

In the Environment Court
At Wellington

I Te Kōti Taiaio o Aotearoa
Te Whanganui-a-Tara Rohe

ENV-2025-WLG-_____

Under	the Resource Management Act 1991
In the matter of	an appeal under s 14 of the Act against decisions on the Proposed Wellington City District Plan
Between	Kilmarston Developments Ltd and Kilmarson Properties Ltd Appellants
And	Wellington City Council Respondent

NOTICE OF APPEAL

18 August 2025

(Counsel Acting)
M J Slyfield
Barrister
Stout Street Chambers

DDI: (04) 915 9277
PO Box 117
Wellington 6140
morgan.slyfield@stoutstreet.co.nz
mjs0574

**To: The Registrar
Environment Court
Wellington**

1. Kilmarston Developments Ltd and Kilmarston Properties Ltd (together, **Kilmarston**) appeal against parts of a decision by Wellington City Council on the Proposed Wellington City District Plan (**Plan**).
2. Kilmarston made submissions on the Plan.
3. Kilmarston is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Kilmarston received notice of the decision on 7 July 2025.
5. Kilmarston owns land on the western edge of Ngaio, as detailed in section 2 of the attached submission document (**the Land**).
6. The decision was, among other things, to zone part of the Land as Medium Density Residential Zone (**MDRZ**). Kilmarston supports that aspect of the decision and is not appealing that aspect of the decision.
7. Kilmarston's appeal relates solely to the balance of the Land (i.e. those parts that the decision does not zone MDRZ) (**the Balance Land**).
8. The parts of the decision that Kilmarston is appealing are:
 - 8.1 The decision that the Balance Land should be zoned Natural Open Space Zone (**NOSZ**) and General Rural Zone (**GRZ**).
 - 8.2 The decision that the NOSZ over the Balance Land did not need to include provisions to permit reservoir infrastructure to serve development of the MDRZ parts of the Land and the wider Ngaio area.
 - 8.3 The decision to retain an SNA overlay over a paper road section of Huntleigh Park Way.

9. The reasons for the appeal are:
 - 9.1 In the absence of an agreement being reached between Kilmarston and Council as to tenure, the Balance Land should not be zoned NOSZ and/or GRZ for the reasons stated in the attached submission document. A more appropriate zoning would be Large Lot Residential.
 - 9.2 Whatever zoning over the Balance Land eventuates, it should permit the reservoir infrastructure to serve development of the MDRZ parts of the Land and the wider Ngaio area.
 - 9.3 An SNA overlay is not appropriate over the paper road section of Huntleigh Park Way.
10. Kilmarston seeks the following decisions:
 - 10.1 That, in the absence of an agreement being reached between Kilmarston and Council as to tenure, the Balance Land is re-zoned Large Lot Residential.
 - 10.2 Whatever zoning on the Balance Land eventuates, it must permit the reservoir infrastructure to serve development of the MDRZ parts of the Land and the wider Ngaio area.
 - 10.3 That the SNA over the paper road section of Huntleigh Park Way is removed.
 - 10.4 Such other consequential or alternative relief as the Court finds appropriate to address the issues identified in this Notice of Appeal.
11. Attached to this notice are:
 - 11.1 A list of names and addresses of persons to be served with a copy of this notice;
 - 11.2 A copy of Kilmarston's submission.
 - 11.3 A copy of the relevant parts of the recommendations on which the decisions are based, being the Recommendation Report for Hearing Stream 8, and Appendix B to that Report.

11.4 A copy of the decision.



M J Slyfield

Counsel for Kilmarston Developments Ltd and

Kilmarston Properties Ltd

18 August 2025

ADDRESS FOR SERVICE OF APPELLANT:

Morgan Slyfield
Barrister
Stout Street Chambers
PO Box 117
Wellington

Email: morgan.slyfield@stoutstreet.co.nz

Telephone: 021 915 9277

ADVICE TO RECIPIENTS OF COPY OF NOTICE

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

NAMES AND ADDRESSES OF PERSONS TO BE SERVED WITH A COPY OF THIS NOTICE

Name	Address for service
Wellington City Council	district.plan@wcc.govt.nz
Adam Groenewegen	adaminuk@gmail.com
Andy Foster	andy.foster.outlook.nz
Carol Anderson	cazanderson.ca@gmail.com
Royal Forest and Bird Protection Society of New Zealand	a.geary@forestandbird.org.nz
Orienteering Wellington	t-s@xtra.co.nz
Hadleigh Petherick	hadleigh.petherick@gmail.com
Christopher Kennedy	chris@kennedy.kiwi.nz
Graeme Doherty	graemekdoherty@gmail.com
Janine Hearn	janinehoff@gmail.com
Tracey Henderson	tchendo@mac.com
Jo McKenzie	jomckenzie07@gmail.com

KILMARSTON'S SUBMISSION ON THE PROPOSED DISTRICT PLAN

Wellington City Proposed District Plan - submission form

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Clause 6 of the First Schedule, Resource Management Act 1991.

How to make a submission

- online at eplan.wellington.govt.nz/proposed
- email your submission to: PDPsubmissions@wcc.govt.nz
- post this form to us (no stamp needed)
- drop your completed form off to Wellington City Council reception, Level 16, 113 The Terrace.

To make sure your submission can be accepted please lodge by 5pm Monday 12 September 2022.

Privacy statement - what we do with your personal information

All submissions (including name and contact details) are published and made available to elected members and to the public from our offices and on our website. Personal information will also be used for the administration of the notified Proposed Plan process.

All information collected will be held by Wellington City Council. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at district.plan@wcc.govt.nz.

Your details

Name	
Postal address (including suburb)	
Phone/mobile	Email
I am making this submission: <input type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation. Organisation's name:	
I would like to be heard in support of my submission in person <input type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission, I will consider presenting a joint case with them at a hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	

This is a submission on the Wellington City Proposed District Plan

<input type="checkbox"/> I could <input type="checkbox"/> I could not – gain an advantage in trade competition through this submission
If you could gain an advantage in trade competition through this submission answer the next question.
<input type="checkbox"/> I am <input type="checkbox"/> I am not – directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. (Please tick relevant box if applicable) Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Multiple provisions can be commented on within the following section. Feel free to add more pages to your submission to provide a fuller response.

The specific provision of the plan that my submission relates to: Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend
What decision are you seeking from the Council? And why?

1st fold here - fasten here once folded

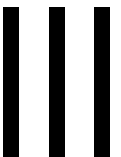
2nd fold here

J014360

Free Post Authority Number 2199

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Reply



FREEPOST 2199

District Plan Team (121)

PO Box 2199

Wellington 6140



SUBMISSION – WELLINGTON CITY COUNCIL PROPOSED DISTRICT PLAN

NGAIO

Client: Kilmarston Developments Limited and
Kilmarston Properties Limited

12 September 2022

www.landmatters.nz

DELIVERING INNOVATIVE PROPERTY, COMMUNITY AND ENVIRONMENTAL SOLUTIONS

SUBMISSION ON BEHALF OF: Kilmarston Developments
Limited and Kilmarston
Properties Limited

Prepared by:



Milcah Xkenjik

Intermediate Planner

Reviewed by:



Bryce S Holmes

Principal Planner and Director

Date:

12 SEPTEMBER 2022

Version:

FINAL

Job Ref:

J520

This document is the property of Land Matters Limited. Any unauthorised employment or reproduction in full or part is forbidden.

RMA FORM 5

Submission on publicly notified

Wellington City Proposed District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

To: Wellington City Council

1. Submitter details:

Full Name			
Company/Organisation <i>if applicable</i>	Kilmarston Developments Limited and Kilmarston Properties Limited		
Contact Person <i>if different</i>	c/- Milcah Xkenjik, Land Matters Limited		
Email Address for Service	milcah@landmatters.nz		
Address	20 Addington Road		
	City Ōtaki	Postcode 5581	
Address for Service <i>if different</i>	Postal Address		Courier Address
Phone	Mobile 021 877 157	Home	Work

2. This is a **submission** on the **Proposed District Plan** for Wellington City.

3. I **could not** gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete point four below:

4. I **am directly affected** by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Note:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

5. I **wish to be heard** in support of my submission.

6. I **will not** consider presenting a joint case with other submitters, who make a similar submission, at a hearing.

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:

See part 3

Do you: Support? Oppose? Amend?

See part 3

What decision are you seeking from Council?

What action would you like: Retain? Amend? Add? Delete?

Reasons:

See part 3.

1. BACKGROUND AND INTRODUCTION

Wellington City Council (**WCC**) has notified the Proposed District Plan (**PDP**). As well as incorporating the Medium Density Residential Standards (**MDRS**) into the District Plan, the PDP also rezones some areas to *Medium Density Residential Zone* (**MRZ**) and High Density Residential Zone (**HRZ**). The Proposed District Plan was notified on 18 July 2022 and is open for submissions until 5pm Monday 12 September 2022. This document is a submission on the Proposed District Plan.

Kilmarston Developments Limited and Kilmarston Properties Limited (**'Kilmarston', the Submitter**) owns land located on the upper hills within the Ngaio suburb in Wellington City. The property currently benefits from subdivision consent (granted through resolution of a lengthy Environment Court proceeding) for 43 residential allotments on the site. The approved scheme plan contains residential lots focused around the eastern part of the site (closest to the existing residential area) with significant areas of reserve land to the west over the more elevated parts of the site. The currently extant subdivision consent (reference Environment Court proceedings ENV-2006-WLG-000487 & ENV-2006-WLG-000488 and Wellington City Council ref: SR106695) was granted on 1 October 2012 and has been given effect to.

Associated with the subdivision consent, the Submitter holds regional permits and consents required to facilitate development. These consents authorize works in association with the consented subdivision, and a wider layout that incorporates the area currently zoned residential on the land.

This document describes the land and sets out the general parts of the PDP that Kilmarston seek to have amended, together with reasons for the suggested amendments.

The WCC response to the Submitter's submission to the draft Plan Change was as follows:

- The residential area of the land is now Medium Density Residential Zone;
- The SNA overlay has been clipped to the Medium Density Residential Zone and not over the entire residential area of the Submitters land;
- No change to the SAL overlay which continues to cover the entire application site.

2. THE LAND

The land is located on the western edge of Ngaio. The property details are:

Address	16 Patna Street	109A Awarua Street	76 Silverstream Road
Legal Description	Pt Sec 10 Kaiwharawhara District; PT Lot 7 DP 2254	Lot 36 DP28741	Part Section 11 Kaiwharawhara District (A336); Lot 1 DP25046; Part Lot 3 DP29604
Record of Title (RT)	33224; WN43C/892	WN5C/263	WN28C/650; WN6B/678; WNC1/1483

Area (ha)	19.56ha; 0.075ha	0.23ha	20.74ha
-----------	---------------------	--------	---------

2.1. Location and site characteristics

Part of the land is separated either side of an unformed legal road (Huntleigh Park Way). It also has frontage to Patna Street between 143 Heke Street and 14 Patna Street. The southernmost part of the land has a narrow frontage to Silverstream Road.

The landform is rolling to steep and is dissected by a number of small permanently and intermittently flowing streams. The lower slopes are vegetated with a mix of mature forest, Gorse Weedland Mahoe, Forest, and Mahoe Shrubland. The upper slopes are predominantly exotic grassland.

The land has extensive views over the Wellington Harbour with its main visual aspect to the east.

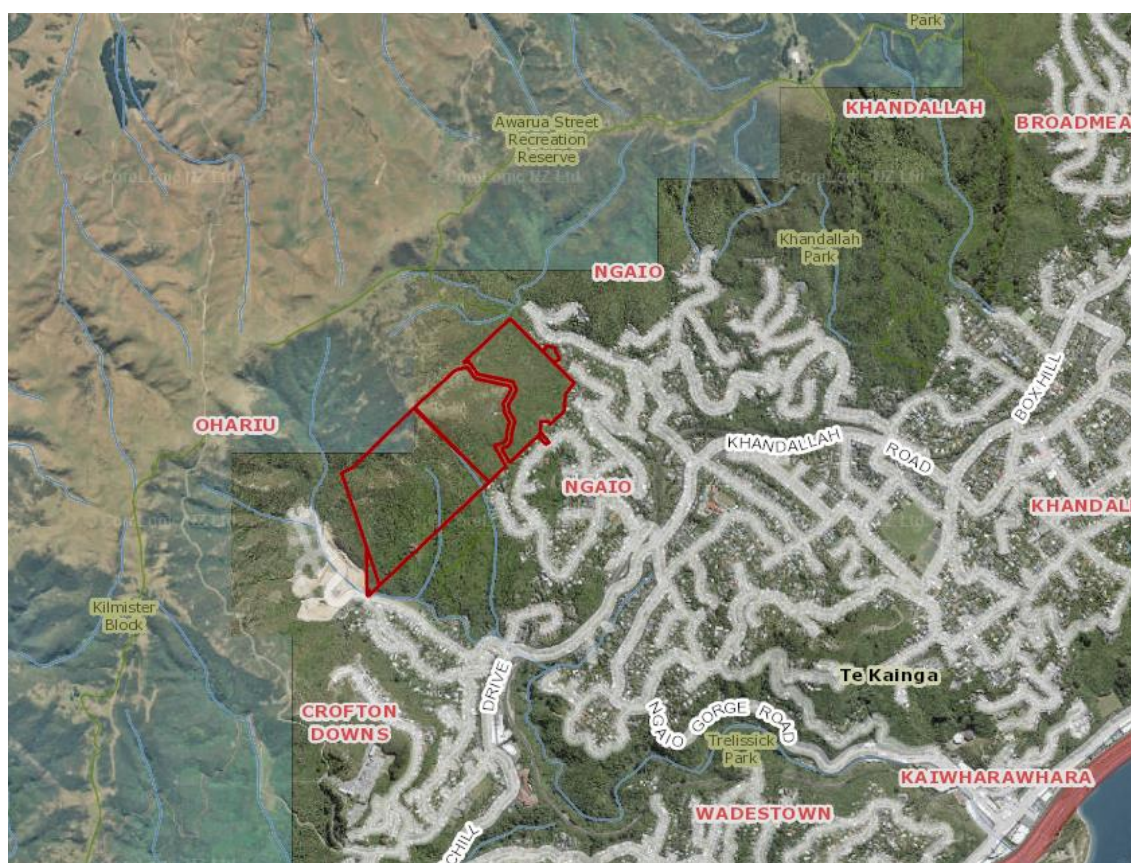


Figure 1 The subject land shown outlined in red.

3. SUBMISSION AND CHANGES SOUGHT

This submission has been prepared for the benefit of Wellington City Council and Kilmarston. Kilmarston generally **supports** the Proposed District Plan as it provides for an appropriate residential and open space outcome for the land. However, the proposed natural environment values will place restrictions on the future use and development of the

residential land within the Kilmarston block which will result in restrictive (potentially uncertain) development potential of the land for the following reasons:

1. Identification of the whole application site as being within a Special Amenity Landscapes (SCHED11) (**SAL**); and
2. Identification of the balance land as being within the Natural Open Space Zone without agreement being reached with the Submitter on the appropriate tenure of the land;
3. Failure to provide for infrastructure within the Natural Open Space Zone (i.e. Original reservoir that was included as part of the original zoning).

Kilmarston supports the Medium Density Residential zoning and Natural Open Space zoning on the balance land to the south-west, subject to an agreement being reached with the submitter on appropriate tenure. In the alternative, the Submitter seeks Large Lot Residential zoning and a small area of Medium Density Residential or equivalent zoning adjoining Silverstream Road in order to enable the Kilmarston subdivision.

Kilmarston **seek** the following general amendments to the PDP to better achieve the Purpose of the RMA:

- A. **Amendments to the planning maps to retain** the proposed Medium Density Residential Zone (**MRZ**) areas of the subject land and to **remove** the proposed Special Amenity Landscape (**SAL**) overlay from this area. Amendments to the proposed Significant Natural Area (**SNA**) also required to remove the overlay from Huntleigh Park Way (Road).
- B. **Amendments to the planning provisions to include** provisions for infrastructure to be permitted within the Natural Open Space Zone (**NOSZ**). This can be by proposed designation or appropriate zoning to provide for a reservoir.

Reasons:

The Submitters land has been identified for residential development for at least 25 years. The opportunity to complete important public linkages to areas that the public value (Crows Nest and Skyline Track for example) rest with an appropriate pattern of development for the land. Kilmarston remain willing to assist Council realise those opportunities. Planning restrictions (overlays) over parts of the land do not assist in providing a framework for appropriate subdivision and land use for the subject property. We acknowledge that the Regional Council support for a change of land use has been reflected in the Proposed District Plan with the SNA overlay, but this is not reflected in the proposed SAL overlay, creating a potential barrier to giving effect to both the proposed Medium Density Residential Zone of the Proposed District Plan and National Policy Statement for Urban Development. It is not an effective use of the land resource to provide for a few rural residential properties on an area of land (over 15ha) that has been zoned for residential development. In terms of infrastructure to service the proposed MRZ of the Submitters land, and also the wider Ngaio area, provisions need to be made to support a reservoir located in the NOSZ.

In the alternative:

- C. If agreement cannot be reached with Council on appropriate tenure for the land currently identified as MRZ, then **the Submitter seeks Large Lot Residential for the remaining land and a portion of land** comprising some 5,500m² next to Silverstream Road as Medium Density Residential Zone. The reason for requesting an alternative approach to the balance land is because it is not appropriate to zone

private land for what is essentially a public work (Reserve).

- D. Without limiting the general support in A, the specific amendments to the PDP sought by the Submitter are as follows:

Plan Provision	Support/ Oppose	Reason	Relief Sought
PART 2 – DISTRICT WIDE MATTERS – Strategic Direction: Natural Environment – NE-O3¹	Support	It is important for Council to provide appropriate open space connections across the city where enabling residential development of the Submitters land will contribute to creating these connections. The open space zone provisions are also considered adequate for managing land identified as SAL as these objectives are closely aligned.	<i>Retain the objectives as proposed.</i> <i>Remove the SAL overlay from the proposed MDRZ area.</i> <i>Retain the SAL overlay over the Natural Open Space Zone, subject to agreement on appropriate tenure.</i>
PART 2 – DISTRICT WIDE MATTERS – Strategic Direction – Capital City: CC-O2 and CC-O3²	Support	Council has correctly identified the residential area of the land as an appropriate location to deliver urban intensification which will build on the existing urban form with quality developments.	<i>Retain the objectives as proposed.</i> <i>Amend the SAL overlay from the proposed medium density residential zone identified on the land to avoid restrictive and uncertain development potential of the land.</i>
Part 2 – DISTRICT WIDE MATTERS – Strategic Direction: UFD01, UFD-O3 to UFD-O4, UFD-O6 to UFD-O7³	Support	It is important that Council encourages development that will support a more compact City.	<i>Retain the objectives as proposed.</i>

¹ NE-O3: The City retains an extensive open space network across the City that: 1. Is easily accessible; 2. Connects the urban and natural environment; 3. Supports ecological, cultural, and landscape values; and 4. Meets the needs of anticipated future growth.

² CC-O2: Wellington City is a well-functioning Capital City where... 4. Urban intensification is delivered in appropriate locations and in a manner that meets the needs of current and future generations.

CC-O3: Development is consistent with and supports the achievement of the following strategic city objectives... 1. Compact: Wellington builds on its existing urban form with quality development in the right locations.

³ UFD-O1 - Wellington's compact urban form is maintained with the majority of urban development located within the City Centre, in and around Centres, and along major public transport corridors.

UFD-O3 - Medium to high density housing developments are located in areas that are: 1. Connected to the transport network and served by multi-modal transport options; or 2. Within or near a Centre Zone or other area with many employment opportunities; and 3. Served by public open space and other social infrastructure.

UFD-O4 - In order to achieve sufficient, feasible land development capacity to meet expected housing demand, the following housing bottom lines below are to be met or exceeded in the short medium and long term in Wellington City as contained in the Wellington Regional Housing and Business Capacity Assessment (Housing Update 2022).

UFD-O6 - A variety of housing types, sizes and tenures, including supported residential care, and papakainga options, are available across the City to meet the community's diverse social, cultural, and economic housing needs.

UFD-O7 - Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing.

		Development within the MDRZ area of the Submitters land can contribute to the existing urban form, providing land resources that can facilitate quality development. However, the proposed SAL overlay which the MRZ area that the land is subject to will restrict the potential medium density development of the land. Similar to the proposed SNA mapping of the land, the SAL overlay should not include the proposed MRZ area of the Submitters land.	<i>Update SCHED11 to remove the MRZ area of the land from the SAL overlay.</i>
Part 2 – DISTRICT WIDE MATTERS –Strategic City Assets and Infrastructure: SCA-O1 to SCA-O3, SCA-O5 to SCA-O6⁴	Support	It is important for Council to make provision for new urban development where it can be serviced by appropriate and necessary infrastructure. The residential area of the land will be well connected to transport networks, pedestrian facilities, public open space and other social infrastructure.	<i>Retain the objectives proposed.</i> <i>Update SCHED11 to remove the MRZ area of the land from the SAL overlay.</i>
Part 2 – DISTRICT WIDE MATTERS – Natural Environment Values: ECO-O1 to ECO-O4⁵	Support in part	It is important that Council identified SNAs within the City in order to protect and maintain the remaining areas of indigenous biodiversity. However, this should not	<i>Retain objectives proposed.</i> <i>Amend SNA mapping to exclude paper road identified as Huntleigh Park Way</i>

⁴ SCA-O1: Infrastructure is established, operated, maintained, and upgraded in Wellington City so that: 1. The social, economic, cultural, and environmental benefits of this infrastructure are recognised; 2. The City is able to function safely, efficiently and effectively; 3. The infrastructure network is resilient in the long term; and 4. Future growth and development is enabled and can be sufficiently serviced.

SCA-O2: New urban development occurs in locations that are supported by sufficient development infrastructure capacity, or where this is not the case the development: 1. Can meet the development infrastructure costs associated with the development, and 2. Supports a significant increase in development capacity for the City.

SCA-O3: Additional infrastructure is incorporated into new urban developments of a nature and scale that supports Strategic Objective UFD-O6 or provides significant benefits at a regional or national scale.

SCA-O5: The adverse effects of infrastructure are managed having regard to the economic, social, environmental and cultural benefits, and the technical and operational needs of infrastructure.

SCA-O6: Infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects.

⁵ ECO-O1: Significant Natural Areas are protected from inappropriate subdivision, use and development and where appropriate, restored.

ECO-O2: Significant Natural Areas within the coastal environment are protected.

ECO-O3: Significant Natural Areas are protected from the adverse effects of plantation forestry activities.

ECO-O4: Significant Natural Areas are maintained or restored by mana whenua in accordance with kaitiakitanga.

		include areas earmarked for public access and roads. The Submitter accepts the overlay being clipped to the proposed MRZ areas of their land, but not over the paper road and parts of the access.	
PART 2 – DISTRICT-WIDE MATTERS – Natural Environment Values - Natural Features and Landscapes – NFL-O2 and NFL-P3⁶	Oppose in part	<p>The submitter agrees that appropriate subdivision, use and development in areas identified as SAL should be managed to maintain and enhance amenity values.</p> <p>The Submitter also agrees that <i>Mount Kaukau</i> and the <i>Outer Green Belt Special Amenity Landscape</i> are Special Amenity Landscapes. However, the submitter believes that the MDRZ area of the land should not be included in this SAL mapping. By including the MDRZ land within the SAL overlay, it restricts the land from being efficiently utilized for medium density residential development. Furthermore, the zoning layout has principal support from GWRC both in terms of policy direction (i.e. Policy 27) and the consented layout.</p> <p>The landscape identified to be ‘<i>distinctive and widely recognised by the community for the contribution to the amenity and quality of the environment</i>’ is predominantly located within the balance land which includes Crows Nest and the Skyline Walkway Trailhead.</p>	<p><i>Retain objectives and policies proposed.</i></p> <p><i>Update SCHED11 to remove the MRZ area of the land from the SAL overlay.</i></p>

⁶ NFL-O2: Special amenity landscapes: The characteristics and values of special amenity landscapes are maintained and, where practicable, enhanced.

NFL-P3: Use and development in special amenity landscapes outside the coastal environment

Provide for use and development within special amenity landscapes outside the coastal environment where: 1. Any adverse effects on the identified values can be avoided, remedied or mitigated; and 2. The scale of the activity maintains the identified landscape values and characteristics.

PART 2 – DISTRICT-WIDE MATTERS – Natural Environment Values - Natural Features and Landscapes – Standards – NFL-R11 and NFL-S1⁷	Oppose in part	<p>This rule requires buildings and structures within the SLA overlay to be no more than 8m in height. The MRZ height restriction is 11m. The proposed MRZ over the Submitters land is appropriate to support the strategic direction of the PDP. However, there is a conflict between these provisions and the SAL overlay provisions which make residential development on this land restrictive and adds uncertainty.</p> <p>The proposed standard will be better aligned to manage activities over the proposed NOSZ that the balance land is subject to.</p>	<p><i>Update SCHED11 overlay to remove the MRZ area of the land from the SAL Overlay.</i></p> <p><i>Retain proposed standard for balance land that is identified to be within NOSZ.</i></p>
PART 3 – AREA-SPECIFIC MATTERS – Zones – Residential – Medium Density Residential Zone: MRZ-O1 to MRZ-O3, MRZ-P1 to MRZ-P11 and MRZ-P15⁸.	Support in part	<p>The Submitter supports the appropriate Medium Density Residential Zoning of their land.</p> <p>To fully realise the objectives and policies of the proposed</p>	<p><i>Retain proposed objectives and policies.</i></p> <p><i>Update SCHED11 overlay to remove the MRZ area of the land from the SAL Overlay.</i></p>

⁷ NFL-R11: The construction of, alteration of and addition to, buildings and structures within special amenity landscapes
NFL-S1: Buildings and structures in special amenity landscapes. Buildings and structures within a special amenity landscape must not exceed a maximum height of 8m above ground level; and The exterior façade and roof must be finished in a colour that is contained within Groups A, B or C of BS5252 and that does not exceed a reflectance value of 30%. (Note: Some colours in Groups A, B or C of BS5252 have a reflectance value of over 30% and are therefore not compliant.) Assessment criteria where the standard is infringed: The degree to which the building or structure is integrated into the landform to limit its visibility by the wider community; and The degree to which landscape values and characteristics are impacted.

⁸ MRZ-O1: Purpose. The Medium Density Residential Zone provides for predominantly residential activities and a variety of housing types and sizes that respond to: 1. Housing needs and demand; and 2. The neighbourhood's planned urban built character, including 3 storey buildings.

MRZ-O2: Efficient use of land. Land within the Medium Density Residential Zone is used efficiently for residential development that: 1. Increases housing supply and choice; and 2. Contributes positively to a changing and well-functioning urban environment.

MRZ-O3: Healthy, safe, accessible and attractive environments. The Medium Density Residential Zone provides healthy, safe and accessible living environments with attractive and safe streets.

MRZ-P1: Enabled activities...Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone...

MRZ-P2: Housing supply and choice...

MRZ-P3: Housing needs...

MRZ-P4: Medium Density residential standards...

MRZ-P5: Developments not meeting permitted activity status...

MRZ-P6: Multi-unit housing...

MRZ-P8: Residential buildings and structures...

MRZ-P9: Permeable surface...

		zoning, the SAL overlay should be removed. This portion of the land has always been zoned for residential development, and this potential should be maintained as part of this planning process.	
PART 3 – AREA-SPECIFIC MATTERS – Zones – Open Space and Recreation - Natural Open Space Zone: NO SZ-O1, ON SZ-P4 and NO SZ – P5⁹	Oppose in part	The subdivision consent includes the location of a reservoir within the proposed NOSZ. These provisions limit the ability for the applicant to install a reservoir to service the site and the wider Ngaio area.	<p><i>Amend objectives and policies to include wording for appropriate infrastructure to be located within the NOSZ.</i></p> <p><i>Or</i></p> <p><i>Alternatively, carve out the area where reservoirs would be located and zone Residential.</i></p> <p><i>Or</i></p> <p><i>If WCC Asset Managers wish to have it designated then it should be included.</i></p>
PART 3 – AREA-SPECIFIC MATTERS – Zones – Open Space and Recreation - Natural Open Space Zone: NOSZ-O2¹⁰.	Support in part	It is important that proposed NOSZ is introduced to protect the recreational, natural, landscape and ecological values of the Open Space areas that the Submitter owns. The Submitter currently permits access onto his land for informal recreation by the public. The land holding provide informal connections from Ngaio to Crow's Nest and the Skyline Walkway—both of which are entirely	<p><i>Retain proposed Natural Open Space Zone on balance of the Submitters land being subject to agreement by WCC reached with Submitter on appropriate tenure of the land.</i></p> <p><i>Or</i></p> <p><i>Alternatively, the Submitter seeks the balance land to be a rezoned Large Lot Residential Zone (part Medium Density Residential Zone) or</i></p>

MRZ-P10: Vegetation and landscaping...

MRZ-P11: Attractive and safe streets and public open spaces...

MRZ-P15: Non-residential activities and buildings...

⁹NOSZ-O1: ...Enable activities that are compatible with the purpose, predominant character and amenity values of the Natural Open Space Zone, while ensuring that their scale and intensity is appropriate...

NOSZ-P4: Potentially compatible activities... Only allow other activities to establish where it can be demonstrated that they are compatible with the purpose, character and amenity values of the Zone...2. They support or are complementary to informal recreation activities, or there is a functional need for a location at that site;

NOSZ-P5: ...Enable buildings and structures that are small in scale and ancillary to informal recreation or conservation activities, while ensuring that an overall predominance of open space is retained...-

¹⁰ NOSZ-O2: Managing effects. Adverse effects of activities undertaken in the Natural Open Space Zone at the zone interface and surrounding area are managed effectively.

		located within the proposed NOSZ. The proposed SAL provisions will be consistent with the NOSZ provisions which can better deal to the formation of access and buildings and structures to facilitate informal recreation activities. The Submitter considers this zoning on the balance of the Submitters land acceptable, subject to agreement being reached by WCC with Submitter on the appropriate tenure of the land. In the alternative, submitter seeks Large Lot Residential Zone or Equivalent in order to enable the underlying Cuttriss subdivision plan.	<i>equivalent, to enable subdivision consent.</i>
PART 2- DISTRICT-WIDE MATTERS- GENERAL DISTRICT-WIDE MATTERS – Earthworks	Support	It is important that earthworks are managed to minimise adverse effects.	<i>Retain proposed objectives and policies</i>
PART 2- DISTRICT-WIDE MATTERS- GENERAL DISTRICT-WIDE MATTERS- Earthworks: EW-P14; EW-R13; EW-S13¹¹	Support in part	The MRZ area of the Submitters land will be subject to another layer of restrictions for earthworks to facilitate the proposed residential development of the site.	<i>Update SCHED11 overlay to remove the MRZ area of the land from the SAL Overlay. Retain proposed objectives and policies, rules and standards.</i>

¹¹ EW-P14: Earthworks within special amenity landscapes. Manage earthworks within identified special amenity landscapes as follows: 1. Provide for earthworks within special amenity landscapes outside the coastal environment only where: a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids, remedies or mitigates any adverse effects on the identified values of the special amenity landscape. 2. Provide for earthworks within special amenity landscapes within the coastal environment only where: a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids any significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the special amenity landscape. 3. Require earthworks within special amenity landscapes to incorporate measures that: a. Restore or rehabilitate disturbed areas; b. Minimise changes to the landform; and c. Recognise and provide for Tangata Whenua cultural and spiritual values and practices.

EW-R13: Earthworks within special amenity landscapes. Activity status: Permitted Where: a. Compliance is achieved with EW-S13; or b. Earthworks are for the maintenance or construction of farm tracks required for permitted rural activities; and c. Compliance is achieved with EW-S8.

EW-S13: Earthworks must not exceed: a. A maximum cut height or fill depth greater than 1.5m above ground level measured vertically; and b. the following within any 5-year period:...ii. 200m² in total area per site within identified special amenity landscapes;...

INDEPENDENT HEARINGS PANEL RECOMMENDATIONS

Wellington City Council

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Recommendations of Independent Commissioners

Hearing Stream 8

Report 8

**Coastal Environment
Natural Character
Public Access
Natural Features and Landscapes**

Commissioners

**Trevor Robinson (Chair)
Elizabeth Burge
Lindsay Daysh
Heike Lutz**

Table of Contents

1.	INTRODUCTION	1
1.1	Topics of Hearing	1
1.2	Statutory Background	1
1.3	Hearing Arrangements	2
2.	COASTAL ENVIRONMENT:	6
2.1	Introduction and Overview	6
2.2	General Submissions and Definitions	7
2.3	Coastal Environment Overlay	10
2.4	Schedule 12 Schedule 12 - High Coastal Natural Character Areas	16
2.5	Coastal Environment chapter – Introduction	18
2.6	Coastal Environment – New Provisions	21
2.7	Coastal Environment – Objectives	21
2.8	Coastal Environment – Policies	27
2.9	Coastal Environment – Rules	49
2.10	Coastal Environment Standards	73
3.	NATURAL CHARACTER	77
3.1	Background	77
3.2	General Submissions	77
3.3	Definitions	82
3.4	Objectives	83
3.5	Policies	84
3.6	Rules	88
4.	PUBLIC ACCESS	91
4.1	Background:	91
4.2	General Submissions	92
4.3	Objectives	93
4.4	Policies	95
4.5	Minor and inconsequential amendments	97
5.	NATURAL FEATURES AND LANDSCAPES	97
5.1	Background	97
5.2	General Submission Points	98
5.3	Definitions	99
5.4	Mapping Overlays	100
5.5	Natural Features and Landscapes Chapter Introduction	105
5.6	Ridgelines and Hilltops	107
5.7	Outer Green Belt	110

5.8	Objectives.....	112
5.9	Policies	115
5.10	Rules	123
5.11	Standards	131
5.12	Schedule 10 – Outstanding Natural Features and Landscapes	133
5.13	Schedule 11 – Special Amenity Landscapes.....	136
6.	CONCLUSIONS	137

1. INTRODUCTION

1.1 Topics of Hearing

1. This Report addresses the matters heard as part of Stream 8 of the PDP process.
2. The Stream 8 hearing considered a number of Overlay Chapters, as follows:
 - (a) Coastal Environment (including associated Schedule 12 – High Coastal Natural Character Areas);
 - (b) Natural Character;
 - (c) Public Access;
 - (d) Natural Features and Landscapes (including associated Schedule 10 – Outstanding Natural Features and Landscapes and Schedule 11 – Special Amenity Landscapes).
3. Mr Jamie Sirl was the Council Reporting Officer on the first three of these chapters. Ms Hannah van Haren-Giles was the Reporting Officer on the Natural Features and Landscapes Chapter.
4. Mr Sirl prepared a single Section 42A Report on all hearing topics for which he was responsible. Ms van Haren-Giles prepared a separate Section 42A Report in relation to the Natural Features and Landscapes Chapter.
5. Each hearing topic is addressed in a separate section of our report. Each section generally follows the structure of the relevant Section 42A Report.

1.2 Statutory Background

6. The topics before us were heard pursuant to Part 1 of the First Schedule to the RMA. We refer readers to Report 1A for a discussion of the background to this Report, noting that matters discussed in Report 1A specific to the Intensification Streamlined Planning Process (**ISPP**) are not relevant to this hearing stream. In particular, Report 1A sets out relevant background on:
 - (a) Appointment of Commissioners;
 - (b) Notification and submissions;

- (c) Procedural directions;
- (d) Conflict management;
- (e) General approach taken in Reports; and
- (f) Abbreviations used.

7. As foreshadowed in Report 1A, we have adopted an exceptions approach to the matters before us, focussing principally on matters put in contention by the parties who appeared before us, and aspects of the relevant Section 42A Reports we felt required closer examination. If we have not addressed a submission point in our Report, it is because we agree with the recommendation of the relevant Section 42A Reporting Officer.
8. Report 1B, which addresses strategic objectives, together with the Council's decisions on our recommendations in that Report, also provides relevant background to this Report.
9. The content of the Coastal Environment chapter means that the New Zealand Coastal Policy Statement 2010 (**NZCPS**) assumes particular importance in that context. We discuss the provisions of the NZCPS that are relevant to the issues we had to address in the Report that follows.

1.3 Hearing Arrangements

10. The Commissioners who sat on Hearing Stream 8 were:
 - (a) Trevor Robinson (Barrister) as Chair;
 - (b) Elizabeth Burge (Planner);
 - (c) Lindsay Daysh (Planner);
 - (d) Heike Lutz (Building Conservation Consultant).
11. The Stream 8 hearing commenced on 29 April 2024. We sat for four days of that week, with the hearing concluding approximately mid-day on 2 May 2024.
12. Over the course of the hearing, we heard from the following parties:
 - (a) For Council:
 - Clive Anstey (Landscape);

- Jamie Sirl (Planning);
- Hannah van Haren-Giles (Planning).

(b) For Tyers Stream Group¹:

- Neil Deans.

(c) For Parkvale Road Limited²:

- Mitch Lewandowski (Planning);
- David Compton-Moen (Urban Design, Landscape and Visual Amenity);
- John Thompson.

(d) For WCC Environmental Reference Group³:

- Michelle Rush.

(e) For Glenside Progressive Association Inc⁴:

- Barry Blackett.

(f) John Tiley⁵.

(g) For Guardians of the Bays Inc⁶:

- Yvonne Weeber.

(h) Barry Insull⁷.

(i) Dr Brent Layton⁸.

(j) Kilmarston Developments Limited and Kilmarston Properties Limited⁹:

- Morgan Slyfield (Counsel);
- Milcah Xkenjik (Planning).

(k) Andy Foster¹⁰.

¹ Submission #221

² Submission #298

³ Submission #377

⁴ Submission #374

⁵ Submission #142

⁶ Submission #452, Further Submission #32

⁷ Submission #32

⁸ Submission #164

⁹ Submission #290

¹⁰ Further Submission #86

(l) Meridian Energy Limited (**Meridian**)¹¹:

- Andrew Feierabend;
- Christine Foster (Planning).

(m) Wellington International Airport Limited (**WIAL**)¹²:

- Amanda Dewar (Counsel);
- Jo Lester;
- Kirsty O'Sullivan (Planning).

(n) For Horokiwi Quarry Limited¹³:

- Pauline Whitney (Planning);
- Shannon Bray (Landscape);
- Ross Baker.

13. We also received a tabled statement of evidence from Michael Brown on behalf of KiwiRail Holdings Limited¹⁴.

14. We note that when she appeared for WIAL, Ms Lester tabled a series of photographs of the coastal margins immediately to the south and south-east of the Airport. We accepted this additional material as being helpful for our understanding of that area.

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

(a) Horokiwi Quarry Limited: At our request, Mr Bray provided us with an additional set of cross sections showing both the Coastal Environment boundary now sought by the submitter, and the boundary that was originally sought in its submission;

(b) Parkvale Road Limited: Again at our request, Mr Compton-Moen provided us with additional plans showing varied Zone boundaries now sought by the submitter and contour elevations on the site;

¹¹ Submission #228, Further Submission #101

¹² Submission #406, Further Submission #36

¹³ Submission #271, Further Submission #28

¹⁴ Submission #408

- (c) WIAL: Pursuant to leave we gave at the hearing, Ms O'Sullivan provided us with additional commentary on the Reporting Officer's recommended amendments to CE-R5 and R6.
16. We note also that on the afternoon of 29 April 2024 we undertook a site visit as follows:
- (a) We travelled to elevated locations on the Horokiwi Quarry site accompanied by Mr Sirl, Mr Baker, and one of Mr Baker's colleagues, in order to view the different options for location of the coastal environment boundary east and west of the active Quarry area;
 - (b) We walked up a pathway at 16 Patna Street in order to get a sense of the Kilmarston site; and
 - (c) We drove up to the entranceway for 173 and 175 Parkvale Road, and then walked up to a vantage point not quite at the connection to the Skyline Track, in order that we could view the Parkvale Road site from above. We then viewed the Parkvale Road site from vantage points on the opposite side of the Karori Valley (in Campbell Street, opposite Benburn Park, and in Croydon Street, below its intersection with Versailles Street).
17. The Council provided us with a detailed Reply on 7 June that included a statement of evidence from Mr Anstey.
18. Subsequently, Mr Insull provided the Hearing Administrator with a commentary taking issue with Mr Sirl's Reply. The Hearing Procedures we established in Minute 1 do not allow for any submitter to provide input after the Council has formally replied. To the contrary, paragraph 101 recorded that that the Hearings Panel would not receive any further comment from submitters on matters the subject of hearing without the Chair's specific approval. The reason for this is obvious. We have to draw a line after each hearing. Otherwise, the hearing process would never be completed.
19. Mr Insull's further contribution criticised Mr Sirl for not addressing what Mr Insull identified as errors and misstatements in the Summary of Submissions of how his submission was summarised. This fails to take account of the fact that what we asked Mr Sirl to do, was advise in his Reply whether his consideration of the clarification Mr Insull provided of what he was seeking indicated that amendments were required to the provisions of the PDP. Mr Sirl has done that.

20. While it is important that we understand correctly what relief was sought in Mr Insull's submission, our primary focus is on whether and how the PDP should be changed in response to his submission. We have taken Mr Insull's comments about the first question on board. His comments do not address the latter question and thus we do not consider that his commentary needs to be entered into the hearing record, or be the subject of a formal response from Council.

2. COASTAL ENVIRONMENT:

2.1 Introduction and Overview

21. This section of this report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and maps as they apply to the Coastal Environment Chapter.

22. The introduction to the chapter, as Mr Sirl recommended it be amended, states that:

Wellington City's coastline extends for over 100 ~~kilometers~~ kilometres. The western and southern parts of this coastline are largely undeveloped. Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. Parts of the rural environment above the coastal escarpments have been modified by development. ~~At the same time~~ the urban areas of the coastal environment have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with residential and commercial development having modified the natural character throughout this area. Similarly, the 'Moa Point Road Seawall Area', as shown on the ePlan mapping, is another area where the natural character of the coast has been heavily modified by the existing hard engineering natural hazard mitigation structures that protect the Airport, road and network utilities located in this area. There has also been development of large scale infrastructure within the coastal environment, such as wind turbines, quarries, the National Grid, roads and other built facilities.

23. The reporting officer was Mr Jamie Sirl who advised that there were 231 submission points and 66 further submission points received on the provisions relating to the Coastal Environment, and 21 submission points and 10 further submission points on the High Coastal Natural Character Areas - Schedule 12 and mapping.

2.2 General Submissions and Definitions

General Submissions

24. Firstly, we acknowledge that Yvonne Weeber¹⁵ sought to retain the chapter as notified.
25. Forest and Bird¹⁶ submitted that all provisions in zones still have to give effect to the requirements of the Act and national direction, including the NZCPS. Any exemptions from those requirements are opposed. It sought to amend all zones to remove any exemptions to requirements of national direction instruments, particularly the NZCPS.
26. We note that Mr Sirl advised that he considered that the PDP, as an integrated plan, gives effect to national direction including the NZCPS throughout the various area specific (e.g. zone) and district-wide (e.g. overlay) provisions in the Plan. In his opinion, it is not necessarily a matter of a specific provision being tested in isolation of the wider plan framework as to whether that provision gives adequate effect to higher order direction. We agree with this approach, but note that overall, the chapter has been the subject of much change to provide for greater consistency and direction.
27. Forest and Bird¹⁷ also sought to amend all rules to refer to all areas of 'natural character', not only areas of 'high natural character'.
28. We agree with Mr Sirl, who considered that extending the Coastal Environment rules that apply to High Coastal Natural Character Areas to apply to the entire Coastal Environment would unnecessarily constrain the use of land resource outside of those areas identified as having high natural character. It is not necessary to preserve the natural character values in those parts of the Coastal Environment which are already highly modified and more resilient to change.
29. WIAL¹⁸ sought that the Coastal Environment chapter and the associated infrastructure related provisions within the chapter should be reworked to focus on effects that specifically relate to the Coastal Environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.

¹⁵ Submission #340.19

¹⁶ Submission #345.383

¹⁷ Submission #345.290, opposed by WIAL FS36.82, and Meridian FS101.148

¹⁸ Submission #406.289

30. WIAL¹⁹ also submitted that the relationship and consenting pathway for activities within the Coastal Environment (insofar as they relate to activities undertaken within the Airport Zone) be enabled, streamlined, and reflective of the existing environment.
31. Further, WIAL²⁰ sought that the Coastal Environment chapter is amended to give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.
32. These were consistent submission points, and a number of changes have been made to the chapter including to make specific reference to the Coastal Environment near the airport. These changes are outlined under the individual provisions for the chapter.
33. Yvonne Weeber²¹ sought that mining and quarrying activities within the Coastal Environment are not permitted. We note that this is tightly controlled through either the Quarry Zone provisions that may apply or through a likely significant assessment as part of a resource consent process.
34. GWRC²² sought the mapping of natural character ratings at all levels (low, moderate, high) at the wider area scale in Schedule 12, as undertaken in the 2016 Boffa Miskell natural character assessment²³. It considered the primary function of mapping area scale natural character ratings (low – high) in the PDP is to ensure applicants do not have to undertake this work as part of applications for resource consent, to give effect to NZCPS Policy 13(1)(b). It also considered that it would not be efficient or effective to require applicants for resource consent to undertake this step as part of a consent process, especially when the work has already been commissioned by WCC, presumably to be included in the PDP. It suggested that mapping the full range of natural character areas in the PDP also provides more certainty to applicants/developers on areas that are more suitable/less suitable for development based on an improved understanding of the natural character values present.
35. As with Mr Sirl, we do not agree that inclusion of all the Coastal Terrestrial Areas in Schedule 12 and associated mapping of the Coastal Terrestrial Areas (as High Coastal Natural Character Areas or simply as areas with some degree of natural

¹⁹ Submission #406.288

²⁰ Submission #406.290

²¹ Submissions #340.21 and 340.22, opposed by Horokiwi Quarries FS28.12]

²² Submissions #351.26, 351.32 and 351.33

²³ Boffa Miskell Ltd Wellington City and Hutt City Coastal Natural Character Assessment 12 May 2016

character such as those with a very low to moderate overall natural character rating) is necessary. We also consider that to be an inefficient approach that would be confusing for plan users.

36. Mr Sirl also carried out an analysis of alternate options and concluded that the introduction of a new appendix and Section 88 information requirements for specific rules relating to High Coastal Natural Character Areas and coastal and riparian margins will result in a more effective Plan with respect to the protection of natural character of the Coastal Environment, and also result in a more efficient approach to the Plan's requirements for consideration of natural character. We note that we did not have any supporting evidence from GWRC in support of its submissions.
37. Poneke Architects²⁴ considered that the Coastal Environment provisions are too broad and will effectively stop development in Wellington. Council interpreted their submission as seeking the deletion of the chapter in its entirety.
38. Mr Sirl explained that in simple terms, the Plan achieves the protection of areas of greatest remaining natural character within the Coastal Environment by defining the coastal margin area and riparian margins within the Coastal Environment and the identification and mapping of High Coastal Natural Character Areas, and associated plan provisions. Outside of these areas, the PDP relies on the underlying zone rules with respect to maintaining natural character. We agree, noting that the identification of the Coastal Environment is required under Sections 6 and 7 of the RMA, the NZCPS, the National Planning Standards and the RPS (Policy 4).

Definitions

39. CentrePort Limited²⁵ sought to retain the definition of Coastal Environment as notified.
40. Transpower²⁶ sought that the definition of Coastal Margin is amended to clearly define the Coastal Margin boundary, and clearly identify it on the planning maps. CentrePort Limited²⁷ sought to retain the definition of Coastal Margin as notified.
41. In his Section 42A Report, Mr Sirl considered that the definition of the Coastal Margin Area and the ancillary diagram is clear as it is. However, he agreed that mapping of

²⁴ Submission #292.4

²⁵ Submission #402.5, opposed by WIAL FS36.15 and Transpower FS315.18

²⁶ Submission #315.19 supported by WIAL FS36.17

²⁷ Submission #402.7

the Coastal Margin would improve ease of interpretation and application of the provisions relating to the Coastal Margin and recommended that the District Plan mapping be amended to include the Coastal Margin Area consistent with the definition in the PDP.

42. On a related matter there was some discussion at the hearing on the matter of whether mapping of the Coastal Margin Area is appropriate due to the dynamic nature of Mean High Water Springs. This was in response to WIAL's submissions relating to the airport environs (the Moa Point Road Seawall Area). In his Reply, Mr Sirl²⁸ agreed with Ms O'Sullivan who advised that the certainty achieved by mapping is preferable compared to reliance on the definition. The matter of whether the definition or mapped area takes precedence was also raised during the hearing. In Mr Sirl's view, the mapped area is intended to determine how the rules of the Plan apply and consequently takes precedence. To avoid any misapplication of the definition Mr Sirl recommended the following revision to the definition of Coastal Margin Area:

means all land within a horizontal distance of 10 metres landward from the coastal marine area as mapped within the District Plan.

43. While we can see the benefit of mapping, we consider that producing such a map at this stage in the process and without any other party being able to comment on the specifics has unacceptable natural justice implications. We do not recommend that change, but we suggest Council consider this at some future stage.

2.3 Coastal Environment Overlay

44. Aggregate and Quarry Association²⁹ considered that the Coastal Environment overlay is a barrier to new or expanding quarries near State Highway 2, which runs along much of the available rocks of the Wellington fault. Consequently, it sought amendments to the overlay to remove overlap with the Special Purpose Quarry Zone and to enable access to aggregate.
45. Horokiwi Quarries Ltd³⁰ opposed parts of the Coastal Environment Overlay as it relates to part of the existing Horokiwi quarry site. It sought that the boundary of the Coastal Environment overlay be amended to reflect the nature of the existing quarrying activities undertaken and the modified nature of the environment.

²⁸ Reply paragraph 65

²⁹ Submissions #303.7 and 303.8

³⁰ Submissions #271.10, 271.11, and 271.42

46. In his Section 42A Report, Mr Sirl disagreed with these submissions based on the evidence of Council's natural character adviser, Mr Anstey, who was of the view that the boundary of the Coastal Environment overlay should stay in its current position.
47. We understand that Mr Anstey had met with the landscape architect for Horokiwi Quarries, Mr Shannon Bray who had an alternative approach to establishing the boundary of the Coastal Environment. In his evidence, Mr Anstey³¹ was of the view that:

The Horokiwi Quarry is located above the escarpment on the Western Hills above Wellington Harbour. The boundary of the Coastal Environment along the Western Hills is consistent in its relationship to the existing topography except where it crosses the Quarry site. Here the landform has been radically altered; former ridges and hilltops have been removed by quarrying activities. The boundary on the mapped overlay is therefore an approximation of where the boundary would once have been. In my opinion this approximation is acceptable in being consistent with the methodology as well as the broader landform patterns of the harbours Western Hills.

Mr Bray adopts an alternative approach to establishing the boundary of the Coastal Environment. Mr Bray argues that the Coastal Environment boundary should be defined on the basis of values rather than topography, and that to qualify as 'Coastal Environment' the area should have significant Biotic, Abiotic, and Experiential values. Mr Bray assesses all values within the quarried area of the Coastal Environment (as currently shown on the PDP overlay) as low and proposes that the boundary be moved to include only areas with significant Natural Character values; to the boundary of existing workings at the top of the coastal escarpment, the upper boundary of indigenous forest regeneration on the coastal escarpment.

48. In evidence Mr Bray³² was of the view that:

Mr Anstey indicates that across the quarry, which has resulted in excavation of the land for over 90 years, the CE line has been mapped by Council in approximation of where the topography once was. I don't agree with such a method – there is no current (or indeed realistic) proposal to reinstate the site to its historical contours, therefore the landscape needs to be considered as it presents today. However, even if such historical contours were estimated, it remains apparent based on the topography east and west that there would have been several ridgeline peaks within the landform, none providing an obvious first-ridgeline location for the CE line.

³¹ Evidence of Clive Anstey paragraphs 42 and 43

³² Evidence of Shannon Bray Paragraph 32

49. Further, in his summary statement for the hearing³³ Mr Bray discussed the uncertainty around the demarcation boundary for where the Coastal Environment existed in other locations and referenced our questions of Council experts in respect of Kilbirnie Town Centre that is considerably away from the coast as we now know it. He considered that the Coastal Environment boundary in respect of Horokiwi was not in that situation. He stated that:

But Horokiwi is none of these situations. It sits behind a clear, defined ridgeline, and when you are within the working quarry behind this line there is little evidence of being near the coast. The activity of the quarry is all consuming, and its impacts have changed its landscape values. This hasn't happened recently – it's been operating for 90 years, and it will continue to operate beyond the life of this District Plan.

