Officer Recommendation
PCC-20	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-21	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-22	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-23	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-24	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-25	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-26	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
PCC-27	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 168A(3) RMA.	Confirm
RNZ - Radio New Zealand Limited and NZME Radio Limited		
RNZ-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm
SPK - Spark New Zealand Trading Limited		
SPK-01	New designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA. Correction required to include all relevant legal descriptions in the site identifier as included in Appendix A.	Modify
TPR - Transpower New Zealand Limited		
TPR-01	Rollover designation. No substantive submissions. No issues identified in relation to the matters listed in section 171 RMA.	Confirm

Appendix D. Recommended Amendments to Planning Maps

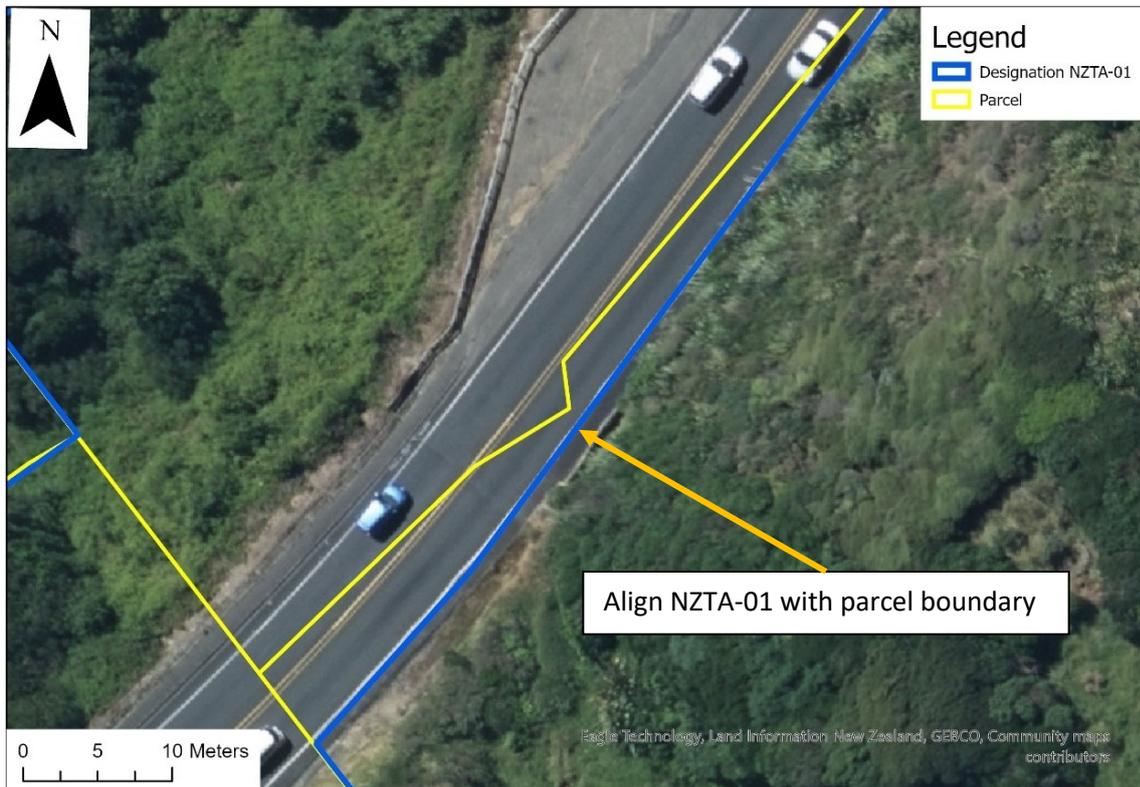
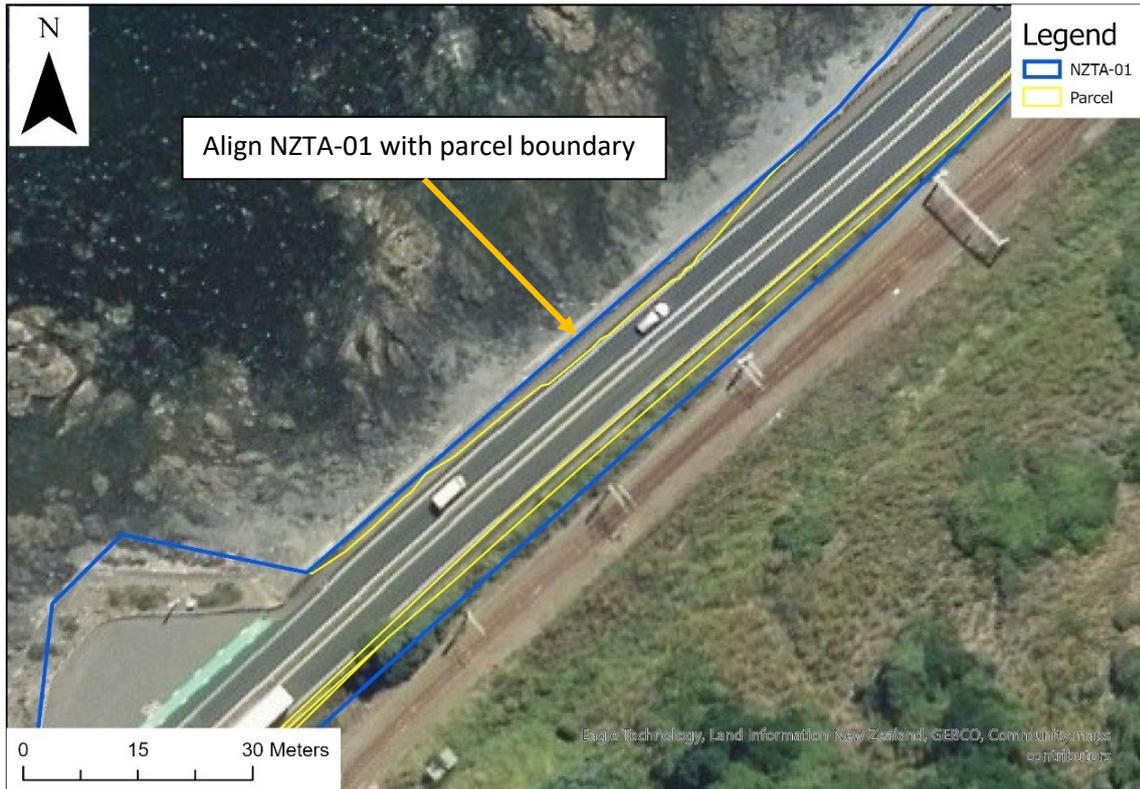
KRH - KiwiRail Holdings Limited