50. In that written statement, Mr Bray³⁴ also commented on Mr Anstey's view that time was irrelevant – that 100 years ago Kilbirnie was a swamp and the coastal processes that created it remain evident. He referenced his experiences with Te Mata Peak in Hawkes Bay some 400 metres above sea level and 6 km from the coast:

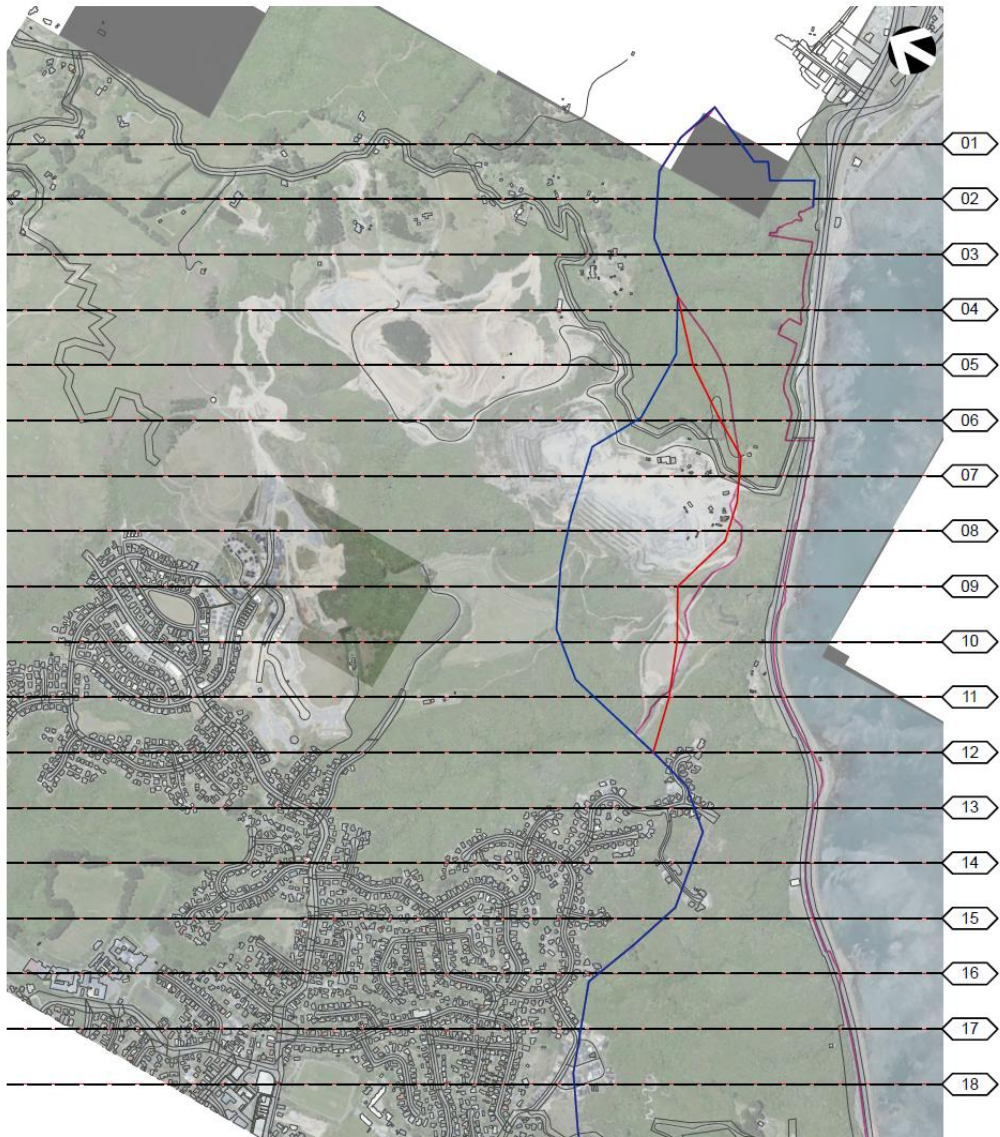
.... But this is not a coastal environment – it once was, but time has altered it.

This will happen at Horokiwi. As I set out in my evidence, it was once in the CE, but time – and activity – has changed this. It will likely change again sometime long in the future. These changes may mean it returns to the coastal environment in the future. District Plans, policies, and lines on a map change and adapt. This is why we need to fundamentally come back to values.

51. We requested Mr Bray provide us with his preferred Coastal Environment boundary and this was received shortly after the hearing concluded. We also visited the Horokiwi Quarry and were able to view the operations and the surrounding area.
52. Mr Bray's plan below showed the Coastal Environment as notified with his recommended boundary of the Coastal Environment at the first ridge.

³³ Opening Statement of Shannon Bray Page 2 paragraphs 3 and 4

³⁴ At Page 2 paragraphs 5 and 6



1 SITE PLAN
Scale: 1:20000

KEY

- Council proposed Coastal environment boundary
- Recommended Coastal environment boundary
- Previous Recommended Coastal environment boundary

53. Having initially supported the notified Coastal Environment boundary (purple), Mr Anstey³⁵ accepted that the working quarry area should not be included. Mr Anstey also included an Appendix that showed a revised boundary and explained:

A revised boundary would need to join the Boffa Miskell Boundary in a manner that respects the natural contours and contains the visual effects of earthworks as far as possible. The revised boundary I have drawn (Appendix A) attempts to satisfy the objectives outlined.

The proposed revised boundary essentially excludes the working area of the quarry from the coastal environment, as proposed by Mr Shannon Bray. This boundary is located to include unworked ground and naturally regenerating indigenous vegetation within the Coastal Environment. This will protect the integrity and visual coherence of the 'skyline' from public roads and public spaces.

54. In his Reply, Mr Sirl³⁶ stated that Mr Anstey's response was that the Boffa Miskell Coastal Environment Boundary (shown in the PDP) had followed an imagined 'pre-cultural' ridgeline across the Horokiwi Quarry. Quarrying has removed a substantial area of land however, including the imagined ridgeline.
55. At the risk of appearing overly simplistic, we start from the premise, based on the approach stated by Boffa Miskell in its 2014 report³⁷, that the primary basis for identifying the inland boundary of the Coastal Environment is the first ridgeline. In areas where there is no obvious ridgeline, or where the first ridgeline is well inland, other factors play more of a role. That, however, is not the case in the vicinity of the Quarry. There is a reasonably clear ridgeline seaward of the actively quarried area that Mr Bray has identified. We consider that this, rather than any historical land formation, should guide the outcome, as Mr Anstey now accepts.
56. Clearly the degree of coastal influence might justify shifting from the first coastal ridgeline, and in that regard, Mr Bray was able to demonstrate a systematic and finer grained pragmatic identification of the Coastal Environment than did Mr Anstey. While they essentially agreed that the area of the active quarry should be excluded, the point in contention was how the boundary of the Coastal Environment within the quarry boundaries joined with the Coastal Environment boundary off-site. Mr Bray was also able to provide a preferred Coastal Environment boundary which both

³⁵ Reply of Clive Anstey paragraph 11

³⁶ Reply paragraph 11

³⁷ At 1.13

followed natural contours and met the notified Coastal Environment boundary at either end of the quarry site.

57. It follows that we prefer Mr Bray's position, and adopt the plan he tabled showing the appropriate boundary of the Coastal Environment in this area.
58. The outcome is a Coastal Environment boundary that varies from the zone boundary recommended in Report 6. We do not consider that problematic because they serve different purposes. Having said that, while the provisions of the Quarry Zone are enabling, the Coastal Environment Chapter also has specific provisions relating to existing, extended and new quarrying activities.
59. WIAL³⁸ was concerned that the complex relationship between the Coastal Environment, Infrastructure and Airport Zone provisions created an inefficient consenting pathway for airport and airport related activities. Consequently, it sought that the Coastal Environment Overlay is removed from the Airport Zone.
60. We received evidence from Ms O'Sullivan, the planner for WIAL, and we encouraged further discussions to be held on the issue of the seawalls that border the airport. We also asked through Minute 49 for Mr Sirl to consider:

How the area of NOSZ around the Airport margin intended to be treated the same way as the Airport Zone should be described, noting any consultation he has had on this point with Ms O'Sullivan

61. In his Reply, Mr Sirl stated³⁹:

I consider that the most effective and accurate way of identifying this area of the coastal margin is to include a mapped area in the ePlan, identified under the Map Layers and Legend in the ePlan maps. The area proposed is included in Appendix B. The term 'Moa Point Road Seawall Area' used as the title of the mapped area can then be used within the associated provisions. I note this approach is not uncommon, with the Plan's reference to the specific control 'non-residential activity frontage' being a term that is not defined, but is mapped. This approach will also reduce the text within rules that refer to this area making for a more user-friendly Plan. I note that there are consequential amendments to the NOSZ that will be required for consistency.

62. The map⁴⁰ defining the Moa Point Road Seawall Area reflected Mr Sirl's agreement with Ms Weeber and Ms O'Sullivan and addressed the concern Ms Weeber had

³⁸ Submissions #406.15, 406.16, 406.286, and 406.287 opposed by Guardians of the Bays Inc FS44.178 and FS44.179

³⁹ Sirl Reply paragraph 35

⁴⁰ Council Reply Appendix 2

expressed about the generality of the language WIAL had used in its submission. This flowed through to the detailed text of the CE chapter he recommended. The need for such text was canvassed in the subsequent wrap-up hearing, given Council's acceptance in Stream 9 that the seawall is 'infrastructure'. Mr Sirl's view was that it should be retained, because not all activities in the defined area will be infrastructure. We accept that reasoning and have approached the suggested text in that light.

2.4 Schedule 12 - High Coastal Natural Character Areas

63. Yvonne Weeber⁴¹ and Guardians of the Bays⁴² sought to retain the Lyall Bay connection between Te Raekaihau and Hue te Taka Peninsula/Moa Point in the schedule as notified while DoC⁴³ sought to retain the schedule as notified. These matters are noted.
64. Barry Insull⁴⁴ sought to amend the subtitle "*Sinclair Head*" to "*Sinclair Head/Te Rimurapa*". Mr Insull⁴⁵ also sought that the language in the Key Values for Coastal Cliffs East of Karori Stream Estuary be amended to remove mention of "*a historic habitat for*".
65. We agree with the first change, which Mr Sirl also supported. Mr Sirl advised after some research that reference to the Long Bay Beach Weevil in relation to the Coastal Cliffs East of Karori Stream Estuary should be replaced with Speargrass Weevil (*Lyperobius huttoni*). That research also supported identification of an historic habitat. We therefore recommend retention of that terminology, along with deletion of wording that confuses the matter.
66. John Tiley⁴⁶ and Churton Park Community Association⁴⁷ sought that the 18 identified ridgelines and hilltops (and Marshalls Ridge) are listed in either Schedule 11 or Schedule 12. We note that this area is a long way from the coast and would not be a candidate for a High Natural Character Area in Schedule 12. The categorisation of Marshalls Ridge is addressed further in Section 5 of our report below.

⁴¹ Submission #340.157

⁴² Submissions #452.104 and 452.105

⁴³ Submission #385.94

⁴⁴ Submission #32.24

⁴⁵ Submission #32.25

⁴⁶ Submission #142.31 opposed by Meridian FS101.190 and supported by Andy Foster FS86.34

⁴⁷ Submission #189.31, opposed by Meridian FS101.191

67. Forest and Bird⁴⁸ sought clarity in the relationship between the sections “*Relevant values under Policy 13 of the NZCPS*” and “*Key values*” for each identified area in the schedule. Forest and Bird⁴⁹ also sought that Schedule 12 be amended to include the values of each High and Very High Coastal Natural Character Areas to give effect to Policy 13 of the NZCPS.
68. We received no supporting evidence from Forest and Bird and agree with Mr Sirl that if the recommended amendments to Schedule 12 within this report are made, the Schedule is clear and easily understood with respect to the key values that contribute to the high character of the identified areas. However, Mr Sirl also recognised that there is a disconnect between the ‘key values’ in the Schedule and the wider values identified at the Coastal Terrestrial Area scale in the Coastal Natural Character Assessment, and that a plan user should consider this at a greater level of detail when considering the potential adverse effects of activities on the natural character in High Coastal Natural Character areas through the resource consenting process.
69. GWRC⁵⁰ sought to amend Schedule 12 that contains the areas identified in the 2016 Boffa Miskell coastal natural character assessment. It sought that:
- the title of the schedule is amended to refer to all coastal natural character areas rather than areas of high natural character in isolation⁵¹;
 - the schedule is amended to include natural character ratings at all levels (low, moderate, high) at the wider area scale, as undertaken in the 2016 Boffa Miskell coastal natural character assessment⁵²; and
 - to achieve CE-O1, the schedule be amended to map area scale natural character ratings identified in Boffa Miskell’s natural character assessment on the basis that the proposed mapping approach is not appropriate⁵³.
70. GWRC did not appear at the hearing to support what would be a potentially extensive series of changes to the plan. We agree with Mr Sirl that:

Policy 13.1.c. of the NZCPS requires only that ‘at least’ areas of high character are identified or mapped, whereas Policy 3 of the RPS specifically directs the protection of high natural character in the coastal environment in

⁴⁸ Submissions #345.417 and 345.418, opposed by Meridian FS101.192 and FS101.193

⁴⁹ Submission #345.419, opposed by Meridian FS101.194

⁵⁰ Submission #351.351, opposed by Meridian FS101.195

⁵¹ Submission #351.354, opposed by Meridian FS101.198

⁵² Submissions # 351.352, 351.353, opposed by Meridian FS101.196

⁵³ Submission #351.355, opposed by Meridian FS101.197

district and regional plans. I also note that Policy 23(a) of the NRP only requires identification of outstanding and high natural character in the coastal environment. It follows that it is not a requirement to map and identify values for areas of relatively low natural character, and that a District Plan (and Regional Plan for that matter) can use other methods to achieve the overall intent of higher order direction.

71. Terawhiti Station⁵⁴ sought to delete Ōteranga Head/Outlook Hill from the schedule as an area of High Coastal Natural Character and also sought⁵⁵ to delete Terawhiti/Ohau Point from the schedule as an area of High Coastal Natural Character.
72. We received no supporting evidence or comment from the submitter and so rely on the advice from Mr Anstey supporting the retention of Ōteranga Head/Outlook Hill and Terawhiti/Ohau Point in Schedule 12 as areas of High Coastal Natural Character.

2.5 Coastal Environment chapter – Introduction

73. CentrePort Limited⁵⁶ considered that there are Port Zone objectives and policies relevant to the Coastal Environment chapter and seeks to add a reference to the Port Zone in the Coastal Environment chapter introduction as follows:

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

74. Mr Sirl supported this change, as do we.
75. Meridian⁵⁷ considered that the text in the introduction describing Wellington's coastline is only partially accurate. It considered the description fails to acknowledge the presence of the turbines, roads and other built facilities in the West Wind and Mill Creek wind farms. It sought the following amendments:

Wellington City's coastline extends for over 100 ~~kilometers~~ kilometres. ~~The western and southern parts of this coastline are largely undeveloped.~~ Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. Many areas of Wellington's rural coastal environment are largely undeveloped (for example, the west-facing and south-facing escarpments adjacent to Raukawa Moana (Cook's Strait) west of Owhiro Bay). Parts of the rural environment above the coastal escarpments

⁵⁴ Submission # 411.30

⁵⁵ Submission #411.31

⁵⁶ Submissions #402.113 and 402.114

⁵⁷ Submissions #228.96, 228.97

have been modified by development (for example, by the establishment of the West Wind and Mill Creek wind farms which now form part of the existing environment). At the same time tThe urban areas of the coastal environment have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with and residential and commercial development having modified the natural character throughout this area.

76. We agree with Mr Sirl, who recommended adding a reference in the introduction to the chapter acknowledging the wind farms, but suggested a more succinct addition. We also agree with the correction of spelling and improved clarification sought by the submitter.
77. Meridian⁵⁸ supported commentary indicating that the rules for renewable electricity generation activities, structures and buildings would be wholly contained in the REG chapter. It considered that the standards listed for activities in the Coastal Environment are inappropriate for renewable electricity generation activities and structures and should not be construed as a 'permitted baseline' for renewable electricity generation activities there, and particularly not for existing wind farms. It sought amendments to the Introduction to include the following clarification note:

The rules applicable to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character, are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter CE Coastal Environment do not apply to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character in the coastal environment.

78. This is a consistent theme across a number of plan chapters. While Ms Foster⁵⁹ for Meridian provided alternative wording, we agree with Mr Sirl that the addition of the following words in the introduction provide certainty as to the relationship of renewable energy generation activities to the Coastal Environment.

The Coastal Environment chapter provisions do not apply to renewable energy generation activities located within the Coastal Environment (unless specifically stated within a renewable electricity generation rule or standard, for example, as a matter of discretion).

⁵⁸ Submissions #228.98 and 228.99

⁵⁹ Evidence of Christine Foster paragraph 5.8

79. WIAL⁶⁰ considered that the introductory text should also reference the relevant enabling provisions within the NZCPS relating to the operational and functional needs of infrastructure. It sought the following amendment:

Coastal Environment chapter introduction

...

The coastal and riparian margin provisions do not apply in highly modified areas like the Airport Zone, Port Zone, ~~or~~ the City Centre Zone, or the area of Natural Open Space Zone located between Lyall Bay and Moa Point.

...

Any activities within the City Centre Zone or are associated with the Wellington Airport, operational port activities, passenger port facilities and rail activities are assessed against their own specific objectives, policies and rules contained in Part 3. This is in recognition of the social and economic benefits these activities have and that their position in the City is largely fixed as well as the policy directives of the NZCPS and RPS that recognise and provide for the functional and operational needs of infrastructure.

80. Again, this was the subject of some discussion at the hearing. Ms O'Sullivan and Mr Sirl were able to agree the following text to take into account the site-specific nature of the Moa Point Road Seawall Area within the Coastal Environment.

Similarly, the 'Moa Point Road Seawall Area', as shown on the ePlan mapping, is another area where the natural character of the coast has been heavily modified by the existing hard engineering natural hazard mitigation structures that protect the Airport, road and network utilities located in this area. There has also been development of large scale infrastructure within the coastal environment, such as wind turbines, quarries, the National Grid, roads and other built facilities.

81. We consider that this is a useful explanation of the context within the chapter introduction.
82. Lastly, we note that in the Wrap-Up hearing, Mr Sirl recommended a minor wording change, deleting reference to the application of Regional Policy Statement criteria. He considered that unnecessary detail, and we agree. Appendix 1 reflects that change.

⁶⁰ Submissions #406.284, 406.285 opposed by Guardians of the Bays Inc FS44.65; and FS44.66

2.6 Coastal Environment – New Provisions

83. Forest and Bird⁶¹ sought to add:

(a) A new policy CE-PX to give effect to Policy 11 of the NZCPS outside Significant Natural Areas and within the Coastal Environment.

(b) A new Policy CE-PX and Rule CE-RX to give effect to Policy 13(1)(a) of the NZCPS with regards to outstanding natural character in the Coastal Environment.

(c) A new objective CE-OX, policy CE-PX, and rule CE-RX to give effect to Policy 13(1)(b) of the NZCPS to protect natural character in all other areas of the Coastal Environment.

84. We concur with Mr Sirl that these new provisions are not required. He was of the view that CE-P8 provides policy direction for the management of vegetation removal in the Coastal Environment and consequently, in conjunction with the ECO chapter provisions (which notably includes a non-complying activity rule status for indigenous vegetation removal in an SNA where matters identified in Policy 11a of the NZCPS are present), adequately gives effect to Policy 11 of the NZCPS without the need for an additional objective or additional policies.

2.7 Coastal Environment – Objectives

CE-O1 Coastal Environment

85. Forest and Bird⁶², Horokiwi Quarries Ltd⁶³ and Te Rūnanga o Toa Rangatira⁶⁴ sought that the objective be retained as notified.

86. DoC⁶⁵ sought the addition of the word ‘rehabilitated’ to ensure the objective is in line with Policy 14 of the NZCPS, which promotes either restoration or rehabilitation of the natural character of the Coastal Environment. We agree that this wording is a useful addition and has been included in the revised objective.

⁶¹ Submissions #345.291, 345.292 and 345.293, opposed by Meridian FS101.149, FS101.150, FS101.151 and WIAL FS36.83, FS36.84 and FS36.85

⁶² Submission #345.294, opposed by WIAL FS36.86

⁶³ Submission #271.43

⁶⁴ Submission #488.58

⁶⁵ Submissions #385.58, 385.59

87. GWRC⁶⁶ sought that CE-O1 be amended to align with NZCPS Policies 13 and 15 to reflect the requirement to “*preserve*” and “*protect*” natural character. It sought the following amendments:

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are ~~maintained~~ preserved and protected and, where appropriate, restored or ~~enhanced~~ rehabilitated

88. We consider that these changes are not necessary and agree with Mr Sirl’s view⁶⁷ that:

In my opinion the use of maintain in CE-O1 is appropriate as this objective is relevant to the wider coastal environment, parts of which are highly modified and urbanised where it is more a matter of maintaining the existing coastal natural character, which has been assessed as relatively low. I consider this to still achieve the ‘preserve and protect’ direction of the NZCPS.

Also, CE-O1 should not be read in isolation from CE-O2 which is relevant to High Coastal Natural Character Areas and directs the preservation and protection of these areas from inappropriate subdivision, use and development, and CE-O3 relevant to coastal margins and riparian margins within the coastal environment are protected from inappropriate subdivision, use and development.

89. Meridian⁶⁸ considered that CE-O1 fails to acknowledge the presence of the existing modifications (including buildings and structures) made by the West Wind and Mill Creek wind farms. It sought amendments to more accurately describe the modified natural character of these parts of the Coastal Environment in SCHED10, in the description of the Coastal Environment in the Coastal Environment Chapter and in the objectives of Chapter CE Coastal Environment, including CE-O1. Specifically, it sought the following amendment to CE-O1:

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced, recognising the presence of existing renewable electricity generation activities and the importance of the renewable electricity generation resource in the coastal environment.

90. As an alternative, Meridian requested that if the amendments to CE-O1 are not supported, a new objective be inserted as follows:

⁶⁶ Submissions #351.196, 351.197 and 351.198, opposed by Meridian FS101.152 and FS101.153

⁶⁷ Section 42A Report paragraphs 159 and 160

⁶⁸ Submissions #228.100, 228.101 and 228.102

The benefits of the existing wind farms along Wellington's coastline are recognised and their generation capacity is optimised.

91. We do not consider that CE-O1 should either be amended to specifically recognise wind farms or a new Objective inserted, and agree with Mr Sirl that the provisions in the REG Chapter of the Plan provides the necessary direction to inform decision-making with respect to these activities in the Coastal Environment, particularly when read in conjunction with the statement we have recommended be included in the Introduction to this Chapter, as above. We note that Ms Foster accepted that position when she appeared at the hearing.
92. WCC ERG⁶⁹ considered that it is important to ensure that, in the midst of an ecological emergency, the default attitude towards environmental protection is one of restoration. It sought an amendment to CE-O1 to replace the word 'appropriate' with 'possible'.
93. Confirming our agreement with Mr Sirl, we note his view that "*where appropriate*" is a more apt test than "*where possible*" particularly given the extent of the Coastal Environment overlay which, as previously highlighted, includes highly urbanised areas where it may be theoretically possible to restore natural character, but not appropriate to do so.
94. WIAL⁷⁰ sought that CE-O1 be amended so it focuses on effects that specifically relate to the Coastal Environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.
95. We do not consider that Objective needs to be changed at this level of the policy hierarchy in this regard, noting that amendments to other provisions have been made to give effect to this submission.
96. Further, WIAL⁷¹ also sought that the Coastal Environment objectives, including CE-O1, are amended to ensure the provisions give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.

⁶⁹ Submission #377.221 opposed by Meridian FS101.154

⁷⁰ Submissions #406.294 and 406.295

⁷¹ Submission #406.296

97. We concur with Mr Sirl's position that CE-O1 does not need to be amended to recognise all parts of the NZCPS as other PDP provisions (some of which directly implement CE-O1) achieve this. He noted for example, that CE-P5 recognises some activities will have a functional or operational need to locate in a High Coastal Natural Character Area, with the underlying zone or infrastructure chapter providing the consenting pathway for activities in the Coastal Environment. Also, rules CE-R8 and CE-R15 acknowledge established use and activities and thereby give effect to Policy 6 of the NZCPS.
98. In relation to CE-O1, we asked⁷² the reporting officer why there was a duplicated reference in the first line to natural character. In his Reply, Mr Sirl⁷³ advised that the intent is to address both natural character and the qualities that contribute to natural character. However, in his opinion, there is no material difference between the two. If the objective is seeking to maintain natural character as a 'whole', there is no need to maintain the 'parts', being the qualities that contribute to natural character.
99. Further Mr Sirl advised that he had also considered this objective in light of Ms O'Sullivan's presentation at the hearing. He agreed that as CE-O1 directly relates to natural character, amending the title of this objective to 'Natural character within the Coastal Environment' would better reflect the outcomes being sought by the objective. We agree.
100. Therefore, the following amendments to Objective CE-O1 are included in Appendix 1.

CE-O1 Natural character within the coastal environment

The natural character ~~and qualities that contribute to the natural character~~ within the landward extent of the coastal environment is ~~are~~ maintained and, where appropriate, restored, rehabilitated, or enhanced.

CE-O2 High coastal natural character areas

101. DoC⁷⁴ and WCC ERG⁷⁵ sought to retain the objective as notified while Te Rūnanga o Toa Rangatira⁷⁶ sought to retain the objective as notified, subject to amendments in subsequent submission points.

⁷² Minute 49 6(e)

⁷³ Reply paragraph 45

⁷⁴ Submission #385.60

⁷⁵ Submission #377.222

⁷⁶ Submission #488.59

102. GWRC⁷⁷ considered that to give effect to NZCPS Policy 13(1)(b), natural character is also required to be preserved “*in all other areas of the coastal environment*”, rather than just sites of high natural character in isolation. It sought the following amendment:

CE-O2 High Coastal natural character areas

Adverse effects on identified characteristics and values of sites and areas of high coastal natural character in the landward extent of the coastal environment are avoided.

103. Similarly, Forest and Bird⁷⁸ considered that in order to give effect to NZCPS Policy 13, this objective cannot be limited to areas of high natural character only, and sought amendment to apply to the entire landward extent of the Coastal Environment. It further considered that the objective should not be limited to identified values. It sought the removal of the word ‘high’ in relation to natural character areas from the objective.
104. We agree with Mr Sirl’s position that CE-O2 is specific to the outcomes sought for High Coastal Natural Character Areas in the Coastal Environment to directly give effect to Policy 13(1)(c) of the NZCPS. CE-O1 provides more general direction with respect to natural character within the wider Coastal Environment, as directed by Policy 13 of the NZCPS. Mr Sirl also advised us that NZCPS Policy 13(1)(b) only requires the avoidance of significant adverse effects on natural character of the wider Coastal Environment, with provision within this policy for the remediation or mitigation of non-significant effects.
105. However, like Mr Sirl, we do not see the benefit of referencing “*identified characteristics and values*” and consider that the objective can be simplified to achieve the intended outcome as CE-P1 adequately addresses the identification of High Coastal Natural Character Areas.
106. Meridian⁷⁹ considered that the focus of CE-O2 should be on avoiding inappropriate subdivision, use and development within the mapped ‘high coastal natural character areas’. It sought retention of CE-O2 with amendment to acknowledge and recognise the existing West Wind and Mill Creek wind farms as legitimate, authorised and appropriate existing development established within the backdrop to areas of

⁷⁷ Submissions #351.199 and 351.200, opposed by Meridian FS101.156

⁷⁸ Submission #345.295, opposed by Meridian FS101.155 and WIAL FS36.87

⁷⁹ Submissions #228.103 and 228.104

identified 'high coastal natural character' by adding additional wording at the end of the objective.

The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development occurring within the mapped high coastal natural character areas.

107. Ms Foster⁸⁰ for Meridian accepted Mr Sirl's reasoning that no amendment was required to achieve the outcome Meridian sought. In particular, Ms Foster was satisfied that the areas that have high or very high natural character in the Coastal Environment will be identified in the PDP with precision and that the characteristics and values that qualify them as having high or very high natural character will be identified in detail (by reference to the Boffa Miskell 2016 report).

108. Therefore, we endorse Mr Sirl's proposed amendments to CE-O2 as follows:

CE-O2 High coastal natural character areas

~~*The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.*~~

CE-O3 Coastal margins and riparian margins

109. Forest and Bird⁸¹, DoC⁸² and WCC ERG⁸³ sought to retain the objective as notified while Te Rūnanga o Toa Rangatira⁸⁴ sought to retain the objective as notified, subject to amendments in subsequent submission points.

110. WIAL⁸⁵ sought that CE-O3 be amended so it focuses on effects that specifically relate to the Coastal Environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.

111. Further, WIAL⁸⁶ sought that the objectives, including CE-O3, be amended to ensure the provisions give effect to all relevant parts of the NZCPS, including those

⁸⁰ Evidence of Christine Foster paragraphs 8.2 and 8.3

⁸¹ Submission #345.296, opposed by WIAL FS36.88

⁸² Submission #385.61

⁸³ Submission #377.223

⁸⁴ Submission #488.60

⁸⁵ Submissions #406.297 and 406.298

⁸⁶ Submission #406.299

provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.

112. In evidence, Ms O'Sullivan⁸⁷ for WIAL was of the view that the Objective should be amended to ensure it is clear to plan users that the provisions only relate to natural character in the Coastal Environment.

113. Mr Sirl did not agree, and nor do we, as this objective and associated policies and rules apply beyond natural character protection, specifically through contributing to achieving the direction of Policy 11 of the NZCPS.

CE-O4 Customary Harvesting

114. Forest and Bird⁸⁸ and WCC ERG⁸⁹ sought to retain the objective as notified, while Te Rūnanga o Toa Rangatira⁹⁰ sought to retain the objective as notified, subject to amendments in subsequent submission points. There were no submissions seeking its amendment.

115. No assessment is therefore required.

2.8 Coastal Environment – Policies

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

116. Horokiwi Quarries Ltd⁹¹, WCC ERG⁹² and Yvonne Weeber⁹³ sought that the policy be retained as notified.

117. Aggregate and Quarry Association⁹⁴ sought that CE-P1 is amended to refer to existing lawful activities such as quarries. We disagree, as we were advised that CE-P9 adequately recognises, and provides a consenting pathway, for quarrying activities in conjunction with CE-R10. Additionally, lawfully established activities are protected by existing use rights.

⁸⁷ Evidence of Kirsty O'Sullivan paragraph 23

⁸⁸ Submission #345.297, opposed by WIAL FS36.89

⁸⁹ Submission #377.224

⁹⁰ Submission #488.61

⁹¹ Submission #271.44

⁹² Submission #377.230

⁹³ Submission #340.25

⁹⁴ Submission #303.16

118. Forest and Bird⁹⁵ sought that CE-P1 be amended to provide for the identification of outstanding areas of natural character in the Coastal Environment as an additional matter, as follows:
1. *Identify and map the landward extent of the Coastal Environment.*
 2. *Identify and map areas of very high and high natural character within the Coastal Environment and list the identified values in SCHED 12 – High Coastal Natural Character Areas.*
 3. *Identify and map areas of outstanding natural character in the Coastal Environment.*
119. We accept Mr Sirl's view that no change is necessary. He advised that the Coastal Natural Character Assessment that has informed the areas of high natural character within Schedule 12 did not identify any outstanding natural character areas and consequently it is unnecessary to include specific provisions for a matter not relevant to the Plan.
120. GWRC⁹⁶ considered that natural character ratings have not been scheduled at the area scale across the full extent of the Coastal Environment. To give effect to Policies 13, 14, and 15 of the NZCPS, it sought that area scale natural character ratings be included in the PDP, and that CE-P1 is amended by changing clause 2 to read:
2. *Identify and map sites areas of very high and high natural character and area scale natural character ratings within the coastal environment and list the identified values in SCHED 12 – ~~High~~ Coastal Natural Character Areas.*
121. We disagree that this level of change is necessary for similar reasons as those outlined above in respect of Schedule 12. We were advised that the Coastal Natural Character Assessment involved an evaluation of natural character within the Coastal Environment at a Coastal Terrestrial Area 'area' scale and 'local/component' scale. It is the local/component areas that were found to have very high or high level of natural character and are the High Coastal Natural Character Areas mapped in the Plan and listed in Schedule 12.
122. However, Mr Sirl recommended the addition of the word "key" prior to "values" within the policy to clarify that the values to be listed in Schedule 12 are the 'key' values. This responds to those submitters seeking recognition that Schedule 12 does not

⁹⁵ Submission #345.302 opposed by WIAL FS36.94

⁹⁶ Submission #351.204, opposed by Meridian FS101.157

contain all of the values identified in the Coastal Natural Character Assessment. We agree and clause 2 of CE-P1 is recommended to be amended as follows:

2. *Identify and map areas of very high and high natural character within the coastal environment and list the identified key values in SCHED 12 – High Coastal Natural Character Areas.*

CE-P2 Use and development within the coastal environment

123. GWRC⁹⁷ sought to retain the policy as notified. We note the support of WIAL⁹⁸, which sought that CE-P2 be retained as notified, subject to its general relief seeking that the chapter be amended so it focuses on effects that specifically relate to the Coastal Environment and ensures the provisions give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas, and the associated management of effects.
124. Forest and Bird⁹⁹ sought that CE-P2 be amended to be less definitive about providing for use and development. It sought the following amendment:

CE-P2 Use and development within the coastal environment

Consider ~~p~~Provideing for use and development in the landward extent of the coastal environment where it:

- 1. Consolidates existing urban areas; and*
- 2. Does not establish new urban sprawl along the coastline*

125. As part of this submission, Forest and Bird also sought that if its amendments to CE-P5 are not accepted, as an alternative, CE-P2 be amended to give effect to Policy 13 of NZCPS with regard to avoiding significant adverse effects.
126. As with Mr Sirl, we agree in part with Forest and Bird, but only to the extent that CE-P2 should be amended to better give effect to Policy 13 of NZCPS with regard to the avoidance of significant adverse effects on High Coastal Natural Character Areas, and the avoidance, remediation or mitigation of adverse effects on the Coastal Environment outside of High Coastal Natural Character Areas and coastal and riparian margins.

⁹⁷ Submission #351.205

⁹⁸ Submissions #406.304, 406.305, 406.306

⁹⁹ Submission #345.303, opposed by Meridian FS101.158 and WIAL FS36.95

127. Horokiwi Quarries Ltd¹⁰⁰ sought that CE-P2 is amended to include recognition of existing activities which are lawfully established, by adding a third clause:

“Relates to an existing lawfully established activity”.

128. We do not agree. The amendment sought is unnecessary as existing use rights can be relied upon for existing lawfully established activities and reference to them does not need to be specifically included in a policy.
129. Meridian¹⁰¹ considered that in the absence of any explicit recognition of the presence of the West Wind and Mill Creek wind farms, CE-P2 could be applied in a manner that restricts appropriate upgrading of those wind farms or the establishment of replacement wind turbines in appropriate locations. It sought the following amendments:

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; or

2. Is necessary to enable the use, development, maintenance and upgrading of regionally significant infrastructure (including the repowering of existing wind farms by replacing and upgrading existing turbines and their support structures identified on the Plan Maps and associated electricity transmission facilities); and

3.2. Does not establish new urban sprawl along the coastline;

130. We disagree that including such specificity within a general policy is necessary as the provisions in the REG Chapter of the Plan provide the necessary direction to inform decision-making with respect to these activities in the Coastal Environment. The recommended amendment to the Introduction also makes it clear that provisions in this Chapter do not apply to REG activities. Ms Foster accepted that this addressed Meridian's concerns.
131. WCC ERG¹⁰² considered that it is important that the environmental significance of the Coastal Environment is recognised and seek amendment to add a further clause stating, *“Does not adversely affect the environmental values of the coastal environment”.*

¹⁰⁰ Submissions #271.45 and 271.46

¹⁰¹ Submissions #288.105 and 288.106

¹⁰² Submission #377.231, opposed by Meridian FS101.159 and WIAL FS36.137

132. We consider that the relief sought is akin to the changes already proposed as a result of the Forest and Bird submission.
133. Similarly, Yvonne Weeber¹⁰³ sought that CE-P2 be amended to acknowledge the uncertainty surrounding the full extent of the impacts of climate change and sea level rise, by adding a further clause stating, “*Takes into consideration the level of uncertainty about the full extent of the impacts of climate change (storm surges and costal inundation) and sea level rise.*”
134. We agree with Mr Sirl that these matters are appropriately addressed by the coastal hazard provisions in the PDP, and that the reference to climate change in CE-P2 is unnecessary.
135. We therefore agree with the following amendments to CE-P2:

CE-P2 Use and development effects on natural character within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

- 1. Avoids remedies or mitigates adverse effects on the natural character of the coastal environment and*
- 2. Consolidates existing urban areas; ~~and~~ or*
- 3. Does not establish new urban sprawl along the coastline;*

CE-P3 Restoration and enhancement within the coastal environment

136. DoC¹⁰⁴, Forest and Bird¹⁰⁵, Grant Birkinshaw¹⁰⁶, WCC ERG¹⁰⁷, and Yvonne Weeber¹⁰⁸ sought to retain the policy as notified.
137. GWRC¹⁰⁹ considered that natural character ratings have not been scheduled at the area scale across the full extent of the Coastal Environment. It sought that CE-P3 be amended to include the area scale natural character ratings to give effect to Policies 13, 14 and 15 of the NZCPS, by amending clauses 1 and 7 of the policy as follows:

¹⁰³ Submission #340.26, opposed by WIAL FS36.136

¹⁰⁴ Submission #385.62

¹⁰⁵ Submission #345.305

¹⁰⁶ Submission #52.6

¹⁰⁷ Submission #377.232

¹⁰⁸ Submission #340.27

¹⁰⁹ Submissions #351.206 and 351.207

Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:

1. Recognising the values present that could be ~~enhanced~~ restored in areas of low and moderate natural character;

....

7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain values in the coastal environment ~~areas of indigenous biodiversity~~.

138. Mr Sirl considered that CE-P3 is an enabling policy that supports rules (CE-R2 and CE-R3) that are generally permissive of restoration and enhancement activities in the wider Coastal Environment – giving effect to CE-O1. He considered that this policy (CE-P3.1) as notified speaks to values within the wider Coastal Environment, but does not require or limit restoration or rehabilitation, and simply enables this to occur in an appropriate manner. Further, he considered that the general outcomes sought by GWRC can be achieved without the proposed changes to CE-P3.1 and would require the identification of areas of low and moderate coastal natural character and associated values in the Plan, which he disagreed with. However, he did support the amendments suggested to CE-P3.7 that recognise the values of the wider Coastal Environment, not just those relevant to indigenous biodiversity.
139. We accept this position and note that we received no evidence to support this submission from GWRC.
140. WIAL¹¹⁰ considered that, as drafted, CE-P3 has broad application within the entire Coastal Environment, despite generally being focussed on matters within the coastal margins. It considered that providing for the restoration and rehabilitation of ‘natural character values’ within the landward extent of the Coastal Environment is inappropriate in areas that are highly modified and otherwise urbanised environments, and sought that the policy be amended to apply to the coastal margins only as outlined below:

Provide for restoration or rehabilitation of the natural character values within the ~~and~~ coastal and riparian margins ~~within the landward extent of the coastal environment~~ where appropriate by:

¹¹⁰ Submissions #406.307 and 406.308

141. Mr Sirl did not support the changes sought. He saw no need to revise CE-P3 in response to concerns that the policy has implications with respect to activities other than restoration and enhancement activities in the Coastal Environment.
142. In evidence, Ms O'Sullivan for WIAL agreed with that position and with the changes recommended by Mr Sirl. We agree that those changes are appropriate as they provide greater clarity in respect of restoration and enhancement activities. Therefore CE-P3 is recommended to be amended as follows:

CE-P3 Restoration and enhancement of natural character within the coastal environment

Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:

- 1. Recognising the values present that could be enhanced;*
- 2. Encouraging natural regeneration of indigenous ~~species~~ vegetation, including where practical the removal of pest species;*
- 3. Rehabilitating dunes or other natural coastal features or processes;*
- 4. Restoring or protecting riparian and coastal margins;*
- 5. Removing redundant structures that do not have heritage or amenity value;*
- 6. Modifying structures that interfere with coastal or ecosystem processes; or*
- 7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain natural character values in the coastal environment ~~areas of indigenous biodiversity~~*

CE- P4 Customary harvesting within the coastal environment

143. Forest and Bird¹¹¹, and WCC ERG¹¹² sought to retain the policy as notified. No change has been requested to the policy and therefore no further assessment is required.

¹¹¹ Submission #345.306

¹¹² Submission #377.233

CE-P5 Use and development in high coastal natural character areas

144. DoC¹¹³, Ministry of Education ¹¹⁴, and Yvonne Weeber¹¹⁵ sought to retain the policy as notified.
145. Forest and Bird¹¹⁶ sought to amend the policy to give effect to NZCPS Policy 13(1)(b) as follows:

CE-P5 Use and development in ~~high~~ coastal natural character areas

Only allow use and development in ~~high~~ coastal natural character areas in the coastal environment where:

- 1. Any significant adverse effects on the ~~identified~~ values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated;*
- 2. It can be demonstrated that:*
 - a. The particular values and characteristics of the high coastal natural character areas ~~as identified~~ in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;*
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects protects the identified values and the design and development integrates with the existing landform and dominant character of the area;*
 - c. The duration and nature of adverse effects are limited;*
 - d. There is a functional ~~or operational~~ need for the activity to locate in the area;*
 - e. There are no reasonably practical alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and*
 - f. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.*

¹¹³ Submission #385.63

¹¹⁴ Submission #400.62

¹¹⁵ Submission #340.28

¹¹⁶ Submission #345.307, opposed by Meridian FS101.160 and WIAL FS36.96

g. Use and development will only be allowed where natural character values of the area are retained.

146. We do not support these changes for the reasons outlined in the Section 42A Report, notably that the deletion of 'identified' is not necessary in this circumstance, and retention of 'identified' would be more consistent with the general approach across the Plan when referencing values described in schedules. We received no evidence that the identified values in Schedule 12 are not comprehensive nor that these values omit any material matters that may need to be considered when an activity is proposed in High Natural Character Areas.
147. In addition, we do not agree that the removal of the provision for activities with an operational need is necessary as this has been a consistent use of terminology in other parts of the Plan. Mr Sirl also disagreed with the suggested additional policy limb 'g' as this matter is adequately addressed under CE-P5.1. We agree with this position.
148. However, Mr Sirl agreed that the term 'respects' is vague and supported its replacement with 'maintains' as a more appropriate alternative to replace the term 'respects' than 'protects'. We note that the word 'respects' is used in other parts of the plan in respect of Historic Heritage, Sites and Areas of Significance to Māori and Te Ngakau Civic Square Precinct. However, in this context, we consider that 'maintains' would be a better term than 'respects' as the values that make a site qualify as an area of High Coastal Natural Character have already been thoroughly evaluated, so maintaining those values is the appropriate terminology.
149. GWRC¹¹⁷ considered that the policy does not give effect to NZCPS Policy 13(1)(b) which is to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas which are not outstanding, rather than just in sites of high natural character. It sought that the policy be amended to apply to natural character in all areas of the Coastal Environment by removing the word "*high*" from the term 'high natural character areas'.
150. We accept Mr Sirl's position that CE-P5 intentionally does not apply to 'all other areas', and is relevant only to High Coastal Natural Character Areas. Policy direction to give effect to NZCPS Policy 13(1)(b) is also provided by CE-P2. We agree that the

¹¹⁷ Submission #351.208, opposed by Meridian FS101.161

overall policy direction contained in the Coastal Environment chapter gives effect to the natural character protection required by the NZCPS.

151. Meridian¹¹⁸ considered that CE-P5 should be amended to capture all areas of 'high coastal natural character' and also that any earthworks or other activities associated with any future upgrading or repowering of turbines within wind farms are not unduly restricted. It sought rewording as follows:

~~Only allow~~ Provide for use and development in very high or and high coastal natural character areas in the coastal environment where:

1. ~~Any s~~Significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated; and
2. *It can be demonstrated that:*
 - a. *The particular values and characteristics of the high coastal natural character areas ~~as identified~~ in SCHED12 are protected from inappropriate use and development, considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;*
 - b. *Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects the identified values and the design and development integrates with the existing landform and dominant character of the area, recognising the functional and operational needs of renewable electricity generation activities;*
 - c. *There is a functional or operational need for the activity to locate in the area; or*
 - d. *The duration and nature of adverse effects are limited*
 - e. *The use and development will upgrade, repower or replace existing renewable electricity generation assets and enable more effective use of natural resources for renewable electricity generation;*
 - f. *There are no reasonably practicable ~~practical~~ alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and*
 - g. ~~Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.~~

¹¹⁸ Submissions #228.107 and 228.108

152. Mr Sirl disagreed with the specific changes sought with respect to wind farms and renewable energy for similar reasons as those outlined previously. Other amendments sought were seen to be useful changes to provide for greater clarity. Mr Sirl did not agree with the deletion of notified CE-P5.2.f, but suggested it be broadened in scope.
153. Ms Foster disagreed with Mr Sirl and still sought changes to provide for provisions to provide for specific recognition of renewable energy generation in High Coastal Natural Character Areas. Ms Foster¹¹⁹ considered:

As proposed by Mr Sirl, Policy CE-P5 presents the protection approach of the NZCPS but not the equally valid outcomes sought by the NPS-REG. Meridian's wind farms are in or closely adjacent to the coastal environment and to areas of high and very high natural character in the coastal environment as identified by this PDP. It is highly relevant to consider and contemplate the benefits of these generation assets in setting the framework for use and development in the coastal environment, including as may affect natural character in the coastal environment.

154. By the hearing, however, Ms Foster accepted that if it was clear that the Chapter did not apply to REG activities, Meridian's concerns fell away. We consider that with the amendments we have recommended, it is now clear, and accordingly no further amendments are required to address Meridian's submission.
155. WCC ERG¹²⁰ considered that the Coastal Environment is home to indigenous biodiversity and that should be provided for in the District Plan. It sought the addition of a clause to CE-P5, "*Any adverse effects on indigenous biodiversity are applied in accordance with ECO-P2*".
156. We concur with Mr Sirl's view that no change is required. The presence and contribution of indigenous biodiversity to the natural character of the Coastal Environment is part of the identification of High Coastal Natural Character Areas, and as such, is already encompassed by CE-P5.1 and CE-P5.2.
157. We asked Mr Sirl to consider in his Reply whether there was scope to broaden CE-P5.2.f in the manner he had proposed. He agreed that Meridian's submission supported only a more limited change in this and the parallel provision in CE-P7.2.d. He therefore revised his position.

¹¹⁹ Evidence of Christine Foster paragraph 11.2

¹²⁰ Submission #377.234, opposed by WIAL FS36.138

158. We accept Mr Sirl's reasoning. Therefore, we adopt his amendments to CE-P5, as follows:

Policy CE-P5 Use and development in high coastal natural character areas

Only allow use and development in high coastal natural character areas in the coastal environment where:

- 1. Any significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated;*
- 2. It can be demonstrated that:*
 - a. The particular values and characteristics of the high coastal natural character areas including but not limited to the key values as identified in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;*
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that ~~respects~~ maintains the identified values and the design and development integrates with the existing landform and dominant character of the area;*
 - c. The duration and nature of adverse effects are limited;*
 - d. There is a functional or operational need for the activity to locate in the area;*
 - e. There are no reasonably ~~practical~~ practicable alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and*
 - f. Restoration or rehabilitation planting of indigenous vegetation species will be incorporated where practicable to mitigate any adverse effects on natural character.*

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment - located inside Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, or Evans Bay Marine Recreation Area

159. FENZ¹²¹ and WCC ERG¹²² sought to retain the policy as notified, while Yvonne Weeber¹²³ and Guardians of the Bays¹²⁴ were neutral on CE-P6 and did not specify any relief sought.
160. Forest and Bird¹²⁵ considered that CE-P6 should not be a blanket enabling policy and that it needs to recognise that there may be limits to development in those areas. It sought the policy be amended to refer to potential limits on the use of these areas in accordance with Policies 11, 13, and 15 of the NZCPS.
161. The reporting officer considered that the provision framework is consistent with the NZCPS, noting in particular Policy 6(1)(b) and (e), and Policy 9 which are enabling of use and development in the Coastal Environment where other values of the Coastal Environment are not compromised.
162. As stated above, Forest and Bird did not provide any evidence to support these submissions, and we consider that no change is required for the reasons Mr Sirl gave.
163. WIAL¹²⁶ sought that CE-P6 be deleted in its entirety as it does not recognise or provide for the existing hard engineering structures located between Lyall Bay and Moa Point which protect regionally significant infrastructure, including Council's wastewater network and Wellington International Airport, as well as Moa Point Road, from the effects of coastal erosion. Alternatively, if deletion is not accepted, it sought that the policy be amended to recognise the Open Space zone between Lyall Bay and Moa Point, as follows:

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment – located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ Evans Bay Marine Recreation Area or the Natural Open Space zone between Lyall Bay and Moa Point

Provide for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, or the Evans

¹²¹ Submission #273.133

¹²² Submission #377.235

¹²³ Submission #340.29

¹²⁴ Submission #452.21

¹²⁵ Submission #345.308, opposed by WIAL FS36.97

¹²⁶ Submissions #406.309, 406.310, and 406.311, opposed by Guardians of the Bays Inc FS44.68, FS44.69, and FS44.70

Bay Marine Recreation Area or the area of Natural Open Space Zone located between Lyall Bay and Moa Point.

164. As stated previously, this matter was subject to much discussion across a number of hearing streams. We concur with the agreed position reached that a common descriptor for the Moa Point Road Seawall Area should be used in related provisions that may apply.
165. This then raises the questions as to where the Moa Point Road Seawall Area should be referenced in the Plan. We discuss in Report 9 the debate as to whether the seawalls within the defined area, which were WIAL's focus, were 'infrastructure'. The ultimate conclusion of the reporting officer (Mr Anderson) was that they were, and the amendments Mr Sirl had drafted to policies and rules in this Chapter referencing the Moa Point Road Seawall Area should be imported into the INF-CE Sub-Chapter. The Hearing Panel accepted that position. The continued need for them in this Chapter was addressed in the Wrap-Up hearing. The reporting officer there (Mr Sirl) considered they should remain to manage non-infrastructure activities in the defined area. We agree with that reasoning. Accordingly, we recommend reference be made to the Moa Point Road Seawall Area in this and subsequent provisions, as recommended by Mr Sirl in Stream 8.

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment - located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone and the Evans Bay Marine Recreation Area

166. DoC¹²⁷, FENZ¹²⁸, Guardians of the Bays¹²⁹, WCC ERG¹³⁰, and Yvonne Weeber¹³¹ sought to retain the policy as notified.
167. Forest and Bird¹³² considered that the CE-P7 is unclear on which effects are being mitigated and sought that CE-P7.2.d be amended to specifically refer to natural character effects. Additionally, it sought that CE-P7 be amended to give effects to policies 11, 13, and 15 of the NZCPS by adding an additional clause to the policy stating:

¹²⁷ Submission #385.64

¹²⁸ Submission #273.134

¹²⁹ Submission #452.22

¹³⁰ Submission #377.235

¹³¹ Submission #340.30

¹³² Submission #345.309, opposed by Meridian FS101.162 and WIAL FS36.98

e. Use and development will only be allowed where the natural character values of the area are retained.

168. Mr Sirl did not agree that CE-P7 is unclear on which effects are being mitigated as CE-P7.1 clearly references “*adverse effects on the natural character of the coastal environment*”. We concur with this position.
169. WIAL¹³³ sought that CE-P7 be deleted in its entirety as it does not recognise or provide for the existing hard engineering structures located between Lyall Bay and Moa Point which protect regionally significant infrastructure, including Council’s wastewater network and Wellington International Airport, as well as Moa Point Road, from the effects of coastal erosion. Alternatively, if deletion is not accepted, it sought that the policy be amended to recognise the area of Natural Open Space Zone located between Lyall Bay and Moa Point.
170. As stated above this consistent change to referencing the Moa Point Road Seawall Area has been agreed, and we agree with a relatively minor addition to CE-P7.2.d. to provide for conceivable scenarios where restoration planting is not appropriate. We recommend CE-P7 is therefore amended as follows:

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~and~~ the Evans Bay Marine Recreation Area or the Moa Point Road Seawall Area.

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ the Evans Bay Marine Recreation Area, or the Moa Point Road Seawall Area.

1. *Where:*

Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and

2 *It can be demonstrated that:*

- a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate*

¹³³ Submissions #406.312, 406.313, and 406.314, opposed by Guardians of the Bays Inc FS44.71, FS44.72, and FS44.73

the natural character of the area and do not limit or prevent public access to, along or adjacent to the coast and waterbodies;

- b. There is a functional or operational need for the activity to locate within the coastal or riparian margin;*
- c. There are no reasonably practical alternative locations that are outside of the coastal or riparian margins or are less vulnerable to change; and*
- d. Restoration or rehabilitation planting of indigenous species vegetation will be incorporated where practicable to mitigate any adverse effects on natural character.*

CE-P8 Vegetation removal within the coastal environment

171. Horokiwi Quarries Ltd¹³⁴ and WCC ERG¹³⁵ sought to retain the policy as notified.
172. FENZ¹³⁶ considered that CE-P8 should be amended to allow property owners and occupiers to be able to remove flammable vegetation, as required, to provide sufficient clearance to mitigate the potential for fire risk/spread between flammable vegetation and property.
173. As will be seen, a number of changes are proposed to this policy. Responding to FENZ, Mr Sirl recommended a clause allowing indigenous vegetation removal within High Coastal Natural Character Areas or coastal and riparian where there is an imminent threat to the safety of people or significant damage to property.
174. Forest and Bird¹³⁷ opposed the policy direction providing generally for vegetation removal outside of High Coastal Natural Character Areas, and exotic vegetation removal in High Coastal Natural Character Areas. It considered that exotic vegetation can contribute to natural character and can also have ecosystem and habitat values. It supported the policy direction that vegetation removal within the Coastal Environment should be limited, but sought amendments to apply to any area of natural character in the Coastal Environment, not just areas of high natural character. It considered limiting protections to High Coastal Natural Character Areas only is inconsistent with Policy 13 of the NZCPS. It sought deletion of the wording of the policy and replacement with the following amended policy:

¹³⁴ Submission #271.47

¹³⁵ Submission #377.237

¹³⁶ Submissions #273.135 and 273.134

¹³⁷ Submission #345.310, opposed by Meridian FS101.163

CE-P8 Vegetation removal within the coastal environment

Only allow for vegetation clearance in the coastal environment where:

- a. The removal is of a scale that retains the biodiversity and natural character values of the area; and*
- b. Is associated with ongoing maintenance of existing public accessways; and*
- c. The removal does not contravene policy 11 or 13 NZCPS.*

175. Mr Sirl did not agree for the following reasons:

- Policy 11 of the NZCPS is given effect to through the identification of SNAs within the Coastal Environment and the associated ECO provisions (ECO-O2 and ECO-P5) in combination with CE-P8, CE-R6 and CE-S1. Mr Sirl noted that CE-P8 (and the associated rule – CE-R6) is not intended to apply to SNA, which should be clarified by removing all references to SNAs in the CE policies and rules to avoid any confusion.
- With respect to Policy 11(b), he agreed in part with the submitter that CE-P8 is more enabling of vegetation removal in the Coastal Environment than directed by the NZCPS. He considered that CE-P8 should be amended to explicitly manage indigenous vegetation removal in coastal margin and riparian margins within the Coastal Environment, in a manner consistent with the policy direction of CE-P6 and CE-P7.

176. Mr Sirl also considered CE-P8 in the context of Policy 13 of the NZCPS and agreed with the submitter that the presence of vegetation can contribute to coastal natural character outside of High Coastal Natural Character Areas, particularly in less modified areas such as in the Rural and Open Space zones. However, given the extent of highly modified/urbanised character in the city, he was of the opinion that additional controls on vegetation removal are not necessary or appropriate. We agree with this position.

177. GWRC¹³⁸ considered that the policy does not give effect to NZCPS Policy 13(1)(b), which directs avoidance of significant adverse effects and avoidance, remediation or mitigation of other adverse effects of activities on natural character in areas which are not outstanding, rather than just in sites of high natural character in isolation.

¹³⁸ Submission #351.209, opposed by Meridian FS101.164

Furthermore, GWRC considered that allowing for the removal of indigenous vegetation in areas of low and moderate natural character could lead to a reduction in natural character and would not give effect to CE-O1. It sought amendments to reflect this.

178. Mr Sirl agreed that CE-P8 should be amended to ensure adverse effects on natural character as a result of vegetation removal outside of High Coastal Natural Character Areas, and within coastal margins and riparian margins, are adequately managed.
179. Guardians of the Bays¹³⁹ sought that the policy be amended to consider coastal erosion and other environmental, social, and cultural benefits of both indigenous and exotic vegetation in the Coastal Environment in a manner consistent with the direction in the Proposed RPS-Change 1 (and draft NPSIB).
180. Yvonne Weeber¹⁴⁰ sought that CE-P8 be amended to consider coastal erosion and other environmental, social, and cultural benefits of both indigenous and exotic vegetation in the Coastal Environment.
181. In response, we agree with Mr Sirl, who advised that coastal erosion is addressed in the coastal hazard and earthworks provisions relevant to coastal areas. However, he noted that the amendments recommended below provide improved direction with respect to vegetation removal within coastal margins and riparian margins in the Coastal Environment.
182. Waka Kotahi¹⁴¹ sought that CE-P8 be amended to provide for indigenous vegetation removal for the maintenance of public roads as well as accessways, to align with CE-R6 and CE-S1. This is accepted and amendments have been made to provide for this.
183. Meridian¹⁴² considered that CE-P8 is potentially restrictive of vegetation removal that is necessary to support regionally significant infrastructure and needs to be amended to recognise and provide for the particular operational and functional needs of regionally significant infrastructure.
184. This issue of providing for renewable energy generation activities within the Coastal Environment Chapter has been traversed. We consider that leaving REG and INF

¹³⁹ Submission #452.23

¹⁴⁰ Submissions #228.109 and 228.110, supported by KiwiRail FS72.63.31

¹⁴¹ Submissions #370.200 and 370.201

¹⁴² Submissions #228.109 and 228.110, supported by KiwiRail FS72.63

matters to those respective chapters instead of the Coastal Environment chapter is the best course of action. We understood Ms Foster to agree with that position in her planning evidence for Meridian.

185. A range of submitters also sought specific amendments to CE-P8 to provide policy support for specific exclusions relating to the removal of indigenous vegetation in High Coastal Natural Character Areas.
186. In a broad sense, the PDP is permissive of vegetation removal in all areas of the Coastal Environment except for indigenous vegetation removal in High Coastal Natural Character Areas. We agree with the reporting officer that a number of changes are, however, necessary and recommend the following:

CE-P8 Vegetation removal within the coastal environment

Manage the removal of vegetation in the coastal environment as follows:

1. Allow for the removal of vegetation in the coastal environment:

a. outside of areas of high coastal natural character; and

b. outside coastal and riparian margins

2. Allow for the removal of exotic vegetation in the coastal environment within areas of high coastal natural character or within coastal margins and riparian margins; and

3. Only allow for the removal of indigenous vegetation in the coastal environment within areas of high coastal natural character or within coastal and riparian margins that:

a. Is of a scale that maintains the ~~identified values~~ existing natural character; or

b. Is necessary for the safe and efficient operation, maintenance and repair of public accessways. or

c. Is necessary to avoid an imminent threat to the safety of people, or significant damage to property.

b. Is associated with ongoing maintenance of existing public accessways.

CE-P9 Mining and quarrying activities within the coastal environment

187. WCC ERG¹⁴³ sought to retain the policy as notified while Horokiwi Quarries Ltd¹⁴⁴ supported the recognition in CE-P9 for existing quarry activities, and their expansion. It sought that CE-P9 be retained as notified, with amendments to the Coastal Environment Overlay.
188. Forest and Bird¹⁴⁵ sought to remove the blanket provision for existing activities as it considered it to be inconsistent with the requirements of the NZCPS. Also, it considered that the policy should not be limited to areas of high natural character. It sought amendments to CE-P9 to reflect this position.
189. Mr Sirl agreed in part with some aspects of this submission, but considered that existing quarrying activities have an operational need to locate in the Coastal Environment where they are currently located and should be recognised. These areas are zoned (Special Purpose Quarry Zone) for this specific activity. This approach is consistent with Policy 6 of the NZCPS which recognises the value of mining.
190. However, he considered that CE-P9.2 should not provide for ‘new quarry activities’ as new mining and quarrying activities are appropriately addressed under CE-P9.4 and CE-R11. The latter applies a Non-Complying Activity status to new mining activities in the Coastal Environment.
191. Additionally, three minor amendments were recommended being:
- a. deletion of “*potential*” where it precedes “*adverse effects*”;
 - b. Specific reference to “*natural character of the coastal environment*” following reference to “*adverse effects*”; and
 - c. Replacing “*can be*” with “*are*”.
192. We agree with Mr Sirl’s position, as did Ms Whitney, the planner for Horokiwi Quarries. There is a clear hierarchy of effects from those associated with existing zoned quarries that are provided for, extensions to existing quarries that may be acceptable dependent on location and the extent of effects, and with new mining and

¹⁴³ Submission #377.238

¹⁴⁴ Submission #271.48

¹⁴⁵ Submission #345.311, opposed by Horokiwi Quarries Limited FS28.8

quarrying activities that are actively discouraged. With minor grammatical changes from Mr Sirl's version, CE-P9 is proposed to be amended as follows:

CE-P9 Mining and quarrying activities within-in the coastal environment

Manage mining and quarrying activities within in the coastal environment as follows:

- 1. Allow for established mining and quarrying activities in the Coastal Environment;*
- 2. Only allow for the extension of established mining and quarrying activities ~~or new quarrying and mining activities~~ where it is:*
 - a. it is located outside of high coastal natural character areas and outside of coastal and riparian margins and;*
 - b. any ~~potential~~ significant adverse effects on the natural character of the coastal environment are avoided; and*
 - c. any other adverse effects on natural character can be are avoided, remedied or mitigated;*
- 3. Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying within high coastal natural character areas and within coastal and riparian margins in the coastal environment; and*
- 4. Avoid the establishment of new mining and quarrying activities within the coastal environment.*

CE-P10 Inappropriate activities within the coastal environment

193. DoC¹⁴⁶, Forest and Bird¹⁴⁷, Guardians of the Bays¹⁴⁸, WCC ERG¹⁴⁹ and Yvonne Weeber¹⁵⁰ sought to retain the policy as notified, while the Council¹⁵¹ sought to amend the policy to include commas for clarification purposes.
194. Fabric Property Limited¹⁵² considered CE-P10.3 is restrictive and fails to recognise that a significant portion of the CBD is subject to High Hazard Areas under the Coastal Hazard Overlays. It considered this policy fails to recognise that there is already significant investment in the CBD, and is inconsistent with CE-O8, which is to

¹⁴⁶ Submission #385.65

¹⁴⁷ Submission #345.312

¹⁴⁸ Submission #452.24

¹⁴⁹ Submission #377.239

¹⁵⁰ Submission #340.32

¹⁵¹ Submission #266.111

¹⁵² Submission #425.35

provide for activities in the City Centre Zone that do not increase the risk to people, property or infrastructure. It is also inappropriate for this policy to apply to tsunami risk. The submitter has not specified any amendments sought to CE-P10.

195. This submission has been incorrectly allocated to CE-P10, and we note that this matter has already been addressed in Hearing Stream 5¹⁵³.
196. Meridian¹⁵⁴ considered that CE-P10 provides no guidance on what is considered 'inappropriate' in the Coastal Environment and sought the deletion of CE-P10 in its entirety.
197. WIAL¹⁵⁵ considered that it is inappropriate for such a directive policy to apply to such a large and generally urbanised area, with highly variable levels of 'natural character and quality'. The extent to which an activity is 'incompatible with or detrimental to' its surrounding environment, including its potential effects on the Coastal Environment is addressed within the underlying land use zone provisions and the various natural environment overlays within the Proposed Plan. It sought the deletion of CE-P10 in its entirety.
198. As with Mr Sirl, we agree that amendments are required to CE-P10 as the policy does not provide any detail on the type of activities considered to be 'inappropriate' in the Coastal Environment or the extent to which an activity is 'incompatible with or detrimental to' its surrounding environment. However, we also agree with the reporting officer's position that given the relationship between the Coastal Environment chapter provisions (CE-R7 in particular) and the underlying zone, and the policy support that CE-P10 provides to CE-R11, this policy is necessary and should be retained.
199. Ms O'Sullivan for WIAL and Ms Foster for Meridian continued to oppose the breadth of the policy. Ms O'Sullivan¹⁵⁶ was of the view:

In my view, the policy support that the section 42A reporting officer is seeking for non-complying activities can be found within the proposed amendments to Policy CE-P2. That is, if an activity has significant adverse effects on natural character, then that activity must be avoided.

¹⁵³ Hearing Stream 5 Report 5B- Natural and Coastal Hazards paragraph 368

¹⁵⁴ Submission #228.111

¹⁵⁵ Submission #406.315

¹⁵⁶ Evidence of Kirsty O'Sullivan paragraphs 30 and 31

Furthermore, it is inefficient to subject all activities within the coastal environment to CE-P10 if its intent is to manage the discrete set of activities listed in Rule CE-R11 (those activities being quarrying, mining and plantation forestry). In my view, CE-P10 would look quite different if the efficacy and costs of such a broad-brush approach had been appropriately evaluated in terms of section 32.

200. In his rebuttal evidence, Mr Sirl remained of the view that that there is a need for an 'avoidance' policy to provide the policy support for the associated non-complying rule (CE-R11), but he agreed with Ms O'Sullivan's advice that CE-P10 could be amended to be specific to the activities that the plan seeks to avoid i.e. new quarrying and mining activities and new plantation forestry. Consequently, he recommended amendments to CE-P10, and a consequential amendment to remove CE-P10 as a matter of discretion for CE-R7, as set out in Appendix 1.
201. We agree with the amendments proposed. The policy is now much more targeted toward the activities rather than the broad-brush approach in the PDP as notified. CE-P10 is proposed to be amended as follows:

CE-P10 Inappropriate activities within the coastal environment

Avoid the establishment of ~~activities that are incompatible with or detrimental to the natural character and qualities~~ new quarrying, mining and plantation forestry activities within the landward extent of the coastal environment.

2.9 Coastal Environment – Rules

CE-R1 Customary harvesting by tangata whenua within the coastal environment

202. Forest and Bird¹⁵⁷ and WCC ERG¹⁵⁸ sought to retain the rule as notified. No submitter sought to amend it, and so no further assessment is required.

**CE-R2 Restoration and enhancement activities within the coastal environment:
1. Outside of high coastal natural character areas; and 2. Outside of coastal and riparian margins**

203. WCC ERG¹⁵⁹ and Yvonne Weeber¹⁶⁰ sought to retain the rule as notified.

¹⁵⁷ Submission #345.329, opposed by Meridian FS101.182

¹⁵⁸ Submission #377.256

¹⁵⁹ Submission #377.257

¹⁶⁰ Submission #340.46

204. Forest and Bird¹⁶¹ sought that CE-R2 be deleted in its entirety. If this relief is not accepted, it sought that more detail is added to clarify the intent of the rule.
205. The reporting officer considered that the rule is clear in its intent that it is permissive of 'restoration and enhancement activities' in those parts of the Coastal Environment not identified as High Coastal Natural Character Areas or coastal and riparian margins - where restoration and enhancement activities are more strictly controlled.
206. However, he agreed that the lack of definition of 'restoration and enhancement activities' results in the possibility for misinterpretation of what it is that is permitted.
207. As both restoration and restored are terms relied upon throughout the Plan in the context of the natural environment and natural character, he promoted the following amendment to the definition of restored:

means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality. This definition applies to the use of the term restoration in the context of the natural environment and natural character.

208. We note that the term is used elsewhere within the Plan including in the Natural Environment, Renewable Electricity Generation, Ecosystems and Indigenous Biodiversity chapters. The term 'restoration' also has connotations specifically in relation to heritage. We consider that the additional sentence to the definition is appropriate in that it confines the terminology to natural environment and natural character. However, we note that this definition was also addressed in the Stream 11 hearing, and the final recommendation in relation to it is set out in Report 11.

**CE-R3 Restoration and enhancement activities within the coastal environment:
Within high coastal natural character areas; or within coastal and riparian
margins**

209. WCC ERG¹⁶² and Yvonne Weeber¹⁶³ sought to retain the rule as notified.
210. Forest and Bird¹⁶⁴ sought that CE-R3 be amended to apply in all areas of the Coastal Environment and riparian margins.

¹⁶¹ Submissions #345.330 and 345.331, opposed by Meridian FS101.183 and FS101.184

¹⁶² Submission #377.259

¹⁶³ Submission #340.47

¹⁶⁴ Submission #345.332

211. As with similar submission points, we disagree with Forest and Bird. Like Mr Sirl, we consider that it is neither necessary nor efficient to apply the same level of control with respect to restoration and enhancement activities in those parts of the Coastal Environment not identified as High Coastal Natural Character Areas or coastal and riparian margins. We therefore support a different level of control for different areas based on their assessed character.

CE-R4 Vegetation trimming or removal within the coastal environment, outside of high coastal natural character areas

212. FENZ¹⁶⁵, Horokiwi Quarries Ltd¹⁶⁶, and WCC ERG¹⁶⁷ sought to retain the rule as notified.
213. Yvonne Weeber¹⁶⁸ opposed this rule as it is too permissive of vegetation trimming and removal. The submitter considered that vegetation takes a long time to grow due to extreme coastal environments and needs to have a higher level of protection than what is being proposed in the Plan.
214. Forest and Bird¹⁶⁹ opposed this rule, given the requirement in Policy 13 of the NZCPS to avoid significant adverse effects on all areas of natural character. It also considered that it is unclear why this rule does not exclude significant natural areas, as the other rules in this part do.
215. The reporting officer agreed in part with these submissions, in that this rule is too permissive of vegetation removal in the Coastal Environment given the importance of indigenous vegetation with respect to indigenous biodiversity and natural character of the Coastal Environment. In his view, this rule should not enable indigenous vegetation removal in coastal and riparian margins, and he accepted that this may have been an oversight in the PDP.
216. We agree with his view that the rule framework relating to indigenous vegetation should be amended to provide greater control of indigenous vegetation removal in the Coastal Environment, in particular in the coastal and riparian margins within the Coastal Environment (with the exception of highly modified areas such as the Port, consistent with CE-P6), consistent with the recommended changes to the associated

¹⁶⁵ Submission #273.142

¹⁶⁶ Submission #271.49

¹⁶⁷ Submission #377.259

¹⁶⁸ Submission #340.48

¹⁶⁹ Submission #345.333

policy (CE-P8). In his opinion, this amendment would better give effect to Policy 11 and Policy 13 of the NZCPS.

217. WIAL¹⁷⁰ considered that CE-R4 is inefficient and should be addressed to the extent relevant within the underlying zone provisions. It sought the deletion of the rule in its entirety. We note, however, that Ms O'Sullivan supported Mr Sirl's proposed amendments.

218. Therefore, we adopt the proposed amendments to CE-R4 as follows:

CE-R4 Vegetation trimming or removal within the coastal environment,

1. Outside of high coastal natural character areas; and

2. Outside of coastal or riparian margins.

1. Activity status: Permitted

**CE-R5 Exotic vegetation trimming or removal within the coastal environment,
within high coastal natural character areas but outside significant natural area**

219. FENZ¹⁷¹ and WCC ERG¹⁷² sought to retain the rule as notified.

220. Yvonne Weeber¹⁷³ opposed this rule, as it generally makes vegetation trimming and removal permitted. Ms Weeber considered that vegetation takes a long time to grow in extreme coastal environments and needs to have a higher level of protection than what is being proposed in the Plan.

221. Forest and Bird¹⁷⁴ considered exotic vegetation can form part of natural character and can also contribute to the maintenance of biodiversity. It sought deletion of the rule in its entirety.

222. Mr Sirl did not agree that exotic vegetation removal needs to be controlled in High Coastal Natural Character Areas to protect natural character. He noted that this rule does not apply to SNAs, and that controls on exotic vegetation apply in SNAs. He also noted that a selection of other recent District Plans do not control the removal of exotic vegetation in High Coastal Natural Character Areas.

¹⁷⁰ Submission #406.334

¹⁷¹ Submission #273.143

¹⁷² Submission #377.260

¹⁷³ Submission#340.49

¹⁷⁴ Submission #345.334

223. Further, Mr Sirl considered that a consequential amendment to CE-R5 was required to improve clarity with respect to the inter-relationship of the Coastal Environment chapter and SNAs as a result of considering submissions on CE-R4 and in relation to coastal or riparian margins.

224. We agree with this position and recommend rule CE-R5 be amended as follows:

CE-R5 Exotic vegetation trimming or removal within the coastal environment:

1. ~~w~~Within high coastal natural character areas; and

2. Within coastal and riparian margins.

~~but outside of a significant natural area~~

1. Activity status: Permitted

CE-R6 Indigenous vegetation trimming or removal within the coastal environment, within high coastal natural character areas but outside of significant natural area

225. FENZ¹⁷⁵, Waka Kotahi¹⁷⁶ and WCC ERG¹⁷⁷ sought to retain the rule as notified.

226. DoC¹⁷⁸ considered that CE-R6 needs to be amended to align with Policy 11 of the NZCPS. We note that we had no evidence or explanation from DoC in support of the submission.

227. We therefore agree with Mr Sirl that is not appropriate to essentially duplicate Policy 11 of the NZCPS as a district plan policy. Like Mr Sirl, we understand that the submitter's concerns relate to the protection of threatened or naturally rare vegetation types, threatened or at risk indigenous species, and the habitats of indigenous species. We note that these are addressed through the SNA provisions in the ECO Chapter without the need for amendments to CE-R6.

228. Forest and Bird¹⁷⁹ considered that the rule should apply more broadly to the whole Coastal Environment, outside of SNAs, and to exotic vegetation. Forest and Bird also sought that the CE-R6 matters of discretion should cross reference its requested new

¹⁷⁵ Submission #273.144

¹⁷⁶ Submission #370.202

¹⁷⁷ Submission #377.261

¹⁷⁸ Submissions #385.66 and 385.67

¹⁷⁹ Submissions # 345.335, 345.336

ECO policy related to the maintenance of biodiversity outside of SNAs, and other relevant ECO policies.

229. We agree with the reporting officer that an additional matter of discretion is not necessary within CE-R6.2 to allow for the consideration of adverse effects on indigenous biodiversity values, as any adverse effects, including those relating to natural character, can be considered under the notified matters of discretion relevant to CE-R6.2.a. We have also outlined our position that the provisions should not be amended to apply to exotic vegetation in addition to indigenous vegetation or for the rule to apply to the entire Coastal Environment. We consider that, subject to an amendment to CE-R6 to include coastal and riparian margins in the Coastal Environment, the suite of exotic and indigenous vegetation rules adequately give effect to the NZCPS.
230. In his rebuttal¹⁸⁰, Mr Sirl identified that the revised policy direction of CE-P8 recommended in the Section 42A Report had not been adequately reflected in CE-R5 and CE-R6. He recommended that CE-R5 and CE-R6 are amended to include reference to coastal and riparian margins.
231. Mr Sirl also proposed including a Section 88 requirement for an assessment by a suitably qualified landscape architect to assess the proposal against the identified natural character values of the Coastal Environment in accordance with APPX be provided when a consent is triggered under this rule.
232. Through Minute 49 we requested Mr Sirl to consider two matters in relation to CE-R6, CE-R9 and CE-R15:
- we asked Mr Sirl to provide discussion of the merits and scope for the inclusion of the proposed Section 88 information requirements; and
 - to address the scope to add the suggested new APPX in greater detail.
233. He responded¹⁸¹ as follows:

In my opinion, the merit for inclusion of a specific Section 88 information requirement is twofold. Firstly, to provide clarity for Plan users when a landscape assessment will be required and the information that is required to be provided. The proposed Appendix provides greater recognition of the Natural Character Evaluation report prepared by Boffa Miskell, and the

¹⁸⁰ Statement of supplementary evidence of Jamie Sirl paragraph 30

¹⁸¹ Reply paragraph 53

information contained with respect to natural character present in the coastal environment. Secondly, the information requirement has been introduced to those rules that are considered to address activities and development that are most likely to have the potential to adversely impact those parts of the Coastal Environment with the highest levels of remaining natural character intact, or where restoration is of greatest relevance i.e. the high coastal natural character areas and coastal and riparian margins.

In terms of scope, I consider that this approach is an alternative way to partly achieve the relief sought by submitters (GWRC [351.26, 351.32, 351.33, 351.351, 351.352, 351.353 and 351.355], Forest and Bird [345.290, 345.417 and 345.418]) who similarly sought a greater level of protection beyond the identified high coastal natural character areas. In my opinion, considered together, the proposed s88 information requirements and appendix better recognise the Boffa Miskell report and assist in achieving the general outcomes sought by these submitters.

234. We agree with this approach. When this rule is triggered, we consider that an expert analysis of coastal natural character values from vegetation trimming, or removal will be very important for decision makers to determine the existence or scale of adverse effects. While Mr Sirl's proposed Appendix X (APP16 in Appendix 1 to this report) is still very general in relation to guiding evaluations, in our view it has utility. In particular, we support it as it describes how natural character values have been assessed including specifically when it comes to identified areas of high coastal natural character.

235. We therefore recommend the following amendments to CE-R6:

CE-R6 Indigenous vegetation trimming or removal within the coastal environment:

1 Within high coastal natural character areas; or

2 Within the coastal margin or a riparian margin.

~~, but outside of significant natural area~~

1. Activity status: Permitted

Where:

a. Compliance with CE-S1 is achieved

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of CE-R6.1.a ~~cannot be~~ is not achieved.

Matters of discretion are:

- 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; and*
- 2. The matters in CE-P8.*

Section 88 information requirements for applications:

Applications under this rule must provide the following in addition to the standard information requirements:

1. An assessment by a suitably qualified landscape architect to assess the proposal against the identified natural character values of the coastal environment in accordance with APP16.

236. We also agree with Mr Sirl's recommendation that the Chapter Introduction note the relevance of what is now APP16.

CE-R7 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment but: Outside of high coastal natural character areas; and Outside of coastal or riparian margins

237. WCC ERG¹⁸² sought to retain the rule as notified.
238. GWRC¹⁸³ sought to amend CE-R7.2 by adding reference to the use of design guides to support implementation. As already outlined, we agree that the notified versions of CE-P2 and CE-P10 are vague as matters of discretion, and that an additional matter of discretion that is more specific to the potential adverse effects on natural character values present in the Coastal Environment would be beneficial. This would feed into assessments under CE-R7.
239. Forest and Bird¹⁸⁴ considered that it is generally inappropriate to have Permitted Activities in the Coastal Environment, particularly in the context of a district plan that only identifies High Coastal Natural Character Areas. It considered that this does not give effect to Policy 13 NZCPS, and consequently sought that the rule is deleted in its entirety. Alternatively, if its primary relief is not accepted, it sought that the activity

¹⁸² Submission #377.262

¹⁸³ Submission #351.225

¹⁸⁴ Submission #345.337 and 345.338, opposed by WIAL FS36.115

status of CE-R7 is amended to Restricted Discretionary and reference added to all policies of the CE and ECO chapters in the matters of discretion.

240. Mr Sirl did not agree. He considered that is not inappropriate to have Permitted Activities in the Coastal Environment and considered that the NZCPS quite conceivably provides for 'appropriate' subdivision, use, and development without the need for controls. He also disagreed that all other activities not expressly addressed in other CE chapter rules should default to a Restricted Discretionary Activity status, as this would be an inefficient and unnecessarily restrictive approach, particularly given the extent to which the identified Coastal Environment includes highly modified urbanised areas. We agree.
241. WIAL¹⁸⁵ considered that CE-R7 is inefficient and does not relate to effects management within the Coastal Environment given that the trigger for consent is non-compliance with rules or standards of the underlying land use zone. It considered that if consideration of Coastal Environment provisions is relevant to a Restricted Discretionary Activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, it sought the deletion of the rule in its entirety.
242. Mr Sirl proposed further changes to this rule, and we note that these were agreed by Ms O'Sullivan. These were to make amendments as follows:

CE-R7 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment but

1. Outside of High Coastal Natural Character Areas; and

2. Outside of coastal or riparian margins

1. Activity status: Permitted

Where:

a. Compliance is achieved with the permitted activity rules ~~and standards~~ for land use activities in the underlying zones.

2. Activity status: Restricted Discretionary

Where:

¹⁸⁵ Submission #406.335

a. Compliance with the requirements of CE-R7.1.a ~~cannot be~~ is not achieved.

Matters of discretion are:

1. The matters in CE-P2 ~~and CE-P10~~.

243. In our Minute 49, after the hearing had been concluded, we requested Mr Sirl to consider:

Options available to reduce the need for assessment of coastal values in urban areas the subject of the Coastal Environment overlay at locations where there are few/no apparent 'coastal' values.

244. This question reflected a lengthy discussion we had with him of the apparent inefficiency, if not absurdity, of requiring consideration of coastal values in highly urbanised areas such as the Kilbirnie Metropolitan Centre that the Plan seeks to further intensify.

245. Mr Sirl focused his response to this query on how the need for an assessment of coastal values (as required under CE-R7 and CE-R12) could be reduced for proposals in urban areas subject to the Coastal Environment Overlay.

246. He stated¹⁸⁶:

CE-R7 only relates to the activities outside of areas of high natural character and coastal or riparian margins. Similarly, CE-R12 only relates to the construction of, or additions and alterations to, buildings and structures outside of areas of high natural character and coastal or riparian margins. It is these two rules that create the requirement for proposed activities and development outside of areas of high natural character and coastal or riparian margins to consider the adverse effects on the Coastal Environment resulting from proposals where they do not comply with the permitted activity requirements of the underlying zone.

The Panel's concern as I understand it is that given the extent to which the Coastal Environment Overlay applies to urban areas, an assessment of effects on natural character will be required for activities and development that is not permitted in the underlying zone in areas where there are few/no apparent 'coastal' values. The concern is that this may result in an inefficient and unnecessary resource consent process, particularly where an expert landscape assessment was requested to be provided.

¹⁸⁶ Sirl Reply paragraphs 15 and 16

247. Mr Sirl's understanding was correct. We were particularly concerned about the utility of these rules in some areas mapped as being within the Coastal Environment and how development applications may be assessed.
248. Taking a screenshot of the Lyall Bay area with the Coastal Environment overlay shown it is apparent that the entire Rongotai Isthmus is covered by the overlay. In our view, there is a clear case to differentiate the extent of coastal character (as opposed to coastal hazards) between a site on Lyall Parade and a site on Coutts Street.



249. While we have some issues with how the rule could be applied, it does raise the question of the efficacy of having a Coastal Environment overlay in this location in particular. We had no submissions that requested a change to the spatial coverage of the Coastal Environment in this area (or indeed anywhere else except the Airport and Horokiwi Quarry) and so we have no scope to recommend a material change in this regard.

250. However, in support of his conclusion that CE-R7 and its accompanying rule CE-R12 would work in practice, Mr Sirl¹⁸⁷ explained the reasons he considered why there was a case for them to remain:

I remain of the view that for applications that require consideration of natural character values where there are low/no natural character values, an applicant should simply be able to explain that without the need for a landscape assessment. The Boffa Miskell Natural Character Evaluation report provides an appropriate resource to inform an applicant's consideration of natural character of the wider area a site is located in. Similarly, if an activity is in an area that the Boffa Miskell Natural Character Evaluation report highlights as having 'moderate' natural character values, the level of detail required will be commensurate with the adverse effects of the proposal on existing natural character. This approach is often required through a resource consent application and assessment process. I also reiterate that this approach simply introduces effects on natural character as an additional matter of discretion requiring assessment and does not result in the need for a resource consent when there was not already the need for one.

251. Mr Sirl¹⁸⁸ also considered an alternative option:

- Do not manage activities and development outside of areas of high natural character and coastal or riparian margins through rules in the Coastal Environment chapter; and
- Rely on the underlying zone policies, rules and standards, and the matters of discretion and assessment criteria within these rules and standards, including the Design Guides, in combination with earthworks rules.

252. This option would obviously leave the management of adverse effects to the underlying zone, with CE-R7 and CE-R12 deleted from the Coastal Environment chapter.

253. We seriously considered the deletion of these two rules to address the problems of excessive regulation in areas of the Coastal Environment that are entirely urban and relatively far from the coastal margin. As outlined, while we have a significant difficulty with the extent of the CE overlay, there are areas within the area like Lyall Bay Parade and other roads that circle Wellington's coastline, and especially the few

¹⁸⁷ Sirl Reply paragraph 16

¹⁸⁸ Sirl Reply paragraph 17

residential properties not zoned Natural Open Space on the seaward side of the coastal road that we consider have a more genuine 'coastal' character.

254. We also considered the extent of the problem and whether there would be a 'regulatory hole' if Rules CE-R7 and CE-R12 were deleted. Mr Sirl¹⁸⁹ explained:

Where development is occurring in less modified areas, i.e. areas with some remaining natural character, I note that larger-scale development in residential zones (e.g. multi-unit housing developments) or centres zones would be assessed against either the

Residential Design Guide (isoplan.co.nz) or the Centres and Mixed Use Design Guide (isoplan.co.nz). Design outcome O1. and O2. are of most relevance to natural character, along with guidance point G1. Although not specifically referencing the coastal environment, the guidance point requires the consideration of relevant characteristics including 'natural features, including topography, landform, valued established vegetation, and water bodies'.

255. While the Design Guides have some utility, they do not specifically reference the matters in CE-P2 that is the only Matter of Discretion when a Restricted Discretionary Activity application is triggered under Rule CE-R7. Therefore, the amended rule proposed by Mr Sirl and agreed by Ms O'Sullivan should remain in place as an additional matter to be considered should Resource Consent be required.
256. However, in making this assessment there is an additional complication. We have also considered the fact that CE-R7 and CE-R12, (relating to activities outside of high coastal character areas or outside of coastal or riparian margins), as well as CE-R14 and CE-R15 (for existing or new buildings and structures within the coastal or riparian margins) make Restricted Discretionary Activity status turn on compliance with Permitted Rules. There may be few or any Permitted Activities, depending where it is, and what it is being proposed, and the proposal may have an entry level of Restricted Discretionary Activity in any event. We do not consider that there is scope to add a precondition or a qualifier for Restricted Discretionary Activity status that only guides development outcomes by virtue of compliance with the underlying zone framework and assessment under a reasonably broad Policy in CE-P2.
257. On that basis we consider that this issue is an obvious matter to be addressed in the future as we have already signalled that a review of the spatial extent of the Coastal Environment Overlay in as much as it applies to Coastal Character should be

¹⁸⁹ Sirl Reply paragraph 20

undertaken. As part of the review we therefore recommend the matters within these rules be considered.

258. In summary, to make the rules more effective for applicants, we would suggest that Council review both the relevant rules and the extent to which urban areas of the city are identified as having Coastal Natural Character and being in the Coastal Environment, with a view to taking a less inclusive approach by way of a future plan change.

CE-R8 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment, within coastal or riparian margins

259. WCC ERG¹⁹⁰ sought to retain the rule as notified.
260. Forest and Bird¹⁹¹ sought that CE-R8 is amended from a Permitted Activity status to Discretionary or Non-Complying. Alternatively, if a Restricted Discretionary Activity status is preferred, it sought that the matters of discretion reference more policies aimed at protecting natural character and maintaining and protecting biodiversity.
261. Similarly, Yvonne Weeber¹⁹² opposed CE-R8 as it is generally very permissive for a list of activities that have not been listed in the plan.
262. Mr Sirl considered that the permissive nature of CE-R8.1 and CE-R 8.2 is appropriate, given these rules are only applicable to the highly modified parts of the Coastal Environment (noting the limited presence of riparian margins within many of these zones due to the lack of natural streams). In his opinion, ensuring public access (where appropriate) is the primary consideration which is adequately addressed in the notified matters of discretion. He was of the opinion that a Discretionary Activity status for all other zones not covered by CE-R8.1 and CE-R 8.2 is adequate and appropriate, giving Council full discretion and the ability to consider a proposal on its merit. Putting aside our reservations about the spatial extent of the Coastal Environment Overlay, this appears to be the most pragmatic solution.
263. WIAL¹⁹³ considered that CE-R8 is inefficient and does not relate to effects management within the Coastal Environment given the trigger for consent is non-

¹⁹⁰ Submission #377.263

¹⁹¹ Submissions #345.339 and 345.340, opposed by WIAL FS36.116 and FS36.117

¹⁹² Submission #340.52

¹⁹³ Submission #406.336

compliance with rules or standards of the underlying land use zone. It considered that if consideration of Coastal Environment provisions is relevant to a Restricted Discretionary Activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, it sought the deletion of the rule in its entirety.

264. In her evidence for WIAL, Ms O’Sullivan was initially critical of the notified approach, but after discussion at the hearing and the recommended inclusion of the Moa Point Road Seawall Area as an identified area she had no further comment. Therefore, we agree with the proposed amendment to:

- Add Moa Point Road Seawall Area as an identified area;
- Alter CE-R8 1 a to read – “*Compliance is achieved with the permitted activity rules ~~and standards~~ for land use activities in the underlying zones*”.
- Alter CE-R8 1 2.a to read – “*Compliance with the requirements of CE-R7.1.a ~~cannot be~~ is not achieved*”.

CE-R9 Any activity not otherwise listed as permitted, restricted discretionary or discretionary within the coastal environment, within high coastal natural character areas

265. WCC ERG¹⁹⁴ sought to retain the rule as notified.

266. Forest and Bird¹⁹⁵ sought to amend the activity status to Non-Complying. Yvonne Weeber¹⁹⁶ was opposed to CE-R9 as she considered that it is generally very permissive for a list of activities that have not been listed in the plan.

267. Mr Sirl did not agree that CE-R9 is too permissive. In his view a Discretionary Activity status provides Council full discretion and the ability to consider a proposal on its merit and adequately ensures that High Coastal Natural Character Areas are protected. This is more appropriate given the rule relates to a range of unspecified activities that may conceivably include activities that are acceptable in a High Coastal Natural Character Area. In his opinion, this rule adequately gives effect to Policy 13(1)(b) of the NZCPS.

¹⁹⁴ Submission #377.264

¹⁹⁵ Submission #345.341, opposed by WIAL FS36.118

¹⁹⁶ Submission #340.53

268. We agree with this approach, and for the reasons outlined above in relation to CE-R6, we also recommend addition of the same Section 88 information requirement relating to the assessment of a suitably qualified landscape architect.

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

269. Horokiwi Quarries Ltd¹⁹⁷ sought to retain the rule as notified.
270. Forest and Bird¹⁹⁸ sought to amend the activity status to Non-Complying. Yvonne Weeber¹⁹⁹ was opposed to CE-R10 as it relates to mining and quarrying activities within the Coastal Environment, which she generally opposed.
271. In the reporting officer's opinion, Non-Complying Activity status is not appropriate for the extension of existing mining and quarrying where outside of High Coastal Natural Character Areas and outside of coastal and riparian margins in the Coastal Environment. He informed us that the Coastal Environment extends a significant distance inland, and applies to areas specifically zoned for quarrying activities that are already highly modified through existing quarrying operations. In his opinion, a Restricted Discretionary Activity status for the extension of existing mining and quarrying where outside of High Coastal Natural Character Areas and outside of coastal and riparian margins in the Coastal Environment appropriately recognises the strategic importance of these activities, while ensuring effects of the activity on the natural character of the Coastal Environment are adequately assessed as part of the resource consenting process. While the extent of the overlay has been reduced as per our recommended amendment where it crosses the Horokiwi site, we still agree with his logic.
272. WCC ERG²⁰⁰ sought that an additional matter of discretion, "*the long-term emissions profile of such an activity, in particular the impact of such an emissions profile on future generations*", is included in CE-R10.
273. We agree with Mr Sirl that this is not a matter directly relevant to the purpose of the Coastal Environment chapter, and is best considered in the context of the Quarry

¹⁹⁷ Submission #271.50

¹⁹⁸ Submission #345.342, opposed by Horokiwi Quarries Limited FS28.9 and WIAL FS36.119

¹⁹⁹ Submission #340.54, opposed by Horokiwi Quarries Limited FS28.13

²⁰⁰ Submission #377.265, opposed by Horokiwi Quarries Limited FS28.10

Zone provisions and the Plan's consideration of the appropriateness of the extension of existing or new quarrying activities more generally.

274. As a consequential amendment, we also support using the same terminology that has been adopted elsewhere by altering CE-R10.2 a to read:

Compliance with the requirements of CE-R10.1.a ~~cannot be~~ is not achieved.

CE-R11 New quarrying and mining activities and new plantation forestry within the coastal environment

275. Forest and Bird²⁰¹ sought to retain the rule as notified.
276. Yvonne Weeber²⁰² opposed CE-R11 as it relates to mining and quarrying activities within the Coastal Environment.
277. WCC ERG²⁰³ sought to amend the activity status to Prohibited. We agree with Mr Sirl's view, based on the further submission of Horokiwi Quarries Limited, that a Non-Complying activity status provides an appropriate and comprehensive assessment framework within which new quarry and mining activities might be considered, and that a Prohibited Activity status would not allow for consideration of the nature of the activity or environment in which it is proposed.
278. Further, we also agree that a Non-Complying Activity status appropriately signals that new quarrying activities are unlikely to be appropriate in the Coastal Environment, while still providing a potential consenting pathway that allows for the consideration of a proposed new quarrying or mining activity should that be contemplated. We therefore recommend that CE-R11 remain as notified.

CE-R12 Construction, addition or alteration of buildings and structures, within the coastal environment: Outside of high coastal natural character areas; and Outside of coastal and riparian margins

279. Fabric Property Limited²⁰⁴, Ministry of Education²⁰⁵, WCC ERG²⁰⁶, and Yvonne Weeber²⁰⁷ sought to retain the rule as notified.

²⁰¹ Submission#345.343, opposed by WIAL FS36.120

²⁰² Submission#340.55, opposed by Horokiwi Quarries Limited FS28.14

²⁰³ Submission#377.266, opposed by Horokiwi Quarries Limited FS28.11

²⁰⁴ Submission #425.44

²⁰⁵ Submission #400.69

²⁰⁶ Submission #377.267

²⁰⁷ Submission #240.56

280. Forest and Bird²⁰⁸ sought to amend the rule by removing Permitted Activities and ensuring the matters of discretion reference policies protecting natural character and maintaining and protecting biodiversity.
281. In the view of the reporting officer, reliance on the underlying zone rules is an effective and efficient approach to the management of adverse effects from the construction, addition or alteration of buildings and structures in the Coastal Environment outside of High Coastal Natural Character Areas and coastal and riparian margins. This approach reflects the range of modified and urbanised areas within the identified Coastal Environment. Mr Sirl considered that requiring a resource consent for any construction, addition or alteration of buildings and structures in the Coastal Environment would be highly inefficient, resulting in significant costs for little, if any, benefit.
282. We agree with this approach for reasons that we have outlined in respect of the parallel rule CE-R7.
283. Kāinga Ora²⁰⁹ sought that the rule be redrafted to include Permitted Activity criteria that relate to the Coastal Environment and the outcomes this chapter is trying to achieve, as opposed to Permitted Activity criteria that relate to the development standards of the underlying zoning.
284. In relation to this submission, we also accept the position of Mr Sirl that drafting Permitted Activity standards that are easily measurable with respect to an acceptable scale of development (beyond that permitted in the underlying zones) in the Coastal Environment presents a significant challenge, noting that CE-R12.2 only comes into play when buildings or structures already require resource consent.
285. WIAL²¹⁰ also considered that CE-R12 is inefficient and does not relate to effects management within the Coastal Environment given the trigger for consent is non-compliance with rules or standards of the underlying land use zone. It considered that if consideration of Coastal Environment provisions is relevant to a Restricted Discretionary Activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, it sought the deletion of the rule in its entirety.

²⁰⁸ Submission #345.344, opposed by WIAL FS36.121

²⁰⁹ Submission #391.261 and 391.262

²¹⁰ Submission #406.337

286. We do not consider that deletion is necessary as with the amendments proposed, when land use or development is not a Permitted Activity in the underlying zone, adverse effects on the natural character of the Coastal Environment is then required to be assessed. This is subject to the caveat, outlined above in relation to CE-R7, that Council review the extent of the Natural Character component of the Coastal Environment Overlay to reduce the extent to those areas that truly portray coastal values as well as the rule framework that applies.
287. We do disagree with the reporting officer on one minor point. In his Reply, Mr Sirl suggested that this rule (and the subsequent CE-R14 and CE-R15) refer to “*buildings and structures activities*”. Although consistent with the heading of this group of rules, we consider the word “*activities*” is unnecessary in this context.
288. Therefore, the substantive changes we recommend are:
- Amendments to CE-R12.1 a. to read “*Compliance is achieved with the permitted activity rules ~~and standards~~ for buildings and structures in the underlying zones*”.
 - Alter CE-R12.2 a to read – “*Compliance with the requirements of CE-R12.1.a ~~cannot be~~ is not achieved*”.
 - Remove PA-P1 from the matters of discretion as it no longer applies.

CE-R13 Construction, addition or alteration of buildings and structures, within the coastal environment, within high coastal natural character areas

289. FENZ²¹¹, WCC ERG²¹² and Yvonne Weeber²¹³ sought to retain the rule as notified.
290. Forest and Bird²¹⁴ sought to amend the rule so it extends to anywhere in the Coastal Environment. It further sought that matters of discretion reference policies protecting natural character and maintaining and protecting biodiversity.
291. Mr Sirl agreed in part with Forest and Bird for similar reasons to CE-R12, but considered that the notified matters of discretion are adequate, subject to the amendments recommended in this report in relation to CE-P2.

²¹¹ Submission #273.145

²¹² Submission #[377.268

²¹³ Submission #240.57

²¹⁴ Submission #345.345, opposed by WIAL FS36.122

292. We agree with this outcome. In addition, we recommend that the same Section 88 information requirements as in CE-R6 apply when consent is required, and the same wording change be made to CE-R13.2.a as follows:

Compliance with the requirements of CE-R13.1.a ~~cannot be~~ is not achieved.

CE-R14 Additions and alterations to existing buildings and structures within the coastal environment: within coastal or riparian margin

293. FENZ²¹⁵, WCC ERG²¹⁶ and Yvonne Weeber²¹⁷ sought to retain the rule as notified.
294. Forest and Bird²¹⁸ sought to amend the rule by removing Permitted Activities and ensuring the matters of discretion reference policies protecting natural character and maintaining and protecting biodiversity.
295. In disagreeing, Mr Sirl expressed the view that additions and alterations to existing buildings and structures in coastal or riparian margins represent a scale of development that, subject to underlying zone standards, are acceptable from an adverse effects perspective. This approach also provides for continued use of coastal margins and in his opinion is a more efficient approach that reduces unnecessary costs from having to obtain a resource consent for relatively minor works that will not adversely affect the existing natural character of the Coastal Environment.
296. Kāinga Ora²¹⁹ sought that the rule be redrafted to include permitted activity criteria that relate to the Coastal Environment and the outcomes this chapter is trying to achieve.
297. As with the similar submission on CE-R12, Mr Sirl considered that drafting Permitted Activity standards that are easily measurable with respect to an acceptable scale of development (beyond that permitted in the underlying zones) in the Coastal Environment presents a significant challenge. We agree, while noting that further amendments to this rule are recommended.

²¹⁵ Submission #273.146

²¹⁶ Submission #377.269

²¹⁷ Submission #240.58

²¹⁸ Submission #345.346, opposed by WIAL FS36.123

²¹⁹ Submissions #391.263 and 391.264

298. WIAL²²⁰ considered CE-R14 is inefficient and does not relate to effects management within the Coastal Environment given the trigger for consent is non-compliance with rules or standards of the underlying land use zone. It considered that if consideration of Coastal Environment provisions is relevant to a Restricted Discretionary Activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, it sought the deletion of the rule in its entirety.

299. In recommending rejection of this submission, Mr Sirl referred us to his commentary²²¹ on other related submissions where the issue of complying with underlying zone provisions apply. We agree with the general view that:

The objectives, policies and rules within the Coastal Environment chapter are directly relevant to the Coastal Environment and do not duplicate, but simply rely on, permitted activity provisions of the underlying zone. This approach is premised on the permitted activity provisions within underlying zones adequately managing adverse effects on natural character within each zone.

300. In our Minute 49, we queried whether the suggested CE-R14.2.b (*The addition or alteration is a restricted discretionary activity in the underlying zone*) in the Section 42A Report is required, and if so, whether as currently framed, that wording leaves a gap where rules with an activity status other than RDA apply. Mr Sirl²²² reconsidered this matter and agreed that the suggested sub-rule 2.b is not required. He also recommended changes, that we endorse with one exception, being insertion of the word “activities” after the words “buildings and structures”. This is considered unnecessary as the rule relates to buildings and structures, not the activities contained within them.

301. The changes we recommend are:

CE-R14 Additions and alterations to existing buildings and structures within ~~in~~ the coastal environment:

1. Within coastal or riparian margins

1. Activity status: **Permitted**

Where:

a. Compliance is achieved with the permitted activity rules ~~and standards~~ for buildings and structures in the underlying zones.

²²⁰ Submission #406.338

²²¹ S42A Report paragraphs 73 and 74

²²² Reply of Jamie Sirl paragraph 55

2. Activity status: **Restricted Discretionary**

Where:

a. Compliance with the requirements of CE-R14.1.a ~~cannot be~~ is not achieved.

Matters of discretion are:

1. The matters in CE-P2, PA-P1, PA-P2 and PA-P3

302. We note that we have recommended that Council review the extent of the Natural Character component of the Coastal Environment Overlay to reduce their extent to cover those areas that truly portray coastal values as well as the rule framework that applies. This recommendation also applies to CE-R14 and CE-R15.

CE-R15 Construction of new buildings and structures within the coastal environment and within coastal or riparian margins

303. FENZ²²³, Ministry of Education²²⁴, WCC ERG²²⁵, and Yvonne Weeber²²⁶ sought to retain the rule as notified.
304. Forest and Bird²²⁷ sought to amend the rule by removing Permitted Activities and ensuring the matters of discretion reference policies protecting natural character and maintaining and protecting biodiversity.
305. We agree in part with this submission as did Mr Sirl. It is noted that this rule is framed in a similar manner to CE-R7, CE-R12, and CE-R14, meaning that it only allows for consideration of activities that breach Permitted Activity standards. In our view, it should also apply to activities with a Restricted Discretionary starting point under the underlying zone provisions. It is therefore recommended to amend the Permitted Activity component of rule CE-R15 to align with that which applies to R12 and R14.
306. Kāinga Ora²²⁸ sought that the rule be redrafted to include Permitted Activity criteria that relate to the Coastal Environment and the outcomes this chapter is trying to achieve.

²²³ Submission #273.147

²²⁴ Submission #400.70

²²⁵ Submission #377.270

²²⁶ Submission #240.59

²²⁷ Submission #345.347, opposed by WIAL FS36.124

²²⁸ Submission #391.265 and 391.266

307. As with the similar submission on CE-R12, Mr Sirl considered that drafting Permitted Activity standards that are easily measurable with respect to an acceptable scale of development (beyond that permitted in the underlying zones) in the Coastal Environment presents a significant challenge.
308. WIAL²²⁹ considered CE-R15 is inefficient and does not relate to effects management within the Coastal Environment given the trigger for consent is non-compliance with rules or standards of the underlying land use zone. It considered that if consideration of Coastal Environment provisions is relevant to a Restricted Discretionary Activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, it sought the deletion of the rule in its entirety.
309. Ms O'Sullivan for WIAL²³⁰ drew our attention through her evidence of a mismatch between the zones and the policies that apply. She stated:

Given that the section 42A reporting officer has recommended supporting WIAL's amendments to Policy CE-P7 which seek to expressly exclude its application to the area between Lyall Bay and Moa Point Road, it seems somewhat counterintuitive and inefficient to subsequently bring the matter back into consideration as a matter of discretion.