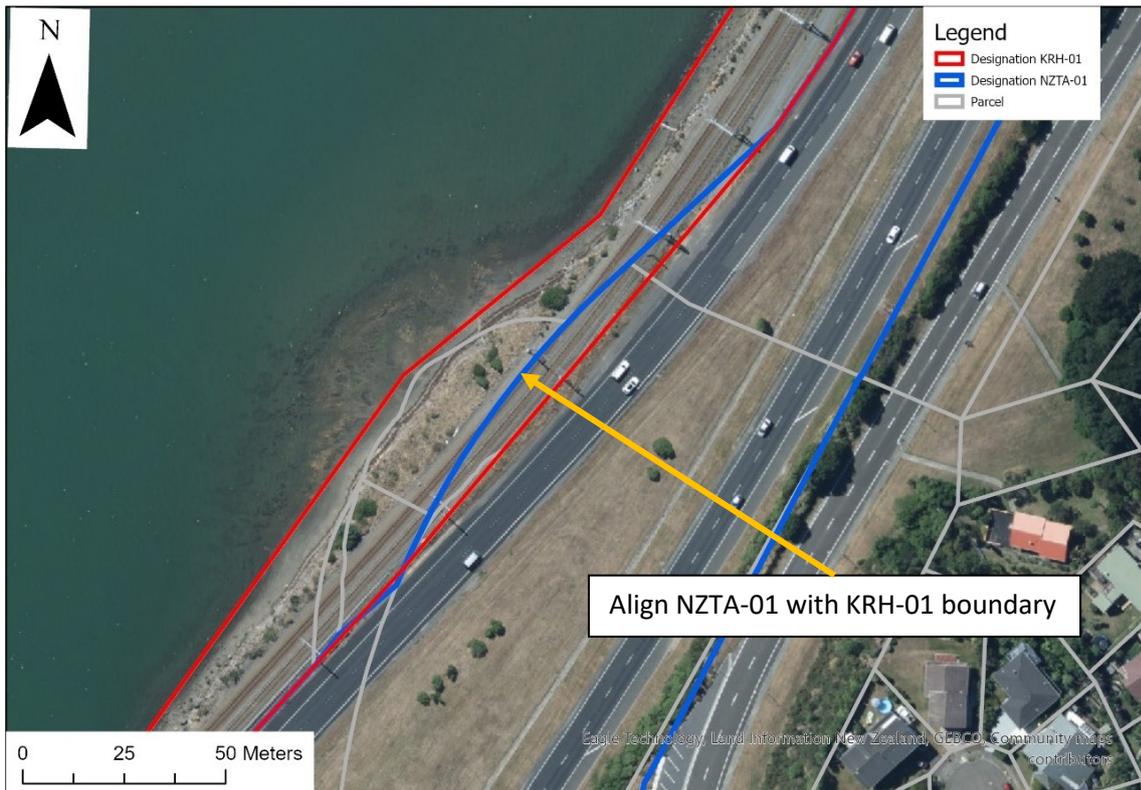
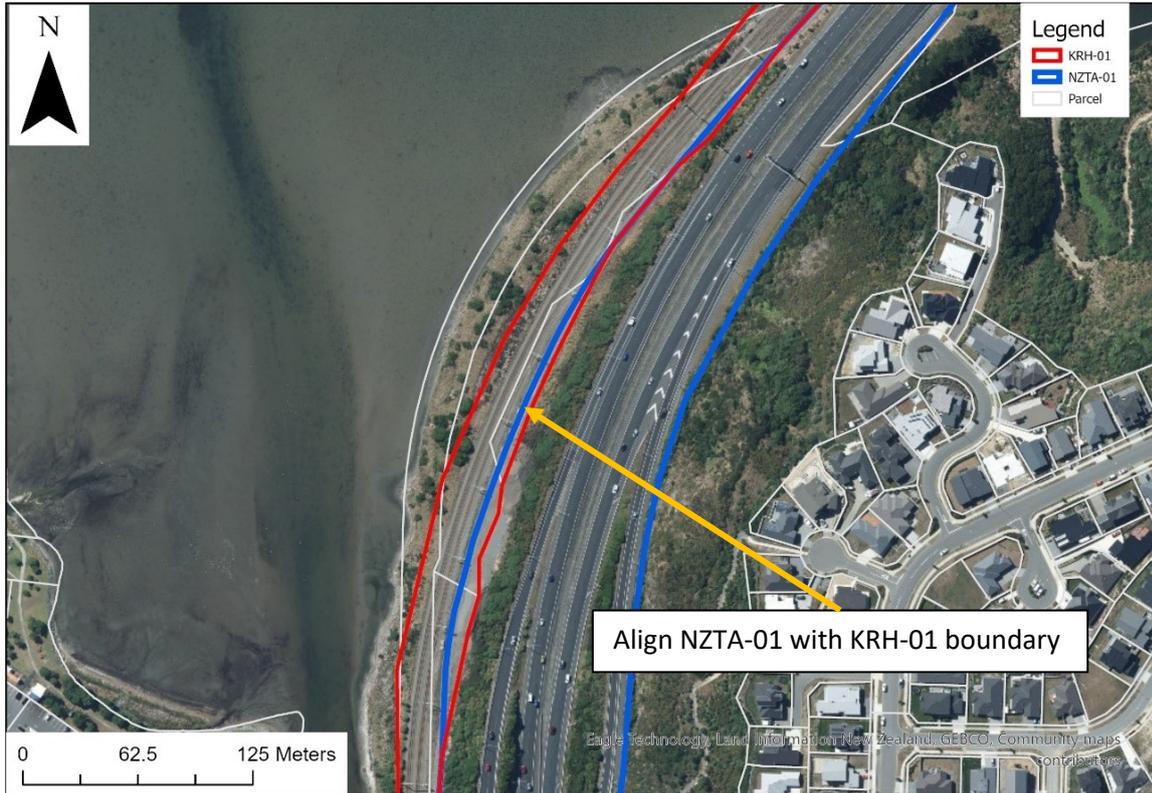


MEDU - Minister of Education



NZTA - New Zealand Transport Agency





Appendix E. Report Author's Qualifications and Experience

My name is Rory McLaren Smeaton.

I hold the following qualifications:

- Master of Planning Practice (First Class Honours) (University of Auckland);
- Postgraduate Diploma in Science in Geography (with Distinction) (University of Canterbury);
and
- Bachelor of Science in Geography (University of Canterbury).

I am a full member of the New Zealand Planning Institute. I have ten years' experience working as a planner for local and central government organisations, and a multi-disciplinary consultancy.

I have been employed by the Porirua City Council since April 2020 as a Senior Policy Planner within the Environment and City Planning Team. My work at Porirua City Council has included finalising PDP chapters and preparing the associated section 32 reports, summarising submissions, and preparing section 42A reports.