310. This prompted us to ask, in our Minute 49, the reporting officer to respond to the following question:

6(l) Query whether the cross reference in recommended CE-R15 to CE-P7 achieves the intent, or whether the relevant matter of discretion needs to be stated more clearly.

311. In response, Mr Sirl²³¹ noted that CE-P7 is a matter of discretion for CE-R15.2 as notified. He stated that the recommended amendments contained in the Section 42A Report simply sought to reduce confusion that could result from the title and chapeau of CE-P7 stipulating that this policy does not apply to the zones that CE-R15 applies to.
312. Having considered this matter further, in his opinion, it would be clearer if CE-P7 as a matter of discretion for CE-R15.2 was replaced by specific matters of discretion. Mr Sirl noted that the submissions of Kāinga Ora and WIAL provided broad scope to amend or delete CE-P7, and he considered that this extends to deletion of aspects of CE-P7 that are unnecessary matters of discretion for activities considered under CE-

²²⁹ Submission #406.339

²³⁰ Evidence of Kirsty O'Sullivan paragraph 37

²³¹ Reply paragraphs 56 and 57

R15.2. He had considered the relevance and appropriateness of the matters contained in CE-P7 as matters of discretion for CE-R15.2 and reframed them for this purpose.

313. We accept this position, and consider it addresses Ms O'Sullivan's point. Therefore, the following amendments to CE-R15 are proposed:

CE-R15 Construction of new buildings and structures within in the coastal environment:

1. Within coastal or riparian margins

1. Activity status: Permitted

Where:

- a. Compliance is achieved with the permitted activity rules and standards for buildings and structures in the underlying zones.*

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of CE-R15.1.a ~~cannot be~~ is not achieved.*

Matters of discretion are:

- 1. The matters in ~~CE-P7~~, PA-P1, PA-P2 and PA-P3;*
- 2. Any measures proposed to avoid, remedy or mitigate the adverse effects on the natural character of the coastal environment, including restoration or rehabilitation planting of indigenous vegetation; and*
- 3. The functional or operational need for the activity to locate within the coastal or riparian margin.*

All other zones

3. Activity status: Discretionary

Section 88 information requirements for applications:

Applications under this rule must provide the following in addition to the standard information requirements:

- 1. An assessment by a suitably qualified landscape architect to assess the proposal against the identified natural character values of the coastal environment in accordance with APP16.***

314. The Moa Point Road Seawall Area has also been added to the list of zones or areas that the permitted and restricted discretionary rules apply. The full text is in Appendix 1.

2.10 Coastal Environment Standards

CE-S1 Indigenous vegetation trimming or removal within the coastal environment and within high coastal natural character areas

315. Waka Kotahi²³² sought to retain the standard as notified.
316. DoC²³³ sought to amend the standard to align it with Policy 11 of the NZCPS. Mr Sirl considered that the submitter's concerns relating to the protection of threatened or naturally rare vegetation types, threatened or at risk indigenous species, and the habitats of indigenous species are addressed through the SNA provisions in the ECO Chapter without the need for amendments to CE-S1. We agree, noting that we had no evidence on this or any other submissions from DoC.
317. FENZ²³⁴ sought that the standard be amended to allow for property owners and occupiers to be able to remove flammable vegetation, as required, to provide sufficient clearance to mitigate the potential for risk.
318. The reporting officer considered that the 50m² allowance along with the exclusion in CE-S1.c. adequately provides for vegetation removal that will reduce risk of wildfire. We agree.
319. Forest and Bird²³⁵ sought amendments to reduce the permitted width of vegetation removal from the external wall of an existing building from 35 to 10 metres. We agree with Mr Sirl that 35m from an external wall of an existing building appears to be very permissive on top of the 50m² of area indigenous vegetation removal allowance provided for by CE-S1.1. Although the Section 32 evaluation report is unhelpful in this respect, Mr Sirl checked the Draft District Plan (DDP) and found that it was 3m. On that basis, he concluded that 35m was in error and it was intended to be 3m as per the DDP. Although Mr Sirl initially recommended substituting 3m, we had concerns about the scope to reduce the notified standard to that extent. In his Reply, Mr Sirl referred us to a very general submission from DoC as providing scope, but

²³² Submission #370.203

²³³ Submission #385.68 and 385.69

²³⁴ Submission #273.153 and 273.154

²³⁵ Submission #345.360

having reflected on FENZ guidance regarding management of fire risk from flammable vegetation, recommended a reduction to 10 metres as sought by Forest and Bird.

320. We also note in Hearing Stream 11 relating to Ecosystems and Indigenous Biodiversity that Mr McCutcheon²³⁶ in response to a similar issue with firebreaks and Significant Natural Areas. Mr McCutcheon stated:

In my view, no convincing evidence has been presented by Fire and Emergency NZ that an exception is necessary. Specifically, no information has been provided on the flammability and risk of particular species of indigenous vegetation or within SNAs in Wellington City which demonstrates that a proactive management approach to fire risk in urban zones is needed.

321. Mr McCutcheon also recommended a 10 metre clearance for firebreaks. We remain dubious about scope to recommend less than 10m, and agree that a 10m separation better meets FENZ guidelines. On that basis, we adopt Mr Sirl's recommendation.
322. Forest and Bird also sought to amend assessment criteria 1 where the standard is infringed, as follows:

The effects on ~~identified~~ coastal natural character values and measures proposed to avoid, remedy or mitigate the adverse effects.

323. We do not see that this is necessary as the relevant coastal natural character values are either already identified or will need to be where the standards are infringed.
324. Thirdly the submitter sought to add the following assessment criteria:

2. Biodiversity values included those protected by policy 11 of NZ Coastal Policy Statement.

325. In this regard, Yvonne Weeber²³⁷ also considered that the assessment criteria should be amended to prevent all indigenous vegetation trimming and removal within the High Coastal Natural Character Areas of the Coastal Environment without a full management plan.
326. Again, we do not consider this as necessary as biodiversity values are specifically considered in the ECO chapter.

²³⁶ Hearing Stream 11, Reply of Adam McCutcheon paragraph 48

²³⁷ Submission #340.72

327. The amended CE-S1 we recommend, including amending formatting, spelling and terminology changes (*Vegetation removal that is necessary to ensure the safe and efficient operation of any formed public ~~road or~~ accessway*), is included in Appendix 1.

CE-S2 New buildings and structures within the coastal environment and within high coastal natural character area

328. FENZ²³⁸ considered that it may have an operational and functional need to establish and operate fire stations in the Coastal Environment. Consequently, it sought an exclusion in CE-S2 for emergency service facilities.
329. We agree with the reporting officer that this is best managed through a resource consenting process due to the sensitivity of the receiving environment. Mr Sirl also noted that there are no High Coastal Natural Character Areas in urbanised areas where a new emergency service facilities would be more likely to be established.
330. GWRC²³⁹ considered that buildings or structures in sites of high natural character should not exceed the relevant standards and sought an amendment to CE-S2 to specifically reference sites, in addition to areas, to give effect to NZCPS Policy 13(1)(b).
331. We disagree on the basis that CE-S2 as notified applies to High Coastal Natural Character Areas and following our general non-acceptance to GWRC's wider relief seeking to identify high natural character at an area and site scale.
332. Yvonne Weeber²⁴⁰ considered that new buildings and structures within the Coastal Environment and within High Coastal Natural Character Areas should be built and designed in a manner that fits into the high coastal natural character. She sought an additional assessment criterion that addresses this matter. She did not, however, provide any detail as to the specific additional elements she sought be included in the standard.
333. In the absence of any clear alternative, we agree with Mr Sirl that the standard adequately addresses adverse effects on the natural character in High Coastal Natural Character Areas and recommend only minor formatting changes.

²³⁸ Submission #273.155 and 273.156

²³⁹ Submission #351.226

²⁴⁰ Submission #340.73

3. NATURAL CHARACTER

3.1 Background

334. As noted above the Reporting Officer for the Natural Character (**NATC**) chapter of the PDP was Mr Jamie Sirl.

335. The Natural Character chapter is made up of an Introduction, two objectives, three policies and five rules.

336. This chapter attracted 48 submission points and 5 further submissions. Mr Sirl notes that the submissions were diverse and sought a range of outcomes and detailed the key issues in contention as raised in submissions to be:

- (a) Whether the NATC chapter is sufficiently *clear* as to when and where the chapter applies;
- (b) Whether the NATC objectives, *policies* and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins;
- (c) Whether the policy direction adequately addresses the identification of natural character values; and
- (d) Whether the permitted rules relating to restoration and enhancement are sufficiently clear.

337. This report addresses each of these key issues, generally following the format of the Section 42A Report, as well as other relevant issues raised in submissions and that we heard during the hearing.

3.2 General Submissions

338. Mr Sirl noted the following submissions under this heading:

- (a) Forest and Bird²⁴¹ considered that the Introduction section of NATC is uncertain and the scope of the chapter very unclear, particularly in regard to the Coastal Environment. It sought an amendment to clarify that the NATC chapter applies outside the Coastal Environment and recognise that activities landward of the Coastal Environment may have downstream effects which are recognised in the activity focussed chapters having

²⁴¹ Submission #345.213, opposed by Meridian FS101.138

regard to the policy direction in the NATC and CE chapters. Forest and Bird acknowledged that the Introduction mentions the NESFW and NRP regulations, but noted that it doesn't mention where in the PDP these are managed. It suggested that the NESFW and NRP regulations should be given effect to through the NATC policies to ensure integration of the policy direction across the District Plan.

- (b) GWRC²⁴² sought that the Council identify natural character ratings at both site and area scales in riparian margins landward of the Coastal Environment, as required by section 6(a) of the RMA. It considered that this work, which has not yet been undertaken, is necessary to manage adverse effects on natural character in riparian margins. GWRC sought the insertion of a new 'process policy' in the PDP to direct this work to commence. This will indicate to District Plan users that this mapping work has not yet been undertaken and ensure that natural character in riparian margins is appropriately preserved and protected in the interim. The new policy sought by GWRC was as follows:

NATC-Px: Identification of natural character ratings in riparian margins landward of the coastal environment

Identify in the Plan natural character ratings in riparian margins landward of the coastal environment.

Until natural character ratings in riparian margins landward of the coastal environment are mapped in this Plan, an assessment may be required as to whether an activity is within an area of high or outstanding natural character. Wellington City Council officers will assist resource consent applicants in determining whether an assessment is required. The need for such an assessment will depend on the level or scale of potential effects and the sensitivity of the receiving environment. Any assessment shall be commensurate with the scale and significance of the effects that the use or development may have on the environment.

- (c) Taranaki Whānui²⁴³ and Lance Lones²⁴⁴ sought retention of the chapter with amendments and other relief to enable Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi.

²⁴² Submission #351.158, #351.159, #351.160

²⁴³ Submission #389.76 and 389.77, opposed by Buy Back the Bay FS79.10, FS79.27, FS79.46

²⁴⁴ FS81.12

(d) Tawa Community Board²⁴⁵ was concerned about streambank erosion of the Porirua Stream and sought that the PDP requires adequate setback distances from the stream edge for new structures.

339. Mr Sirl addressed each of these in turn, as we have.
340. In his Section 42A Report²⁴⁶ Mr Sirl agreed with Forest and Bird that amendments to the Introduction were necessary to improve clarity as to how the chapter applies. This was particularly in relation to the Coastal Environment, and the relationship with the rest of the plan and the NRP, RPS and NESFW (2020). He also recommended restructuring of the chapter introduction.
341. Mr Sirl, referring to the Section 32 Evaluation Report Part 2: Natural Character and Public Access, outlined that the National Planning Standards (**NPS**) (section 7, Clause 20) require any provisions to protect the natural character of wetlands, lakes and rivers and their margins must be addressed in a Natural Character chapter. However, the NPS (section 7, Clause 28) also directs that matters relating to the Coastal Environment to give effect to the NZCPS must be located in a Coastal Environment chapter. Following the direction of the NPS, he confirmed that the PDP approach was to address matters relating to riparian margins that are located in the Coastal Environment in the Coastal Environment chapter.
342. We did not hear from Forest and Bird, and so were unable to discuss the amendments further with them. However, we agree that the amendments proposed by Mr Sirl improve the clarity of the Introduction for plan users.
343. Mr Sirl also recommended an amendment with respect to management of riparian margins to improve clarity in response to other submissions which he considered would also provide relief in the form sought by Forest and Bird. We agree.
344. Mr Sirl disagreed with Forest and Bird's submission that there is a need for further clarity within the NATC chapter that activities landward of the Coastal Environment may have downstream effects which are recognised in the activity focussed chapters having regard to the policy direction in the NATC and CE chapters. We agree with Mr Sirl that the relevant activity rule (NATC-R1 Activities within riparian margins) is clear and the 'other relevant District Plan provisions' text contained in the NATC chapter's Introduction provides adequate information on how the Plan manages activities and

²⁴⁵ Submission #294.12

²⁴⁶ Section 42A Report Mr J Sirl paras 451-454

use of riparian margins in addition to the associated provisions of the NATC chapter. No further amendments are necessary to address this submission point.

345. Mr Sirl noted that no specific wording or examples were provided to demonstrate why Forest and Bird considered that the plan does not fulfil its regulatory obligations with respect to the NESFW and NRP policies. He recorded that the PDP approach is to rely on the NESFW and not duplicate the NRP. We agree this is a more efficient approach as it does not result in requiring local and regional consent to manage the same effects.

346. Mr Sirl agreed with the Section 32 evaluation report for Natural Character and Public Access which outlined:

“the proposed 10m setback is consistent with margins in other legislation (e.g. the NES-FW) and consolidates and aligns the current [Operative District Plan] provisions, which range from 5m to 20m depending on the underlying zone”;

“The NATC chapter does not apply to wetlands as the protection of wetlands lies within regional council jurisdiction and sufficiently covered by other legislation (NES-FW and PNRP). Policy 61(b) 45 of the RPS states that the management of biodiversity within wetlands is GWRC’s responsibility, although 61(c) does not specifically exclude city and district councils from managing wetlands”;

“WCC’s responsibility for the protection of ecological function of water bodies is sufficiently covered through identified SNA’s and related provisions of the ECO chapter”; and

In a broad sense, the PDP approach aligns with higher order direction.²⁴⁷

347. As a result, Mr Sirl disagreed that the amendments sought by Forest and Bird were required. We agree with that position and adopt the reasons canvassed above.

348. Through our Minute 49 we queried Mr Sirl as to whether there was merit in generalising the reference to the NESFW to provide for potential regulatory change. In his Reply, Mr Sirl was of the opinion that should there be future regulatory change, Council can revise the Plan if necessary, following the appropriate process. We accept Mr Sirl’s opinion. In an environment where so much else could potentially be changing, there appears little justification for picking out this example.

349. Mr Sirl disagreed with the relief sought by GWRC. He commented that Method 30 of the NRP commits GWRC to produce a regional list of areas with high and outstanding

²⁴⁷ Section 42A Report Natural Character para 457

natural character in the beds of lakes and rivers, and wetlands by 2026. Until this has been achieved, Method 31 notes that GWRC will assist applicants to identify high natural character values.

350. For clarity, Mr Sirl noted that a jointly commissioned²⁴⁸ natural character assessment had been undertaken for the Coastal Environment (which includes riparian margins within the Coastal Environment), but not for riparian margins outside of the Coastal Environment. He also noted the PDP approach which requires the identification of natural character values within riparian margins at a site level at the time of resource consent.
351. We agree with Mr Sirl that until GWRC completes the riparian margin natural character values identification and mapping exercise, the PDP approach remains the most efficient and effective approach to give effect to higher order direction and the objectives of the PDP. We are also unconvinced that there is benefit in essentially duplicating the NRP provisions in the PDP as sought by GWRC, and agree with Mr Sirl that following the implementation of Method 30 of the NRP by GWRC, revisiting the District Plan to make any necessary consequential mapping and provision amendments is best achieved through a future plan change.
352. In response to Tawa Community Board, Mr Sirl noted that the provisions of the NATC chapter operate so that within 10m from the edge of a stream, a resource consent application is required for new buildings and structures to consider their appropriateness, and that this chapter works in conjunction with the Natural Hazards chapter provisions governing flood hazards. As the submitter did not provide an alternative setback distance to be considered, and they did not appear at the hearing, we agree with Mr Sirl that the PDP provisions adequately manage the risks relating to new buildings and structures near streams.
353. Mr Sirl also noted that the Section 32 evaluation report for Natural Character and Public Access and the NATC Introduction outlined that the only lakes in the Wellington City District are located within Zealandia and as the natural character of the margins of these lakes is considered to be sufficiently protected through other plan provisions (Natural Open Space zoning, the SNA and ONFL overlays), the NATC chapter need not apply to the margins of lakes.²⁴⁹ We agree.

²⁴⁸ Jointly commissioned and managed by GWRC, WCC and HCC

²⁴⁹ Section 42A Natural Character para 464

354. In response to Taranaki Whānui, Mr Sirl noted the legal obligations to recognise and provide for the preservation of natural character under Section 6(a) of the RMA, and not be inconsistent with the direction of the NRP. Accordingly, Mr Sirl disagreed with Taranaki Whānui. He did however recognise that there are a number of PDP overlays that apply to sites of Taranaki Whānui that were detailed within their submission and that the PDP does therefore impose development restrictions upon these sites. However, in his view, the NATC provisions in themselves would not result in significant additional restriction on the development of these parcels. He also noted that streams within the wider Miramar Peninsula site are located within the Coastal Environment and are regulated by the provisions of the CE chapter, not the NATC chapter.
355. The Panel recognised that due to the nature of the submission of Taranaki Whānui it spans the topics of several hearing streams, and we questioned Mr Sirl as to how this submission has been addressed in a comprehensive manner. To address this matter, we asked that in the Wrap-Up hearing, the issue be addressed afresh, so that Taranaki Whānui would have the opportunity to address the effect of the combination of overlays.
356. In his Wrap-Up Section 42A Report²⁵⁰, Mr Sirl acknowledged that the combined effect of overlays and zone provisions represented a significant constraint on the ability of Taranaki Whānui to realise their aspirations in relation to the former Wellington Prison site. He considered that the issue is best addressed in the context of the Te Ao Māori Plan Change that Council is working on. We did not hear from Taranaki Whānui in the Wrap-Up hearing, and it seems to us that in the absence of their detailed feedback, Mr Sirl's recommendation is the best way to address a complex issue. We therefore adopt it.

3.3 Definitions

357. Forest and Bird²⁵¹ sought that the definition of 'riparian margin' is retained as notified. As no other submission sought anything different, no further assessment is required.

²⁵⁰ Section 5.2

²⁵¹ Submission #345.13

3.4 Objectives

NATC-O1 Natural Character

358. Mr Sirl noted the following submissions for NATC-O1:

- (a) Tyers Stream Group and WCCERG²⁵² sought that NATC-O1 be retained as notified.
- (b) Forest and Bird²⁵³ considered that the objective should be amended so that the preservation of natural character within riparian margins also be focused on maintaining or enhancing the ecological functions of riparian margins.
- (c) GWRC²⁵⁴ sought that it be clarified as to whether the objective applies to the Coastal Environment and requested an amendment to align the objective with its Coastal Environment equivalent by including reference to natural character being able to be “*restored or rehabilitated*”.

359. In response to Forest and Bird, in his Section 42A Report, Mr Sirl disagreed that any amendments were required at an objective level. He noted that the objective as notified includes the enhancement (where appropriate) of natural characteristics and qualities that contribute to natural character. He further noted that the RMA does not define ‘natural character’ but the Environment Guide – Best Practice Natural Character Planning (2015)²⁵⁵ provides guidance as to what is meant by the term ‘natural character’, which can be summarised as ‘natural processes, natural elements and natural patterns’. We agree with Mr Sirl that it follows that any reference to natural character already encompasses the ecological function of riparian margins.

360. Regarding the clarification sought by GWRC, Mr Sirl noted that his recommendation to clarify in the Introduction to the chapter that the NATC provisions do not apply to sites within the Coastal Environment addresses this submission point. We concur.

361. Mr Sirl agreed in part with GWRC with respect to amending NATC-O1 to align with CE-O1 by replacing the word ‘maintains’ with the words ‘restored or rehabilitated’ within the objective as do we. We adopt Mr Sirl’s reasoning which is consistent with

²⁵² Submissions #221.51 and #377.135 respectively

²⁵³ Submission 345.214

²⁵⁴ Submissions #351.161, #351.162 and #351.163

²⁵⁵ Section 42A Report Natural Character para 475 <https://www.environmentguide.org.nz/issues/natural-character/>

his amendments to CE-O1.²⁵⁶ We agree with his opinion that this amendment would reduce any uncertainty regarding policy direction for the preservation and protection of natural character for freshwater bodies and their margins, and the preservation and protection of natural character in the coastal environment as directed by the NZCPS.

NATC-O2 Customary Harvesting

362. Taranaki Whānui²⁵⁷ supported the general direction of the NATC chapter (customary harvesting), while noting their broader relief sought to enable Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi, and did not seek any changes to the objective. We note the support of Taranaki Whānui and our discussion above at paragraphs 354-356 where we acknowledge their comprehensive submission and recommend that the issue be addressed in the Te Ao Māori Plan Change.
363. We acknowledge that Forest and Bird, Tyers Stream Group, and WCCERG²⁵⁸ sought that NATC-O2 be retained as notified. No further assessment is required.

3.5 Policies

NATC-P1 Appropriate use and development

364. The following submissions were noted by Mr Sirl in relation to NATC-P1:

- (a) WCCERG²⁵⁹ sought that NATC-P1 be retained as notified.
- (b) Forest and Bird²⁶⁰ sought that the policy be amended so that the preservation of natural character within riparian margins should also be focussed on maintaining or enhancing the ecological functions of riparian margins. Its amendments are shown below:

“NATC-P1 Appropriate use and development

Only pProvide for use and development within riparian margins where:

- 1. It protects the natural character and integrates with the landform;*

²⁵⁶ Section 42A Report Coastal Environment paras 161 and 162

²⁵⁷ Submission #389.78

²⁵⁸ Submissions #345.215, #221.52 and #377.136 respectively

²⁵⁹ Submission #377.137

²⁶⁰ Submission #345.216

2. *It provides for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents;*

3. *It has a functional or operational need to be located within the riparian margin; ~~and~~*

4. *It does not limit or prevent public access to, along or adjacent to waterbodies; and*

5. *It maintains or enhances the ecological functions of the riparian margin.*"

- (c) Tyers Stream Group²⁶¹ sought that the policy be amended so that matters such as provision of good riparian management and public access to and along water bodies are something developers have an active duty to provide, not something developers need to avoid adverse effects on. The changes sought are set out below:

"NATC-P1 Appropriate use and development

~~Provide for~~ Protect natural character, avoid natural hazards and provide for biodiversity and public access to and along water bodies by only allowing use and development within riparian margins which ~~are~~:

1. *~~It~~ protects the natural character and integrates with the landform And;*

2. *~~It~~ provides for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents AND;*

3. *~~It~~ has a functional or operational need to be located within the riparian margin; and*

4. *~~It does not limit or prevent~~ Improves practical public access to, along or adjacent to waterbodies."*

365. Mr Sirl's response to Forest and Bird was consistent with his response to NATC-O1 discussed above, which we agreed with. While he considered that the ecological function of riparian margins is implicit in the reference to natural character, explicit recognition of the enhancement of ecological values at a policy level (in addition to NATC-P2 restoration activities) would align with the PDP's strategic objectives NE-O2 and NE-O5. It would also give effect to Policy 43(b) of the RPS which requires

²⁶¹ Submission #221.53

Councils to have particular regard to maintaining or enhancing the ecological functions of riparian margins when changing/reviewing a District Plan. He consequently recommended the submission be accepted in part by including the words '*the ecological values of the margin will not be adversely affected*' as a new clause to the policy. We accept this recommendation. He disagreed, as do we, with the addition of 'only' to proceed 'provide' as there is no material difference achieved through this amendment, and we note that this policy informs rules that for the most part have a permitted activity status.

366. In accepting this amendment, the Panel also considered that there is merit in providing clarity that the ecological values represented in the new clause are specific to 'indigenous' ecological values – that is values that are worth protecting and not, for example, gorse.
367. In his Section 42A Report, responding to Tyers Stream Group submission, Mr Sirl disagreed that the proposed amendments were necessary, and considered that they would potentially create confusion. He noted that this policy was an 'enabling' policy that provided direction for rules NATC-R1 and NATC-R4 which provide for Permitted Activities subject to the protection of natural character, natural hazard and public access, which are in turn subsets of the policy. He did agree with the sentiment of their submission that public access should be something to encourage. However, he considered that if the 'and' conjunctive was used, it would provide an unnecessarily onerous test as a matter of discretion to require the 'improvement' of public access.
368. Mr Neil Deans spoke on behalf of Tyers Stream Group at the hearing, and we were able to further question their submission. It became clear that the requests that the Group was making were already provided for within the Public Access chapter of the Plan, and that there was no need to change anything in the Natural Character chapter.
369. The Panel also queried the Reporting Officer²⁶² as to whether NATC-P1.5 is consistent with the approach taken to public access provisions, or alternatively needs to be softened (perhaps by the use of a maintenance test) and/or needs to be qualified to allow minor works within the riparian margin.
370. In his Reply Statement, Mr Sirl considered that the maintenance of existing public access tracks is highly unlikely to have adverse effect on ecological values. He noted

²⁶² Through our Minute 49

that under PA-O2, the Plan seeks that any adverse effects of future provision of public access does not have a negative impact on existing values, including natural character and indigenous biodiversity. He did not consider there to be any inconsistency. He noted that NATC-P1 is a matter of discretion for NATC-R5 which provides for the construction of structures within riparian margins, such as a bridge for a walkway. He considered that it is reasonably plausible that a bridge over a stream could be constructed without adversely affecting ecological values of the stream margin. He also noted that indigenous vegetation removal and trimming within high coastal natural character areas and coastal and riparian margins (as per his recommendation) is necessary for the safe operation of public access tracks and is provided for under CE-R6 and CE-S1. We accept his reasoning.

NATC-P2 Restoration and enhancement

371. We acknowledge that Tyers Stream Group and WCCERG²⁶³ sought the retention of this policy as notified.
372. Forest and Bird²⁶⁴ supported the intent of NATC-P2 but sought to amend NATC-P2.1 so that it is consistent with the terminology in the PDP, in that 'indigenous vegetation' is defined and 'indigenous species' is not. These amendments are shown below:

"NATC-P2 Restoration and enhancement:

Provide for restoration and enhancement of natural character within riparian margins ~~where appropriate~~ including:

1. The replanting of riparian margins with indigenous vegetation ~~species~~;

..."

373. In his Section 42A Report, Mr Sirl agreed with the changes requested by Forest and Bird. We agree also. He noted that 'where appropriate' is a PDP drafting approach which acknowledges that there will be circumstances where an activity is not appropriate, and this provides for flexibility in the implementation of the Plan. However, in the context of this policy, which notably does not act as a matter of discretion, it is an enabling policy that informs Permitted Activity rules, and he considered that the words "*where appropriate*" are redundant and can be deleted. We concur.

²⁶³ Submissions #221.54 and #377.138 respectively

²⁶⁴ Submission #345.217

374. Mr Sirl also agreed to the change sought to reference 'indigenous vegetation' as do we. It is good practice to use terminology that is defined in the PDP and reference to 'indigenous vegetation' will assist with interpretation of this policy without any material difference in how the policy would be applied.

NATC-P3 Customary Harvesting

375. We note that Forest and Bird, Tyers Stream Group and WCCERG²⁶⁵ sought that NATC-P3 be retained as notified.
376. Taranaki Whānui²⁶⁶ opposed the zoning and extent and overlays proposed over Te Motu Kairangi. While they supported protection of significant indigenous vegetation, as well as landscapes that have cultural, historical, spiritual and traditional significance, they have concerns as to the identification and protection of environmental overlays in previously developed areas, which have the potential to restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi. They did not request any specific changes to NATC-P3.
377. In his Section 42A Report, Mr Sirl acknowledged the concerns of Taranaki Whānui but noted that they did not seek any specific amendments to NATC-P3.
378. We too acknowledge the concerns of Taranaki Whānui and as mentioned above have recommended that the issue be addressed in the Te Ao Māori Plan Change.

3.6 Rules

NATC-R1 Activities within riparian margins

379. It is acknowledged that Forest and Bird and WCCERG²⁶⁷ sought that NATC-R1 be retained as notified.
380. Tyers Stream Group²⁶⁸ sought that NATC-R1 be amended to meet the submitted requirements of NATC-P1.

²⁶⁵ Submissions #345.218, #221.55 and #377.139 respectively

²⁶⁶ Submission #389.79

²⁶⁷ Submissions #345.219 and #377.140 respectively

²⁶⁸ Submission #221.56

381. In response to Tyers Stream Group, Mr Sirl disagreed that any amendment was required to NATC-R1 for the same reasons as for NATC-P1. We agree and refer to our reasons outlined in our discussion for NATC-P1 above.

NATC-R2 Restoration and enhancement activities within riparian margins

382. We note that Forest and Bird, Tyers Stream Group and WCCERG²⁶⁹ sought that NATC-R2 is retained as notified.
383. GWRC²⁷⁰ supported NATC-R2 in part, but considered that it is likely that not all restoration activities will restore natural character rankings. Therefore, GWRC²⁷¹ sought that the rule be amended to include a Permitted Activity condition to clarify which restoration activities are permitted to ensure those activities will restore natural character.
384. Responding to GWRC in his Section 42A Report²⁷² Mr Sirl agreed that this Permitted Activity rule could lead to a lack of clarity as to what exactly is permitted, due to the lack of associated definition for restoration and enhancement activities or Permitted Activity conditions. Mr Sirl considered that replicating the Permitted Activity conditions of CE-R3 would provide consistency between riparian margins located within and outside of the Coastal Environment. This would also require a cascading activity status for restoration and enhancement activities that do not meet the Permitted Activity conditions to a Restricted Discretionary Activity status with NATC-P2 as the sole matter of discretion. We agree that the amendments provide clarity and plan consistency. Mr Sirl also noted that his recommendations relating to the definition of restoration in the context of the Coastal Environment Chapter (refer Section 2.9 of our report above) would provide at least part relief sought by the submitter. We concur.

NATC-R3 Customary harvesting within riparian margins

385. Forest and Bird, Tyers Stream Group and WCCERG²⁷³ sought that NATC-R3 is retained as notified. This is acknowledged and no further assessment is required.

²⁶⁹ Submissions #345.220, #221.57, #344.141 respectively

²⁷⁰ Submission #351.164

²⁷¹ Submission #361.165

²⁷² Section 42A Report Mr J Sirl paras 511-512

²⁷³ Submissions #345.221, #221.58 and #377.142

NATC-R4 Construction, addition or alteration of buildings or structures for natural hazard mitigation purposes where carried out within riparian margins by a Regional or Territorial Authority, or an agent on their behalf

386. We acknowledge that Tyers Stream Group and WCCERG²⁷⁴ sought that NATC-R4 be retained as notified.
387. Forest and Bird²⁷⁵ sought that NATC-R4 be amended to include a qualifier as per NATC-R1 to ensure effects are properly addressed, as follows:

Where:

a. Compliance is achieved with the rules and standards for activities in the underlying zone.

388. Zealandia²⁷⁶ were concerned that NATC-R4 may prevent maintenance and management work of bridges and associated infrastructure within Zealandia, and sought to amend the rule to list the Karori Sanctuary Trust as an approved operator.
389. Mr Sirl disagreed with Forest and Bird relief sought as do we. We understand that NATC-R4 only applies in relation to buildings and structures for natural hazard mitigation purposes when undertaken by Regional and City Council entities (or their agents) and noted that natural hazard / flood mitigation works are a Permitted Activity when undertaken by these entities (NH-R3.1). Mr Sirl disagreed that the qualifier is necessary. He noted the functional need for natural hazard mitigation structures to be located in close proximity to the respective waterbody and to be designed for a specific issue for each site.
390. Responding to Zealandia, Mr Sirl considered that the works referred to do not appear to be for the purposes of hazard mitigation, and therefore would not fall under this rule. He noted also that Zealandia is a Council Controlled Organisation (CCO) and is arguably covered by the Permitted Activity rule NATC-R4 as written. We agree that no changes are necessary as a result of this submission point.

²⁷⁴ Submissions #221.59 and #377.143

²⁷⁵ Submission #345.222

²⁷⁶ Submission #486.3

NATC-R5 Construction, addition or alteration of buildings and structures within riparian margins

391. We acknowledge that Tyers Stream Group and WCCERG²⁷⁷ sought that NATC-R5 is retained as notified.
392. Forest and Bird²⁷⁸ sought that the construction of new buildings be a non-complying activity within riparian margins. If the relief for a non-complying activity status is not accepted, it sought that matters of discretion be widened to include policies from the ECO chapter and NATC-R5.1.
393. In response to Forest and Bird's relief for a non-complying activity status, Mr Sirl disagreed. In his opinion the Restricted Discretionary Activity status is appropriate, particularly considering the policy direction of NATC-P1, which directs: "*Provide for use and development within riparian margins ...*". We agree that the policy direction enables appropriate development within the riparian margins, with the matters in the policy providing the parameters for what is considered appropriate.
394. Regarding Forest and Bird's second submission point, Mr Sirl²⁷⁹ considered that the specifics of this rule ensure that a thorough assessment is required for any proposal, noting there is no Permitted Activity rule (other than for natural hazard mitigation). As to seeking inclusion of ECO policies, we refer to our recommendation above at paragraph 366 to include reference to indigenous ecological values under NATC-P1 (Appropriate use and development) which is a matter of discretion for NATC-R5. Mr Sirl noted that the ECO chapter addresses Significant Natural Areas (SNA) and will apply in conjunction with the NATC where a SNA is also located within a riparian margin. Consequently, we agree with Mr Sirl that no changes are required as a result of this submission point.

4. PUBLIC ACCESS

4.1 Background:

395. Mr Sirl was also the Reporting Officer for the Public Access chapter of the PDP.

²⁷⁷ Submissions #221.60 and #377.144

²⁷⁸ Submissions #345.223 and #345.224

²⁷⁹ Section 42A Report Mr Sirl para 529

396. The Public Access chapter is made up of two objectives and three policies. There are no rules in this chapter. Rather, the provisions are matters of discretion for other District Plan provisions.
397. There was a total of 34 submission points received in relation to the Public Access chapter. These were made by eight original submitters and two further submitters.
398. In his Section 42A Report, Mr Sirl considered that the following matters were the key issues in contention:
- (a) Whether Public Access chapter is sufficiently clear as to when the chapter applies.
 - (b) Whether the Public Access objectives, policies and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins.
399. This report addresses each of these key issues, generally following the format of the Section 42A Report, as well as other relevant issues raised in submissions and that we heard during the hearing.

4.2 General Submissions

400. Tyers Stream Group²⁸⁰ sought that the plan provides for public access to and within areas for which WCC has jurisdiction.
401. Mr Sirl considered that this submission is not entirely a district plan matter, and we agree. It is more suited to consideration through Council's role as landowner and management through the Reserves Act. Mr Sirl further noted that Council continues to look for opportunities to increase public access through strategic land acquisition, and to achieve the outcomes sought by the WCC Open Space Access Plan. As such no changes are recommended because of this submission.
402. We asked Mr Sirl to advise how it is recommended that the apparent inconsistency of language as between the Introduction and in the Objectives and Policies vis a vis references to the 'coast' and 'coastal environment' be addressed.

²⁸⁰ Submission #221.5

403. In his Reply Statement²⁸¹ Mr Sirl stated that in a broad sense, the term Coastal Environment should only be used when the matter relates to the entire area of the Coastal Environment Overlay, and where the matter only applies to a specific part of this area, then another more specific term, or qualification, is needed. Consequently, he considered that as the intention is not for public access to be provided to the entire Coastal Environment Overlay area, as the reference to the Coastal Environment in the Public Access chapter introduction suggests, the reference within the Introduction should be to the coast. We agree with Mr Sirl that this change can be made under Clause 16 of Part 1 Schedule 1 of the Act.
404. Regarding use of the terms 'coast' and 'coastal environment' in the provisions of the Public Access chapter²⁸², he stated that there was generally no scope to make the change and, in most cases, he did not consider that there would be problems with interpretation or overall consistency of terminology.²⁸³ We generally agree with Mr Sirl, with the exception of PA-P2 which we discuss below.

4.3 Objectives

PA-O1 Public Access

405. We acknowledge that VUWSA, Tyers Stream Group, GWRC, WCCERG and DoC²⁸⁴ sought that the objective be retained as notified. No other submission sought an amendment and therefore, no further assessment is necessary.

PA-O2 Adverse effects of public access

406. Mr Sirl noted the following submissions in relation to PA-O2:

- (a) Tyers Stream Group, WCCERG, DoC, and Te Rūnanga o Toa Rangatira²⁸⁵ sought that the objective be retained as notified and this is noted.
- (b) Meridian Energy Limited²⁸⁶ sought an additional qualification on the security of regionally significant infrastructure.

²⁸¹ Reply Statement Mr J Sirl paras 73-74

²⁸² PA-O1, PA-O2, PA-P1, PA-P2 and PA-P3

²⁸³ Reply Statement Mr J Sirl para 74

²⁸⁴ Submissions #123.44, #221.61, #351.170, #377.157 and #385.47

²⁸⁵ Submissions #221.62, #377.158, #385.48 and #488.54 supported by GWRC FS84.115

²⁸⁶ Submission #228.92, #228.93 supported by WIAL FS36.80

- (c) GWRC²⁸⁷ sought that riparian margins be assessed for their natural character rating and an amendment be made to PA-O2 to enable this.
- (d) WIAL²⁸⁸ sought that another clause be added with respect to public health and safety, in respect of the operation of the airport and port, in part to provide rationale for the related clauses of policy PA-P3. Its amendment is set out below:

“PA-O2 Adverse effects of public access

Public access does not have a negative impact on:

a. existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment; or

b. Public health and safety, particularly with respect to the safe operation and functioning of the Port and Airport.”

407. Addressing each submission in turn, Mr Sirl noted that the submission of GWRC sought this relief across various provisions of the PDP and that PA-O2 already recognises that public access to areas needs to consider potential impacts on natural character. Consequently, he disagreed with GWRC’s submission, as do we.
408. Mr Sirl agreed with Meridian and in part with WIAL. In his opinion, the wording should be modified to identify regionally significant infrastructure more generally, not just the port and airport as a subset of regionally significant infrastructure. We agree. The amendments will recognise the potential for adverse effects on health and safety and the operation of infrastructure from public access, and will provide stronger direction for the resultant policy PA-P3.
409. Ms Foster provided expert planning evidence for Meridian. She agreed with Mr Sirl’s amendments to PA-O2 (and PA-P3.10 which we address below). However, she did have an editorial suggestion that the ‘and’ between clause (a) and (b) should be ‘or’ because the two listed sets of circumstances are separate considerations. Mr Sirl agreed that this change would be appropriate, as do we.

²⁸⁷ Submission #351.171 and #351.172

²⁸⁸ Submission #406.252 and #406.253

4.4 Policies

PA-P1 Appropriate activities

410. GWRC and WCCERG²⁸⁹ sought that the policy be retained as notified and this is acknowledged.
411. Tyers Stream Group²⁹⁰ sought an amendment to PA-P1 to clearly deliver the enhancement of public access to the coast and waterbodies required by objective PA-O1.
412. Mr Sirl agreed with Tyers Stream Group that an amendment was required to recognise that the higher order objective seeks at least maintenance, if not enhancement, of public access to coastal and riparian margins. We agree. The deletion of the words “*do not limit or prevent*” and replacement with “*maintain or enhance public access*” will better align the policy with the objective.
413. We asked Mr Sirl whether PA-P1 should be subject to PA-P3 (we address PA-P3 below). In his Reply Statement²⁹¹, Mr Sirl considered that the two policies serve different, and not inconsistent, purposes. In his view, PA-P1 as a matter of discretion does not exclude a scenario where public access is prevented, for example to provide for one of the situations set out in PA-P3, it simply provides policy support for activities that do not limit public access. He further noted that many of the rules that have PA-P1 as a matter of discretion also have PA-P3.
414. The Panel consider that including “*other than as provided for in PA-P3*” to the end of PA-P1 would provide some clarity for this matter. We consider that this change can be made under Clause 16 of the RMA as it is a matter of Plan user clarity.

PA-P2 Maintenance and enhancement of public access

415. It is acknowledged that WCCERG and DoC²⁹² sought that the policy be retained as notified.
416. GWRC²⁹³ considered that natural character assessments in riparian margins landward of the Coastal Environment had not yet been undertaken.

²⁸⁹ Submission #351.173 and #377.159 respectively

²⁹⁰ Submission #221.63

²⁹¹ Reply Statement Mr J Sirl para 75

²⁹² Submissions #377.160 and #385.49 respectively

²⁹³ Submission #351.174

417. Tyers Stream Group²⁹⁴ sought an amendment to PA-P2.3 to include setbacks from both existing and potential public access corridors to ensure linkages are made or enabled.
418. We addressed the submission of GWRC above at paragraphs 349-351.
419. Mr Sirl disagreed with Tyers Stream Group as do we. It is impractical to require a setback from a 'potential' future public access. However, Mr Sirl considered this will at least in part be achieved through the rules that control structures in coastal margins and riparian margins. He noted that securing future public access is achieved through PA-P2.1 (which guides subdivision design) and PA-P2.2 (through the creation of esplanade strips or reserves).
420. We consider that PA-P2.2 would benefit from an amendment to change 'coastal environment' to 'coastal margin'. An esplanade reserve or strip can only apply to the coastal margin, and therefore the change does not alter the effect of the clause. The change therefore falls within Clause 16.
421. We also note an error in the cross-reference to the Subdivision Chapter. The Council pointed out to us that the policy should reference SUB-P9 rather than SUB-P8. SUB-P9 is obviously the correct policy in this context and we recommend the error be corrected as a Clause 16 matter.

PA-P3 Restriction of public access

422. Tyers Stream Group, WCCERG and WIAL²⁹⁵ sought that the policy be retained as notified and this is acknowledged.
423. Meridian²⁹⁶ sought amendments to add protection of existing regionally significant infrastructure other than the Port and Airport as another legitimate reason for restricting public access that should be added to the list of exceptions.
424. GWRC considered that subclause 10 should be removed and WIAL supported this as a further submitter. In the further submission of WIAL, it noted that some airport infrastructure could be located outside of the airport zone, inferring that the amendment is necessary to address such infrastructure more broadly.

²⁹⁴ Submission #221.64

²⁹⁵ Submissions #221.65, #377.161 and #406.254

²⁹⁶ Submission #228.94 and #228.95

425. Consistent with his advice in relation to PA-O2, which we agreed with, Mr Sirl was of the opinion that it is appropriate to broaden clause 11 to apply to regionally significant infrastructure more generally. This would also address the inferred concerns of WIAL.
426. Mr Sirl agreed with GWRC that the rather generic clause 10 is not sufficiently detailed to justify its inclusion and acts as a catch-all. He recommended that it be removed, and we agree. There remains a sufficiently detailed and varied list of reasons why public access may be restricted.

4.5 Minor and inconsequential amendments

427. Mr Sirl identified the following two minor inconsequential amendments to be corrected pursuant to Schedule 1, clause 16 (2) of the RMA.
- (a) Delete the word “*area*” following reference to “*commercial port*” from the Public Access introduction to correctly align with the “*commercial port*” definition included in the Plan.
 - (b) Amend the Public Access introduction to delete reference to “*lakes*” on the basis there are no lakes in Wellington and for consistency with the NATC introduction.
428. The second point is not strictly correct. As discussed above, there are lakes within Zealandia. However, access to them is controlled and so it is appropriate to delete reference to them.

5. NATURAL FEATURES AND LANDSCAPES

5.1 Background

429. The PDP identifies three categories of natural features and landscapes:
- (a) Outstanding Natural features and Landscapes (**ONFLs**);
 - (b) Special Amenity Landscapes (**SALs**); and
 - (c) Ridgelines and Hilltops.

Each is the subject of a separate overlay.

430. The Reporting Officer, Ms van Haren-Giles identified that the jurisdictional base for ONFLs lay in Section 6(b) of the RMA whereas the other two categories sought to

address amenity values, consistent with Section 7(c) of the RMA, but at different levels of significance.

431. Accordingly, ONFLs have the greatest level of protection from activities that might potentially affect the values and characteristics that are important in those areas, and SALs have a greater level of protection than identified ridgelines and hilltops, reflecting the greater significance of the amenity values in SALs compared to the ridgelines and hilltops.
432. The spatial allocation of the respective overlays was consistent with that description. The ONFLs identified in the PDP are limited to areas adjacent to the coast from a point west of Ōwhiro Bay, round to the local authority boundary with Porirua City, together with Ōtari-Wilton's Bush and the valley occupied by Zealandia. By contrast, SALs are more numerous, bounding the outer and inner Wellington Urban Area and including the northern section of Watt's Peninsula (the northern headland of Motu Kairangi / Miramar Peninsula). As its name suggests, the Ridgelines and Hilltops Overlay identifies many of the ridgelines and hilltops across the city, overlapping in part with both ONFLs and SALs.

5.2 General Submission Points

433. In Section 3.2.1 of her Section 42A Report, Ms van Haren-Giles noted a number of submissions raising general issues about the Natural Features and Landscapes Chapter. First, two VUWSA submissions²⁹⁷ were noted in support. That support is acknowledged.
434. The submissions of Churton Park Community Association²⁹⁸ and John Tiley²⁹⁹ were noted as recording reasonable expectations about the way in which ONFLs and SALs might operate, but not seeking any specific relief. As such, Ms van Haren-Giles did not consider them further. We concur, while noting that these submitters had more specific submissions that we will consider later in this Report.
435. Horokiwi Quarries Limited³⁰⁰ was noted as seeking clarification of what the characteristics of Special Amenity Landscapes are in the PDP.

²⁹⁷ Submissions #123.42-43

²⁹⁸ Submission #189.6

²⁹⁹ Submission #142.6

³⁰⁰ Submission #271.27

436. Ms van Haren-Giles' initial response was that her recommendations in relation to Schedule 11 in response to other submissions would add clarity to the matter, but that she considered the language of the chapter and schedules to be both consistent and clear. Ms Whitney's evidence for the submitter clarified that the submitter was making a relatively narrow point, that the text referred to both values and characteristics, but Schedule 11 identified only values, raising the question of what characteristics might need to be considered. Having considered Ms Whitney's evidence on the point, Ms van Haren-Giles recommended a minor amendment to both Schedules 10 and 11 to make it clear that they list both relevant values and characteristics. We consider that the clarification is helpful and makes it clear that the provisions of the Natural Features and Landscapes Chapter were not seeking to draw attention to a separate unidentified series of characteristics.
437. Ms van Haren-Giles noted Taranaki Whānui ³⁰¹ as seeking to include higher triggers for active engagement with Taranaki Whānui. In her view, there were triggers in the consenting process already to enable active engagement where appropriate, and she did not consider further amendments were necessary or appropriate. We did not hear further from Taranaki Whānui on this point and we accept Ms van Haren-Giles' reasoning.
438. Lastly, Ms van Haren-Giles identified two submissions of Forest and Bird³⁰² seeking to ensure provisions in the Chapter adequately protect Outstanding Natural Features and Landscapes and Special Amenity Landscapes, and are well integrated in the ECO Chapter to ensure no net loss of biodiversity, together with a new policy to give effect to Policy 11 of the NZCPS for SALs and ONFLs outside of identified SNAs. She noted that the first of these submissions did not seek specific relief and in relation to the second, she drew attention to the policy direction in the Coastal Environment Chapter which addresses the point raised by Forest and Bird. She did not consider an additional policy was required. We did not hear from Forest and Bird in support of its submission and we concur with Ms van Haren-Giles reasoning.

5.3 Definitions

439. The only submissions noted in relation to definitions specific to the Natural Features and Landscapes Chapter were in support of the existing definitions. No further assessment is therefore required.

³⁰¹ Submission #389.80

³⁰² Submissions #345.225 and #345.227

5.4 Mapping Overlays

440. Under this heading, Ms van Haren-Giles noted the following submissions:

- (a) Taranaki Whānui³⁰³ seeking removal of natural environment overlays over Watts Peninsula, and separately that the special amenity landscape mapping be amended to reflect historical and current built development over the Wellington Prison site;
- (b) Kilmarston Developments Limited and Kilmarston Properties Limited (**Kilmarston**)³⁰⁴ opposing identification of an SAL overlay over two blocks of Medium Density Residential Zone land Kilmarston owns in Crofton Downs (16 Patna Street and 76 Silverstream Road) while retaining the SAL overlay over the Natural Open Space Zone component of its land *“subject to agreement on appropriate tenure”*;
- (c) Thomas Brent Layton³⁰⁵ seeking to remove the Ridgelines and Hilltops Overlay and Special Amenity Landscape Overlay from 183, 241, 249 and 287 South Karori Road;
- (d) Parkvale Road Limited³⁰⁶ seeking to remove the Ridgelines and Hilltops Overlay within 200 Parkvale Road, or alternatively amendment to the provisions of the overlay;
- (e) Horokiwi Quarries Limited³⁰⁷ addressing the absence of an ONFL Overlay within the Horokiwi Quarry site, but not seeking any specific relief.

441. All of these submissions except the last were the subject of numerous further submissions in opposition.

442. Ms van Haren-Giles addressed each of these sets of submissions in turn, as will we.

443. As regards the Taranaki Whānui submissions, Ms van Haren-Giles relied on Mr Anstey’s evidence and the Boffa Miskell Wellington City Landscape Evaluation (2019) Report that had informed the Section 32 Evaluation Report for the notified plan provisions to the effect that Watt’s Peninsula is an important SAL in the city. She therefore disagreed with removal of the SAL overlay, but did agree in part with the

³⁰³ Submissions #389.81 and #389.23

³⁰⁴ Submissions #290.2, 290.12, 290.14, 290.15, 290.16 and 290.20

³⁰⁵ Submissions #164.1-2, #164.5-6

³⁰⁶ Submission #298.4-5

³⁰⁷ Submission #271.6

submission of Taranaki Whānui that the overlay should reflect development to date. Rather than recommend revised mapping, however, Ms van Haren-Giles recommended that the values of the peninsula record that historical development.

444. In the absence of any contrary evidence from Taranaki Whānui, we accept Ms van Haren-Giles recommendation. We did have some concern, however, that Taranaki Whānui was raising a broader point, that the combination of different overlays excessively constrained development options available to Taranaki Whānui in respect of their ancestral lands. As above, we requested that the Council address that aspect of the submission in the Wrap-Up hearing, since consideration of each overlay in different hearing streams would not address the cumulative effect Taranaki Whānui was raising. Based on the advice received in the Wrap-Up hearing, we have recommended that the issue be addressed in the Te Ao Māori Plan Change.
445. Turning to the Kilmarston submission, Ms van Haren-Giles' initial view in her Section 42A Report was that identification of the SAL overlay did not inappropriately constrain development, but rather provided a pathway to ensure that the values of the SAL are maintained and protected. Again, Ms van Haren-Giles relied on Mr Anstey's evidence and the Boffa Miskell Report we have already referred to. In response, Ms Xkenjik's planning evidence for the submitter provided a detailed commentary assessing the SAL overlay over the Medium Density Rural Zone against higher level policy direction, the NPSUD in particular, but also the regional policy statement, concluding that identification of the overlay over residentially zoned land was inconsistent with that higher order direction.
446. In her rebuttal evidence, Ms van Haren-Giles agreed that the identification of an SAL over residentially zoned land was inconsistent with the NPSUD, not so much for the broader policy reasons Ms Xkenjik had identified, but because the Council had not identified the overlay as qualifying matter or, more importantly, evaluated it in the manner directed in Sections 77I and 77J of the RMA.
447. She noted that the Kilmarston land was not alone in this regard and that there were a number of small pockets of HRZ or MRZ land that were the subject of an SAL overlay. Unlike the Kilmarston land, however, those sites were not the subject of submission and, in her view, there was no scope to correct this error.
448. The legal submissions of Mr Slyfield for Kilmarston reinforced the legal issue that Ms van Haren-Giles accepted, but also took issue with the merits of the SAL overlay from

a landscape perspective. Mr Slyfield also drew our attention to the fact that Kilmarston had submissions on the zoning of the land.

449. Like Ms van Haren-Giles, we do not consider that we need to address Ms Xkenjik's planning rationale for the relief she supported. We agree with Mr Slyfield's submissions that in the absence of the required statutory evaluation to support a qualifying matter, retention of the SAL overlay over the portion of Kilmarston's land zoned MRZ cannot be supported.
450. While Mr Slyfield was on strong ground in that regard, we do not accept his criticism of the landscape merits of the SAL overlay in the absence of any expert landscape evidence to contradict Mr Anstey (and the Boffa Miskell Report on which he relied).
451. Kilmarston did not provide us with any evidence to support removal of the SAL from the balance of the Kilmarston land and in the absence of any evidence from it in the Stream 7 Hearing, that Panel has not recommended any additional areas of the two sites be rezoned. Accordingly, we recommend redrawing of the SAL boundaries across the two Kilmarston properties to exclude the area of each currently zoned MRZ.
452. That leaves the problem identified by Ms van Haren-Giles, of other MRZ and HRZ land being the subject of an SAL overlay, unresolved. Ms van Haren-Giles identified the land in question in Appendix 1 of her rebuttal evidence. We agree with her view, that there is no scope for us to recommend amendment to the SAL overlay to exclude those properties. We record that Mr Slyfield did suggest that there was an alternative option open to Council, of withdrawing that part of the PDP (i.e. the SAL overlays over Residential Zoned land) pursuant to the power it enjoys under Clause 8D of the First Schedule. We are aware that there is High Court authority to suggest that part of a Plan can be withdrawn³⁰⁸. That option may therefore merit consideration. Alternatively, we recommend that as part of a follow up Plan Change, Council take steps to uplift the areas of SAL overlay over the residentially zoned land Ms van Haren-Giles identified.
453. Turning to the Parkvale Road Limited submissions, Ms van Haren-Giles' initial response in her Section 42A Report was to recommend that the Ridgelines and Hilltops Overlay be retained, notwithstanding the recommendation of the Reporting Officer in Stream 7 that the site be rezoned to MRZ. This was on the basis of the

³⁰⁸ *West Coast Regional Council v Royal Forest and Bird Protection Society of New Zealand* [2007] NZRMA 32

landscape evidence of Mr Anstey and an Isthmus Report underlying the notified provisions. The submitter provided both landscape (Mr Compton-Moen) and planning (Mr Lewandowski) evidence on the point. Mr Compton-Moen recommended shifting the boundary of the Ridgelines and Hilltops Overlay to where it crosses the site from its western boundary to the 260 masl contour (currently it follows the 230 masl contour).

454. Mr Anstey agreed with Mr Compton-Moen's recommendation in that regard. However, in her rebuttal evidence, Ms van Haren-Giles recommended that the Ridgelines and Hilltops Overlay be removed entirely from the site on the basis that in Stream 7 the Reporting Officer had recommended that the entire site be rezoned to MRZ. She applied similar logic to that in relation to Kilmarston, observing that the Ridgelines and Hilltops Overlay had not been assessed as a qualifying matter and noted that the overlay previously identified in the ODP had been removed in other cases where land had been zoned to residential, describing it as a policy decision Council had made. She accepted that there may be other isolated areas where this had not occurred. She recommended that they be addressed by a future Plan Change.
455. We do not think that the position is the same as for SALs. Unlike SALs, the Ridgelines and Hilltops Overlay (at least as notified) does not qualify the MDRS in the sense of making them less enabling of development. It only introduces additional policy considerations where a consent would be required for other reasons. We do not, therefore, consider that the same legal impediment to identifying the overlay arises.
456. Addressing the issue as one of policy, we asked Ms van Haren-Giles to identify where the policy decision to remove the Ridgelines and Hilltops Overlay from all residentially zoned land had come from. She referred us principally to the Isthmus Ridgelines and Hilltops Review Report dated 24 November 2020 which had supported the Section 32 Report. Our reading of the Isthmus Report is that it is not as absolute as Ms van Haren-Giles suggested. While it clearly indicated a potential inconsistency between residential zoning and the overlay, we note the summary recommendation in the Report (at section 1.21) that adjustment of the overlay boundary is not recommended where development is only slightly extended into the overlay (by single or small groupings of dwellings) in a way that does not affect the continuity of the overlay overall.

457. We agree with that somewhat more nuanced approach and we recommend that the Council employ it when examining whether it is desirable to revise the Ridgelines and Hilltops Overlay on any sites where it extends over residentially zoned land in order to determine whether a Plan Change is required to amend those boundaries in ways that we do not have scope to recommend in this process.
458. In the Parkvale Road context, the issue is made somewhat academic because the Stream 7 Hearing Panel has not recommended rezoning of the submitters land above the 260 masl contour that Mr Compton-Moen recommended (and Mr Anstey agreed with) for the Ridgelines and Hilltops Overlay. Rather, the Panel's recommendation in Stream 7 is to locate the MRZ boundary below, but following, the Ridgelines and Hilltops Overlay boundary that Mr Compton-Moen recommended.
459. On that basis, the issue that was concerning Ms van Haren-Giles does not arise and given the consensus of technical evidence supporting it, we recommend that the Ridgelines and Hilltops Overlay be amended insofar as it applies to 200 Parkvale Road, and the adjoining properties at 173 and 175 Parkvale Road in the manner set out in Mr Compton-Moen's revised Appendix 1.
460. Turning to Dr Layton's submission, again, Ms van Haren-Giles relied on Mr Anstey's evidence supporting retention of both the SAL and Ridgelines and Hilltops Overlays over his properties in South Karori Road.
461. Dr Layton did not provide us with a landscape-based rationale for removing the overlays and is not qualified in that field (he is a well-known retired economist). Rather, he developed an essentially economic argument supporting a reduction and restriction in the use of his land in this regard. While Mr Anstey sought to respond to that line of reasoning, we do not think that we need to go there. Identification of SALs and the provisions governing the activities within them in the PDP implements Policies 27 and 28 of the Regional Policy Statement.
462. The policy underpinning of the Ridgelines and Hilltops Overlay is less authoritative but, in our view, none the less sound. We discuss the point further below, but refer, in particular, to the two Isthmus Reports which formed the basis of the Section 32 Report on this subject. We accept that the Ridgelines and Hilltops Overlay is well founded on amenity grounds. We also record our view that the policy-based restrictions on activities within the Ridgelines and Hilltops Overlay are not excessively onerous and match the jurisdictional underpinning of the overlay.

463. In summary, therefore, we do not recommend acceptance of Dr Layton's submissions in this regard, and we do accept the reasoning in Ms van Haren-Giles Section 42A Report.
464. Lastly, we record that no recommendation is required in respect of the Horokiwi Quarries Limited's submission, given that it sought no specific relief.

5.5 Natural Features and Landscapes Chapter Introduction

465. In Section 3.2.4 of her Section 42A Report, Ms van Haren-Giles noted submissions from Meridian Energy Limited (**Meridian**)³⁰⁹ which sought to amend the Introduction to make it clear that renewable electricity generation activities within all categories of natural features and landscapes are managed by the Renewable Electricity Generation Chapter. Meridian's submission pointed, in particular, to an existing statement indicating that policies and rules relating to infrastructure in ONFLs and SALs are located within the Infrastructure – Natural Features and Landscapes Chapter, implying that that chapter might not apply to infrastructure within the Ridgelines and Hilltops Overlay.
466. Ms van Haren-Giles noted that the Renewable Electricity Generation Chapter already contained a statement in its Introduction stating that the rules in overlay chapters do not apply to renewable electricity generation activities unless specifically stated within a renewable electricity generation rule or standard. She recommended that the Natural Features and Landscape Chapter Introduction be amended firstly to reference the Ridgelines and Hilltops Overlay in the existing statement about infrastructure, and to include a specific statement that would effectively operate as the inverse of the statement in the Renewable Electricity Generation Chapter.
467. In her evidence for Meridian, Ms Foster drew attention to the desirability of greater clarity as to the relationship between both the Coastal Environment Chapter and the Natural Features and Landscapes Chapter if, as the Reporting Officers for both suggested, the Renewable Electricity Generation Chapter was intended to be entirely stand-alone.
468. We have discussed the resolution of that issue vis a vis the Coastal Environment Chapter in Section 2.5 of our Report above.

³⁰⁹ Submissions #228.80-81

469. For present purposes, it is sufficient to note that in her rebuttal evidence, Ms van Haren-Giles sought to clarify the inter-relationship between these different chapters, and recommended that how exactly the PDP be expressed to make that intention clear be resolved in the Stream 9 hearing of submissions on the Renewable Electricity Generation Chapter.
470. We discussed the issues with both Reporting Officers and with Ms Foster at the hearing. It seemed to us that there was a consensus as to what the provisions needed to achieve, but revising the drafting to capture that consensus was proving elusive. We asked both Reporting Officers to confer and suggest revised text in their Reply. They did so. Ms van Haren-Giles' recommendation was that the Natural Features and Landscape Introduction be amended to state:

"The Natural Features and Landscapes chapter provisions do not apply to Infrastructure located within Outstanding Natural Features and Landscapes, Special Amenity Landscapes, or Ridgelines and Hilltops (unless specifically stated within a INF-NFL rule or standard for example, as a matter of discretion).

The Natural Features and Landscapes chapter provisions do not apply to renewable energy generation activities located within Outstanding Natural Features and Landscapes, Special Amenity Landscapes, or Ridgelines and Hilltops (unless specifically stated within a renewable electricity generation rule or standard for example, as a matter of discretion)."

471. Because this matter was addressed in numerous hearing streams, we also considered it in the Wrap-Up hearing and the reporting officer made comprehensive recommendations including that each of the above paragraphs have an additional sentence on the end (to make the position completely clear) and that reference to the INF-NFL Sub-Chapter be deleted from the 'Other relevant District Plan provisions' section. We consider these additional changes are helpful (subject to a minor change of our own) and adopt those recommendations.
472. Lastly, we note that Ms van Haren-Giles recommended a further amendment to the Natural Features and Landscapes Introduction to clarify the distinction between the Ridgelines and Hilltops Overlay and what she described as 'ridgetops' identified in relation to the Upper Stebbings and Glenside West development area. This was consequential on the identification as part of the Stream 6 hearing of such an area. We asked Ms van Haren-Giles to consider whether the Plan would be more understandable if a term were used for the 'ridgetops' in development areas that was more easily distinguishable from the 'Ridgelines and Hilltops' Overlay. She agreed,

and suggested that reference should be made to 'Marshalls Ridge' instead. We note that this particular amendment did not find its way into the revised version of the chapter annexed to Ms van Haren-Giles' Reply. We also record that we heard submissions from Glenside Residents Association Inc and Mr John Tiley challenging the failure to identify Ridgelines and Hilltops Overlays within the Upper Stebbings and Glenside West Development Areas. We will address those submissions in the next section of our Report. Suffice it to say, we have accepted Ms van Haren-Giles reasoning. Accordingly, we recommend that the statement added to the Natural Features and Landscape Introduction read:

"Upper Stebbings and Glenside West development area – policies and rules relating to Marshalls Ridge are located in the Upper Stebbings and Glenside West Development Area Chapter."

5.6 Ridgelines and Hilltops

473. Ms van Haren-Giles identified a number of submissions on the Ridgelines and Hilltops Overlay, starting with submission of Heidi Snelson et al³¹⁰ seeking to retain the protections afforded to ridgelines and hilltops as notified.

474. Seeking material amendments, she identified:

- (a) A series of submissions³¹¹ seeking amendment of the list of identified ridgelines and hilltops to include Marshalls Ridge and/or amending the plan maps to show Marshalls Ridge as an identified ridgeline;
- (b) A number of submissions³¹² seeking retention of the Ridgelines and Hilltops Overlay in the ODP unamended either generally or specifically with reference to Glenside West or Woodland Road/Prospect Terrace;
- (c) The submission of John Tiley³¹³ seeking explanation of the selection criteria for the 18 listed ridgelines and hilltops;
- (d) The submission of Council³¹⁴ seeking to remove the list of ridgelines and hilltops from the Introduction and to clarify that the overlay does not apply

³¹⁰ Submission #276.18

³¹¹ Churton Park Community Association (#189.8 and #189.2), Heidi Snelson et al (#276.17 and #276.19) and John Tiley (#142.8 and #142.2)

³¹² Barry Ellis (#47.2), Heidi Snelson et al (#276.36), Margaret Ellis (#48.2), Rowan Hannah (#84.2) and Glenside Progressive Association (#374.1-2), Johnsonville Community Association (#429.26-27)

³¹³ Submission #142.7

³¹⁴ Submission #266.94

to either the Lincolnshire Farm Development Area or the Upper Stebbings and Glenside West Development Areas; and

- (e) The submission of Horokiwi Quarries seeking to clarify the policy and rule framework for ridgelines and hilltops, given the lack of identified values within the PDP, and to review the appropriateness of the ridgelines and hilltops within the PDP³¹⁵.

- 475. Addressing the Horokiwi Quarries' submission first, Ms van Haren-Giles provided a summary of the policy underpinnings of the Ridgelines and Hilltops Overlay, noting that it provided connections between higher value ONFLs and SALs across the district. Based on the Isthmus Reports examining the overlay as a contributor to the Section 32 Evaluation and Mr Anstey's evidence, she was satisfied that the overlay added value in that it contributes to Wellington's recognised landscape character and identity at a district scale.
- 476. Ms Whitney's planning evidence for Horokiwi Quarries Limited questioned the absence of any higher order policy directive supporting the overlay and any identification of the values of the specific ridgelines and hilltops. She had a specific but relatively minor recommendation in relation to Objective NFL-O3 that we will address in that context. When she appeared, she sought to reinforce these points.
- 477. For her part, Ms van Haren-Giles referred us to more general provisions in the RPS. Although she accepted that the RPS may not include any objectives or policies directing Council to identify or manage ridgelines and hilltops, she considered that the RPS recognised their value.
- 478. She also accepted Ms Whitney's point regarding the absence of any identified specific values for ridgelines and hilltops. Her position was that there is no requirement to do so.
- 479. While we accept that there is no specific higher order policy underpinning for the Ridgelines and Hilltops Overlay, it is firmly based in the recognition in Section 7(c) of the importance of the maintenance and enhancement of amenity values. We agree with Ms van Haren-Giles that the Isthmus Reports (and Mr Anstey's evidence) provide technical support for the overlay. We also considered Ms Whitney's concern about the absence of identified values somewhat misplaced. As Ms van Haren-Giles

³¹⁵ Submission #271.28

explained, the Ridgelines and Hilltops Overlay is intended to recognise broader amenity values rather than the value or values of any specific ridgeline or hilltop. Accordingly, we find the Ridgelines and Hilltops Overlay soundly based in principle.

480. We therefore recommend rejection of the Horokiwi Quarries' submission and turn to submissions on its extent.
481. Addressing the submissions of a number of parties seeking greater protection of Marshalls Ridge, Ms van Haren-Giles sought to differentiate between what she referred to as the 'ridgetop area' within the Upper Stebbings and Glenside West development area, and the Ridgelines and Hilltops Overlay. This was the subject of representations from Mr Blackett, for the Glenside Progressive Association and Mr Tiley. The former supported retention of the ODP overlay intact, which would remove the distinction Ms van Haren-Giles drew, and extend the overlay into areas we have recommended (in Stream 6) to have a Medium Density Residential Zoning. Mr Tiley, by contrast, argued that Marshalls Ridge should have a status separate from that of other ridges and have protection under the Development Area Chapter.
482. We discussed with Ms van Haren-Giles why the ridgeline area in the Upper Stebbings and Glenside West Development Area was treated differently to other ridgelines. She emphasised that this was a means both to provide greater protection than the Ridgelines and Hilltops Overlay provided, and to recognise the proposed residential zoning below the identified 'ridgetop'.
483. We accept Ms van Haren-Giles' reasoning, which essentially parallels the position Mr Tiley put to us, although he sought still stronger protection of a larger area. We think that it is important that the remaining ridgeline areas above the Upper Stebbings and Glenside West development area receive greater protection than is afforded by the overlay. Mr Tiley's desire for changes to the nature and spatial extent of that protection have already been addressed in the recommendations of the Stream 6 Hearing Panel.
484. Ms van Haren-Giles also recommended an extension of the Ridgelines and Hilltops Overlay to include 22 Alexandra Road, consequential on the Stream 2 Hearing Panel's recommendation that that site be rezoned Open Space, which was accepted by Council. She accordingly recommended acceptance of the further submissions of Roseneath Residents Association³¹⁶ and Matthew Wells, Adelina Reis and Sarah

³¹⁶ FS#49.1

Rennie³¹⁷. We accept that recommendation as a logical consequence of our earlier recommendation.

485. As regards more general submissions seeking that the PDP does not remove the ridgeline protection as it appears in the ODP, Ms van Haren-Giles did not consider that there was such a change.
486. Lastly, she disagreed with the Johnsonville Community Association's submission³¹⁸ seeking that Woodland Road/Prospect Terrace be added to the list of ridgelines. She observed that this is a highly modified built environment already zoned MRZ. We agree with Ms van Haren-Giles' reasoning in that respect also and note that we did not hear from the Association on this occasion.
487. Turning to the suggestion in the Council's submission³¹⁹ for changes to the chapter introduction, we agree with Ms van Haren-Giles' view that there is no particular harm in listing the identified ridgelines and hilltops, particularly given that the ONFLs and SALs are separately listed in the Introduction and that the position in the Upper Stebbings and Glenside West Development Area might be addressed more simply in the part of the Introduction devoted to other relevant District Plan provisions. We have addressed the wording of that addition in Section 5.5 of our Report above.

5.7 Outer Green Belt

488. In her Section 42A Report, Ms van Haren-Giles next addressed the status of the Outer Green Belt. She noted that a number of submitters supported identification of the Outer Green Belt as an SAL in its own right although Forest and Bird expressed concern³²⁰ that the Outer Green Belt was not listed in Schedule 11 and that there were therefore no identified values to reference in NFL-P3.
489. Ms van Haren-Giles advised that the incorporation of the Outer Green Belt as an SAL was the subject of a Council resolution that was not supported by the Boffa Miskell Landscape Evaluation that underpinned the chapter. In addition, the Council resolution was not accompanied by direction to amend any other part of the Plan, which meant that the Outer Green Belt was not listed in Schedule 11 and, as Forest and Bird have noted, does not have identified values. Ms van Haren-Giles noted that this in turn makes implementation of NFL-P3 "*difficult to achieve*". Her initial

³¹⁷ FS#50.1

³¹⁸ Submission #429.26

³¹⁹ Submission #266.94

³²⁰ Submission #345.233

recommendation (in her Section 42A Report) was nevertheless that the Outer Green Belt be added both to the NFL Chapter Introduction and Schedule 11, but she noted that further investigation would be required as to what values could properly be ascribed to it (Forest and Bird did not provide evidence on that question in support of its submission).

490. In her rebuttal evidence, Ms van Haren-Giles reported on the results of her further investigations. She noted that the Outer Green Belt, as defined in the Outer Green Belt Management Plan, applies only to Council-owned land, which is subject to change, and that the Outer Green Belt SAL is a very large tract of land with varying topography and landscape character. As such, it does not necessarily combine to make a 'distinctive' landscape as the RPS requires. She noted, however that some distinctive landscapes meeting the SAL criteria that form part of the Outer Green Belt are already identified (Mount Kaukau and Wrights Hill/Makara Peak).
491. Ultimately, she found that there was no evidence to support the notified extent of the Outer Green Belt SAL and she did not support gathering of evidence to backfill Schedule 11 with identified values.
492. Ms van Haren-Giles also noted that no submitter sought to remove the Outer Green Belt SAL. There was therefore no scope to remove it. She therefore recommended that it be retained, subject to the need for further investigation and evaluation.
493. Clearly the situation is unsatisfactory. We asked Mr Anstey for his technical view and he agreed with Boffa Miskell's assessment, that the Outer Green Belt as a whole is not an SAL.
494. We discussed with Ms van Haren-Giles how NFL-P3 could be applied to the Outer Green Belt given that it focusses on maintaining "*the identified landscape values and characteristics*", and there are none. Ms van Haren-Giles' suggestion that this situation makes the policy difficult to achieve is, in our view, something of an understatement.
495. Because there are no identified values, identification of the Outer Green Belt as a SAL is in practice illusory. In terms of the balance of costs and benefits, there are no benefits to weigh against the additional costs of greater regulation over any development in the Outer Green Belt, because the Plan does not provide any direction as to how the Outer Green Belt SAL should be managed.

496. We asked Ms van Haren-Giles to advise us further on the scope to delete the Outer Green Belt SAL and in Reply, she pointed out to us Dr Layton's submission³²¹ seeking that the SAL landscape overlays be removed from the PDP.
497. In the light of Ms van Haren-Giles confirmation that the Outer Green Belt SAL does not meet the RPS criteria, combined with Mr Anstey's evidence that it does not qualify as an SAL, we recommend that Dr Layton's submission be accepted in part and the Outer Green Belt SAL removed, save for those sub areas separately identified as SALs in their own right.
498. If the Council wants to take forward its resolution and have the Outer Green Belt recognised as an SAL, we recommend that it instruct the necessary landscape analysis to see if, notwithstanding Boffa Miskell and Mr Anstey's views to the contrary, it meets the RPS criteria for identification of a SAL. That exercise would also enable Council to fill in the gap in Schedule 11 by identifying the values of such an SAL so that the Plan could then apply to it as intended. In our view, however, such a step would necessarily need to be undertaken by way of a future Plan change given the absence of any evidence to support an SAL notation at present.

5.8 Objectives

499. Ms van Haren-Giles noted only submissions in support of NFL-O1. Accordingly, no evaluation of that objective is required.

500. Turning to NFL-O2, as notified, it read:

"The characteristics and values and special amenity landscapes are maintained and, where practicable, enhanced."

501. Putting aside submissions that have already been addressed, the only submission we need consider at this point is that of Forest and Bird³²², which sought to delete the reference to practicability. Ms van Haren-Giles noted that Policy 28 of the RPS references enhancement of SAL landscape values, but does not require that outcome. Insofar as SALs are ultimately referenced back to Section 7(c) of the RMA, that is framed more generally with reference to amenity values. In Ms van Haren-Giles view the qualification of NFL-O2 recognises that enhancement may not always

³²¹ Submission #164.8

³²² Submission #345.229

be possible or viable, particularly given that SALs tend to be more modified environments already subject to existing activities.

502. We did not hear from Forest and Bird in support of its submission, and we agree with Ms van Haren-Giles' reasoning. Accordingly, we recommend retention of Objective NFL-O2 as notified.

503. Objective NFL-O3 relates to ridgelines and hilltops. As notified it read:

"The natural green backdrop provided by identified ridgelines and hilltops is maintained."

504. Ms van Haren-Giles noted submissions on it of:

- (a) Forest and Bird³²³ and WCC Environmental Reference Group³²⁴, supporting the objective as notified;
- (b) Horokiwi Quarries Ltd³²⁵, seeking to clarify the appropriateness of ensuring the natural green backdrop to the city on private land and to review the appropriateness of the Ridgelines and Hilltops Overlay within the PDP;
- (c) John Tiley³²⁶; and Churton Park Community Association³²⁷, seeking to include reference to the protection of the amenity value of associated open space, and opportunities to create continuity of open space;
- (d) Meridian³²⁸, seeking to delete reference to a "*natural green*" backdrop and to recognise the presence of regionally significant infrastructure, including in particular the wind turbines Meridian operates on the ridgelines and hilltops west of the urban area of the City.

505. We have already addressed the Horokiwi Quarries' submission and thus do not consider it further.

506. Ms van Haren-Giles agreed with Mr Tiley and the Churton Park Community Association that the continuity of open space provided by ridgelines and hilltops is an important outcome to recognise. She referred us to the initial Isthmus review dated 8

³²³ Submission #345.230

³²⁴ Submission #377.147

³²⁵ Submission #271.30

³²⁶ Submission #142.9

³²⁷ Submission #189.9

³²⁸ Submissions #228.82-83

April 2020 supporting the Section 32 Evaluation to this effect. She therefore recommended amendment of the objective to reference the continuity of open space.

507. Ms van Haren-Giles recommended that the Meridian submission be rejected on the basis that the needs of renewable electricity generation are addressed in the Renewable Electricity Generation Chapter and in the INF-NFL sub-chapter. She did, however, agree with Meridian's relief to the extent that it suggested the addition of reference to enhancement where practicable.
508. In her evidence for Meridian, Ms Foster continued to support Meridian's submission. She considered it artificial to ignore the turbines in this objective.
509. Responding in rebuttal, Ms van Haren-Giles suggested that it was unnecessarily specific to mention Meridian's interests in NFL objectives. She noted that there were a number of other existing structures and infrastructure such as Horokiwi Quarry that are also located within the NFL overlays. In her view, it was also neither efficient nor effective to duplicate renewable energy generation or infrastructure in the NFL Chapter when those outcomes are expressed in the respective chapters concerned.
510. We note that Ms Whitney for Horokiwi Quarries expressed concern that the wording of this objective suggested a focus on a single space and that spaces needed to be joined. Accordingly, she suggested that the objective refer to continuity of open spaces in the plural. Ms van Haren-Giles did not agree with that amendment because, in her view, the continuum of open space is an important component of the Ridgelines and Hilltops Overlay.
511. We discussed these issues with Ms van Haren-Giles when she appeared and suggested to her that while provision for renewable electricity generation and infrastructure is addressed in different chapters, because this objective did not acknowledge the existence of those features in the landscape, the outcome was effectively unachievable. We asked if perhaps the objective should talk about the desired outcome in terms of relative continuity.
512. In her Reply, Ms van Haren-Giles considered that this does not add any value to the objective. We disagree. The essential problem is the objective seeks to set out the desired outcome. In places where significant infrastructure already exists, be it Meridian's wind turbines, Transpower's National Grid structures or the quarry at Horokiwi, it will be difficult if not impossible to achieve that continuity of open space, and it would be illusory if the objective were to suggest that outcome. We agree with

Ms van Haren-Giles, however, that existence of competing elements does not remove the overwhelming sense of a natural green backdrop provided by the areas of overlay and do not see the same need to qualify that.

513. We do not think Ms Whitney's solution of referring to open spaces in the plural solves the problem. We think that is altogether too subtle a change to convey the suggested meaning. We accordingly recommend that the notified objective be amended to read:

"The natural green backdrop and relative continuity of open space provided by identified ridgelines and hilltops is maintained and enhanced where practicable."

5.9 Policies

514. NFL-P1 relates to identification of ONFLs and SALs. The only submissions seeking substantive amendment to it were those of Mr John Tiley³²⁹ and Churton Park Community Association³³⁰ seeking to include reference to ridgelines and hilltops.
515. Ms van Haren-Giles did not support that recommendation. She noted that this policy seeks to give effect to Policies 25 and 27 of the RPS, whereas ridgelines and hilltops have not been identified by way of an assessment using RPS prescribed criteria and are not listed in the Schedules. We concur that there appears little value in making reference to ridgelines and hilltops in this context. The identified ridgeline and hilltops are set out in the Introduction to the NFL Chapter and reproducing that information in a schedule, without identification of related values (for which we have no evidence), would seem to serve little purpose.
516. We therefore recommend that these submissions be rejected. We note that in the Wrap-Up hearing, the reporting officer picked up a cross-referencing error that we recommend be corrected.
517. Turning to NFL-P2, this relates to use and development within the Ridgelines and Hilltops Overlay. As notified it read:

"Enable use and development within identified ridgelines and hilltops where:

- 1. The activity is compliant with the underlying zone provisions;*
- 2. There is a functional or operational need to locate them within the ridgeline and hilltop area; and*

³²⁹ Submission #142.10

³³⁰ Submission #189.10

3. *Any adverse effects on the visual amenity and landscape values can be mitigated.*“

518. Ms van Haren-Giles identified the following submissions seeking a material change to this policy:

- (a) Meridian³³¹, seeking deletion of the second and third criteria and insertion of a new criteria that refers to avoidance, remediation or mitigation of adverse effects on visual amenity and landscape values and recognises the function and operational needs of regionally significant infrastructure;
- (b) Forest and Bird³³², seeking to make the policy more restrictive by amending the opening words to read “only enable...”;
- (c) Horokiwi Quarries³³³, seeking to delete the first criterion and to reference the third criterion to relate to significant adverse effects;
- (d) Parkvale Road Limited³³⁴, seeking to make the first and second criteria alternatives to operate in conjunction with the existing third criterion.

519. Ms van Haren-Giles did not consider the amendments suggested by Meridian to be either necessary or appropriate, noting her recommendations that text be added to clarify that the NFL Chapter provisions are not relevant to renewable electricity activities or infrastructure. As above, this was the subject of extensive discussion at the hearing and while her written evidence supported Meridian’s submission, Ms Foster advised when she appeared that with the clarification that nothing in the NFL Chapter would apply to renewable electricity generation, her concerns fell away.

520. As regards the Forest and Bird submission, Ms van Haren-Giles noted that the existing wording aligned with the enabling permitted activity rule NFL-R2, following the general style of the PDP. She did not support the suggested amendment.

521. Ms van Haren-Giles likewise did not agree with the Horokiwi Quarries’ submission. She did not consider the policy unclear in its application, noting that the general approach was premised on the Permitted Activity provisions within underlying zones adequately managing adverse effects, but where the underlying provisions are not complied with, the policy comes into play as a matter of discretion. She also

³³¹ Submissions #228.84-85

³³² Submission #345.232

³³³ Submission #271.31

³³⁴ Submission #298.6

considered the suggested qualification of the third criterion to reference significant adverse effects set an appropriately high threshold for acceptable effects. Ms Whitney advised acceptance of that recommendation on behalf of Horokiwi Quarries Limited.

522. Lastly, she disagreed with the submission of Parkvale Road Limited. In her view, all three criteria of the policy were relevant.

523. Ms van Haren-Giles reconsidered that view, in light of Mr Lewandowski's planning evidence for the submitter indicating agreement with the relief sought.

524. We discussed the end result with Mr Lewandowski suggesting that the combination of conjunctives between the different criteria would be clearer if what was notified as the third criterion (focussing on mitigation) be shifted to be first. Mr Lewandowski agreed with that view and we asked Ms van Haren-Giles to think about it further and advise her position in Reply.

525. At the hearing, we asked Ms van Haren-Giles what the purpose of a criterion focussing on functional and operational need was in this context. Her immediate reaction was that it served no purpose and could be deleted. We also queried what the extent of mitigation the policy was directing. Ms van Haren-Giles expressed the view that scope was an issue in relation to any amendment seeking to address that question. We asked her to consider the need for clarification as to the extent of mitigation required.

526. Ms van Haren-Giles' response in Reply was that:

The mitigation criterion should focus on whether adverse effects are mitigated, not whether they 'can be' mitigated;

The criterion focussing on function and operational need was indeed redundant, because that was a matter relevant to infrastructure, which has been carved out of the Natural Features and Landscapes Chapter.

527. Ms van Haren-Giles did not address our question about whether some guidance was required as to the extent of mitigation, and recommended deletion of the second notified criterion, amendment to the third criterion as above, and expressing the remaining two criteria as alternatives.

528. We accept Ms van Haren-Giles' reasoning as set out in her Reply, but we consider that further amendment is required to address the last point, even if only generally. Accordingly, we recommend that the notified policy be amended to read:

Use and development within ridgeline and hilltops

Enable use and development within identified ridgelines and hilltops where:

- 1. The activity is compliant with the underlying zone provisions; ~~and/or~~*
- 2. ~~There is a functional or operational need to locate within the ridgeline and hilltop; and~~*

*Any adverse effects on the visual amenity and landscape values ~~can be~~
are appropriately mitigated.*

529. Policy NFL-P3 relates to use and development in SALs outside the Coastal Environment. Ms van Haren-Giles noted, among submissions seeking substantive change to the policy, that of Forest and Bird³³⁵ seeking to qualify the initial provision for use and development of the chapeau, and to direct that maintenance and enhancement of the quality to the environment be ensured, together with those of Meridian³³⁶ seeking specific provision for the Brooklyn wind turbine.
530. Ms van Haren-Giles did not support the specific amendment suggested by Forest and Bird but did recommend reframing of the initial words from “provide for” to “only allow”. That was, in her view, more consistent with the Restricted Discretionary Activity status of the associated rule (NFL-R3). She explained that this was the style that had been applied throughout the Plan.
531. Ms van Haren-Giles did not support Forest and Bird's submission seeking an additional clause referring to the quality of the environment, she did not consider that either necessary or appropriate, recording that Policy 28 of the RPS does not require enhancement of landscape values within SALs. She also noted the potential uncertainty a reference in this context to the quality of the environment would have, given the focus of the policy and the accompanying schedule on the values of the identified SALs.
532. Lastly, Ms van Haren-Giles did not accept Meridian's suggested amendments. Again, she did not consider them either necessary or appropriate. As regards the latter, Ms

³³⁵ Submission #345.233

³³⁶ Submissions #228.86-87

Foster advised that her concerns as to the wording of this policy would fall away, if, as noted above, it were clear that the chapter does not apply to renewable electricity generation activities.

533. Discussing that policy (and its companion NFL-P4) related to use and development within SALs inside the Coastal Environment, Ms van Haren-Giles considered that reference might be made to enhancement where practicable. She returned to this issue in her Reply advising that there was both merit, and in her view, scope (from Forest and Bird's submission).
534. We agree with Ms van Haren-Giles reasoning in relation to NFL-P3 and, in relation to the last issue, NFL-P4.
535. More specifically in relation to NFL-P4, the only substantive submission seeking amendments that we need address is that of Forest and Bird³³⁷ seeking similar relief as it had for NFL-P3.
536. In relation to that submission, Ms van Haren-Giles agreed that the chapeau to the policy should have a stronger directive. Drawing on the recommendation in the Earthworks Section 42A Report in relation to similar submission points from Forest and Bird, she recommended that an avoid approach was more consistent with the NZCPS. At the hearing, we queried the difference in approach as between NFL-P3 and NFL-P4 in this regard. Ms van Haren-Giles remained comfortable with the differences that had been drawn between them based on the NZCPS.
537. Forest and Bird also sought deletion of the reference to 'identified' landscape values.
538. Ms van Haren-Giles did not accept the broadening of focus Forest and Bird had suggested to all values. She referenced the direction of the RPS, noting that the values and characteristics identified for each SAL had been subject to substantial evaluation. Removing reference to the identified values would in her view be neither an efficient nor effective approach. She noted also that Forest and Bird had not provided a Section 32AA evaluation with its submission. We concur with Ms van Haren-Giles' reasoning in this regard. The whole point of identifying values of landscapes is to enable those values to be relied on in the consent context, thereby avoiding the need for endless re-litigation of what the values of any particular SAL might be.

³³⁷ Submission #345.234

539. NFL-P5 relates to use and development within ONFLs outside the Coastal Environment. Ms van Haren-Giles noted a Forest and Bird submission³³⁸ seeking parallel relief to that sought in relation to NFL-P4 which we have discussed above.
540. Meridian also submitted on this policy³³⁹ seeking to frame the chapeau more positively (“*allow for*” rather than “*only allow for*”) and to delete the direction that activities must be designed to protect the identified landscape values and characteristics.
541. Ms van Haren-Giles relied on the same reasoning as in relation to NFL-P4. In relation to the specific point raised by Forest and Bird about the need to consider biodiversity values, her view was that this was best done within the framework of the ECO Chapter. As regards the submissions of both Forest and Bird and Meridian on the chapeau, Ms van Haren-Giles emphasised the consistency of approach across the PDP. In her evidence for Meridian, Ms Foster suggested that Ms van Haren-Giles response to its submission more generally (that the REG Chapter managed effects of renewable electricity generation activities within ONFLs) overlooked her point that the absolute direction of clause 2 seemed inappropriate and not mandated by any higher order policy document.
542. We asked Ms van Haren-Giles to consider in her Reply whether the second criterion, to which Ms Foster had taken exception was effectively covered by the first criterion. She pointed to the consistency of style in the policies of the chapter and expressed herself comfortable with the end result.
543. For our part, we consider Ms Foster’s reasoning questionable. While, as she observed, Section 6(b) of the RMA qualifies the reference to protection of ONFLs by reference to inappropriate subdivision, use and development, it has been clear since the Supreme Court’s decision in *EDS v New Zealand King Salmon Company Limited*³⁴⁰ that the test of appropriateness in this regard references back to the identified values of the landscape or feature concerned, and that the only appropriate subdivision use and development is one that protects those values.
544. It follows that we concur with Ms van Haren-Giles recommendation that notified NFL-P5 not be changed.

³³⁸ Submission #345.235

³³⁹ Submissions #228.88-89

³⁴⁰ [2014] NZSC 38 at [101] and [105]

545. NFL-P6 relates to use and development within ONFLs within the coastal environment.
546. Ms van Haren-Giles noted submissions of Forest and Bird³⁴¹ and Meridian³⁴². Forest and Bird's submission sought to amend the chapeau in a similar manner to that which it had proposed in relation to other policies, be more directive in relation to avoidance of adverse effects and add the same criterion as is set out in NFL-P5.
547. Meridian sought to focus the policy on significant adverse effects and to provide that other effects might be avoided, remedied or mitigated. As regards the latter, Ms van Haren-Giles drew attention to the unqualified nature of the direction in NZCPS Policy 15(a). Ms Foster accepted that point and did not pursue the issue further. We agree. As Ms Foster acknowledged, Meridian's submission seems to have been based on a misreading of the NZCPS.
548. Turning to Forest and Bird's submission, Ms van Haren-Giles considered that the re-wording suggested would weaken the NZCPS direction. As regards the suggested deletion of reference to identified values, she took the same position as has been discussed above. We agree with Ms van Haren-Giles reasoning in this regard on all points except one. The notified policy uses the phraseology "*can be avoided*". We think that the amendments suggested by Forest and Bird, to state that adverse effects "*are avoided*" is both clearer and more consistent with the NZCPS policy on the point.
549. Accordingly, we recommend that the notified policy be amended to read:

"Avoid use and development within outstanding natural features and landscapes within the coastal environment unless any adverse effects on the identified values ~~can be~~are avoided."

550. NFL-P7 relates to mining and quarrying activities in ONFLs and SALs. Ms van Haren-Giles noted two submissions on it. The first, that of Forest and Bird³⁴³, sought that the provision for existing operations be qualified by a reference to the objectives and policies of the Plan. The second, that of Horokiwi Quarries Limited³⁴⁴, sought to amend both the heading and the policy to expand its scope to include ridgelines and hilltops.

³⁴¹ Submission #345.236

³⁴² Submissions 228.90-91

³⁴³ Submission #345.237

³⁴⁴ Submissions #271.35-36

551. Ms van Haren-Giles considered that the Forest and Bird amendment was unnecessary and inconsistent with the drafting style of the PDP. We agree with her view that the Plan is to be read as a whole. Policies do not need to be qualified with reference to the objectives and policies of other parts of the Plan.
552. We agree also with Ms van Haren-Giles acceptance of the Horokiwi Quarries point and her recommended changes to insert reference to ridgelines and hilltops. She noted that this would align with the recommendation she had made to NFL-R5. We therefore adopt Ms van Haren-Giles' recommended amendments.
553. NFL-P8 relates to plantation forestry within ONFLs and SALs. The only submission on it seeking substantive amendment, that of Forest and Bird³⁴⁵ sought to expand the policy direction to avoid extension of existing plantation forestry in ONFLs. Ms van Haren-Giles considered that submission had merit, as do we. We did have one concern, related to the unintentional extension of plantation forestry through the spread of wilding pines. We asked Ms van Haren-Giles to consider that and in her Reply, she suggested a further amendment so that what is avoided is the "*planned*" extension of new plantation forestry.
554. We agree with that change also. Accordingly, we adopt Ms van Haren-Giles recommended amendments to this policy.
555. NFL-P9 relates to restoration and enhancement works. The only substantive submission on it, again from Forest and Bird³⁴⁶ sought that reference be added to fencing off areas of natural regeneration from stock. Ms van Haren-Giles considered that this submission had merit. Among other things, it would give effect to NRP Policy P108. We concur but we did have one issue with Ms van Haren-Giles suggested redrafting. That related to punctuation. Considering the issue in Reply, Ms van Haren-Giles agreed that deletion of a comma she had recommended in her Section 42A Report would make the end result clearer. We concur, and on that basis, we adopt the recommended revised policy wording contained in Ms van Haren-Giles' Reply, together with correction of a cross-referencing error noted in the Wrap-Up Section 42A Report.

³⁴⁵ Submission #345.238

³⁴⁶ Submission #345.239

5.10 Rules

556. NFL-R1 is a permitted activity rule for restoration and enhancement activities in ONFLs, SALs and ridgelines and hilltops. Ms van Haren-Giles noted two substantive submissions seeking amendments. The first, that of Nga Kaimanaaki o te Waimapihi³⁴⁷ sought to add guidelines restricting roaming pets. The second submission, from Zealandia³⁴⁸, sought to add explicit reference to ongoing exploration work at Zealandia undertaken by the Karori Sanctuary Trust.
557. As regards the former, Ms van Haren-Giles' initial response in her Section 42A Report was to suggest that the restriction to pets is not a District Plan matter. We thought that view questionable as a matter of law in light of the Environment Court's decision in *Western Lea Limited v Hamilton City Council*³⁴⁹. Ms van Haren-Giles' response in Reply was to refer us to the Wellington City Council Animal Bylaw 2024. She was therefore of the view, which we accept, that the PDP does not need to place controls on pets. As regards the Zealandia submission, Ms van Haren-Giles agreed with the submitter's point and recommended that its relief be accepted. We accept her reasoning in that regard also.
558. Lastly, we note that in her rebuttal evidence, Ms van Haren-Giles recommended a general change for rules notified with provisions suggesting compliance was based on whether a particular state of affairs "*cannot be achieved*". Consistent with changes made in previous hearings, she recommended that the wording be "*is not achieved*", categorising this as a minor and inconsequential amendment. We agree noting that NFL-R1 is the first rule with this wording change. In our view, the more direct language states what the Plan was intended to achieve, and will avoid future arguments.
559. NFL-R2 is a permitted activity rule operating as a catchall within the Ridgelines and Hilltops Overlay, where activities are not otherwise listed as permitted, restricted discretionary, or non-complying. Ms van Haren-Giles noted John Tiley³⁵⁰, Churton Park Community Association³⁵¹ and Forest and Bird³⁵² as expressing concern about the implications of such a rule.

³⁴⁷ Submission #215.3

³⁴⁸ Submission #486.4

³⁴⁹ [2020] NZEnvC 189

³⁵⁰ Submission #142.11

³⁵¹ Submission #198.11

³⁵² Submissions #345.241-242

560. In her Section 42A Report, Ms van Haren-Giles expressed comfort with the logic underpinning this rule, noting that the NFL Chapter alone does not determine what activity is appropriate to locate in the Ridgelines and Hilltops Overlay. Rather, this is determined by the provisions of the underlying zone, and district wide provisions. At the hearing, however, she tabled a suggested rule amendment which would have the effect that this rule would only apply to rural activities in the General Rural Zone or Large Lot Residential Zone, activities in the Natural Open Space Zone, and would make Permitted Activity status dependent on whether compliance can be achieved with the relevant permitted activity standards of the underlying zone. She suggested that specific reference to district wide provisions be deleted.
561. When she appeared for Horokiwi Quarries Limited, Ms Whitney expressed concern about the amendments Ms van Haren-Giles had tabled, noting that as a result of the rule referring to specific zones, the chapter would render it unclear what the position was within the Quarry Zone.
562. We asked Ms van Haren-Giles to address that question in her Reply and she noted that the amendment she had suggested would have unintended consequences. She accepted, in particular, that Ms Whitney had a point. She also noted that the amendment would result in conservation and recreation activities being categorised as restricted discretionary activities. She therefore reversed out the specific reference to zones that she had previously suggested leaving the rule applying to all zones and stating:

*Activity status: **Permitted***

Where:

a. Compliance ~~can be~~ is achieved with the relevant permitted activity rules for land use activities in the underlying zone provisions and district wide provisions.

*Activity status: **Restricted Discretionary***

Where:

a. Compliance with the requirements of NFL-R2.1.a ~~cannot be~~ is not achieved.

Matters of discretion are:

1 The matters in NFL-P2.

563. We agree with the end result. We agree in particular that the reference in the notified rule to district wide provisions is unnecessary. Those provisions will apply irrespective, and inserting reference to them in one rule raises questions as to whether the emission of similar references in other rules has substantive effect.
564. Accordingly, we adopt Ms van Haren-Giles' final revision to this rule, as above.
565. NFL-R3 is a catchall for activities within SALs not otherwise listed as permitted, restricted discretionary or non-complying. Unlike NFL-R2, however, the activity status is Restricted Discretionary.
566. The only substantive submission Ms van Haren-Giles noted was that of Forest and Bird³⁵³, seeking that the matters of discretion refer relevant ECO and NFL policies directed at maintenance of biodiversity outside SNAs.
567. Ms van Haren-Giles noted that the relevant provisions are in other district wide rules (the ECO Chapter and the Coastal Environment Chapter) and that those rules would be relevant, irrespective of what the NFL rule says. Accordingly, she regarded the suggested amendment as unnecessary. We did not hear from Forest and Bird to provide us with any contrary reasoning, and we concur with Ms van Haren-Giles. We therefore recommend that NFL-R3 remain as notified.
568. The only submission on NFL-R4 was in support of the rule as notified. No further evaluation is therefore required.
569. NFL-R5 provides that operation of existing quarrying and mining activities within SALs is a permitted activity.
570. Ms van Haren-Giles noted Forest and Bird³⁵⁴ as opposing Permitted Activity status (it sought Restricted Discretionary Activity status) and seeking that as for NFL-R3, matters of discretion cross reference ECO and NFL Policies aimed at maintenance of biodiversity outside SNAs. Further, Horokiwi Quarries³⁵⁵ sought to amend the rule title to include ridgelines and hilltops.
571. Ms van Haren-Giles agreed with Horokiwi Quarries' submissions and disagreed with that of Forest and Bird. In relation to the matters of discretion, she had already addressed that in relation to NFL-R3 and we agree with her reasoning in this context

³⁵³ Submission #345.243

³⁵⁴ Submission #345.245

³⁵⁵ Submissions #271.37-38

also. In relation to rule status issues, Ms van Haren-Giles referred us to the Section 42A Report which explained that the Plan had drawn a distinction between ongoing operation of existing activities (Permitted) and extensions (Discretionary). We agree with that reasoning. The only issue we had was whether, consistent with the Section 32 Evaluation, the heading should refer to the 'continuation' of existing activities rather than its operation. We asked Ms van Haren-Giles that question and she agreed that the former was more appropriate. That is, accordingly, the only amendment that we recommend to the version of the rule Ms van Haren-Giles tabled with her Reply.

572. NFL-R6 is the rule that is specific to extension of existing quarrying and mining activities within SALs.
573. Forest and Bird³⁵⁶ sought that the activity status be shifted from Discretionary to Restricted Discretionary and that matters of discretion should reference relevant ECO and NFL policies aimed at maintenance of biodiversity outside SNAs. Ms van Haren-Giles did not agree with the suggested amendments. In her view, Restricted Discretionary status would limit the assessment to identified matters. We agree. In the case of SALs, it would appear somewhat odd if the only matters that could be considered were those related to biodiversity, and that the other landscape values causing an SAL to be classified as such are deemed irrelevant.
574. As with previous rules, we agree also that the Coastal Environment and ECO Chapters should be left to manage the values that Forest and Bird are seeking to protect, rather than expand the scope of the NFL rules.
575. We recommend, therefore, that NFL-R6 remain in the form notified.
576. NFL-R7 relates to new quarrying and mining activities within SALs. The only submissions on this rule sought to retain it as notified. Accordingly, no further evaluation is required.
577. The same is the case for the next two rules, NFL-R8 relating to extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within ONFLs and NFL-R9 relating to maintenance, repair or demolition of existing buildings and structures within ONFLs, SALs and ridgelines and hilltops.

³⁵⁶ Submission #345.246

578. NFL-R10 relates to the construction of, and alterations and additions to buildings and structures within ridgelines and hilltops. As notified, it provided that such activities were permitted as long as compliance can be achieved with the underlying zone provisions and districtwide provisions. Non-compliance defaulted to restricted discretionary status with matters of discretion limited to NFL-P2 and “*the operational and function [sic] need to locate within the ridgeline and hilltop area*”. In relation to this rule, Ms van Haren-Giles noted first the submission of Barry Ellis³⁵⁷ seeking that data should be provided by Council to justify filling in gullies and building over natural streams and springs. She noted that this submission relates to Glenside Valley, the development of which had been addressed in her Stream 6 Section 42A Report. We did not hear from Mr Ellis, and it was not obvious to us how this particular submission point related to the rule in issue. Accordingly, we agree with Ms van Haren-Giles reasoning.
579. The second submission, from Parkvale Road Limited³⁵⁸ sought that specific reference to operational or functional need be deleted since it was already addressed in the relevant policy.
580. We agree with that reasoning, while noting that the amendments Ms van Haren-Giles recommended and we have accepted to NFL-P2 means that it no longer refers to operational or functional needs as a relevant criterion. However, the logic, as above, to that deletion was that this criterion is only relevant to infrastructure, which the Plan envisages being managed through the Infrastructure Chapter.
581. When she appeared, however, Ms van Haren-Giles tabled a suggested amendment to this rule which would restrict permitted activity status to the Natural Open Space Zone (provided compliance can be achieved with the relevant permitted activity standards) and make the activity restricted discretionary in all other zones. A new matter of discretion was inserted worded:

“Buildings and structures, including access, are sited and designed in ways that avoid being visually obtrusive including by:

- (a) Ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop; and*
- (b) Minimising skyline effects and visibility of buildings and structure through construction, design and landscaping.”*

³⁵⁷ Submission #47.1

³⁵⁸ Submissions #298.7-8

582. When she appeared, Ms Whitney expressed concern about the revised wording of this rule on behalf of Horokiwi Quarries Limited, noting that it had removed the permitted pathway for activities within the Quarry Zone and had inserted matters of discretion that do not line up with the relevant policies. She also queried some of the wording – the reference to visually obtrusiveness, and the lack of clarity about what might be considered an ‘upper slope’.
583. We asked Ms van Haren-Giles to address Ms Whitney’s concerns in Reply and she provided us with a detailed discussion of the point. Among other things, she explained that scope for the amendments she was suggesting was derived from another of Mr Ellis’ submissions³⁵⁹ and submissions from Glenside Progressive Association³⁶⁰ who sought that the protections afforded to ridgelines and hilltops in the ODP be retained.
584. Ms van Haren-Giles also provided context for the suggested changes, noting the rationale for deletion of reference to district wide provisions (they apply anyway) and that her primary concern was that while a 400m² residential building meeting the Permitted Activity standards in the GRUZ might be entirely appropriate in most cases, it was not necessarily appropriate on the top of the prominent ridgeline. She considered that same was true of Permitted Activity buildings meeting the standards of the Large Lot Residential Zone and the Quarry Zone.
585. Addressing Ms Whitney’s concerns, Ms van Haren-Giles agreed that her initial draft was too directive, referencing an approach of avoidance in relation to visual obtrusiveness. She recommended an approach of minimisation.
586. We agree generally with Ms van Haren-Giles reasoning, but we have two issues with her suggested reformulation of the rule (as per her Reply). The first is, as previously noted, there are areas of MRZ within the Ridgelines and Hilltops Overlay. Shifting the rule from Permitted Activity status to Restricted Discretionary status makes the Medium Density Residential Standards provided for in the Act less enabling than would otherwise be the case. This can only be done to reflect a qualifying matter that has been evaluated in accordance with the RMA. That has not been done. Accordingly, we think that the rule has to continue to apply a Permitted Activity status to the MRZ (where applicable). The second point we have relates to the language of

³⁵⁹ Submission #47.2

³⁶⁰ Submissions #374.1-2

Ms van Haren-Giles' suggested matters of discretion in two places. We think it can be improved with some minor amendments.

587. We do not have the same problem that Ms Whitney had about a matter of discretion focussed on visual obtrusiveness. We think it is clear enough what that means. We acknowledge that reference to 'upper slopes' is imprecise, but this is in the context of a matter of discretion, and what slopes are relevant in relation to buildings compromising visual obtrusiveness will vary from case to case.
588. Lastly, we recommend a minor grammatical change to the heading of this rule.
589. In summary, we therefore recommend revision of Ms van Haren-Giles suggested wording in the manner set out in Appendix 1 to this report, in order to address the issues we have identified.
590. NFL-R11 governs construction of or alterations and additions to buildings and structures within SALs. As notified, it provided that the activity was Permitted in all zones subject to compliance with NFL-S1, which specifies a maximum height and controls over colours, defaulting to Restricted Discretionary activity status. Ms van Haren-Giles noted two submissions in relation to it. Forest and Bird³⁶¹ sought its deletion. It opposed permitted activity status in SALs because of the failure to consider biodiversity and landscape values, particularly in the Coastal Environment. A second submission³⁶² sought amendment to the matters of discretion in line with the relief sought in relation to other rules and discussed above.
591. Secondly, Ms van Haren-Giles noted Kilmarston's submission³⁶³ suggesting that an 11 metre height limit would be appropriate within the MRZ to support the strategic direction of the PDP.
592. In relation to Forest and Bird's submissions, Ms van Haren-Giles largely relied on the reasoning she had set out in relation to earlier rules. In particular, she considered that biodiversity factors had been considered when evaluating and classifying SALs, and that where relevant, are part of the identified values that need to be considered. Where they are not already identified, she considered that their management should be left to the ECO and Coastal Environment Chapters.

³⁶¹ Submission #345.251

³⁶² Submission #345.252

³⁶³ Submission #290.40

593. We largely accept Ms van Haren-Giles reasoning, but we did wonder whether her confidence that NFL-S1 would restrict buildings and structures to a scale that would not compromise the characteristics and values of any SAL was well founded given the absence of any standard related to gross floor area (**GFA**). We put that to her and Ms van Haren-Giles agreed in principle, but said that she would need to consider whether there was scope to make such a change. We asked her to consider it further in Reply.
594. In her Reply, Ms van Haren-Giles confirmed her view that there was merit to a GFA standard to enable small scale buildings and structures such as playgrounds and sheds, while ensuring consideration of effects on visual amenity and landscape values for larger scale buildings and structures. She suggested that 50m² was an appropriate permitted GFA within SALs, noting that 82% of the notified SAL comprises publicly owned land, primarily zoned NOSL, within which a GFA standard of 30m² applies.
595. As regards scope, Ms van Haren-Giles pointed out to us that Forest and Bird's submission³⁶⁴ sought deletion of the Permitted Activity rule, and also the submissions of John Tiley³⁶⁵ and Churton Park Community Association³⁶⁶ seeking to introduce a GFA standard into NFL-S1.
596. We agree with Ms van Haren-Giles that there is both scope and merit in amending Rule NFL-R11 to restrict the GFA of any Permitted buildings.
597. In light of her advice about the Permitted standard for floor area within the NOSZ, we consider that this provides a strong guide as to what would be appropriate in SALs. In our view, 30m² is sufficient for the kind of small sheds and playgrounds that Ms van Haren-Giles sought to make provision for, and we recommend that it be the standard adopted (in NFL-S1), rather than the 50m² she recommended.
598. Turning to Kilmarston's submission, we have already discussed the submitters concern about the application of the SAL to Kilmarston's own land that is zoned MRZ. That concern is addressed by our recommended rezoning of the land (refer Section 5.4 above). The more general issue of inconsistency with the requirements of the NPSUD drawn to our attention by Kilmarston remains as regards those isolated other

³⁶⁴ Submission #345.251

³⁶⁵ Submission #142.12

³⁶⁶ Submission #189.12

areas of residential zoned land within an SAL overlay that Ms van Haren-Giles identified.

599. As she confirmed, Council has not evaluated any provisions that make the MRZ less enabling than is provided for in the Medium Density Residential Standards. We therefore agree with Ms van Haren-Giles advice that if SALs continue to apply to MRZ zoned land, it would not be appropriate to retain the height limit specified in NFL-S1. Accordingly, NFL-R7.1(b) needs to apply to zones other than the MRZ (and HRZ if there are any HRZ zoned properties within SALs). We have accordingly amended Ms van Haren-Giles Reply version of NFL-R11 to qualify it in that way, but otherwise we adopt her recommendations.
600. We note that at the hearing, Ms van Haren-Giles also suggested an additional matter of discretion in this rule, and in subsequent rule NFL-R12, to specifically refer to the extent and effect of non-compliance with any relevant standard. We agree that that is a helpful addition in both rules.
601. NFL-R12 relates to construction/alteration/addition to buildings and structures within ONFLs. The only substantive submission Ms van Haren-Giles noted was that of Forest and Bird³⁶⁷ seeking to widen the matters of discretion to include relevant policies in the Plan. Ms van Haren-Giles had the same response to that submission as to parallel submissions made in relation to earlier rules that we have discussed already. For the same reasons, we agree with her recommendation that the rule does not need to be amended in response to that submission. Ms van Haren-Giles did recommend an amendment to the rule consequential on her recommendations as to how a submission on NFL-S2 should be addressed. We will come back to it in that context.

5.11 Standards

602. As above, NFL-S1 sets standards relating to height and colour. It was the subject of submissions from Forest and Bird³⁶⁸ seeking to reduce the maximum height provided to less than eight metres, John Tiley³⁶⁹ and Churton Park Community Association³⁷⁰ seeking to ensure that SALs are free of buildings and Kilmarston³⁷¹ seeking that the standard apply only to land within the NOSZ.

³⁶⁷ Submission #345.253

³⁶⁸ Submission #345.254

³⁶⁹ Submission #142.12

³⁷⁰ Submission #189.12

³⁷¹ Submissions #290.41-42

603. Ms van Haren-Giles' evaluation noted that SALs incorporate modified landscapes. She therefore disagreed with suggestions that SALs should be free of buildings. She also noted that the majority of SALs are located within the NOSZ, which has its own maximum height, GFA and building coverage standards. In her view, NFL-S1 adequately provides for management of buildings and structures in these landscapes at an appropriate scale. She did not consider that any additional amendment was necessary in response to Kilmarston's submission. We record that our recommended amendments to NFL-R11 respond to that submission in any event.
604. At the hearing, however, Ms van Haren-Giles tabled an amended version of this standard to insert a maximum height of five metres (compared to the notified eight metres). She advised that having reflected on the matter, she felt that the lower height limit was a more appropriate standard for SALs. We discussed with her that that would exacerbate the problem of any remaining SALs over Residential Zoned land, but we have addressed that issue separately, as above. We therefore accept her reasoning. We record that we have already addressed her subsequent recommendation that we insert a GFA standard. The end result is that NFL-S1.1 would be amended as follows:

1. *Buildings and structures within a special amenity landscape must not exceed:*
 - a. *a maximum height of ~~8m~~ 5m above ground level; and*
 - b. *a gross floor area of 30m²; and...*

605. Turning to NFL-S2, this relates to buildings and structures in ONFLs. The only substantive submission Ms van Haren-Giles noted in relation to this was that of Zealandia³⁷² seeking clarification as to how this would apply to urgent replacement/repair of the sanctuary fence perimeter. Ms van Haren-Giles noted that NFL-R12 does not extend to include alterations or additions to existing structures and she agreed that this might pose a problem for Zealandia. She recommended, therefore, that rather than amending the standard, NFL-R12 be amended to delete reference to existing buildings on the Zealandia property. That has the effect that additions and alterations to both buildings and structures within that area are permitted. We adopt Ms van Haren-Giles reasoning and recommendation in that regard.

³⁷² Submission #486.6

606. At the hearing, Ms van Haren-Giles noted that this standard was notified with no assessment criteria. She recommended that the same assessment criteria as are specified in NFL-S1 apply, treating this as a minor change. We concur. This is an obvious error that needs to be corrected. Adopting the SAL assessment criteria is a sensible solution.

5.12 Schedule 10 – Outstanding Natural Features and Landscapes

607. Ms van Haren-Giles noted a number of substantive submissions seeking amendment to this Schedule, as follows:

- (a) Barry Insull³⁷³ sought amendments to the title of Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks by removing the reference to Pipinui Point;
- (b) Barry Insull³⁷⁴ sought to amend the language in the site summary for that site to be consistent with the title and to correct a grammatical error. He also sought to include reference to the historic reserve in the area;
- (c) Barry Insull³⁷⁵ sought to add reference in the site summary of Taputeranga Island by listing threatened and rare species of birds and lizards that have been identified in the area;
- (d) Barry Insull³⁷⁶ sought to amend the title of Raukawa Coast Cook Strait to 'Cook Strait Coast' and to delete reference in the site summary to Wellington's wild coast;
- (e) Meridian Energy³⁷⁷ sought to amend the site summary for Raukawa Coast Cook Strait to acknowledge the wind turbines and other built structures forming part of the West Wind and Mill Creek Wind Farms which form part of the backdrop to the coastal escarpments;
- (f) Forest and Bird³⁷⁸ sought to include the values of each ONL;
- (g) Forest and Bird³⁷⁹ sought to include a new ONF-Boomrock – Pipinui Point Escarpment or alternative to delete to clarify in the planning maps

³⁷³ Submissions #32.16-17

³⁷⁴ Submissions #32.18-20

³⁷⁵ Submission #32.21

³⁷⁶ Submission #32.22-23

³⁷⁷ Submissions #228.123-124

³⁷⁸ Submission #345.413

³⁷⁹ Submission #345.414

whether that escarpment is contained within the Raukawa Coast Cook Strait ONL; and

- (h) Terawhiti Station³⁸⁰ sought to delete Terawhiti and Raukawa Coast Cook Strait from the Schedule as ONFs.

608. In response to Forest and Bird's point about where Boomrock/Pipinui Point Escarpment sits within the Schedule, Ms van Haren-Giles relied on Mr Anstey's evidence that it was appropriate that this area be included within the Raukawa Coast Cook Strait ONL given that the values identified by Boffa Miskell for the latter include values and characteristics relating to the escarpment. It followed that the separate ONF might be removed from the planning maps and from the title to Te Rimurapa Sinclair Head/Pipinui Point, Pariwhero Red Rocks (as Mr Insull had sought).
609. In relation to the content of entries for the latter, Ms van Haren-Giles addressed this in the context of her consideration of Forest and Bird's submissions seeking that values be identified for each ONFL, rather than just a summary of the nature of those values (as notified). She drew the content of her suggested amendments from Boffa Miskell's landscape analysis which had underpinned the NFL Chapter. She made a parallel recommendation in response to another Forest and Bird submission³⁸¹ in relation to Schedule 11 – Special Amenity Landscapes and it is appropriate that we deal with them together. We had no difficulty with relying on Boffa Miskell as an authoritative source for identification of the values in the absence of any expert landscape evidence to the contrary, but we did have some concern about the scope to make such a substantial change to the two schedules, and we asked Ms van Haren-Giles to address that point in Reply. She referred us to the detail of the relevant Forest and Bird submissions which clearly sought identification of the values. We had some residual concern that the submission relief is expressed very broadly. Notwithstanding that, in this particular case, the Boffa Miskell information which has been relied on was clearly in the public domain as a key reference point for these schedules, and any interested party looking to see what sort of values and characteristics the Plan was seeking to protect might have been expected to consult it. For that reason, we agree that there is scope to insert this additional material. As above, we have no difficulty with the merits of doing so.

³⁸⁰ Submissions #411.28-29

³⁸¹ Submission #345.415

610. We also asked Ms van Haren-Giles to consider whether it was appropriate to acknowledge that cultural values of the identified ONFLs and SALs are addressed in the SASM Chapter. In her Reply, she confirmed that there was both scope and (in her view) merit from a Plan legibility perspective in inserting an advice note in both Schedule 10 and Schedule 11 to this effect. We agree with that recommendation also.
611. Returning to Ms van Haren-Giles discussion of Mr Insull's submissions in relation to Te Rimurapa Sinclair Head Pariwhero Red Rocks and Taputeranga Island, she accepted the need to correct the reference to 'Te Rimurapa'. She did not specifically address Mr Insull's suggestion that there is only one seal colony but relied on Boffa Miskell's Landscape Evaluation as an appropriate description of the values of Taputeranga Island.
612. We heard from Mr Insull who clarified that his submission had been mis-characterised and he had not sought to amend the Taputeranga site summary. We accept his clarification. It follows that the issue is not in contention and no amendment is required. As regards whether the correct description is of a seal colony, or more than one, this is an issue of definition, and we do not consider we had enough information to amend the existing description.
613. Ms van Haren-Giles also disagreed with Mr Insull's submission that the name of Raukawa Coast Cook Strait be amended. She noted the further submission of TRoTR³⁸² opposing the suggested change which she agreed with. We concur. She also disagreed that description of the coastline as Wellington's wild coast be deleted. We agree with her view that this is indeed a common way referring to this area of the coast and has no implications for the values and characteristics identified.
614. As regards Meridian's submission, Ms van Haren-Giles relied on Mr Anstey's evidence that the wind farms are not located within the ONFL and therefore need not form part of the site summary. We did not consider that that was a complete answer and asked Mr Anstey whether the values of the ONFL were influenced by the wind turbines further inland. He did not believe so. On that basis, and given the absence of any landscape evidence from Meridian to contradict that view, we agreed with Ms van Haren-Giles' recommendation that no amendment is required. Lastly, Ms van Haren-Giles relied on both Mr Anstey's evidence and the Boffa Miskell Landscape

³⁸² FS #138.2

Evaluation as a reason not to accept Terawhiti Station's submission. We did not hear from Terawhiti Station and had no basis on which to disagree with Ms van Haren-Giles' recommendation.

615. In summary, therefore, we adopt Ms van Haren-Giles recommendations as to the appropriate amendments to be made to Schedule 10.

5.13 Schedule 11 – Special Amenity Landscapes

616. Ms van Haren-Giles noted the following submissions seeking substantive change to this Schedule:

- (a) John Tiley³⁸³; and Churton Park Community Association³⁸⁴ sought that the 18 identified ridgelines and hilltops along with Marshalls Ridge are listed in either Schedule 11 or Schedule 12;
- (b) Horokiwi Quarries³⁸⁵ sought to clarify what characteristics of SALs are relevant to implementation of the NFL Chapter;
- (c) Taranaki Whānui³⁸⁶ sought to amend the Schedule to reflect historical and current built development over the Wellington Prison site;
- (d) Thomas Brent Layton³⁸⁷ sought to remove the SAL overlays from the PDP; and
- (e) Kilmarston³⁸⁸ sought to remove the SAL overlay from the submitters land.

617. We have addressed a number of these submissions already in Section 5.4 of our Report above. The only additional issue that we need to specifically address is the suggestion in Ms van Haren-Giles' Rebuttal Evidence that given the then foreshadowed option (in Stream 6) of introducing a Horokiwi Quarry Precinct, it may be appropriate to amend the SAL site summary for the Korokoro Stream Valley to include reference to the existence of the Quarry.

618. Report 6 confirms our recommendation to identify a precinct over some of the rural land on the Hutt City side of Horokiwi Road that Horokiwi Quarries owns and over which the SAL is identified. We do not think it follows that the SAL description should

³⁸³ Submission #142.30

³⁸⁴ Submission #189.30

³⁸⁵ Submission #271.94

³⁸⁶ Submission #389.140

³⁸⁷ Submissions #164.8-9

³⁸⁸ Submissions #290.92, #290.96-98

be changed as a result. Part of the reasoning of the Stream 6 Hearing Panel was that the existence of overlays should not determine the underlying zoning. In our view, the inverse is equally true. The fact that some of the land is zoned as Quarry Precinct does not affect its status as an SAL, unless and until the landscape values of that area have changed, so it no longer qualifies as such. For the same reason, we do not see the need for the description of the SAL in Schedule 11 to reference the Quarry at this point. We draw the parallel with our reasoning in relation to Meridian's submission as above. We also note that Ms Whitney did not pursue that matter when she appeared.

619. In summary therefore, we adopt Ms van Haren-Giles recommended amendments to Schedule 11.

6. CONCLUSIONS

620. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the topics discussed in this report.
621. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Reports prepared by the relevant reporting officers, as amended in their written Reply.
622. Appendix 1 sets out the amendments we consider should be made to the PDP as a result of our recommendations.
623. To the extent that a Section 42A Reporting Officer has recommended amendments to the Plan requiring evaluation in terms of Section 32AA that we agree with, we adopt their evaluation for this purpose.
624. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of our Report.
625. Appendix 2 sets out in tabular form our recommendations on the submissions allocated to Hearing Stream 8 topics considered in this report.
626. Finally, we draw the attention of Council to our recommendations:
- (a) That it consider introducing mapping of the coastal margin via a future Plan Change (refer Section 2.2 above);

- (b) That it review the ambit of the Coastal Environment overlay within urban areas with a view to potentially reducing regulation over those areas through a future Plan Change. We have suggested that as part of that review, Council consider the adequacy of the rule framework where it considers identification of the Coastal Environment overlay in urban areas is warranted (refer Section 2.9 above);
- (c) That it review instances where Special Amenity Landscape or Ridgeline and Hilltop overlays have been identified over residentially zoned land, to determine whether it would be appropriate to remove the overlay in such cases via a future Plan Change, or possibly through exercise of its discretion to withdraw part of a Proposed Plan (refer Section 5.4 above); and
- (d) That it reviews whether the Outer Town Belt satisfies the criteria for identification as a Special Amenity Landscape, and if so, identify those areas not already within the SAL overlay as such through a future Plan Change (refer Section 5.7 above).

For the Hearing Panel:



Trevor Robinson

Chair

Wellington City Proposed District Plan Hearings Panel

Dated: 23 January 2025

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Transpower New Zealand Limited	315.31	Interpretation Subpart / Definitions / OUTSTANDING NATURAL FEATURES AND LANDSCAPES	Support	Supports the identification of such areas on the basis it assists plan users and provides clarity on the application of the plan provisions that relate to the definition	Retain the definition of Outstanding Natural Features and Landscapes as notified.	Accept	No
Transpower New Zealand Limited	315.36	Interpretation Subpart / Definitions / SPECIAL AMENITY LANDSCAPES	Support	Supports the identification of such areas on the basis it assists plan users and provides clarity on the application of the plan provisions that relate to the definition.	Retain the definition of Special Amenity Landscapes as notified.	Accept	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.2	Whole PDP / Whole PDP / Whole PDP	Oppose in part	<p>Considers that the proposed natural environment values will place restrictions on the future use and development of the residential land within the Kilmarston block which will result in restrictive (potentially uncertain) development potential of the land for the following reasons:</p> <ol style="list-style-type: none"> 1. Identification of the whole application site as being within a Special Amenity Landscapes (SCHED11) (SAL); and 2. Identification of the balance land as being within the Natural Open Space Zone without agreement being reached with the Submitter on the appropriate tenure of the land; 3. Failure to provide for infrastructure within the Natural Open Space Zone (i.e. Original reservoir that was included as part of the original zoning). 	Not specified.	Reject	No
Adam Groenewegen	FS46.1	General / Whole PDP / Whole PDP / Whole PDP	Oppose	Opposes modifying the NOSZ in the way proposed as a reservoir of the size planned is completely out of scale and nature of the proposed zoning which is designed to protect the high amenity values of land surrounding Crows Nest. Barry Cottier has had previous consents for land use and subdivisions that resulted from a controversial environment court proceeding. He has failed to act on those consents and they have lapsed. A Code of Compliance issued earlier in 2022 for clearance of all vegetation from previously planned earthworks areas was issued by Council on the basis that previous land use consents had lapsed. In 2019 Barry Cottier proposed a complete rework of the earthworks and subdivision plan to garner council support for extending the consents, that did not feature any reservoir. A master plan process was promised but has not been actioned.	Disallow / Disallow that part of the submission that seeks to enable a large reservoir to be built in a NOSZ or on land that is proposed to be NOSZ.	Accept in part	No
Jo McKenzie	FS64.1	General / Whole PDP / Whole PDP / Whole PD	Oppose	<p>Jo McKenzie opposes modifying the NOSZ in the way proposed as a reservoir of the size planned is completely out of scale and nature of the proposed zoning which is designed to protect the high amenity values of land surrounding Crows Nest. The original submitter has had previous consents for land use and subdivisions that resulted from a controversial environment court proceeding.</p> <p>Jo McKenzie considers that original submitter has failed to act on those consents and they have lapsed. A Code of Compliance issued earlier in 2022 for clearance of all vegetation from previously planned earthworks areas was issued by Council on the basis that previous land use consents had lapsed. In 2019 the original submitter proposed a complete rework of the earthworks and subdivision plan to garner council support for extending the consents, that did not feature any reservoir. A master plan process was promised but has not been actioned.</p>	Disallow / Disallow the part of the submission that seeks to enable a large reservoir to be built in a NOSZ or on land that is proposed to be NOSZ.	Accept in part	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.12	General / Whole PDP / Whole PDP / Whole PDP	Oppose	<p>The site at 76 Silverstream Road is within the designation of Huntleigh Park & surrounds Significant Natural Area (WC060) and zoned as a Special Amenity Landscape as noted in the submission. Huntleigh Park contains a remnant of the original forest of Te Whanganui a Tara and as such is a valuable seed source. The vegetation of Huntleigh Park and its surrounds has been reduced in size by earlier developments and its biodiversity is now in danger of becoming reduced simply by the limitation of its physical size. Any more development and vegetation clearance will place the remaining forest at greater risk of natural decline. Wellington is losing its seed source through inappropriate developments of these remnant areas and the Council has made the important decision to protect this area by recognising it as part of an Outer Green Belt Special Amenity Landscape.</p> <p>Considers that biodiversity protection and landscape overlays are appropriate for the properties in question.</p>	Disallow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Andy Foster	FS86.42	General / Whole PDP / Whole PDP / Whole PDP	Oppose	Considers that it is not reasonable to allow for housing development to intrude into the land zoned Open Space and Rural in the Operative Plan. The landscape impacts would be substantial, both of any housing and of the roading access. The impacts on vegetation would also be significant. Notes that the area of bush at the bottom of the site, immediately adjacent to and climbing up from Silverstream Road is of particularly high quality. The concept of putting housing or an access road through it would be entirely unreasonable. For all these reasons Andy Foster opposes any development in this area beyond a carefully designed reservoir. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.2]	Disallow	Accept	No
Andy Foster	FS86.52	General / Mapping / AllOverlays / Overlays General	Support	Considers that it is reasonable to uplift the Special Amenity Landscape over the residential part of the land. However Andy Foster suggests that the hearings panel find a way of ensuring that development is sympathetic to the landform and to the ecological values on the lower part of the land. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.20]	Allow	Reject	No
John Tiley	142.2	Mapping / Mapping General / Mapping General	Amend	Considers that Marshalls Ridge should be included as an identified ridgeline.	Amend the mapping layer to show Marshalls Ridge as an identified ridgeline.	Accept in part	No
Andy Foster	FS86.25	General / Mapping / Mapping General / Mapping General	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 142.2]	Allow	Accept in part	No
Thomas Brent Layton	164.1	Mapping / Mapping General / Mapping General	Amend	Amend that mapping so that the Special Amenities Landscape does not include 183, 241, 249 and 287 South Karori Road.	Remove the Special Amenities Landscape overlay from 183, 241, 249 and 287 South Karori Road.	Reject	No
Churton Park Community Association	189.2	Mapping / Mapping General / Mapping General	Amend	Considers that Marshalls Ridge should be included as an identified ridgeline.	Amend the mapping layer to show Marshalls Ridge as an identified ridgeline.	Accept in part	No
Andy Foster	FS86.36	General / Mapping / Mapping General / Mapping General	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 189.2]	Allow	Accept in part	No
Wellington City Council	266.39	Mapping / Mapping General / Mapping General	Amend	Considers that in regard to Upper Stebbings and Glenside West, and Lincolnshire Farm Development Areas - The absence of the Ridgetop area in the PDP maps is an error. Other mapping changes to the Development Plan maps are for the purposes of clarification, and better cross-referencing and linkage to the related District Plan appendices.	Amend the "Ridgetop" area [shown in map in full submission] so that this is put into the Development Area map with an associated amendment made to the PDP map legend.	Accept	Yes
Panorama Property Limited	FS11.33	General / Mapping / Mapping General / Mapping General	Oppose	This point on mapping omits to address the anomaly that is the inclusion of 1 Upland Road in the OSZ. Panorama opposes these mapping errors/changes because they omit to redraw the OSZ to exclude the Site and are incomplete as a result. Panorama submits that the inclusion of the site in the OSZ is contrary to the purpose and principles of the RMA and the Council's obligations and functions under the RMA and is unsupported by the Council's s 32 assessment. The site is owned by Council on behalf of the city's ratepayers and provides a reasonable rate of return under the long-term commercial lease. Its zoning should reflect that commercial reality. Panorama refers back to their submission (#10.1) for reasons and relief sought. [Refer to further submission for full reason]	Disallow / Seeks that the submission point is disallowed, or alternative relief that may give better effect to the issues described in the further submission.	Reject	No
Horokiwi Quarries Ltd	271.6	Mapping / Mapping General / Mapping General	Amend	Considers that specific to Natural Features, their site and adjoining properties feature Special Amenity Landscapes (SALs) and Ridgelines and Hilltops. There are not Outstanding Natural Features and Landscapes (ONFLs) within the vicinity of the site.	Not specified.	Accept	No
Glenside Progressive Association Inc	374.1	Mapping / Mapping General / Mapping General	Not specified	Considers that the Ridgetop Overlay would need to offer at least 20 metres of vertical protection in order to offer meaningful visual protection from afar.	Not specified.	Accept in part	No
Thomas Brent Layton	164.2	Mapping / AllOverlays / Overlays General	Amend	Considers that the application of the Ridgelines and Hilltops overlay to 183, 241, 249 and 287 South Karori Road is inconsistent with the policy intention to preserve the visible ridgelines and hilltops being natural. The ridgelines on these properties are not visible or prominent and there are no hilltops.	Amend the mapping to remove the Ridgelines and Hilltops overlay from 183, 241, 249 and 287 South Karori Road.	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.12	Mapping / AllOverlays / Overlays General	Amend	Considers the removal of Special Amenity Landscape (SAL) overlay from this area appropriate as this will potentially be restrictive of development.	Seeks to remove the proposed Special Amenity Landscape (SAL) overlay from the Medium Density Residential Area zoned part of the submitter's sites.	Accept	Yes
Adam Groenewegen	FS46.18	General / Mapping / AllOverlays / Overlays General	Oppose	Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question. The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Reject	No
Jo McKenzie	FS64.18	General / Mapping / AllOverlays / Overlays General	Oppose	Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Reject	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.22	General / Mapping / AllOverlays / Overlays General	Oppose	This site comprises a large portion of the Outer Green Belt and Mt Kaukau SALs and provides habitat for indigenous birds. We oppose arbitrary removal of the SAL overlay on the basis that it may potentially be restrictive of development. The land in question meets the criteria of SAL and should remain so. The development should be able to proceed while simultaneously protecting the values of the SAL.	Disallow	Reject	No
Andy Foster	FS86.47	General / Mapping / AllOverlays / Overlays General	Oppose	Considers that it is not reasonable to allow for housing development to intrude into the land zoned Open Space and Rural in the Operative Plan. The landscape impacts would be substantial, both of any housing and of the roading access. The impacts on vegetation would also be significant. Notes that the area of bush at the bottom of the site, immediately adjacent to and climbing up from Silverstream Road is of particularly high quality. The concept of putting housing or an access road through it would be entirely unreasonable. For all these reasons Andy Foster opposes any development in this area beyond a carefully designed reservoir. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.12]	Disallow	Reject	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.14	Mapping / AllOverlays / Overlays General	Amend	Considers that it is important for Council to provide appropriate open space connections across the city where enabling residential development of the Submitters land will contribute to creating these connections. The open space zone provisions are also considered adequate for managing land identified as SAL as these objectives are closely aligned.	Seeks that the Special Amenity Landscapes overlay is removed from the proposed Medium Density Residential Zone area from Submitter's site. [Inferred decision requested]	Accept	No
Adam Groenewegen	FS46.19	General / Mapping / AllOverlays / Overlays General	Oppose	Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question. The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Reject	No
Jo McKenzie	FS64.19	General / Mapping / AllOverlays / Overlays General	Oppose	Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Reject	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.24	General / Mapping / AllOverlays / Overlays General	Oppose	This site comprises a large portion of the Outer Green Belt and Mt Kaukau SALs and provides habitat for indigenous birds. We oppose arbitrary removal of the SAL overlay on the basis that it may potentially be restrictive of development. The land in question meets the criteria of SAL and should remain so. The development should be able to proceed while simultaneously protecting the values of the SAL.	Disallow	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Andy Foster	FS86.49	General / Mapping / AllOverlays / Overlays General	Oppose	Considers that it is not reasonable to allow for housing development to intrude into the land zoned Open Space and Rural in the Operative Plan. The landscape impacts would be substantial, both of any housing and of the roading access. The impacts on vegetation would also be significant. Notes that the area of bush at the bottom of the site, immediately adjacent to and climbing up from Silverstream Road is of particularly high quality. The concept of putting housing or an access road through it would be entirely unreasonable. For all these reasons Andy Foster opposes any development in this area beyond a carefully designed reservoir. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.14]	Disallow	Reject	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.15	Mapping / AllOverlays / Overlays General	Support in part	Considers appropriate to retain the SAL overlay over the Natural Open Space Zone, subject to agreement on appropriate tenure.	Retain the Special Amenity Landscapes overlay over the Natural Open Space Zone, subject to agreement on appropriate tenure.	Accept in part	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.25	General / Mapping / All Overlays / Overlays General	Oppose	We agree with retention of the Special Amenity Landscapes overlay over the Natural Open Space Zone. However, see our comment on 290.5 regarding the uncertainty of the caveat 'subject to agreement on appropriate tenure.'	Disallow / Seeks that the part of submission point 290.15 supporting retention of the Special Amenity Landscapes overlay over the Natural Open Space Zone be allowed.	Accept	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.16	Mapping / AllOverlays / Overlays General	Amend	Considers that the Council has correctly identified the residential area of the land as an appropriate location to deliver urban intensification which will build on the existing urban form with quality developments.	Seeks that the Special Amenity Landscapes overlay is removed from the proposed Medium Density Residential Zone area from Submitter's site.	Accept	Yes
Adam Groenewegen	FS46.20	General / Mapping / AllOverlays / Overlays General	Oppose	Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question. The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Reject	No
Jo McKenzie	FS64.20	General / Mapping / AllOverlays / Overlays General	Oppose	Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Reject	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.26	General / Mapping / All Overlays / Overlays General	Oppose	This site comprises a large portion of the Outer Green Belt and Mt Kaukau SALs and provides habitat for indigenous birds. We oppose arbitrary removal of the SAL overlay on the basis that it may potentially be restrictive of development. The land in question meets the criteria of SAL and should remain so. The development should be able to proceed while simultaneously protecting the values of the SAL.	Disallow	Reject	No
Andy Foster	FS86.50	General / Mapping / AllOverlays / Overlays General	Oppose	Considers that it is not reasonable to allow for housing development to intrude into the land zoned Open Space and Rural in the Operative Plan. The landscape impacts would be substantial, both of any housing and of the roading access. The impacts on vegetation would also be significant. Notes that the area of bush at the bottom of the site, immediately adjacent to and climbing up from Silverstream Road is of particularly high quality. The concept of putting housing or an access road through it would be entirely unreasonable. For all these reasons Andy Foster opposes any development in this area beyond a carefully designed reservoir. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.16]	Disallow	Reject	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.18	Mapping / AllOverlays / Overlays General	Support	Supports that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes.	Retain Mount Kaukau as an Special Amenity Landscape in mapping as notified	Accept	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.28	General / Mapping / All Overlays / Overlays General	Support	These are appropriate.	Allow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.19	Mapping / AllOverlays / Overlays General	Support	Supports that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes.	Retain Outer Green Belt Special Amenity Landscape as an Special Amenity Landscape in mapping as notified	Reject	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.29	General / Mapping / All Overlays / Overlays General	Support	These are appropriate.	Allow	Accept in part	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.20	Mapping / AllOverlays / Overlays General	Amend	<p>Considers that the MDRZ area of the land should not be included in this SAL mapping.</p> <p>Considers the inclusion MDRZ land within the SAL overlay, it restricts the land from being efficiently utilized for medium density residential development. Furthermore, the zoning layout has principal support from GWRC both in terms of policy direction (i.e. Policy 27) and the consented layout.</p> <p>The landscape identified to be 'distinctive and widely recognised by the community for the contribution to the amenity and quality of the environment' is predominantly located within the balance land which includes Crows Nest and the Skyline Walkway Trailhead.</p>	Seeks that Special Amenity Landscape overlay be removed from submitter's land zoned Medium Density Residential Zone.	Accept	Yes
Adam Groenewegen	FS46.21	General / Mapping / AllOverlays / Overlays General	Oppose	<p>Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question.</p> <p>The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.</p>	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Reject	No
Jo McKenzie	FS64.21	General / Mapping / AllOverlays / Overlays General	Oppose	Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Reject	No
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.30	General / Mapping / All Overlays / Overlays General	Oppose	See comment in 290.12. Due process needs to be observed if the SAL overlays are to be modified.	Disallow	Reject	No
Parkvale Road Limited	298.4	Mapping / AllOverlays / Overlays General	Oppose	Opposes the application of the Ridgelines and Hilltops overlay within 200 Parkvale. Submitter seeks the removal of the overlay, or associated changes to the ridgelines and hilltops provisions.	Remove the application of the Ridgelines and Hilltops overlay within 200 Parkvale Road.	Accept in part	Yes
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.42	General / Mapping / All Overlays / Overlays General	Oppose	Oppose removal of the Ridgelines and Hilltops overlay within 200 Parkvale Road. This overlay is part of wider landscape protection and is appropriate for the property in question.	Disallow	Accept in part	No
Andy Foster	FS86.70	General / Mapping / AllOverlays / Overlays General	Oppose	<p>Supports placing the farm within the Special Amenity Landscape (in addition to retaining Ridgeline and Hilltop status) as was instructed by Council when notifying the Plan.</p> <p>[See original Further Submission for full reasoning]. [Inferred reference to submission 29.4].</p>	Disallow	Accept in part	No
Parkvale Road Limited	298.5	Mapping / AllOverlays / Overlays General	Amend	<p>Opposes the application of the Ridgelines and Hilltops overlay within 200 Parkvale Road.</p> <p>Considers that the ridgelines and hilltops overlay is not a requirement of the Regional Policy Statement and creates a third tier of landscape protection that would be better included as a Special Amenity Landscape.</p> <p>Seeks the removal of the overlay, or associated changes to the ridgelines and hilltops provisions.</p>	Seeks amendment of the provisions relating to the Ridgelines and Hilltops overlay if this overlay is not removed from 200 Parkvale Road.	Accept in part	No
Andy Foster	FS86.71	General / Mapping / AllOverlays / Overlays General	Oppose	<p>Supports placing the farm within the Special Amenity Landscape (in addition to retaining Ridgeline and Hilltop status) as was instructed by Council when notifying the Plan.</p> <p>[See original Further Submission for full reasoning]. [Inferred reference to submission 29.5].</p>	Disallow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Taranaki Whānui ki te Upoko o te Ika	389.23	Mapping / AIOverlays / Overlays General	Amend	Considers that overlays to significantly restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over our ancestral lands.	Seeks that SAL mapping be amended to reflect historical and current built development over the Wellington Prison site (Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035).	Reject	No
Buy Back the Bay	F579.21	General / Mapping / AIOverlays / Overlays General	Oppose	Submission 389 states: "Taranaki Whānui's RFR [Right of First Refusal] opportunities in Te Motu Kairangi: Taranaki Whānui have a significant interest in Te Motu Kairangi which includes Mount Crawford and Watts Peninsula, these landholdings hold significant interest - culturally, socially, environmentally and commercially to Taranaki Whānui. These opportunities include the Mount Crawford Prison site as well as the 'Watts Peninsula' sites being 75.85 hectares of former Defence Land." Buy Back the Bays notes that the Submission does not include maps however they (Buy Back the Bays) are very concerned to see that Taranaki Whānui appears to be seeking possible commercial development of 75.85 hectares of former defence land on Watts Peninsula. This appears to be the heart of the long-promised Watts Peninsula park and a major part of the proposed national heritage park. Buy Back the Bays strongly oppose rezoning on Watts Peninsula to facilitate any development there that is incompatible with the park plans. More generally, Buy Back the Bays oppose Submission 389's attempt to remove the proposed public interest controls from Watts Peninsula and Mount Crawford. Considers that where Submission 389 states "Illustrated on Figure One below, the following zone and overlays are proposed for Taranaki Whānui's RFR properties in Te Motu Kairangi," Buy Back the Bays oppose the changes it seeks. This includes opposing Submission 389's request for "The proposed zoning over Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035, Part Section 20 Watts Peninsula DIST [to be] amended from Natural Open Space Zone to: a. Medium Density Residential; and b. Special Purpose Zone – Māori Purpose Zone."	Disallow	Accept	No
Victoria University of Wellington Students' Association	123.42	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports greatly increasing the protection given to Outstanding Natural Features. These are important features that frequently house ecological biodiversity, act as carbon sinks, and add to the vibrant character of Wellington City.	Seeks that the activities that can occur within natural landscapes are limited by requiring extra resource consents for additional buildings or earthworks.	Accept in part	No
Meridian Energy Limited	F5101.139	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Considers that the reason for requiring 'extra resource consents for additional buildings or earthworks' within 'natural landscapes' is not provided.	Disallow	Accept in part	No
Victoria University of Wellington Students' Association	123.43	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports greatly increasing the protection given to Special Amenity Landscapes. These are important features that frequently house ecological biodiversity, act as carbon sinks, and add to the vibrant character of Wellington City.	Seeks that the activities that can occur within natural landscapes are limited by requiring extra resource consents for additional buildings or earthworks.	Accept in part	No
Matthew Wells, Adelina Reis and Sarah Rennie	F550.10	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports this specific aspect of VUWSA's submission. The submitter's contention is that logically 22 Alexandra Road forms a highly visual part of the Mount Victoria ridgeline directly above the Central City and suburbs of Mount Victoria, Oriental Bay and Roseneath. The Town Belt is a Special Amenity Landscape. Logically and visually Lookout Road including 22 Alexandra Road is without question one of the significant landscapes of our city, and is covered by the broad sweep of VUWSA's request. Supporting VUWSA's request for greatly increasing protection to our most significant landscapes the Mount Victoria Ridgeline should retain the same protections from development as it has had for decades. Number 22 Alexandra Road should retain the Open Space zoning and Ridgeline and Hilltops protection status as it has in the Operative District Plan. [Inferred reference to submission point 123.43]	Allow	Reject	No
Meridian Energy Limited	F5101.140	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Considers that the reason for requiring 'extra resource consents for additional buildings or earthworks' within 'natural landscapes' is not provided.	Disallow	Accept in part	No
John Tiley	142.6	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Not specified	Considers that a lay person could reasonably expect that ONFL and SAL areas are exempt from any activities except for the minimum required to maintain and protect the area.	Not specified.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Wellington Civic Trust	FS83.75	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	The submissions identify the need for greater clarity and better protection in the Plan for the city's identified ridgelines and hilltops. Wellington Civic Trust supports these points	Allow	Accept in part	No
John Tiley	142.7	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Notes that the 18 ridgelines and hilltops set out in the introduction to the chapter are listed without comment or explanation of selection criteria.	Seeks that comments or explanation of selection criteria are included for the 18 ridgelines and hilltops. [Inferred decision requested].	Accept	No
Wellington Civic Trust	FS83.76	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	The submissions identify the need for greater clarity and better protection in the Plan for the city's identified ridgelines and hilltops. Wellington Civic Trust supports these points	Allow	Accept	No
Andy Foster	FS86.28	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 142.7].	Allow	Accept	No
John Tiley	142.8	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that given its importance in other council policies and plans, Marshalls Ridge should be included as an identified ridgeline. Notes that Marshalls Ridge is mentioned several times in the NRMP with various references to its importance as an open space. Council documents show Marshalls Ridge valued as a critical reserve, contributing to landscape coherence and amenity. The NRMP 2008 provides (8.3.2.1) a clear policy statement for protecting the open space character of Marshalls Ridge and the steeper ridges and spurs falling to Stebbings Valley and Middleton Road. The PDP dismisses Marshalls Ridge as of no account, not listing it with other city ridgelines, and designating it as a Future Urban Zone. [Refer to original submission for full reasons, including attachments].	Amend the list of identified ridgelines and hilltops to include Marshalls Ridge.	Reject	No
Roseneath Residents' Association	FS49.3	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports Mr Tiley's submission about the importance of these listed ridgelines to Wellington's landscape, environment, and liveability. Mount Victoria ridgeline is one of the identified ridgelines in the Proposed District Plan, as it is also in the Operative District Plan. The submitter seeks that number 22 Alexandra Road must remain within the identified Mount Victoria Ridgeline as it is in the Operative Plan, rather than be removed from it as is proposed under the Proposed District Plan. The submitter also considers that the intention to remain relatively undeveloped as a crucially important ridgeline should be achieved by retaining the Operative District Plan Open Space zoning rather than rezoning to Residential as is proposed in the Proposed District Plan. [Inferred reference to submission point 142.8]	Allow / Seeks that that number 22 Alexandra Road retains the Open Space zoning and Ridgeline and Hilltops protection status as it is in the Operative District Plan.	Accept in part	No
Matthew Wells, Adelina Reis and Sarah Rennie	FS50.3	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports Mr Tiley's submission about the importance of these listed ridgelines to Wellington's landscape, environment, and liveability. Mount Victoria ridgeline is one of the identified ridgelines in the Proposed District Plan, as it is also in the Operative District Plan. The submitter seeks that number 22 Alexandra Road must remain within the identified Mount Victoria Ridgeline as it is in the Operative Plan, rather than be removed from it as is proposed under the Proposed District Plan. The submitter also considers that the intention to remain relatively undeveloped as a crucially important ridgeline should be achieved by retaining the Operative District Plan Open Space zoning rather than rezoning to Residential as is proposed in the Proposed District Plan. [Inferred reference to submission point 142.8] [Refer to further submission for full reason]	Allow / Seeks that number 22 Alexandra Road retains the Open Space zoning and Ridgeline and Hilltops protection status as it is in the Operative District Plan.	Accept in part	No
Wellington Civic Trust	FS83.77	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	The submissions identify the need for greater clarity and better protection in the Plan for the city's identified ridgelines and hilltops. Wellington Civic Trust supports these points	Allow	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Andy Foster	FS86.29	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 142.8].	Allow	Accept in part	No
Thomas Brent Layton	164.5	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Opposes the application of the Ridgelines and Hilltops overlay to 183, 241, 249 and 287 South Karori Road on the basis that this is inconsistent with the policy intention to preserve the visible ridgelines and hilltops being natural. The ridgelines on these properties are not visible or prominent and there are no hilltops.	Seeks the removal of the Ridgelines and Hilltops overlay from 183, 241, 249 and 287 South Karori Road.	Reject	No
Thomas Brent Layton	164.6	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that the Ridgelines and Hilltops overlay should be removed from the sites at 183, 241, 249 and 287 South Karori Road.	Seeks the removal of the Ridgelines and Hilltops overlay from 183, 241, 249 and 287 South Karori Road.	Reject	No
Churton Park Community Association	189.6	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Not specified	Considers that a lay person could reasonably expect that ONFL and SAL areas are exempt from any activities except for the minimum required to maintain and protect the area.	Not specified.	Accept in part	No
Churton Park Community Association	189.7	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Notes that the 18 ridgelines and hilltops set out in the introduction to the chapter are listed without comment or explanation of selection criteria.	Seeks that comments or explanation of selection criteria are included for the 18 ridgelines and hilltops. [Inferred decision requested].	Accept	No
Roseneath Residents' Association	FS49.5	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the view of the submitter that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed. [Inferred reference to submission point 189.7]	Allow	Accept	No
Matthew Wells, Adelina Reis and Sarah Rennie	FS50.6	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Support	Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the submitters view that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed. [Inferred reference to submission point 189.10]	Allow	Accept	No
Andy Foster	FS86.39	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 189.7].	Allow	Accept	No
Churton Park Community Association	189.8	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that given its importance in other council policies and plans, Marshalls Ridge should be included as an identified ridgeline. Notes that Marshalls Ridge is mentioned several times in the NRMP with various references to its importance as an open space. Council documents show Marshalls Ridge valued as a critical reserve, contributing to landscape coherence and amenity. The NRMP 2008 provides (8.3.2.1) a clear policy statement for protecting the open space character of Marshalls Ridge and the steeper ridges and spurs falling to Stebbings Valley and Middleton Road. The PDP dismisses Marshalls Ridge as of no account, not listing it with other city ridgelines, and designating it as a Future Urban Zone. [Refer to original submission for full reasons, including attachments].	Amend the list of identified ridgelines and hilltops to include Marshalls Ridge.	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Meridian Energy Limited	228.80	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose in part	Considers the statement in the preamble does not include existing infrastructure within the ridgeline and hilltops overlay which seems to be captured by Rule NFL-R2. This suggests that existing renewable electricity generation activities within ridgeline and hilltop overlays are intended to be captured by these NFL rules. Meridian understood this was not the intention of this Plan. Meridian prefers the approach whereby all rules for renewable generation activities are contained in the bespoke REG Renewable Electricity Generation chapter. Meridian accepts that the objectives and policies of the NFL chapter apply to renewable electricity generation activities in overlay areas.	Retain the introduction of the Natural Features and Landscapes chapter, with amendment.	Accept in part	No
Meridian Energy Limited	228.81	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers the statement in the preamble does not include existing infrastructure within the ridgeline and hilltops overlay which seems to be captured by Rule NFL-R2. This suggests that existing renewable electricity generation activities within ridgeline and hilltop overlays are intended to be captured by these NFL rules. Meridian understood this was not the intention of this Plan. Meridian prefers the approach whereby all rules for renewable generation activities are contained in the bespoke REG Renewable Electricity Generation chapter. Meridian accepts that the objectives and policies of the NFL chapter apply to renewable electricity generation activities in overlay areas.	Amend the Introduction of the Natural Features and Landscapes chapter, under the heading 'Other relevant District Plan provisions', by inserting the following (or similar) clarification note: <u>The rules applicable to renewable electricity generation activities (including in Outstanding Natural Features and Landscapes and Special Amenity Landscapes) are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter NFL Natural Features and Landscapes do not apply to renewable electricity generation activities.</u>	Accept in part	Yes
Wellington City Council	266.94	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers the introduction of the NFL chapter needs to have the list of Ridgelines and Hilltops deleted. This is because there is a map overlay that already identifies these areas. Clarification is also needed to ensure this overlay does not apply to Lincolnshire Farm Development Area or the Upper Stebbings and Glenside West Development Area.	Amend the Introduction to Natural Features and Landscapes chapter as follows: The purpose of the Natural Features and Landscapes Chapter is to manage the effects of activities on the identified outstanding natural features and landscapes (ONFL), special amenity landscapes (SAL), and ridgelines and hilltops. These are identified within SCHED10 – Outstanding Natural Features and Landscapes and SCHED11 – Special Amenity Landscapes. <u>The Ridgelines and Hilltops are identified in an overlay on the District Plan Maps.</u> <u>The location of Ridgelines and Hilltops have informed the master planning and resultant Development Plans in the Lincolnshire Farm Development Area and the Upper Stebbings and Glenside West Development Area. However the overlays are not located within the Development Areas. In Upper Stebbings and Glenside West, natural features are recognised by distinguishing the Build and the No Build areas. A site-specific Ridgeline area is subject to separate protection and management in the Upper Stebbings and Glenside West Development Area through requirements in the DEV3 chapter, EW chapter and in APP13.</u> (...) <u>The following ridgelines and hilltops have been identified in Wellington City: Bests Ridge Horokiwi Ridge Mt Albert Ridge Mt Crawford / Point Halswell Mt Victoria Ngaio Reserve Oku Street Reserve Grongo Ridge Point Dorset Pipinui Point & Coastal Hills South Headland Reserve Tawatawa Ridge Te Kopahu Ridge Te Wharangi Ridge & Totara / Bests / Spicers Ridge Tinakori Hill Upper Ngauranga Western Harbour Hills (Brandon's Rock / Woodridge) White Rock Hill / Quartz Hill / Outlook Hill Wrights Hill</u>	Accept in part	Yes
Horokiwi Quarries Ltd	271.27	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Not specified	Considers that, in relation to objectives and policies in the Natural Features and Landscapes Chapter, while the values for particular sites are outlined in Schedule 11, the characteristics are not. Clarification on the characteristics would assist with plan interpretation and application.	Clarify what characteristics of special amenity landscapes are in the PDP, and in particular the Natural Features and Landscapes Chapter.	Accept in part	Yes
Horokiwi Quarries Ltd	271.28	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Considers that there is a lack of higher order document policy support for the policy and rule framework for Ridgelines and Hilltops assuming that Special Amenity Landscapes capture RMA S6(c) matters; and a lack of identified values within the PDP for the Ridgelines and Hilltops (noting they are not scheduled) and therefore lack of clarity for plan users as to the values. [Refer to original submission for full reason]	Clarify the policy and rule framework for Ridgelines and Hilltops and review the appropriateness of Hilltops and Ridgelines within the PDP.	Accept in part	Yes
Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt	276.17	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that open space activity will be greatly reduced without the protection of Marshall Ridge as a natural connected open space with similar protections afforded to the ridgelines in Stebbings Valley and Tawa.	Amend the Natural Features and Landscapes chapter to recognise Marshall's Ridge as an identified ridgeline and hilltop.	Reject	No
Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt	276.18	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	[No specific reason given beyond decision requested - refer back to original submission]	Retain the protections afforded to ridgelines and hilltops as notified. [Inferred decision requested]	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt	276.19	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that excluding Marshall's Ridge from protections afforded to other connected hilltops and ridgelines makes no sense in the face of the introduction, DEV-04; DEV3-P4. Where the connective network of geographical features have been specified as needing protection and incorporation into a network for open spaces and reserves. Opening it up instead for housing development which will irreversibly reduce the visual amenity of the area, have a huge reverse sensibility effect and remove it from the network of accessible public open spaces.	Seeks that Marshalls Ridge is included within the list of ridgelines and hilltops in the introduction to the Natural Features and Landscapes chapter. [Inferred decision sought]	Reject	No
Royal Forest and Bird Protection Society	345.225	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Not specified	Supports any provisions in the Plan that would ensure the values of ONFLs are maintained and enhanced and would not enable modification of their outstanding values. We also support the identification and protection of Special Amenity Landscapes and seek to ensure provisions in the NFL chapter adequately protect the ONFLs and SALs in Wellington and are well integrated in the ECO chapter to ensure no-net-loss of biodiversity.	Not specified.	Accept	No
Meridian Energy Limited	FS101.141	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Considers that the submission point suggests the purpose of the ONFL overlays is to prevent any modification of their outstanding values. The policy framework is more nuanced: it seeks to protect the values from inappropriate subdivision, use and development.	Disallow / In the absence of specific wording, disallow the submission point.	Accept in part	No
Royal Forest and Bird Protection Society	345.226	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers the Introduction should include the Outer Green Belt in list of SALs.	Amend NFL - Introduction: ... The following SALs have been identified in Wellington City: ... <u>8. Outer Green Belt.</u>	Reject	No
Glenside Progressive Association Inc	374.2	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that the Council has misinterpreted the NPS-UD and should not be creating housing areas in highly visual and steep land close to ridgelines such as the proposed development in Glenside West. Furthermore, the need for more housing should not justify the removal of the visual protection offered by DPC33 in Glenside West or any other part of Wellington. There is concern that this justification given by Council for this to occur misinterprets the NPS with the result that one particular ridgeline is left unprotected with further ridgelines perhaps under threat in the future by the precedent that this unjustifiably sets. [Refer to original submission for full reason, including attachments]	Seeks that Council not remove the ridgeline protection offered by District Plan Change 33 in Glenside West or any other part of Wellington.	Accept in part	No
Hilary Watson	F575.1	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	The proposed development areas of Upper Stebbings Valley and Glenside West represent logical and planned extensions to the existing urban areas that they adjoin. Infrastructure can be extended to serve these areas including roading, water and drainage as well as power and fibre that has been reticulated to the boundary of these areas. These new areas are important to accommodate the growing needs of the City and can be well served by public transport (including the #1 Bus). As with all greenfield areas in Wellington, some earthworks are required to provide access roads and building areas and this is the reality of developing land in Wellington. It has also been necessary to review how much of the ridgelines can be protected to accommodate this growth.	Disallow	Accept	No
Andy Foster	F586.22	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 374.2].	Allow	Accept	No
Taranaki Whānui ki te Upoko o te Ika	389.80	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that there are no triggers for active engagement with Taranaki Whānui in the Natural Features and Landscapes chapter. [refer to original submission for full reason]	Seeks that there are amendments to include higher triggers for active engagement of Taranaki Whānui within the chapter. [Inferred decision requested]	Accept in part	No
Taranaki Whānui ki te Upoko o te Ika	389.81	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Opposes the zoning and extent of overlays proposed over Te Motu Kairangi / Miramar Peninsula, Mount Crawford. Submitter supports the protection of areas of significant indigenous vegetation as well as landscapes that have cultural, historical, spiritual and traditional significance to Taranaki Whānui, the identification and protection of environmental overlays in previously developed areas is of concern to Taranaki Whānui. Concerns there is potential for these overlays to significantly restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over their ancestral lands.	Seeks that the zoning and extent of overlays proposed over Te Motu Kairangi / Miramar Peninsula, Mount Crawford is removed; specifically at Section 1 SO 477035, Part Section 20 Watts Peninsula DIST.	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Enterprise Miramar Peninsula Inc	FS26.11	Part2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>It is clear Taranaki Whānui want all restrictions removed, and the Corrections land at least rezoned for medium density housing. It is unclear based on the submission exactly how large an area they want to have rezoned.</p> <p>Watts Peninsula is currently zoned Open Space B in the Operative (current) District Plan, both the Corrections and Defence Land have not in the past contested this zoning and the Proposed District Plan keeps Watts Peninsula as open Space, the Ridgelines and Hilltops add to significant Natural Areas (for biodiversity) it has a Special Amenity Landscape which is used by the community and tourists to the enjoyment of being close to a city but with a natural environment.</p> <p>Taranaki Whānui are seeking to amend the zoning in this area to Medium Density Residential or to a Special Purpose Zone – Māori Purpose Zone, without any public engagement. Such changes would have a significant impact on the local community and should not be undertaken without wider consultation and engagement in order to ensure that proposed changes do not have a detrimental effect. As noted above, it is of concern to the businesses, community (ratepayers) of Te Motu Kairangi/Miramar Peninsula and the wider public that the rezoning applied for by Taranaki Whānui (currently open space) to develop a papakainga creates infrastructure issues on an already overloaded roading, flooding and transport links to and from the Peninsula.</p> <p>[Inferred reference to submission 389.81].</p>	Disallow	Accept	No
Buy Back the Bay	F579.11	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Submission 389 states as a Submission Point, that “Taranaki Whānui opposes the zoning and extent of overlays proposed over Te Motu Kairangi / Miramar Peninsula, Mount Crawford.”</p> <p>It lists the relevant PDP Chapter as:</p> <ul style="list-style-type: none"> • Planning maps • He Rohe Ahoaho Māori Natural Open Space Zone chapter • Ngā Wāhi Tapu ki te Māori Sites and Areas of Significance to Māori chapter • Ngā Pūnaha Rauropi me te Kanorau Koiora Taketake Ecosystems and Indigenous Biodiversity chapter • Te Ahurei o Ngā Hanga Māori Natural Character chapter • Ngā Hanga Māori me Ngā Nohopae Natural Features and Landscapes chapter • Wawaetanga Subdivision chapter • Taiao Takutai Coastal Environment chapter <p>Opposes in total Submission 389 on these points, which appears to be a wholesale rejection of planning rules in these areas.</p>	Disallow	Accept	No
Buy Back the Bay	F579.28	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Submission 389 states: “Taranaki Whānui’s RFR [Right of First Refusal] opportunities in Te Motu Kairangi: Taranaki Whānui have a significant interest in Te Motu Kairangi which includes Mount Crawford and Watts Peninsula, these landholdings hold significant interest - culturally, socially, environmentally and commercially to Taranaki Whānui. These opportunities include the Mount Crawford Prison site as well as the ‘Watts Peninsula’ sites being 75.85 hectares of former Defence Land.”</p> <p>Buy Back the Bays notes that the Submission does not include maps however they (Buy Back the Bays) are very concerned to see that Taranaki Whānui appears to be seeking possible commercial development of 75.85 hectares of former defence land on Watts Peninsula. This appears to be the heart of the long-promised Watts Peninsula park and a major part of the proposed national heritage park.</p> <p>Buy Back the Bays strongly oppose rezoning on Watts Peninsula to facilitate any development there that is incompatible with the park plans. More generally, Buy Back the Bays oppose Submission 389’s attempt to remove the proposed public interest controls from Watts Peninsula and Mount Crawford.</p> <p>Considers that where Submission 389 states “Illustrated on Figure One below, the following zone and overlays are proposed for Taranaki Whānui’s RFR properties in Te Motu Kairangi,” Buy Back the Bays oppose the changes it seeks. This includes opposing Submission 389’s request for “The proposed zoning over Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035, Part Section 20 Watts Peninsula DIST [to be] amended from Natural Open Space Zone to: a. Medium Density Residential; and b. Special Purpose Zone – Māori Purpose Zone.”</p>	Disallow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Buy Back the Bays	FS79.47	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Refers to submission 389 states: Taranaki Whānui opposes the extent of the proposed zoning of Shelly Bay Taikuru and the proposed height control limits." Buy Back the Bays opposes the submission on both points. Specifically, the Submission 389 for Taranaki Whānui seeks that: "1. The Mixed Use Zone is extended across the allotments illustrated in Figure Two below or amended to follow the extent of consented development area outlined in the approved masterplan and engineering drawings. 2. The Height Control Area is amended to 27m being the maximum height of development consented under the Shelly Bay Masterplan resource consent." Buy Back the Bays opposes both parts. Buy Back the Bays note that neither part affects Taranaki Whānui's commercial or other interests. Considers that both parts only affect the tall apartment buildings planned by and for the exclusive commercial benefit of The Wellington Company, not the leasing of lower existing buildings that The Wellington Company has offered to Taranaki Whānui as its stake in the project.	Disallow	Accept	No
Lance Lones	FS81.13	Part2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	Te Motu Kairangi is very nearly an island, and as a result of the amazing work of Predator Free Wellington, is in fact, nearly predator free, and uniquely able to support significant biodiversity. Combined with the Ridgelines and Hilltops Overlay, and the Significant Natural Areas overlay of this space, all citizens of both Wellington, and Aotearoa in general have an incredibly singular opportunity to support the development of native flora and fauna in one nearly contiguous environment, a situation which is unique within Wellington. Attests to the incredible return of many native species of birds to this area, from kererū, to flocks of piwakawaka and tūī, kārearea hunting on the hillsides and heard ruru calling in the evenings and mornings. To remove the Open Space zoning, Significant Natural Areas and Special Amenity Landscape overlays for a significant portion of this habitat would put these species at risk once again. Presents a unique opportunity to implement the Ministry for the Environment's Proposed National Policy Statement for Indigenous Biodiversity. This policy progressively refers to the concept of Te Rito o te Harakeke. The local community has expressed the desire to work with and develop a master plan for the Watts Peninsula, but this voice has been repeatedly denied by council. Removing the protections put in place by the proposed district plan would once again disempower the greater community with no discussion. [Refer to further submission for full reason]	Disallow / Seeks that the current zoning and overlays as presented in the Proposed District Plan for the northern sections of Te Motu Kairangi / Miramar Peninsula be retained. In particular, that the Open Space zoning, Special Amenity Landscape, Natural Areas, and Ridgelines and Hilltops overlays are retained.	Accept	No
Andy Foster	FS86.17	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	The submission from Taranaki Whānui if accepted would remove all protections, many of them long standing and uncontested for decades, from Te Motu Kairangi / Watts Peninsula and make community involvement much less likely, and limit the need for community involvement. On these basis the submitter opposes Taranaki Whānui's submission. Watts Peninsula is currently zoned Open Space B in the Operative (current) District Plan. It has been Open Space B for at least the last 30 years, and nobody has ever contested this. That includes both the Corrections and Defence Land. The Proposed District Plan keeps Watts as Open Space and within the Ridgelines and Hilltops Overlay. It also adds Significant Natural Areas (for biodiversity) and a Special Amenity Landscape (because of its high level of landscape importance) All of these are based on good evidence. Taranaki Whānui want all of those restrictions removed, and the Corrections land at least rezoned for medium density housing. It is unclear exactly how large an area they want to have rezoned. Taranaki Whānui's request to remove the Open Space zoning which has been in place, uncontested by the owners, for at least 30 years. The current Open Space B zoning does not anticipate any built development and therefore there is no legal or reasonable expectation that there should be any development here. [See original Further Submission for full reasoning]. [Inferred reference to submission 389.81]	Disallow	Accept	No
Taranaki Whānui ki te Upoko o te Ika	389.82	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that overlays to significantly restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over our ancestral lands.	Seeks that any other relief to enable Taranaki Whānui to exercise tino rangatiratanga over our RFR properties in Te Motu Kairangi.	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Buy Back the Bay	FS79.12	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Submission 389 states as a Submission Point, that “Taranaki Whānui opp oses the zoning and extent of overlays proposed over Te Motu Kairangi / Miramar Peninsula, Mount Crawford.”</p> <p>It lists the relevant PDP Chapter as:</p> <ul style="list-style-type: none"> • Planning maps • He Rohe Ahoaho Māori Natural Open Space Zone chapter • Ngā Wāhi Tapu ki te Māori Sites a nd Areas of Significance to Māori chapter • Ngā Pūnaha Rauropi me te Kanorau Koiora Taketake Ecosystems and Indigenous Biodiversity chapter • Te Ahurei o Ngā Hanga Māori Natural Character chapter • Ngā Hanga Māori me Ngā Nohopae Natural Features and L andscapes chapter • Wawaetanga Subdivision chapter • Taiao Takutai Coastal Environment chapter <p>Opposes in total Submission 389 on these points, which appears to be a wholesale rejection of planning rules in these areas.</p>	Disallow	Accept	No
Buy Back the Bay	FS79.29	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Submission 389 states: “Taranaki Whānui’s RFR [Right of First Refusal] opportunities in Te Motu Kairangi: Taranaki Whānui have a significant interest in Te Motu Kairangi which includes Mount Crawford and Watts Peninsula, these landholdings hold significant interest - culturally, socially, environmentally and commercially to Taranaki Whānui. These opportunities include the Mount Crawford Prison site as well as the ‘Watts Peninsula’ sites being 75.85 hectares of former Defence Land.”</p> <p>Buy Back the Bays notes that the Submission does not include maps however they (Buy Back the Bays) are very concerned to see that Taranaki Whānui appears to be seeking possible commercial development of 75.85 hectares of former defence land on Watts Peninsula. This appears to be the heart of the long-promised Watts Peninsula park and a major part of the proposed national heritage park.</p> <p>Buy Back the Bays strongly oppose rezoning on Watts Peninsula to facilitate any development there that is incompatible with the park plans. More generally, Buy Back the Bays oppose Submission 389’s attempt to remove the proposed public interest controls from Watts Peninsula and Mount Crawford.</p> <p>Considers that where Submission 389 states “Illustrated on Figure One below, the following zone and overlays are proposed for Taranaki Whānui’s RFR properties in Te Motu Kairangi,” Buy Back the Bays oppose the changes it seeks. This includes opposing Submission 389’s request for “The proposed zoning over Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035, Part Section 20 Watts Peninsula DIST [to be] amended from Natural Open Space Zone to: a. Medium Density Residential; and b. Special Purpose Zone – Māori Purpose Zone.”</p>	Disallow	Accept	No
Buy Back the Bay	FS79.48	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Refers to submission 389 states: Taranaki Whānui opposes the extent of the proposed zoning of Shelly Bay Taikuru and the proposed height control limits.” Buy Back the Bays opposes the submission on both points.</p> <p>Specifically, the Submission 389 for Taranaki Whānui seeks that:</p> <p>“1. The Mixed Use Zone is extended across the allotments illustrated in Figure Two below or amended to follow the extent of consented development area outlined in the approved masterplan and engineering drawings.</p> <p>2. The Height Control Area is amended to 27m being the maximum height of development consented under the Shelly Bay Masterplan resource consent.”</p> <p>Buy Back the Bays opposes both parts. Buy Back the Bays note that neither part affects Taranaki Whānui’s commercial or other interests. Considers that both parts only affect the tall apartment buildings planned by and for the exclusive commercial benefit of The Wellington Company, not the leasing of lower existing buildings that The Wellington Company has offered to Taranaki Whānui as its stake in the project.</p>	Disallow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Lance Lones	FS81.14	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / General NFL	Oppose	<p>Te Motu Kairangi is very nearly an island, and as a result of the amazing work of Predator Free Wellington, is in fact, nearly predator free, and uniquely able to support significant biodiversity. Combined with the Ridgelines and Hilltops Overlay, and the Significant Natural Areas overlay of this space, all citizens of both Wellington, and Aotearoa in general have an incredibly singular opportunity to support the development of native flora and fauna in one nearly contiguous environment, a situation which is unique within Wellington. Attests to the incredible return of many native species of birds to this area, from kererū, to flocks of piwakawaka and tūi, kārearea hunting on the hillsides and heard ruru calling in the evenings and mornings.</p> <p>To remove the Open Space zoning, Significant Natural Areas and Special Amenity Landscape overlays for a significant portion of this habitat would put these species at risk once again. Presents a unique opportunity to implement the Ministry for the Environment's Proposed National Policy Statement for Indigenous Biodiversity. This policy progressively refers to the concept of Te Rito o te Harakeke.</p> <p>The local community has expressed the desire to work with and develop a master plan for the Watts Peninsula, but this voice has been repeatedly denied by council. Removing the protections put in place by the proposed district plan would once again disempower the greater community with no discussion.</p> <p>[Refer to further submission for full reason]</p>	Disallow / Seeks that the current zoning and overlays as presented in the Proposed District Plan for the northern sections of Te Motu Kairangi / Miramar Peninsula be retained. In particular, that the Open Space zoning, Special Amenity Landscape, Natural Areas, and Ridgelines and Hilltops overlays are retained.	Accept	No
Johnsonville Community Association	429.26	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Submitter is concerned that high rise development along this hilltop area will have a significant adverse impact to the Johnsonville Ridgeline and visual amenity of the whole suburb.	Seeks that NFL (Natural Features and Landscapes) chapter is amended to add Woodland Road/Prospect Terrace (Area C on original submission page 25) to the list of Ridgelines	Reject	No
Johnsonville Community Association	429.27	Natural and Environmental Values / Natural Features and Landscapes / General NFL	Amend	Considers that the council is to remove the ridgeline protection in urban areas. These protections were established for good reason and the JCA objects to their removal.	Seeks that the WCC reverse the decision to remove ridgeline protections in urban areas and re-establish them as they are in the current District Plan plus adding Woodland Road, Johnsonville.	Reject	No
Royal Forest and Bird Protection Society	345.227	Natural and Environmental Values / Natural Features and Landscapes / New NFL	Amend	Seeks new policy to give effect to policy 11 outside of SNAs. Recognises that policy 11 is given effect to in the coastal environment by way of the ECO chapter policies, however, those policies only apply to identified SNAs. There may be other areas in the coastal environment, particularly within SALs and ONFLs, that have biodiversity that is required to be protected under policy 11. As such, a separate policy to ensure that policy 11 is given effect to in these areas is required.	Add new policy NFL-PX to give effect to Policy 11 of the NZ Coastal Policy Statement outside of Significant Natural Areas.	Reject	No
Meridian Energy Limited	FS101.142	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / New NFL	Oppose	NZCPS Policy 11 addresses significant indigenous biodiversity in the coastal environment. Considers it is not directly relevant for chapter NFL.	Disallow / In the absence of specific wording, disallow the submission point.	Accept	No
Royal Forest and Bird Protection Society	345.228	Natural and Environmental Values / Natural Features and Landscapes / NFL-O1	Support	Supports the objective.	Retain NFL-O1 (Outstanding natural features and landscapes) as notified.	Accept	No
Greater Wellington Regional Council	351.166	Natural and Environmental Values / Natural Features and Landscapes / NFL-O1	Support	Considers it gives effect to section 6(b) of the RMA and NZCPS Policy 15(a).	Retain NFL-O1 (Outstanding natural features and landscapes) as notified.	Accept	No
WCC Environmental Reference Group	377.145	Natural and Environmental Values / Natural Features and Landscapes / NFL-O1	Support	It is important that the District Plan provides legal and policy support to be able to protect outstanding natural features and landscapes. Research shows that access to natural areas and environments is key to human health and well-being and a critical part of providing refuge for formerly at risk native birds.	Retain NFL-O1 (Outstanding natural features and landscapes) as notified.	Accept	No
Director-General of Conservation	385.44	Natural and Environmental Values / Natural Features and Landscapes / NFL-O1	Support	Supports proposed Objective NFL-O1 (Outstanding natural features and landscapes).	Retain objective NFL-O1 (Outstanding natural features and landscapes) as notified.	Accept	No
Horokiwi Quarries Ltd	271.29	Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Support in part	<p>Supports the policy directive within NFL-O2 to enhance the values 'where practicable'.</p> <p>Notwithstanding the support, the submitter notes that while the values for particular sites are outlined in Schedule 11, the characteristics are not. Clarification on the characteristics would assist with plan interpretation and application.</p>	Retain NFL-O2 (Special amenity landscapes) as notified, with clarification.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.38	Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Oppose in part	<p>Considers that it is appropriate subdivision, use and development in areas identified as SAL should be managed to maintain and enhance amenity values. Also agrees that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes.</p> <p>However, the submitter believes that the MDRZ area of the land should not be included in this SAL mapping. By including the MDRZ land within the SAL overlay, it restricts the land from being efficiently utilized for medium density residential development. Furthermore, the zoning layout has principal support from GWRC both in terms of policy direction (i.e. Policy 27) and the consented layout. The landscape identified to be 'distinctive and widely recognised by the community for the contribution to the amenity and quality of the environment' is predominantly located within the balance land which includes Crows Nest and the Skyline Walkway Trailhead.</p>	Retain NFL-O2 (Special amenity landscapes) as notified.	Accept	No
Adam Groenewegen	FS46.15	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Oppose	<p>Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question.</p> <p>The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.</p>	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Accept	No
Jo McKenzie	FS64.15	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Oppose	<p>Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.</p>	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Accept	No
Royal Forest and Bird Protection Society	345.229	Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Oppose	<p>Considers the objective does not give effect to s7(c) of the RMA.</p>	<p>Amend NFL-O2 (Special amenity landscapes):</p> <p>The characteristics and values of special amenity landscapes are maintained and, where practicable, enhanced.</p>	Reject	No
WCC Environmental Reference Group	377.146	Natural and Environmental Values / Natural Features and Landscapes / NFL-O2	Support	<p>It is important that the District Plan provides legal and policy support to be able to protect outstanding natural features and landscapes. Research shows that access to natural areas and environments is key to human health and well-being and a critical part of providing refuge for formerly at risk native birds.</p>	Retain NFL-O2 (Special Amenity Landscapes) as notified.	Accept	No
John Tiley	142.9	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Amend	<p>Considers that NFL-O3 should be clarified to state the amenity value of associated open space, and the opportunities to create continuity of open space.</p>	Amend NFL-O3 (Ridgelines and hilltops) to include reference to the protection of 'the amenity value of associated open space, and the opportunities to create continuity of open space'.	Accept in part	Yes
Wellington Civic Trust	FS83.78	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Support	<p>The submissions identify the need for greater clarity and better protection in the Plan for the city's identified ridgelines and hilltops. Wellington Civic Trust supports these points</p>	Allow	Accept in part	No
Churton Park Community Association	189.9	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Amend	<p>Considers that NFL-O3 should be clarified to state the amenity value of associated open space, and the opportunities to create continuity of open space.</p>	Amend NFL-O3 (Ridgelines and hilltops) to include reference to the protection of 'the amenity value of associated open space, and the opportunities to create continuity of open space'.	Accept in part	Yes
Roseneath Residents' Association	FS49.6	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Support	<p>Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the view of the submitter that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed.</p> <p>[Inferred reference to submission point 189.9]</p>	Allow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Matthew Wells, Adelina Reis and Sarah Rennie	FS50.5	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Support	Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the submitters view that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed. [Inferred reference to submission point 189.9]	Allow	Accept	No
Meridian Energy Limited	228.82	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Oppose	Considers the objective inaccurately characterises the actual character of large areas of ridgelines and hilltops overlays in which wind turbines are located and fails to acknowledge the reality of the existing environment.	Retain NFL-O3 (Ridgelines and hilltops) with amendment.	Accept in part	No
Meridian Energy Limited	228.83	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Amend	Considers the objective inaccurately characterises the actual character of large areas of ridgelines and hilltops overlays in which wind turbines are located and fails to acknowledge the reality of the existing environment.	Amend NFL-O3 (Ridgelines and hilltops) as follows: The <u>natural green landscape</u> backdrop provided by identified ridgelines and hilltops is maintained and <u>enhanced</u> , where practicable, <u>enhanced recognising the existence of and the functional and operational needs of regionally significant infrastructure</u> .	Accept in part	Yes
Horokiwi Quarries Ltd	271.30	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Oppose	Considers that the wording of objective NFL-O3 could be clarified as to the appropriateness of ensuring a natural green backdrop to the city on private land.	Clarify the appropriateness of ensuring a natural green backdrop to the city on private land and review the appropriateness of Hilltops and Ridgelines within the PDP.	Accept in part	Yes
Royal Forest and Bird Protection Society	345.230	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Support	Supports the objective.	Retain NFL-O3 (Ridgelines and hilltops) as notified.	Accept in part	No
WCC Environmental Reference Group	377.147	Natural and Environmental Values / Natural Features and Landscapes / NFL-O3	Support	The green ridge tops of Wellington are a core part of its character and a major contributor to maintaining a 'biophilic' environment, which is key to human health, well being, and a critical part of protecting biodiversity.	Retain NFL-O3 (Ridgelines and hilltops) as notified.	Accept in part	No
John Tiley	142.10	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Amend	Considers that NFL-P1 should be amended to include reference to ridgelines and hilltops.	Amend NFL-P1 (Identification of outstanding natural features and landscapes and special amenity landscapes) to include reference to ridgelines and hilltops.	Reject	No
Wellington Civic Trust	FS83.79	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	The submissions identify the need for greater clarity and better protection in the Plan for the city's identified ridgelines and hilltops. Wellington Civic Trust supports these points	Allow	Reject	No
Churton Park Community Association	189.10	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Amend	Considers that NFL-P1 should be amended to include reference to ridgelines and hilltops.	Amend NFL-P1 (Identification of outstanding natural features and landscapes and special amenity landscapes) to include reference to ridgelines and hilltops.	Reject	No
Roseneath Residents' Association	FS49.7	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the submitters view that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed. [Inferred reference to submission point 189.10]	Allow	Reject	No
Matthew Wells, Adelina Reis and Sarah Rennie	FS50.4	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	Supports submission 189 in seeking to change the Proposed District Plan to more fully protect and enhance the City's natural landscapes including Outstanding Natural Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops, and request that all the CPCA proposals are adopted. It is the submitters view that the only new activities to be allowed in these areas should be those essential pieces of infrastructure that cannot be located anywhere else. Housing development should not be allowed. [Inferred reference to submission point 189.10]	Allow	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Andy Foster	FS86.40	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Oppose	Supports Glenside Progressive Association's submission regarding the protection of Ridgelines citywide. [See original Further Submission for full reasoning]. [Inferred reference to submission 189.10].	Allow	Reject	No
Royal Forest and Bird Protection Society	345.231	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	Supports the policy.	Retain NFL-P1 (Identification of outstanding natural features and landscapes and special amenity landscapes) as notified.	Accept in part	No
Greater Wellington Regional Council	351.167	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	Considers it gives effect to section 6(b) of the RMA and NZCPS Policy 15(a).	Retain NFL-P1 (Identification of outstanding natural features and landscapes and special amenity landscapes) as notified.	Accept in part	No
WCC Environmental Reference Group	377.148	Natural and Environmental Values / Natural Features and Landscapes / NFL-P1	Support	NFL-P1 is supported as it is helpful in that having a specific list provides certainty for owners and potential owners whose land falls within these areas.	Retain NFL-P1 (Identification of outstanding natural features and landscapes and special amenity landscapes) as notified.	Accept in part	No
Meridian Energy Limited	228.84	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Oppose	Considers that functional and operational needs will not be able to be accommodated (as intended by the Policy) if all adverse effects on visual amenity and landscape values must be avoided (for example, in upgrading existing wind turbines that occupy hilltops because they have a functional need to locate on high points). Considers the policy, as worded, does not reconcile the outcomes intended by clauses 2 and 3.	Retain NFL-P2 (Use and development within ridgeline and hilltops) with amendment.	Accept in part	No
Meridian Energy Limited	228.85	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Amend	Considers that functional and operational needs will not be able to be accommodated (as intended by the Policy) if all adverse effects on visual amenity and landscape values must be avoided (for example, in upgrading existing wind turbines that occupy hilltops because they have a functional need to locate on high points). Considers the policy, as worded, does not reconcile the outcomes intended by clauses 2 and 3.	Amend Policy NFL-P2 (Use and development within ridgeline and hilltops) as follows (or similar): Enable use and development within identified ridgelines and hilltops where: 1. The activity is compliant with the underlying zone provisions; and or 2. Adverse effects on the visual amenity and landscape values of the identified Ridgelines and Hilltops are avoided, remedied or mitigated, recognising the existence of and the functional and operational needs of regionally significant infrastructure. There is a functional or operational need to locate within the ridgeline and hilltop area; and 3. Any adverse effects on the visual amenity and landscape values can be mitigated.	Accept in part	Yes
Horokiwi Quarries Ltd	271.31	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Amend	The submitter has concerns with the policy directive within NFP-P2 clause 3. to mitigate 'any' adverse effects on the visual amenity and landscape values, given the directive relates to all adverse effects regardless of scale or significance and that the values are not identified within the PDP. The requirement within clause 1. To "be compliant with the underlying zone provisions" is also not clear in its application. Considers the policy is subjective and open to interpretation and requests amendment to remove reference to the underlying zone provisions.	Amend NFL-P2 (Use and development within ridgeline and hilltops) as follows: Enable use and development within identified ridgelines and hilltops where: 1. The activity is compliant with the underlying zone provisions; and 2. 1. There is a functional or operational need to locate within the ridgeline and hilltop area; and 3. 2. <u>Any Significant</u> adverse effects on the visual amenity and landscape values can be mitigated.	Reject	No
Parkvale Road Limited	298.6	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Amend	Considers that if the Ridgelines and Hilltops overlay is not removed, in order to support residential development of the areas of the site proposed for rezoning, an amendment to the policy is proposed.	Amend NFL-P2 (Use and development within ridgeline and hilltops) as follows: Enable use and development within identified ridgelines and hilltops where: 1. <u>Any adverse effects on the visual amenity and landscape values can be mitigated; and</u> <u>2. The activity is compliant with the underlying zone provisions; or</u> <u>3. There is a functional or operational need to locate within the ridgeline and hilltop area.</u>	Accept in part	Yes
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.43	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Oppose	Oppose removal of the Ridgelines and Hilltops overlay within 200 Parkvale Road. This overlay is part of wider landscape protection and is appropriate for the property in question.	Disallow	Accept	No
Andy Foster	FS86.72	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Oppose	Supports placing the farm within the Special Amenity Landscape (in addition to retaining Ridgeline and Hilltop status) as was instructed by Council when notifying the Plan. Opposes the request from Parkvale Road Limited to reorder the Ridgeline and Hilltops Policies and Rules. [See original Further Submission for full reasoning]. [Inferred reference to submission 29.6].	Disallow	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Royal Forest and Bird Protection Society	345.232	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Amend	Considers activities on ridgelines and hilltops should be provisional on meeting these policy requirements, to ensure their landscape values are maintained to give effect to NFL-O3.	Amend NFL-P2 (Use and development within ridgeline and hilltops): <u>Only</u> Enable use and development within identified ridgelines and hilltops where: 1. The activity is compliant with the underlying zone provisions; and 2. There is a functional or operational need to locate within the ridgeline and hilltop area; and 3. Any adverse effects on the visual amenity and landscape values can be mitigated.	Reject	No
Meridian Energy Limited	FS101.143	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Oppose	Considers that the insertion of 'only' enable adds no meaningful value to the policy, which is to provide for (enable) activities in the specified circumstances.	Disallow	Accept	No
WCC Environmental Reference Group	377.149	Natural and Environmental Values / Natural Features and Landscapes / NFL-P2	Support	NFL-P2 is supported as it provides for necessary uses, e.g. masts, whilst seeking to mitigate adverse effects.	Retain NFL-P2 (Use and development within ridgeline and hilltops) as notified.	Accept in part	No
Meridian Energy Limited	228.86	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Oppose	Considers Policy NFL-P3 fails to recognise and provide for the existing turbine on Brooklyn Hill.	Retain Policy NFL-P3 (Use and development in special amenity landscapes outside the coastal environment) with amendment.	Accept in part	No
Meridian Energy Limited	228.87	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Amend	Considers Policy NFL-P3 fails to recognise and provide for the existing turbine on Brooklyn Hill. P3.1 and P3.2 should be merged as P3.2.	Amend Policy NFL-P3 (Use and development in special amenity landscapes outside the coastal environment) as follows (or similar): Provide for use and development within special amenity landscapes outside the coastal environment where: <u>1. Necessary to support the functional and operational needs of the Brooklyn Turbine; or</u> <u>2. Any adverse effects on the identified values can be avoided, remedied or mitigated; and the scale of the activity maintains the identified landscape values and characteristics.</u>	Reject	No
Horokiwi Quarries Ltd	271.32	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Support in part	Considers that while NFL-P3 (Use and development in special amenity landscapes outside the coastal environment) is not in itself opposed, the submitter does note that while the values for particular sites are outlined in Schedule 11 of the PDP, the characteristics are not. It is therefore not clear what are the characteristics referred to in the policy. Clarification would assist with plan interpretation.	Clarify what are the characteristics referred to in NFL-P3.2 (Use and development in special amenity landscapes outside the coastal environment).	Accept in part	No
Kilmarnock Developments Limited and Kilmarnock Properties Limited	290.39	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Oppose in part	Considers that it is appropriate subdivision, use and development in areas identified as SAL should be managed to maintain and enhance amenity values. Also agrees that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes. However, the submitter believes that the MDRZ area of the land should not be included in this SAL mapping. By including the MDRZ land within the SAL overlay, it restricts the land from being efficiently utilized for medium density residential development. Furthermore, the zoning layout has principal support from GWRC both in terms of policy direction (i.e. Policy 27) and the consented layout. The landscape identified to be 'distinctive and widely recognised by the community for the contribution to the amenity and quality of the environment' is predominantly located within the balance land which includes Crows Nest and the Skyline Walkway Trailhead.	Retain NFL-P3 (Use and development in special amenity landscapes outside the coastal environments) as notified.	Accept in part	No
Adam Groenewegen	FS46.16	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Oppose	Supports Kilmarnock Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question. The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarnock Development's land.	Accept	No
Jo McKenzie	FS64.16	Part 2 / Natural and Environmental Values / Natural Features and Landscapes /NFL-P3	Oppose	Support Kilmarnock Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarnock Development's land	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Royal Forest and Bird Protection Society	345.233	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Oppose in part	Raises concern that SAL Outer Green Belt has been left off SCHED11, and therefore there are no identified values to reference regarding this policy. Te Ahumairangi SAL for example, is home to the snail species, <i>Potamopyrgus oppidanus</i> . This policy should give effect to s7(f) of the RMA to ensure the maintenance and enhancement of the quality of the environment to protect the biodiversity that live in these SALs. Considers activities in SALs should not be provided for solely on the basis of these policies (including NFL-P4) but agree that these policy requirements must be met.	Amend NFL-P3 (Use and development in special amenity landscapes outside the coastal environment): <u>Only consider Pproviding</u> for use and development within special amenity landscapes outside the coastal environment where: 1. Any adverse effects on the identified values can be avoided, remedied or mitigated; and 2. The scale of the activity maintains the identified landscape values and characteristics.; and 3. <u>Any activity ensures the maintenance and enhancement of the quality of the environment.</u>	Accept in part	Yes
Meridian Energy Limited	FS101.144	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Oppose	Considers that the insertion of 'only' enable adds no meaningful value to the policy, which is to provide for (enable) activities in the specified circumstances.	Disallow	Reject	No
WCC Environmental Reference Group	377.150	Natural and Environmental Values / Natural Features and Landscapes / NFL-P3	Support	NFL-P3 is supported as it provides for activities that can work within these areas in a manner that does not compromise their value.	Retain NFL-P3 (Use and development in special amenity landscapes outside the coastal environment) as notified.	Accept in part	No
Horokiwi Quarries Ltd	271.33	Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Support in part	Considers that while NFL-P4 (Use and development in special amenity landscapes within the coastal environment) is not in itself opposed, the submitter does note that while the values for particular sites are outlined in Schedule 11 of the PDP, the characteristics are not. It is therefore not clear what are the characteristics referred to in the policy.	Clarify what are the characteristics referred to in NFL-P4.2 (Use and development in special amenity landscapes within the coastal environment). [Inferred decision requested]	Accept in part	No
Horokiwi Quarries Ltd	271.34	Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Amend	Considers that while NFL-P4 (Use and development in special amenity landscapes within the coastal environment) is not in itself opposed, the submitter does note that while the values for particular sites are outlined in Schedule 11 of the PDP, the characteristics are not. It is therefore not clear what are the characteristics referred to in the policy.	Amend Policy NFL-P4 (Use and development in special amenity landscapes within the coastal environment) as follows: Provide for use and development within special amenity landscapes within the coastal environment where: 1. ... 2. The activity maintains the identified landscape values and characteristics	Reject	No
Royal Forest and Bird Protection Society	345.234	Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Support in part	Considers the policy fails to give effect to Policies 13 and 15 of the NZCPS as well as s7(f) of the RMA. Further, the "identified" values are not enough to ensure the Plan gives effect to the NZCPS. Consideration of "providing for" activities in SALs in the coastal environment should not be solely on the basis of this one policy.	Amend NFL-P4 (Use and development in special amenity landscapes within the coastal environment): <u>Only consider Pproviding</u> for use and development within special amenity landscapes within the coastal environment where: 1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated; and ; 2. The activity maintains the identified landscape values and characteristics, and ; 3. <u>Any activity ensures the maintenance and enhancement of the quality of the environment.</u>	Accept in part	Yes
Meridian Energy Limited	FS101.145	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Oppose	Considers that the insertion of 'only' enable adds no meaningful value to the policy, which is to provide for (enable) activities in the specified circumstances.	Disallow	Reject	No
WCC Environmental Reference Group	377.151	Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Support	NFL-P4 is supported as it provides for activities that can work within these areas in a manner that does not compromise their value.	Retain NFL-P4 (Use and development in special amenity landscapes within the coastal environment) as notified.	Accept in part	No
Director-General of Conservation	385.45	Natural and Environmental Values / Natural Features and Landscapes / NFL-P4	Support	Supports proposed Policy NFL-P4 (Use and development in special amenity landscapes within the coastal environment).	Retain policy NFL-P4 (Use and development in special amenity landscapes within the coastal environment) as notified.	Accept in part	No
Meridian Energy Limited	228.88	Natural and Environmental Values / Natural Features and Landscapes / NFL-P5	Oppose	Considers the word 'only' is not necessary because the following text explains where use and development will be allowed. Clause 2 of the policy does not add any value because Clause 1 addresses the same issue (protecting the identified values).	Retain Policy NFL-P5 (Use and development within outstanding natural features and landscapes outside the coastal environment) with amendment.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Meridian Energy Limited	228.89	Natural and Environmental Values / Natural Features and Landscapes / NFL-P5	Amend	Considers the word 'only' is not necessary because the following text explains where use and development will be allowed. Clause 2 of the policy does not add any value because Clause 1 addresses the same issue (protecting the identified values).	Delete clause 2 of Policy NFL-P5 (Use and development within outstanding natural features and landscapes outside the coastal environment) as follows, or otherwise eliminate the duplication between clauses 1 and 2: Only allow for use and development within outstanding natural features and landscapes outside the coastal environment where: 1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated; and 2. The activity is designed to protect the identified landscape values and characteristics.	Reject	No
Royal Forest and Bird Protection Society	345.235	Natural and Environmental Values / Natural Features and Landscapes / NFL-P5	Amend	Supports the intent of this policy but have concerns regarding "Only allow" wording in ONFLs. We oppose the use of "identified" given the shortcomings of SCHED10 (see submission point on that matter). Allowing activities in ONFLs outside the coastal environment should not be solely on the basis of this policy. Other considerations should also apply, such as policies from ECO chapter. This policy needs to be worded to ensure other considerations, such as significant biodiversity values, are also taken into account.	Amend NFL-P5 (Use and development within outstanding natural features and landscapes outside the coastal environment): Only <u>consider allowing</u> for use and development within outstanding natural features and landscapes outside the coastal environment where: 1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied or mitigated; and 2. The activity is designed to protect the identified landscape values and characteristics.	Reject	No
Meridian Energy Limited	FS101.146	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P5	Oppose	Considers that the insertion of 'only' enable adds no meaningful value to the policy, which is to provide for (enable) activities in the specified circumstances.	Disallow	Accept	No
WCC Environmental Reference Group	377.152	Natural and Environmental Values / Natural Features and Landscapes / NFL-P5	Support	NFL-P5 is supported as it provides for activities that can work within these areas in a manner that does not compromise their value.	Retain NFL-P5 (Use and development within outstanding natural features and landscapes outside the coastal environment) as notified.	Accept	No
Meridian Energy Limited	228.90	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Oppose	Considers the NZCPS does not require avoidance of all adverse effects on outstanding natural features and landscapes within the coastal environment. Rather, avoidance of significant adverse effects is required.	Retain Policy NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment) with amendment.	Reject	No
Meridian Energy Limited	228.91	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Amend	Considers the NZCPS does not require avoidance of all adverse effects on outstanding natural features and landscapes within the coastal environment. Rather, avoidance of significant adverse effects is required.	Amend Policy NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment) as follows (or similar): Avoid use and development within outstanding natural features and landscapes within the coastal environment unless any all significant adverse effects on the identified values can be avoided <u>and other effects are avoided, remedied or mitigated.</u>	Reject	No
Royal Forest and Bird Protection Society	345.236	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Amend	Considers the policy needs to give better effect to the NZCPS. The "identified values" do not go far enough to ensuring Policy 15(a) is given effect to. SCHED10 is uncertain (see our submission points on the schedules).	Amend NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment): <u>Only consider allowing for Avoid</u> use and development within outstanding natural features and landscapes within the coastal environment <u>where</u> : 1. Any unless any adverse effects on the outstanding natural features and landscapes identified values are can be avoided; and 2. The activity is designed to protect the outstanding natural landscape values and characteristics.	Accept in part	Yes
Meridian Energy Limited	FS101.147	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Oppose	Meridian considers the amended wording proposed in its submission point 228.91 better gives effect to s. 6 of the RMA and the relevant higher order policy instruments.	Disallow	Accept	No
Greater Wellington Regional Council	351.168	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Support	Considers it gives effect to section 6(b) of the RMA and NZCPS Policy 15(a).	Retain NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment) as notified.	Accept in part	No
WCC Environmental Reference Group	377.153	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Support	NFL-P6 is supported as it provides for activities that can work within these areas in a manner that does not compromise their value.	Retain NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment) as notified.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Director-General of Conservation	385.46	Natural and Environmental Values / Natural Features and Landscapes / NFL-P6	Support	Supports proposed policy NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment).	Retain policy NFL-P6 (Use and development within outstanding natural features and landscapes within the coastal environment) as notified.	Accept in part	No
Horokiwi Quarries Ltd	271.35	Natural and Environmental Values / Natural Features and Landscapes / NFL-P7	Support in part	Supports that NFL-P7 recognises existing quarry activities, and their expansion. NFL-P7 is specific to mining and quarrying, and specific to the Horokiwi site. The policy recognises the importance and role of existing quarry activities and provides a policy pathway for their expansion (outside ONFLs).	Retain NFL-P7 (Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes), with amendments.	Accept	No
Horokiwi Quarries Ltd	271.36	Natural and Environmental Values / Natural Features and Landscapes / NFL-P7	Amend	Considers that reference to Hilltops and Ridgelines within the policy is appropriate given the Horokiwi Quarry site has a Hilltops and Ridgelines overlay.	Amend NFL-P7 (Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes) as follows: Mining and quarrying activities in outstanding natural features and landscapes, and special amenity landscapes, <u>and hilltops and ridgelines</u> Manage mining and quarrying activities within outstanding natural features and landscapes, and special amenity landscapes, <u>and hilltops and ridgelines</u> as follows: 1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes <u>and hilltops and ridgelines</u> ; 2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated; ... ---	Accept	Yes
Royal Forest and Bird Protection Society	345.237	Natural and Environmental Values / Natural Features and Landscapes / NFL-P7	Support in part	Opposes the blanket provision for existing activities in 1, as this suggests their effects would not need to be considered if they require consenting. We support the rest of the provisions.	Amend NFL-P7 (Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes): Manage mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes as follows: 1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes <u>where their effects can be managed in accordance with the objectives and policies of this Plan</u> ; 2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated; 3. Avoid the establishment of new mining and quarrying within special amenity landscapes; and 4. Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying activities within outstanding natural features and landscapes.	Reject	No
Royal Forest and Bird Protection Society	345.238	Natural and Environmental Values / Natural Features and Landscapes / NFL-P8	Amend	Seeks amendment to give effect to s6(b) of the RMA and Policy 15 of the NZCPS	Amend NFL-P8 (Plantation forestry): Manage plantation forestry within outstanding natural features and landscapes and special amenity landscapes as follows: 1. Provide for established plantation forestry and ongoing management of existing plantation forestry within outstanding natural features and landscapes and special amenity landscapes; and 2. Avoid the <u>extension of existing and</u> establishment of new plantation forestry in outstanding natural features and landscapes.	Accept in part	Yes
Greater Wellington Regional Council	351.169	Natural and Environmental Values / Natural Features and Landscapes / NFL-P8	Support	Considers that avoiding new plantation forestry activities in outstanding natural features and landscapes gives effect to section 6(b) of the RMA and, in the coastal environment, NZCPS Policy 15.	Retain NFL-P8 (Plantation forestry) as notified.	Accept in part	No
WCC Environmental Reference Group	377.154	Natural and Environmental Values / Natural Features and Landscapes / NFL-P8	Support	NFL-P8 is supported as it sends an important signal that plantation forestry should not be located within these important landscapes.	Retain NFL-P8 (Plantation forestry) as notified.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Royal Forest and Bird Protection Society	345.239	Natural and Environmental Values / Natural Features and Landscapes / NFL-P9	Amend	Seeks amendment to ensure values are protected in accordance with the objectives of this chapter.	Amend NFL-P9 (Restoration and enhancement): Provide for restoration or rehabilitation of the identified landscape character values in SCHED11 and SCHED12 by: 1. Recognising the landscape character values present; 2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species and <u>fencing off from stock</u> ; and 3. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity.	Accept	Yes
WCC Environmental Reference Group	377.155	Natural and Environmental Values / Natural Features and Landscapes / NFL-P9	Support	NFL-P9 is supported as it recognises the positive value of restoration and enhancement of these areas.	Retain NFL-P9 (Restoration and enhancement) as notified.	Accept in part	No
Te Rūnanga o Toa Rangatira	488.53	Natural and Environmental Values / Natural Features and Landscapes / NFL-P9	Support	Supports that the policy provides for mana whenua to exercise kaitiakitanga for indigenous biodiversity. [Inferred reason]	Retain NFL-P9 (Restoration and enhancement) as notified.	Accept in part	No
Nga Kaimanaaki o te Waimapihi	215.3	Natural and Environmental Values / Natural Features and Landscapes / NFL-R1	Amend	Considers that we need to preserve and restore indigenous native fauna. As well as preying on our native birds, cats also eat a large number of our native lizards and wētā (which are still in decline). [Inferred decision requested]	Seeks amendment to NFL-R1 (Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)) to add guidelines that restrict pets from roaming in Outstanding Natural Features and Landscapes, Special Amenity Landscapes, and Ridgelines and Hilltops.	Reject	No
Royal Forest and Bird Protection Society	345.240	Natural and Environmental Values / Natural Features and Landscapes / NFL-R1	Support	Supports the rule.	Retain NFL-R1 (Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)) as notified.	Accept in part	No
WCC Environmental Reference Group	377.156	Natural and Environmental Values / Natural Features and Landscapes / NFL-R1	Support	NFL-R1 is supported as it recognises the positive value of restoration and enhancement of these areas.	Retain NFL-R1 (Restoration and enhancement activities within outstanding natural features and landscapes...) as notified.	Accept in part	No
Zealandia Te Māra a Tāne	486.4	Natural and Environmental Values / Natural Features and Landscapes / NFL-R1	Amend	Considers that NFL-R1 should be amended with an additional clause that enables Zealandia operations to continue as per other areas in the plan. Considers that NFL-R1 does not allow for the conservation and restoration work of Zealandia Te Māra a Tāne as the area is not subject to the Reserves Act.	Amend NFL-R1 (Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)) by adding a clause that enables the ongoing restoration work within the Zealandia sanctuary where undertaken by the Karori Sanctuary Trust.	Accept	Yes
John Tiley	142.11	Natural and Environmental Values / Natural Features and Landscapes / NFL-R2	Amend	Considers that the Permitted Activity status in NFL-R2 appears to give carte blanche for any activity within ridgelines and hilltops.	Not specified.	Reject	No
Churton Park Community Association	189.11	Natural and Environmental Values / Natural Features and Landscapes / NFL-R2	Amend	Considers that the Permitted Activity status in NFL-R2 appears to give carte blanche for any activity within ridgelines and hilltops.	Not specified.	Reject	No
Royal Forest and Bird Protection Society	345.241	Natural and Environmental Values / Natural Features and Landscapes / NFL-R2	Oppose	Opposes the wording of rule as it lacks clarity about the activities that are actually being referred to. This is uncertain and does not give any clarity to assess effects on this basis. Seek that the permitted activity be deleted.	Delete NFL-R2 (Any activity within the ridgelines and hilltops not otherwise listed as permitted, restricted discretionary, or non-complying).	Reject	No
Royal Forest and Bird Protection Society	345.242	Natural and Environmental Values / Natural Features and Landscapes / NFL-R2	Oppose	Given comment on NFL-P2, would support RD in the instance that NFL-P2 was amended.	Amend NFL-R2 (Any activity within the ridgelines and hilltops not otherwise listed as permitted, restricted discretionary, or non-complying) subject to relief sought for NFL-P2: 1. Activity status: Permitted <u>Restricted Discretionary</u>	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Royal Forest and Bird Protection Society	345.243	Natural and Environmental Values / Natural Features and Landscapes / NFL-R3	Support in part	Opposes the wording of the rule as it lacks clarity about the activities that are actually being referred to. Supports RD in SALs but seek that the matters of discretion cross reference new ECO and NFL policies sought above which are aimed at the maintenance of biodiversity outside of SNAs as well as ensuring policy 11 of the NZCPs is given effect to, outside of SNAs.	Amend NFL-R3 (Any activity within special amenity landscapes not otherwise listed as permitted, restricted discretionary, or non-complying) to clarify scope of activities covered, and: 1. Activity status: Restricted Discretionary Matters of discretion are: 1. The matters in NFL-P3 and NFL-P4 [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].	Reject	No
Royal Forest and Bird Protection Society	345.244	Natural and Environmental Values / Natural Features and Landscapes / NFL-R4	Support	Supports the rule.	Retain NFL-R4 (Any activity within outstanding natural features and landscapes not otherwise listed as permitted, restricted discretionary, or non-complying) as notified.	Accept	No
Horokiwi Quarries Ltd	271.37	Natural and Environmental Values / Natural Features and Landscapes / NFL-R5	Support in part	Supports the permitted activity rule NFL-R5. Notwithstanding the proposed Special Purpose Quarry Zone which would apply to the Horokiwi site, and the existing use certificate.	Retain NFL-R5 (Operation of existing quarrying and mining activities within special amenity landscapes), with amendments.	Accept	No
Horokiwi Quarries Ltd	271.38	Natural and Environmental Values / Natural Features and Landscapes / NFL-R5	Amend	Considers that in order to provide consistency in how existing quarries are managed within NFL features, an amendment is sought to include Hilltops and Ridgelines in the permitted rule, noting that rule NFL-R2 provides a qualifier to the permitted activity rule that is not provided in NFL-R5.	Amend NFL-R5 (Operation of existing quarrying and mining activities within special amenity landscapes) as follows: Operation of existing quarrying and mining activities within special amenity landscapes <u>and Hilltops and Ridgelines</u> . All Zones Activity status: Permitted	Accept	Yes
Royal Forest and Bird Protection Society	345.245	Natural and Environmental Values / Natural Features and Landscapes / NFL-R5	Oppose	Opposes the blanket provision for existing quarrying and mining activities, as this suggests their effects would not need to be considered if they require reconsenting.	Amend NFL-R5 (Operation of existing quarrying and mining activities within special amenity landscapes): 1. Activity status: <u>Permitted Restricted Discretionary</u> Matters of discretion: 1. [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].	Reject	No
Horokiwi Quarries Limited	F528.6	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R5	Oppose	Horokiwi Quarries Ltd opposes the sought change in activity status for existing quarries. The rule as proposed recognises existing quarries and the PDP provides an appropriate consenting framework for any expansion or activities that require a new consent.	Disallow	Accept	No
Horokiwi Quarries Ltd	271.39	Natural and Environmental Values / Natural Features and Landscapes / NFL-R6	Support	Supports the discretionary activity rule NFL-R5 in so far as it applies to an expansion of the existing quarry operation. Notwithstanding the proposed Special Purpose Quarry Zone which would apply to the Horokiwi site, and the existing use certificate.	Retain NFL-R6 (Extension of existing quarrying and mining activities within special amenity landscapes) as notified.	Accept	No
Royal Forest and Bird Protection Society	345.246	Natural and Environmental Values / Natural Features and Landscapes / NFL-R6	Oppose	Seeks the rule is given restricted discretionary status and that matters of discretion cross reference relevant policies in the plan including new ECO and NFL policies sought above.	Amend NFL-R6 (Extension of existing quarrying and mining activities within special amenity landscapes): 1. Activity status: <u>Discretionary Restricted Discretionary</u> Matters of discretion: 1. [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].	Reject	No
Horokiwi Quarries Limited	F528.7	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R6	Oppose	Horokiwi Quarries Ltd opposes the sought change in activity status for expansions. As a discretionary activity, other policies in the PDP would be applied where relevant and applicable.	Disallow	Accept	No
Horokiwi Quarries Ltd	271.40	Natural and Environmental Values / Natural Features and Landscapes / NFL-R7	Not specified	Considers that on the basis NFL-R6 relates to the expansion of existing quarries, Rule NFL-R7 has limited relevance to the submitter.	Retain NFL-R7 (New quarrying and mining activities within special amenity landscapes) as notified.	Accept	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Royal Forest and Bird Protection Society	345.247	Natural and Environmental Values / Natural Features and Landscapes / NFL-R7	Support	Supports the rule.	Retain NFL-R7 (New quarrying and mining activities within special amenity landscapes) as notified.	Accept	No
Horokiwi Quarries Ltd	271.41	Natural and Environmental Values / Natural Features and Landscapes / NFL-R8	Not specified	Considers that given there are no ONFLs within proximity of the existing Horokiwi site, the rule has limited relevance to the submitter.	Retain NFL-R8 (Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within outstanding natural features and landscapes) as notified.	Accept	No
Royal Forest and Bird Protection Society	345.248	Natural and Environmental Values / Natural Features and Landscapes / NFL-R8	Support	Supports the rule.	Retain NFL-R8 (Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within outstanding natural features and landscapes) as notified.	Accept	No
Royal Forest and Bird Protection Society	345.249	Natural and Environmental Values / Natural Features and Landscapes / NFL-R9	Support	Supports the rule.	Retain NFL-R9 (The maintenance, repair or demolition of existing buildings and structures within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops) as notified.	Accept	No
Barry Ellis	47.1	Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Amend	Considers that the Council should provide the relevant data that justifies filling in gullies and building over natural streams and springs. Natural disasters of Nelson and Abbots Ford should not be forgotten.	Seeks that data be provided in NFL-R10 (The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops) to justify filling in gullies. [Inferred decision requested]	Reject	No
Parkvale Road Limited	298.7	Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Oppose in part	Considers that the operational and functional need to locate within a ridgeline and hilltop is already reflected in the policy which is listed as a matter of discretion, and therefore does not need to be listed again separately.	Seeks amendment, opposes in part NFL-R10.2 (The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops) within current form.	Accept	No
Andy Foster	FS86.73	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Oppose	Supports placing the farm within the Special Amenity Landscape (in addition to retaining Ridgeline and Hilltop status) as was instructed by Council when notifying the Plan. Opposes the request from Parkvale Road Limited to reorder the Ridgeline and Hilltops Policies and Rules. [See original Further Submission for full reasoning]. [Inferred reference to submission 29.7].	Disallow	Reject	No
Parkvale Road Limited	298.8	Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Amend	Considers that the operational and functional need to locate within a ridgeline and hilltop is already reflected in the policy which is listed as a matter of discretion, and therefore does not need to be listed again separately.	Amend NFL-R10 (The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops) as follows: Matters of discretion are: 1. The matters in NFL-P2, and 2. The operational and function need to locate within the ridgeline and hilltop area.	Accept	Yes
Royal Forest and Bird Protection Society of New Zealand Inc	FS85.44	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Support	Agree that the operational and functional need to locate within a ridgeline and hilltop is already reflected in the policy which is listed as a matter of discretion, and therefore does not need to be listed again separately.	Allow	Accept	No
Andy Foster	FS86.74	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Oppose	Supports placing the farm within the Special Amenity Landscape (in addition to retaining Ridgeline and Hilltop status) as was instructed by Council when notifying the Plan. Opposes the request from Parkvale Road Limited to reorder the Ridgeline and Hilltops Policies and Rules. [See original Further Submission for full reasoning]. [Inferred reference to submission 29.8].	Disallow	Reject	No
Royal Forest and Bird Protection Society	345.250	Natural and Environmental Values / Natural Features and Landscapes / NFL-R10	Support in part	Considers permitted activity status in 1. and restricted discretionary in 2. is appropriate, but seeks subsequent amendments to NFL-P2 to ensure adequate protection of ridgelines and hilltops through matters of discretion.	Not specified.	Accept in part	Yes

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.40	Natural and Environmental Values / Natural Features and Landscapes / NFL-R11	Oppose in part	Considers that there is a conflict between these provisions and the SAL overlay provisions which make residential development on this land restrictive and adds uncertainty. Notes that NFL-R11 requires buildings and structures within the SAL overlay to be no more than 8m in height. The MRZ height restriction is 11m. The proposed MRZ over the Submitters land is appropriate to support the strategic direction of the PDP.	Not specified.	Reject	No
Adam Groenewegen	F546.17	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R11	Oppose	Supports Kilmarston Development's support of the SAL overlay in the District Plan. However opposes the removal for the land in question. However oppose the removal for the land in question. The history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that seeks to remove the SAL from the Kilmarston Development's land.	Accept	No
Jo McKenzie	F564.17	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-R11	Oppose	Support Kilmarston Development's support of the SAL overlay in the District Plan. However Jo McKenzie opposes the removal for the land in question. Considers that the history of proposed development on this land (environment court decisions) and the community concerns about it strongly suggest that overlays such as SAL are appropriate to retain. An 8m height restriction is entirely appropriate for this location given it high landscape and amenity values, particularly for sightlines from Ngaio but also Crofton Downs from which are development will be visible.	Disallow / Disallow that part of the submission that proposes removing the SAL from the Kilmarston Development's land	Accept	No
Royal Forest and Bird Protection Society	345.251	Natural and Environmental Values / Natural Features and Landscapes / NFL-R11	Oppose	Opposes the permitted activity in SALs as neither it, nor NFL-S1, take into account effects on biodiversity as well as landscape values as well as policy 15 of the NZCPS, particularly regarding construction of new buildings and structures in the coastal environment	Delete NFL-R11.1 (The construction of, alteration of and addition to, buildings and structures within special amenity landscapes).	Accept in part	Yes
Royal Forest and Bird Protection Society	345.252	Natural and Environmental Values / Natural Features and Landscapes / NFL-R11	Amend	Supports RD status for this activity but seek that matters of discretion are widened to include relevant policies in the plan including new ECO and NFL policies sought above.	Amend NFL-R11.2 (The construction of, alteration of and addition to, buildings and structures within special amenity landscapes): 1. Activity status: Restricted Discretionary Where: a- Compliance with the requirements of NFL-R11.1 cannot be achieved. Matters of discretion are: 1. The matters in NFL-P3 and NFL-P4 <u>[add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement]</u> .	Reject	No
Royal Forest and Bird Protection Society	345.253	Natural and Environmental Values / Natural Features and Landscapes / NFL-R12	Support in part	Considers the hierarchy is appropriate as it gives effect to Policy 15 of the NZCPS. Seeks that matters of discretion are widened to include relevant policies in the plan including new ECO and NFL policies sought above.	Amend NFL-R12 (): 2. Activity status: Restricted Discretionary Where: a. Compliance can be achieved with NFL-S2; and b. The building or structure is located outside the coastal environment. Matters of discretion are: 1. The matters in NFL-P5 <u>[add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement]</u> .	Reject	No
Zealandia Te Māra a Tāne	486.5	Natural and Environmental Values / Natural Features and Landscapes / NFL-R12	Support in part	Supports the new delineation of the Outstanding Natural Landscape which now excludes operations and office environments.	Retain NFL-R12 (The construction of, alteration of and addition to, buildings and structures within outstanding natural features and landscapes) as notified. [Inferred decision requested].	Accept in part	No
John Tiley	142.12	Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Considers that NFL-S1 (Buildings and structures in special amenity landscapes) appears intended to permit residential housing construction in special amenity areas. These areas should be free of buildings.	Seeks that special amenity areas are free of buildings.	Accept in part	No
Churton Park Community Association	189.12	Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Considers that NFL-S1 (Buildings and structures in special amenity landscapes) appears intended to permit residential housing construction in special amenity areas. These areas should be free of buildings.	Seeks that special amenity areas are free of buildings.	Accept in part	Yes

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.41	Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Support in part	Considers that the proposed standard will be better aligned to manage activities over the proposed NOSZ that the balance land is subject to.	Seeks that NFL-S1 (Buildings and structures in special amenity landscapes) apply to land identified within the Natural Open Space Zone. [Inferred decision]	Accept in part	Yes
Adam Groenewegen	FS46.22	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Opposes the suggestion that SAL criteria would be appropriate to apply to NOSZ zoned land. That would be contrary to the purpose of that zone to enable a more lax approach to buildings and structures.	Disallow	Accept	No
Jo McKenzie	FS64.22	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Opposes the suggestion that SAL criteria would be appropriate to apply to NOSZ zoned land. Considers that would be contrary to the purpose of that zone to enable a more lax approach to buildings and structures.	Disallow	Accept	No
Andy Foster	FS86.53	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Considers that it is not reasonable to allow for housing development to intrude into the land zoned Open Space and Rural in the Operative Plan. The landscape impacts would be substantial, both of any housing and of the roading access. The impacts on vegetation would also be significant. Notes that the area of bush at the bottom of the site, immediately adjacent to and climbing up from Silverstream Road is of particularly high quality. The concept of putting housing or an access road through it would be entirely unreasonable. For all these reasons Andy Foster opposes any development in this area beyond a carefully designed reservoir. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.41]	Disallow	Accept	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.42	Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Amend	Considers that the proposed standard will be better aligned to manage activities over the proposed NOSZ that the balance land is subject to.	Seeks that NFL-S1 (Buildings and structures in special amenity landscapes) apply to land identified within the Natural Open Space Zone. [Inferred decision]	Reject	No
Adam Groenewegen	FS46.23	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Opposes the suggestion that SAL criteria would be appropriate to apply to NOSZ zoned land. That would be contrary to the purpose of that zone to enable a more lax approach to buildings and structures.	Disallow	Accept	No
Jo McKenzie	FS64.23	Part 2 / Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose	Opposes the suggestion that SAL criteria would be appropriate to apply to NOSZ zoned land. Considers that would be contrary to the purpose of that zone to enable a more lax approach to buildings and structures.	Disallow	Accept	No
Royal Forest and Bird Protection Society	345.254	Natural and Environmental Values / Natural Features and Landscapes / NFL-S1	Oppose in part	Considers construction of 8m buildings and structures in SALs will have significant visual and landscape effects, we question whether this is compatible with s7(c) of the RMA.	Amend NFL-S1 (Buildings and structures in special amenity landscapes) to reduce the maximum height of buildings and structures within special amenity landscapes.	Accept	Yes
Royal Forest and Bird Protection Society	345.255	Natural and Environmental Values / Natural Features and Landscapes / NFL-S2	Support	Supports the standard.	Retain NFL-S2 (Buildings and structures in outstanding natural features and landscapes) as notified.	Accept in part	No
Zealandia Te Māra a Tāne	486.6	Natural and Environmental Values / Natural Features and Landscapes / NFL-S2	Not specified	Considers that it is unclear whether NFL-S2 could cause challenges for Zealandia operations in relation to replacement of the fence perimeter fence over time (which may need to be done rapidly as issues arise, with an aging fence and the biosecurity threat it presents).	Seeks clarity whether NFL-S2 (Buildings and structures in outstanding natural features and landscapes) would cause challenges for Zealandia operations in relation to replacement of the fence perimeter fence over time.	Accept	Yes
Barry Ellis	47.2	Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Supports District Plan Change 33 – Ridgelines and Hilltops (Visual Amenity) and Rural Area (2009) . The Council should abide by their District Plan Change 33 concerning the protection of ridgelines and hilltops.	Seeks that the Ridgelines and Hilltops overlay incorporated into the operative District Plan (via Plan Change 33) be retained and opposes changing this overlay.	Accept in part	No
Meridian Energy Limited	FS101.165	Part 3 / Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Meridian accepts the delineation of ridgeline and hilltop overlays shown on the Plan maps.	Disallow	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter /Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?	
Margaret Ellis	48.2	Rural Zones / General point on Rural Zones / General point on Rural Zones	Amend	Supports District Plan Change 33 –Ridgelines and Hilltops (Visual Amenity) and Rural Area (2009). The overlay protection of ridgelines and hilltops should be considered.	Seeks that the Ridgelines and Hilltops overlay incorporated into the operative District Plan (via PC 33) be considered.	Accept in part	No	
Meridian Energy Limited	FS101.166	Part 3 / Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Meridian accepts the delineation of ridgeline and hilltop overlays shown on the Plan maps.	Disallow	Accept in part	No	
Rowan Hannah	84.2	Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Supports District Plan Change 33 – Ridgelines and Hilltops (Visual Amenity) and Rural Area (2009) . The Council should abide by their District Plan Change 33 concerning the protection of ridgelines and hilltops.	Seeks that the Ridgelines and Hilltops overlay incorporated into the operative District Plan (via Plan Change 33) be retained and opposes changing this overlay.	Accept in part	No	
Meridian Energy Limited	FS101.167	Part 3 / Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Meridian accepts the delineation of ridgeline and hilltop overlays shown on the Plan maps.	Disallow	Accept in part	No	
Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt	276.36	Rural Zones / General point on Rural Zones / General point on Rural Zones	Amend	Considers that the ODP Ridgelines and Hilltops overlay should be retained, with Marshall’s ridge included in the overlay.	Seeks that the Ridgelines and Hilltops overlay as in the Operative District Plan (introduced by Plan Change 33) is retained.	Accept in part	No	
Meridian Energy Limited	FS101.168	Part 3 / Rural Zones / General point on Rural Zones / General point on Rural Zones	Oppose	Meridian accepts the delineation of ridgeline and hilltop overlays shown on the Plan maps.	Disallow	Accept in part	No	
374	Roseneath Residents’ Association	Roseneath Residents’ Association	FS49.1	Support	Glenside Progressive Association correctly identifies how important ridgelines and hilltops are to the character, liveability, and natural environment of Wellington. Their submission does not seek to take away existing use rights, but to protect existing environments from as of right development. We particularly focus on the Mt Victoria ridgeline which is part of the iconic backdrop to the central city.	Seeks that the submission be allowed, particularly as it relates to the retention of planning controls over the 19 ridgelines identified in the Operative District Plan. The submitter seeks the protection of the Mount Victoria ridgeline, by keeping #22 Alexandra Road (encompassing the Mount Victoria trig, Radio and Communications Tower and crennelated white 'Castle' building) which is part of the summit ridge of Mount Victoria within the ridgeline and hilltop overlay as it enjoys in the Operative District Plan, rather than removing it from the overlay as is proposed in the Proposed Plan.	Accept in part	Yes

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?	
374	Matthew Wells, Adelina Reis and Sarah Rennie	Matthew Wells, Adelina Reis and Sarah Rennie	FS50.1	Support	Glenside Progressive Association correctly identifies how important ridgelines and hilltops are to the character, liveability, and natural environment of Wellington. Their submission does not seek to take away existing use rights, but to protect existing environments from as of right development. We particularly focus on the Mt Victoria ridgeline which is part of the iconic backdrop to the central city.	Seeks that the submission be allowed, particularly as it relates to the retention of planning controls over the 19 ridgelines identified in the Operative District Plan. The submitter seeks the protection of the Mount Victoria ridgeline, by keeping #22 Alexandra Road (encompassing the Mount Victoria trig, Radio and Communications Tower and crenellated white 'Castle' building) which is part of the summit ridge of Mount Victoria within the ridgeline and hilltop overlay as it enjoys in the Operative District Plan, rather than removing it from the overlay as is proposed in the Proposed Plan.	Accept in part	Yes
275	Generation Zero	Generation Zero	FS4.53	Oppose	We particularly focus on the Mt Victoria ridgeline which is part of the iconic backdrop to the central city.	Disallow the submission in full to the extent that this relates to character areas or reducing the amount of enabled housing. Reject increasing character areas in the PDP.	Accept in part	No
389	Andy Foster	Andy Foster	FS86.1	Oppose	Oppose Taranaki Whanui's request to remove the Open Space zoning which has been in place, uncontested by the owners, for at least 30 years. Considers that The current Open Space B zoning does not anticipate any built development and therefore there is no legal or reasonable expectation that there should be any development here. Oppose the removal of the Ridgelines and Hilltops overlay which has been in place since 2009, again uncontested. Considers that this reflects how highly visible the landscape is from all around the harbour, and that this has been acknowledged by expert landscape advice to Government. Oppose the removal of Special Amenity Landscape overlay. Considers that while this is a new restriction it is based on professional evidence to the Council and has been part of the proposed District Plan from the outset, again because of the visual prominence of the land. Oppose the removal of the Significant Natural Areas overlay. Considers that this reflects the natural biodiversity values of the area. It is particularly important because of the fantastic kaitiaki work that has been done, and all the investment of time, aroha and money, to remove predators from Miramar Peninsula, which is world leading work. Retaining this SNA overlay also fits with the proposed National Policy Statement on Indigenous Biodiversity which is intended to be gazetted shortly. Support the relevant parts of the submission of the Director General of Conservation supporting the maintenance and extension of significant natural areas. Consider that there is further work to do in respect of supporting landowners where significant natural areas are in residential areas, that is not the case here, and Andy Foster submits that the SNA status should remain. Again it is supported by expert assessment. [See original Further Submission for full reasoning].	Disallow	Accept in part	No
374	Andy Foster	Andy Foster	FS86.5	Support	Supports submission as it supports the protection of our City's ridgelines and hilltops. [See original Further Submission for full reasoning].	Allow	Accept in part	No
142	Andy Foster	Andy Foster	FS86.6	Support	Supports submission as it supports the protection of our City's ridgelines and hilltops. [See original Further Submission for full reasoning].	Allow	Accept in part	No
189	Andy Foster	Andy Foster	FS86.7	Support	Supports submission as it supports the protection of our City's ridgelines and hilltops. [See original Further Submission for full reasoning].	Allow	Accept in part	No
298	Andy Foster	Andy Foster	FS86.8	Oppose	Opposes the request from PRL to rezone both parts of the site. Opposes the request from PRL to reorder the Ridgeline and Hilltops Policies and Rules. [See original Further Submission for full reasoning].	Disallow	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDF?	
410	Friends of the Wellington Town Belt	Friends of the Wellington Town Belt	FS.109.3	Support	Supports the view importance of the green ridgeline is so important as a backdrop to the built environment of our city and the value of such areas for the health and wellbeing of the citizens and residents. Considers that in an increasingly urbanised environment, open green space becomes critical to the wellbeing of the citizens and residents. Greenspace also become increasingly important in the fight against climate change as green space has been shown to reduce temperatures in urban areas, thus reducing adverse impacts on residents health and damage to infrastructure. [Refer to Further submission for full reason]	Allow	Accept in part	No
Barry Insull	32.16	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	The title "Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks" is confusing and should be amended. The inclusion of Pipinui point adds an excess of 30 kilometres of coastline to the area.	Amend the title of title of Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks. To remove Pipinui Point.	Accept	Yes	
Barry Insull	32.17	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Amend the title "Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks" as it is likely incorrect. Sinclair Head / Te Rimurapa is the official name.	Amend the title of Te Rimurapa Sinclair Head to Sinclair Head / Te Rimurapa.	Reject	No	
Barry Insull	32.18	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Amend Site Summary in Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks to fix the typo in the first sentence. "Te Rimurapa" should be changed to Te Rimurapa.	Amend language in the Site Summary of Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks to "Te Rimurapa" instead of "Te Rimurapa".	Accept	Yes	
Barry Insull	32.19	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	The Site Summary for Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks does not make reference to the Historic Reserve in the area.	Seeks that the Site Summary of Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks in SCHED10 (Outstanding Natural Features and Landscapes) be amended to mention the Historic Reserve in the area.	Accept	Yes	
Barry Insull	32.20	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Considers that there is only one seal colony in the Pariwhero / Red Rocks Sinclair Head / Te Rimurapa area. The term "colonies" in the site summary is incorrect.	Amend language in site summary of Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks to "colony" instead of "colonies".	Reject	No	
Barry Insull	32.21	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Considers that the site summary for Taputeranga Island could provide a distorted picture of the species inhabiting the sites due to lack of wider information. The Marlborough "mini" gecko may have been seen near the two named points. The existing text fails to add balance by stating the species also inhabits other sites between Makara and Island Bay including Taputeranga Island. The officers' response failed to address the identification and distribution of the bird species. Banded dotterel (Conservation Status- declining) have been seen in this area and greater numbers can be found elsewhere on the coast. It is possible coastal trapping established as part of the Capital Kiwi programme will lessen the effects of predation on rare and threatened species.	Seeks that the Site Summary of Taputeranga Island under SCHED10 (Outstanding Natural Features and Landscapes) be clarified to list threatened and rare species of birds and lizards that have been accurately identified in the area.	Accept	Yes	
Barry Insull	32.22	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Considers that the appropriate name for the water body between North Island and South Island, as determined by the New Zealand Geographic Board, is "Cook Strait". The name "Raukawa Coast Cook Strait" in SCHED10 should be amended to "Cook Strait Coast".	Amend title of "Raukawa Coast Cook Strait" to "Cook Strait Coast" under SCHED10 (Outstanding Natural Features and Landscapes).	Reject	No	
Te Rūnanga o Toa Rangatira	FS138.2	Part 4 / Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Oppose	The submitter seeks for the title of "Raukawa Coast Cook Strait" to be amended to "Cook Strait Coast" under SCHED10 (Outstanding Natural Features and Landscapes). Te Rūnanga o Toa Rangatira oppose this part of the submission because the name for the Cook Strait in Te Reo Māori is Raukawa Moana and we would like this name to be upheld and recognised throughout planning documents.	Disallow	Accept	No	
Barry Insull	32.23	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Considers that the phrasing "Known as Wellington's wild coast" in Raukawa Coast Cook Strait's site summary is not adequate and should be amended.	Seeks that language in the Site Summary of Raukawa Coast Cook Strait's be amended to remove "Known as Wellington's wild coast".	Reject	No	
Meridian Energy Limited	228.123	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Oppose in part	Considers the text description is incomplete because it fails to acknowledge the visible presence of the existing turbines and other built structures in the West Wind and Mill Creek wind farms which are visible, along with this natural landscape, from long distances away (on land and at sea).	Retain SCHED10 - Raukawa Coast Cook Strait' with amendment.	Accept in part	No	

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Meridian Energy Limited	228.124	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Amend	Considers the text description is incomplete because it fails to acknowledge the visible presence of the existing turbines and other built structures in the West Wind and Mill Creek wind farms which are visible, along with this natural landscape, from long distances away (on land and at sea).	Amend the description by inserting the following (or similar) text acknowledging the existing turbines and other built structures in the West Wind and Mill Creek wind farms which form part of the backdrop to the coastal escarpments: <u>"The backdrop to this natural landscape includes the wind turbines, roads and structures in the West Wind and Mill Creek wind farms, including turbines within the mapped coastal environment"</u> [Refer to original submission for map sought for inclusion].	Reject	No
Yvonne Weeber	340.156	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support	Supports the inclusion of Hue të Taka Peninsula/Rangitatau Palmer Head in SCHED10. It is an important environmental, landscape and cultural southern headland of Wellington City. It is supported that this outstanding natural feature is being recognised as high and very high natural features and sensory factors.	Retain Hue të Taka Peninsula/Rangitatau Palmer Head in SCHED10 - Outstanding Natural Features and Landscapes.	Accept	No
Royal Forest and Bird Protection Society	345.413	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support in part	Opposes the values as written. The identified values of ONFLs in the coastal environment are insufficient to give effect to Policy 15 of the NZCPS. Furthermore, the "Relevant values under Policy 25 of the RPS" as identified in SCHED10 are uncertain and do not provide the level of information required to determine whether the effects of an activity can be adequately avoided, remedied or mitigated. Seek inclusion of the values of each ONFL in SCHED10 to give effect to the RPS and NZCPS. "High" for example, is not a value.	Amend SCHED10 - Outstanding Natural Features and Landscapes to include values of each ONFL.	Accept	Yes
Meridian Energy Limited	FS101.186	Part 4 / Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support	Meridian agrees that the descriptions of values in SCHED10 are not helpful in guiding the policy framework.	Not specified / Seeks that any amendments to the SCHED10 descriptions be made available to submitters for consideration before inclusion in the Plan.	Accept in part	No
Royal Forest and Bird Protection Society	345.414	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support in part	Seek inclusion of Boom Rock/Pipinui Point Escarpment ONF and/or clarify in the planning maps whether Boom Rock/Pipinui Point Escarpment is instead contained within the Raukawa Coast Cook Strait ONL.	Amend SCHED10 - Outstanding Natural Features and Landscapes to include new ONF Boom Rock/Pipinui Point Escarpment.	Accept in part	Yes
Meridian Energy Limited	FS101.187	Part 4 / Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Oppose	Considers that in the absence of any detail about the geographic extent of the requested addition, it is not possible to evaluate whether it should be included in SCHED10.	Disallow / Seeks that request is disallowed, pending an opportunity to review and comment on the detail of the proposed additional item.	Accept in part	No
Director-General of Conservation	385.93	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support	Supports the Council to identify, map and protect Outstanding Natural Features and Landscapes in line with Policy 25 of the RPS and Policies 13 & 15 of the NZCPS.	Retain schedule 10 (Outstanding Natural Features and Landscapes) as notified.	Accept	No
Terawhiti Farming Co Ltd (Terawhiti Station)	411.28	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Oppose	Opposes Terawhiti being listed as an Outstanding Natural Feature. Considers the provisions are overly restrictive	Delete Terawhiti from SCHED10 as an outstanding natural feature.	Reject	No
Terawhiti Farming Co Ltd (Terawhiti Station)	411.29	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Oppose	Opposes Raukawa Coast Cook Strait being listed as an Outstanding Natural Feature. Considers the provisions are overly restrictive	Delete Raukawa Coast Cook Strait from SCHED10 as an outstanding natural feature.	Reject	No
Guardians of the Bays	452.103	Schedules Subpart / Schedules / SCHED10 – Outstanding Natural Features and Landscapes	Support	Supports Hue të Taka Peninsula/Rangitatau Palmer Head being recognised as an outstanding natural feature.	Retain Hue të Taka Peninsula/Rangitatau Palmer Head on SCHED10- outstanding natural feature as notified.	Accept	No
John Tiley	142.30	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	Considers that the lack of inclusion of the ridgelines and hilltops in the schedules and the title of NFL P2 (Use and development within ridgeline and hilltops) demonstrates that ridgelines and hilltops are not protected to any significant degree. Considers that it is extraordinary that policies NFL-P3 to P7 set out how ONFL and SAL areas are subject to development, defying any reasonable expectation that such areas would be highly valued by the city and developments would be prohibited.	Seeks that the 18 ridgelines and hilltops (and Marshalls Ridge) are listed in either SCHED11 - Special Amenity Landscapes and/or SCHED12 - High Coastal Natural Character Areas.	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Meridian Energy Limited	FS101.188	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	Considers that there is no basis supplied for including the 18 identified ridgelines and hilltops as 'specialamenity landscapes' in SCHED11.	Disallow	Accept	No
Thomas Brent Layton	164.8	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	<p>Considers that the WCC should abandon the adoption of the Special Amenities Landscape as its application to all the "outer green belt" shows that its purpose is to constrain the urban development of the city.</p> <p>Considers that it is not about landscapes with special amenities as there is nothing special or unusual about the amenity the "outer green belt" provides. The landscape of flattish tops punctuated by streams in steep valleys is very common in the region; it is not special.</p> <p>Considers that the green belt idea stops the expansion of the city to areas where housing would be suitable and economic because of proximity to infrastructure. It tells those interested in capital gains from land holding within the urban boundary that they need not worry about much expansion in supply.</p> <p>[Refer to original submission for full reasons].</p>	<p>Remove the Special Amenities Landscape overlays from the Proposed District Plan.</p> <p>[Inferred decision requested]</p>	Accept in part	Yes
Thomas Brent Layton	164.9	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	Opposes the application of the Special Amenities Landscape overlay to 183, 241, 249 and 287 South Karori Road.	Remove the Special Amenities Landscape overlay from 183, 241, 249 and 287 South Karori Road.	Reject	No
Churton Park Community Association	189.30	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	<p>Considers that the lack of inclusion of the ridgelines and hilltops in the schedules and the title of NFL P2 (Use and development within ridgeline and hilltops) demonstrates that ridgelines and hilltops are not protected to any significant degree.</p> <p>Considers that it is extraordinary that policies NFL-P3 to P7 set out how ONFL and SAL areas are subject to development, defying any reasonable expectation that such areas would be highly valued by the city and developments would be prohibited.</p>	Seeks that the 18 ridgelines and hilltops (and Marshalls Ridge) are listed in either SCHED11 - Special Amenity Landscapes and/or SCHED12 - High Coastal Natural Character Areas.	Reject	No
Meridian Energy Limited	FS101.189	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	Considers that there is no basis supplied for including the 18 identified ridgelines and hilltops as 'specialamenity landscapes' in SCHED11.	Disallow	Accept	No
Horokiwi Quarries Ltd	271.95	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support in part	Considers that, in relation to objectives and policies in the Natural Features and Landscapes Chapter, while the values for particular sites are outlined in Schedule 11, the characteristics are not. Clarification on the characteristics would assist with plan interpretation and application.	Clarify what characteristics of special amenity landscapes are in the PDP, and in particular the Natural Features and Landscapes Chapter.	Accept	Yes
Kilmarston Developments Limited and Kilmarston Properties Limited	290.73	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	<p>Considers that development within the MDRZ area of the Submitters land can contribute to the existing urban form, providing land resources that can facilitate quality development.</p> <p>However, the proposed SAL overlay which the MRZ area that the land is subject to will restrict the potential medium density development of the land.</p> <p>Similar to the proposed SNA mapping of the land, the SAL overlay should not include the proposed MRZ area of the Submitters land.</p>	Amend Schedule 11 to remove special amenity landscape from submitter's land zoned Medium Density Residential Zone.	Accept in part	Yes
Andy Foster	FS86.63	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	<p>Considers that it is reasonable to uplift the Special Amenity Landscape over the residential part of the land. However Andy Foster suggests that the hearings panel find a way of ensuring that development is sympathetic to the landform and to the ecological values on the lower part of the land.</p> <p>[See original Further Submission for full reasoning].</p> <p>[Inferred reference to submission 290.73]</p>	Disallow	Accept in part	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.74	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support	Supports that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes.	Retain Mount Kaukau as an Special Amenity Landscape in Schedule 11 as notified	Accept	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.75	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support	Supports that Mount Kaukau and the Outer Green Belt Special Amenity Landscape are Special Amenity Landscapes.	Retain Outer Green Belt Special Amenity Landscape as an Special Amenity Landscape in Schedule 11 as notified	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Kilmarston Developments Limited and Kilmarston Properties Limited	290.76	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose in part	<p>Considers that there is a conflict between these provisions and the SAL overlay provisions which make residential development on this land restrictive and adds uncertainty.</p> <p>Notes that NFL-R11 requires buildings and structures within the SAL overlay to be no more than 8m in height.</p> <p>The MRZ height restriction is 11m. The proposed MRZ over the Submitters land is appropriate to support the strategic direction of the PDP.</p>	Seeks that submitter's land zoned Medium Density Residential Zone, be removed from Schedule 11.	Accept	Yes
Andy Foster	FS86.64	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	<p>Considers that it is reasonable to uplift the Special Amenity Landscape over the residential part of the land. However Andy Foster suggests that the hearings panel find a way of ensuring that development is sympathetic to the landform and to the ecological values on the lower part of the land.</p> <p>[See original Further Submission for full reasoning]. [Inferred reference to submission 290.76]</p>	Disallow	Accept in part	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.77	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	<p>Considers that the MDRZ area of the land should not be included in this SAL schedule 11.</p> <p>Considers the inclusion MDRZ land within the SAL overlay, it restricts the land from being efficiently utilized for medium density residential development. Furthermore, the zoning layout has principal support from GWRC both in terms of policy direction (i.e. Policy 27) and the consented layout.</p> <p>The landscape identified to be 'distinctive and widely recognised by the community for the contribution to the amenity and quality of the environment' is predominantly located within the balance land which includes Crows Nest and the Skyline Walkway Trailhead.</p>	Seeks that submitter's land zoned Medium Density Residential Zone, be removed from Schedule 11.	Accept	Yes
Andy Foster	FS86.65	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	<p>Considers that it is reasonable to uplift the Special Amenity Landscape over the residential part of the land. However Andy Foster suggests that the hearings panel find a way of ensuring that development is sympathetic to the landform and to the ecological values on the lower part of the land.</p> <p>[See original Further Submission for full reasoning]. [Inferred reference to submission 290.77]</p>	Disallow	Accept in part	No
Kilmarston Developments Limited and Kilmarston Properties Limited	290.78	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	<p>Considers that the MDRZ area of the land should not be included in this SAL schedule 11.</p> <p>Considers that to fully realise the objectives and policies of the proposed zoning, the SAL overlay should be removed. This portion of the land has always been zoned for residential development, and this potential should be maintained as part of this planning process.</p>	Seeks that submitter's land zoned Medium Density Residential Zone, be removed from Schedule 11.	Accept	Yes
Orienteering Wellington	FS32.2	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support	<p>Submitter has restricted this submission to areas of relevance to Orienteering Wellington, and does not feel competent to reflect on some of the wider aspects of the plan and submission 290. It is their understanding that the submission includes a proposal to build medium density housing within the original submitters land interest, and retain a further block designated as an NOSZ. The area being proposed to be an NOSZ includes land that they have been provided access to for orienteering events by Kilmarston Developments. This area, which is adjacent to the Huntleigh Reserve has high value to our organisation in its natural state. It has potential to be a significant asset to the local community. Submitter notes the "Reasons" (section B, page 6 of the submission) text recognises the value of linkages in this area and a Willingness to enter dialogue over mechanisms to support both the NOSZ and residential uses of this land. They support this. Arrangements that allow for careful development, enhancement of linkages to other public land and tracks, and retention of the natural value of the reserve-adjacent land would benefit the community, and specifically ourselves as an orienteering club providing outdoor experiences to residents of the area. Submitter notes that the submission also includes a request to provide for installation of a water reservoir within the land identified as NOSZ. The specifics of the land designations that permit or hinder this are not within my competency. Considers that use of the proposed NOSZ area is unlikely to be unduly compromised by the presence of such a reservoir, and to note that with appropriate design, there may be access and linkage benefits from track infrastructure required for installation and maintenance of the reservoir. The reaching of agreement as described in "Reasons" section B (page 6 of submission) is far preferable to our organization that the alternative proposed in section C (bottom of page 6).</p>	Allow	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Panel Recommendation	Changes to PDP?
Andy Foster	FS86.66	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	Considers that it is reasonable to uplift the Special Amenity Landscape over the residential part of the land. However Andy Foster suggests that the hearings panel find a way of ensuring that development is sympathetic to the landform and to the ecological values on the lower part of the land. [See original Further Submission for full reasoning]. [Inferred reference to submission 290.78]	Disallow	Accept in part	No
Royal Forest and Bird Protection Society	345.415	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support in part	Opposes the values as written. The identified values of SALs in the coastal environment are insufficient to give effect to the NZCPS. Furthermore, the "Relevant values under Policy 28 of the RPS" as identified in SCHED11 are uncertain and do not provide the level of information required to determine whether the effects of an activity can be adequately avoided, remedied or mitigated. Seek inclusion of the values of each SAL in SCHED11 to give effect to the RPS and NZCPS.	Amend SCHED11 - Special Amenity Landscapes to include values of each SAL.	Accept	Yes
Royal Forest and Bird Protection Society	345.416	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support in part	Include Outer Green Belt Special Amenity Landscape in SCHED11 as identified using criteria set out in Policy 27 of the RPS, and those areas of SAL identified in accordance with the adopted amendment by the Planning and Environment Committee on 23 June 2022.	Amend SCHED11 - Special Amenity Landscapes to include new SAL Outer Green Belt Special Amenity Landscape.	Reject	No
Taranaki Whānui ki te Upoko o te Ika	389.140	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Amend	Considers that overlays to significantly restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over our ancestral lands.	Seeks that SAL schedule be amended to reflect historical and current built development over the Wellington Prison site (Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035).	Accept in part	Yes
Buy Back the Bay	F579.36	Part 4 / Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Oppose	Submission 389 states: "Taranaki Whānui's RFR [Right of First Refusal] opportunities in Te Motu Kairangi: Taranaki Whānui have a significant interest in Te Motu Kairangi which includes Mount Crawford and Watts Peninsula, these landholdings hold significant interest - culturally, socially, environmentally and commercially to Taranaki Whānui. These opportunities include the Mount Crawford Prison site as well as the 'Watts Peninsula' sites being 75.85 hectares of former Defence Land." Buy Back the Bays notes that the Submission does not include maps however they (Buy Back the Bays) are very concerned to see that Taranaki Whānui appears to be seeking possible commercial development of 75.85 hectares of former defence land on Watts Peninsula. This appears to be the heart of the long-promised Watts Peninsula park and a major part of the proposed national heritage park. Buy Back the Bays strongly oppose rezoning on Watts Peninsula to facilitate any development there that is incompatible with the park plans. More generally, Buy Back the Bays oppose Submission 389's attempt to remove the proposed public interest controls from Watts Peninsula and Mount Crawford. Considers that where Submission 389 states "Illustrated on Figure One below, the following zone and overlays are proposed for Taranaki Whānui's RFR properties in Te Motu Kairangi," Buy Back the Bays oppose the changes it seeks. This includes opposing Submission 389's request for "The proposed zoning over Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035, Part Section 20 Watts Peninsula DIST [to be] amended from Natural Open Space Zone to: a. Medium Density Residential; and b. Special Purpose Zone – Māori Purpose Zone."	Disallow	Accept	No
Penny Griffith	418.7	Schedules Subpart / Schedules / SCHED11 – Special Amenity Landscapes	Support	Supports the inclusion of the Outer Green Belt as a Special Amenity Landscape.	Retain SCHED11 - Special Amenity Landscapes as notified (With the Outer Green Belt locations included).	Reject	No

COUNCIL DECISION

**Absolutely Positively
Wellington City Council**

Me Heke Ki Pōneke

Ordinary Meeting of Kōrau Tūāpapa | Environment and Infrastructure Committee Ngā Meneti | Minutes

9:30 am Rāpare, 12 Pipiri 2025
9:30 am Thursday, 12 June 2025
Ngake (16.09), Level 16, Tahiwi
113 The Terrace
Pōneke | Wellington



PRESENT

Councillor Abdurahman
Councillor Apanowicz
Councillor Brown (Chair)
Councillor Calvert
Councillor Chung
Deputy Mayor Foon
Councillor Free
Pouiwi Hohaia
Councillor Matthews (Deputy Chair)
Councillor McNulty
Councillor O'Neill
Councillor Pannett
Councillor Randle
Councillor Rogers
Mayor Whanau
Councillor Wi Neera
Councillor Young

TABLE OF CONTENTS

12 JUNE 2025

Business	Page No.
<hr/>	
1. Meeting Conduct	4
1.1 Karakia	4
1.2 Apologies	4
1.3 Conflict of Interest Declarations	4
1.4 Confirmation of Minutes	4
1.5 Items not on the Agenda	4
1.6 Public Participation	4
2. General Business	5
2.1 Road-Stopping and Land Exchange: Burma Road, Johnsonville (adjoining Onslow College & Raroa Normal Intermediate School)	5
2.2 Proposed District Plan Tranche 2 Decisions	6
2.3 Decision register updates and upcoming reports	18

1. Meeting Conduct

1.1 Karakia

The Chairperson declared the meeting (hui) open at 9:30am and read the following karakia to open the hui.

**Whakataka te hau ki te uru,
Whakataka te hau ki te tonga.
Kia mākinakina ki uta,
Kia mātaratara ki tai.
E hī ake ana te atākura.
He tio, he huka, he hauhū.
Tihei Mauri Ora!**

Cease oh winds of the west
and of the south
Let the bracing breezes flow,
over the land and the sea.
Let the red-tipped dawn come
with a sharpened edge, a touch of frost,
a promise of a glorious day

1.2 Apologies

Moved Councillor Brown, seconded Councillor Matthews

Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. Accept the apologies received from Councillor Apanowicz and Pouwi Kelly for absence.

Carried

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor Brown, seconded Councillor Matthews

Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. Approves the minutes of the Kōrau Tūāpapa | Environment and Infrastructure Committee Meeting held on 8 May 2025, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

1.5 Items not on the Agenda

There were no items not on the agenda.

1.6 Public Participation

1.6.1 Sean McCready and Andy Burgess on behalf of the Commerce Commission New Zealand addressed the hui regarding Wellington Electricity.

(Councillor Young left the hui at 10:07am)
(Councillor Young rejoined the hui at 10:10am)
(Councillor Matthews left the hui at 10:11am)
(Councillor Matthews rejoined the hui at 10:12am)
(Councillor Apanowicz left the hui at 10:12am)
(Councillor Apanowicz rejoined the hui at 10:17am)

2. General Business

2.1 Road-Stopping and Land Exchange: Burma Road, Johnsonville (adjoining Onslow College & Raroa Normal Intermediate School)

Moved Councillor McNulty, seconded Councillor Randle

Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

- 1) Receive the information.
- 2) Recommend to Council that it:
 - a. Declare approximately 183m² (subject to survey) of unformed legal road land along Burma Road, Johnsonville, as not required for a public work and is surplus to Council requirements.
 - b. Agree to dispose of the Land.
 - c. Agree to acquire, in exchange, approximately 78m² of land (subject to survey), and vest it as road pursuant to Section 114 of the Public Works Act.
 - d. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land and the vesting of the new road, including all legislative matters, declaring the road stopped, negotiating the terms of sale or exchange, imposing and reasonable covenants, and anything else necessary.

Carried

Secretarial note: A division was called for, voting on which was as follows:

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Councillor Calvert

Absent:

Pouwi Kelly

Majority Vote: 16:1

Carried

(Councillor Free left the hui at 10:20am)
(Councillor Free rejoined the hui at 10:21am)

The meeting adjourned at 10:37am and returned at 11:15am with the following members present: Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera, Councillor Young.

2.2 Proposed District Plan Tranche 2 Decisions

Moved Mayor Whanau, seconded Councillor Free

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. **Receive** the information
2. **Receive** the Recommendation Reports and Recommendations on Submissions Reports prepared by the Independent Hearings Panel for the hearing of submissions and further submissions on the Proposed District Plan in relation to Hearing Streams 6 to 11 and the 'Wrap-up Hearing', which are provided at *Attachment 1 (Recommendation Reports and Recommendations on Submissions Reports)*.
3. **Note** that:
 - 3.1 Officers have undertaken a full District Plan Review as directed by the Council on 27 June 2018, resulting in notification of the Proposed District Plan on 18 July 2022;
 - 3.2 Kōrau Tūāpapa | Environment and Infrastructure Committee made decisions on Tranche 1 Hearings (Intensification Planning Provisions) on 14 March 2024;
 - 3.3 Approved Tranche 2 provisions will be subject to an appeal period that closes 30 working days after notification of the decisions. If no appeals are received, then the provisions are beyond challenge and are deemed operative from the closing of the appeal period. Provisions that are appealed will take longer to resolve;
4. **Resolve** to adopt and approve the Independent Hearings Panel's recommendations in respect of changes to plan provisions, mapping and Recommendations on Submissions per the Panel's Recommendation Reports and appendices at *Attachment 1* (excluding recommendations outlined in recommendation 5 below);
5. **Resolve** to reject the Panel's recommended change regarding restructuring of Table 7 – TR (in Report 9 para 834(f)), as it is not based on a submission point, nor is it a minor change;
6. **Resolve** to publicly notify the decisions on the Proposed District Plan provisions no later than Friday 18 July 2025, and serve that decision on every person who made a submission on the matters covered within the Tranche 2 set of hearings;

Designations

7. **Resolve** to adopt the Independent Hearings Panel's recommendations in respect of Designations and to:
 - 7.1. Notify these recommendations to the relevant Requiring Authority in accordance with sch. 1 cl. 9(1) of the RMA;
 - 7.2. Approve the Wellington City Council designations in accordance with sch. 1 cl. 9(2) of the RMA;
8. **Note** that no recommendation or decision is made in respect of any existing designation that has been included in the Proposed District Plan without modification and on which no submissions are received;

Making Tranche 1 provisions operative

9. **Resolve** to make operative pursuant to Clause 20 of Schedule 1, and Section 83, of the RMA:
- 9.1. Tranche 1 District Plan provisions approved on 14 March 2024 that went through the Part 1 Schedule 1 process and were not appealed; and
 - 9.2. The District Plan provisions amended in Environment Court Consent Orders [2024] NZEnvC 254, [2025] NZEnvC 117, and [2025] NZEnvC 123.

Decision on rezoning submission point

10. **Resolve** to accept the submission from Prime Property Limited and rezone the identified area of approximately 5,940m² of 14 Epic Way, Newlands (LOT 1000 DP 543897) from General Rural Zone to Medium Density Residential Zone for the reasons outlined in the Officers Recommendation Report (Attachment 5 to this report).

Moved Councillor Brown, seconded Councillor Rogers the following amendment

Resolved

- 5.1 **Resolve** to reject The Royal Forest and Bird Protection Society submission's decision requested that it is not appropriate for ECO-R1.3 (*The trimming or removal for the upgrade or creation of a new public walking or cycling track within an SNA*) to be a controlled activity [submission point 345.199].
- 5.2 **Resolve** to accept the submissions on decisions requested of Tyers Stream Group [221.50] and Greater Wellington Regional Council [351.157], and accept in part those of the Royal Forest and Bird Protection Society [345.212] and Greater Wellington Regional Council [351.157], in respect of ECO-S4.
- 5.3 **Resolve** that ECO-R1 be amended as set out below:
- (black text – Notified text)
 - (blue text – Consequential amendments for consistency between rules and standards from resolution)
 - (green text - Panel recommendations)

All Zones	<p>34.Activity status: Controlled</p> <p>Where:</p> <p>a.The trimming or removal for the upgrade or creation of a new public walking or cycling track and any ancillary structures undertaken by the Department of Conservation, a Regional or Territorial Authority Wellington Regional Council or Wellington City Council, or their approved contractors and in accordance with ECO-S4; or</p> <p>a. Compliance with ECO-R1.1.a.vii. cannot be achieved.</p> <p><u>Section 88 RMA information requirements for applications:</u></p> <p>Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15:</p>
-----------	---

	1. Identifying the indigenous biodiversity values and potential impacts from the proposal; and 2. Demonstrating that effects management hierarchy at ECO-P2 ECO-P5 has been applied.
All zones	4. Activity status: Discretionary Where: a. _____ Compliance with the requirements of ECO-R1.1, ECO-R1.2, ECO-R1.3 or ECO-R1.4 is not <u>achieved</u> . Section 88 information requirements for applications: <u>Applications for a resource consent under this rule must contain an ecological assessment in accordance with APP15 – Ecological Assessment.</u>

5.4 Resolve that ECO-S4 be worded as:

ECO-S4	Vegetation removal associated with upgrading of existing and creation of new public walking and cycling tracks and associated buildings and structures	
	Vegetation removal must: 1. Not be greater than 2.5m in width to accommodate the track and associated track structures; and 2. Not be greater than 5m ² in area to accommodate any ancillary buildings or structures.	Assessment criteria where the standard is infringed: 1. The extent to which the trimming, pruning or removal of indigenous vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and 2. The effect of the vegetation trimming, pruning or removal on the identified biodiversity values.

Relevant submissions

Royal Forest and Bird Protection Society : [Proposed District Plan Submission 345](#)
[Forest and Bird Protection Society](#)

Greater Wellington Regional Council: [Proposed District Plan Submission 351](#)
[Greater Wellington Regional Council](#)

Tyers Stream group: [Proposed district plan submission 221 Tyers Stream Group](#)
Section 42A report

[Section 42A report](#) see pages 163-179 and pages 194-196.

Hearing Footage

Tyers Stream Group [Proposed District Plan Hearing Stream 11, Day 4 - 12](#)
[September 2024 at 2:10:00 – 2:21:00](#)

Greater Wellington Regional Council [Proposed District Plan Hearing Stream 11,](#)
[Day 3 - 11 September 2024 at 2:03:00 – 2:36:00](#)

Royal Forest and Bird Protection Society [Proposed District Plan Hearing Stream](#)
[11, Day 3 - 11 September 2024 at 2:36:00 – 3:20:00](#)

Carried

Secretarial note: A division was called for, voting on which was as follows:

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Councillor Pannett

Absent:

Pouwi Kelly

Majority Vote: 16:1

Carried

(Councillor Wi Neera left the hui at 11:44am)
(Councillor Wi Neera rejoined the hui at 11:46am)
(Councillor Apanowicz left the hui at 12:10pm)
(Councillor Apanowicz rejoined the hui at 12:12pm)

Moved Councillor Matthews, seconded Councillor O'Neill the following amendment

Resolved

Designations

7. **Resolve**, in relation to designation 'WIAL1 Wellington Airport Obstacle Limitation Surfaces (OLS)', to amend the IHP recommendation so that the requiring authority, Wellington International Airport Limited, modify the OLS designation to:
- 7.1 exclude areas that are adequately shielded by terrain from the mapped OLS; and
 - 7.2 increase the Inner Horizontal Surface and Conical Surface penetration height allowance from 8 m to 11m
- ~~7.8. Resolve to adopt the Independent Hearings Panel's remaining recommendations in respect of Designations. and for designations to:~~
- ~~7.1 Notify these recommendations to the relevant Requiring Authority in accordance with sch. 1 cl. 9(1) of the RMA;~~
 - ~~7.2 Approve the Wellington City Council designations in accordance with sch. 1 cl. 9(2) of the RMA;~~
- 8.1 Resolve, in respect of Designations, to:
- 8.1.1 Notify recommendations to the relevant Requiring Authority in accordance with sch. 1 cl. 9(1) of the RMA;
 - 8.1.2 Approve the Wellington City Council designations in accordance with sch. 1 cl. 9(2) of the RMA;

Carried

Secretarial Note: Voting was taken in parts, with clauses 7, 7.1, 7.2 and 8, taken separately. All clauses were carried. A division was called for, voting on which was as follows:

Clause 7

For:

Councillor Abdurahman, Councillor Apanowicz, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Against:

Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Pannett, Councillor Young

Absent:

Pouwi Kelly

Majority Vote: 12:5

Carried

Clause 7.1

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Against:

Councillor Brown, Councillor Calvert, Councillor Pannett, Councillor Randle, Councillor Young

Absent:

Pouwi Kelly

Majority Vote: 12:5

Carried

Clause 7.2

For:

Councillor Abdurahman, Councillor Apanowicz, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Against:

Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Pannett, Councillor Young

Absent:

Pouwi Kelly

Majority Vote: 12:5

Carried

Clause 8

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Against:

Councillor Pannett, Councillor Young

Absent:

Pouwi Kelly

Majority Vote: 15:2

Carried

Clause 8.1

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Against:

Councillor Brown, Councillor Pannett, Councillor Young

Absent:

Pouwi Kelly

Majority Vote: 14:3

Carried

(Councillor Matthews left the hui at 12:41pm)

(Councillor Wi Neera left the hui at 12:41pm)

(Councillor Matthews rejoined the hui at 12:43pm)

(Councillor Wi Neera rejoined the hui at 12:44pm)

(Councillor O'Neill left the hui at 12:44pm)

(Councillor O'Neill rejoined the hui at 12:49pm)

The meeting adjourned at 12:55pm and returned at 1:23pm with the following members present: Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera, Councillor Young.

(Councillor O'Neill rejoined the hui at 1:24pm)

Moved Councillor McNulty, seconded Councillor Abdurahman the following amendment

Resolved

4. **Resolve** to withdraw the Proposed District Plan provisions in the Transport Chapter that relate to cycling and micromobility parking, as tabled.
11. **Instruct** officers to report back on Council's options to align the regulation of signage with other cities, including election signage, with advice on scope and content of a Bylaw or District Plan Change.
12. **Instruct** officers to report to Council on alternative provisions for minimum cycle parking and cycle parking design for consideration in a future district plan change.

Carried

Attachments

- 1 Councillor McNulty tabled document

Secretarial note: Voting was taken in parts, with all clauses taken separately. All clauses were carried. A division was called for, voting on which was as follows:

Clause 4

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Deputy Mayor Foon, Councillor Free, Councillor Pannett, Mayor Whanau

Absent:

Pouwi Kelly

Majority Vote: 13:4

Carried

Clause 11

For:

Councillor Abdurahman, Councillor Apanowicz, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Randle

Absent:

Pouwi Kelly

Majority Vote: 13:4

Carried

Clause 12

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Councillor Brown, Councillor Pannett, Councillor Randle

Absent:

Pouwi Kelly

Majority Vote: 14:3

Carried

(Councillor Apanowicz left the hui at 1:49pm)

The meeting adjourned at 2:16pm and returned at 2:24pm with the following members present: Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera, Councillor Young.

(Councillor Apanowicz rejoined the hui at 2:24pm)

Moved Councillor Randle, seconded Councillor Chung the following amendment

Resolved

13. **Direct** officers to add a review of the following Noise Rule to the upcoming District Plan Change for Noise:
Amend [NOISE R7](#), to delete the hours of operation restriction for commercial dog facilities.
14. **Direct** officers to add a review of the following Noise Rule to the upcoming District Plan Change for Noise:
Amend [NOISE R8](#), to permit shooting range activities and firearm noise in the Large Lot Residential Zone (LLRZ) in the same manner as the General Rural Zone (GRZ).

Carried

Secretarial note: Voting was taken in parts, with all clauses taken separately. All clauses were carried. A division was called for, voting on which was as follows:

Clause 13

For:

Councillor Abdurahman, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Young

Against:

Deputy Mayor Foon, Councillor Free, Pouivi Hohaia, Councillor Matthews, Councillor Pannett, Councillor Rogers, Mayor Whanau, Councillor Wi Neera

Absent:

Councillor Apanowicz, Pouivi Kelly

Majority Vote: 8:8

Carried

Secretarial note: The vote being tied, the chairperson applied their casting vote in favour of the motion.

Clause 14

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor McNulty, Councillor Randle, Councillor Wi Neera, Councillor Young

Against:

Deputy Mayor Foon, Councillor Free, Pouivi Hohaia, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Mayor Whanau

Absent:

Pouivi Kelly

Majority Vote: 9:8

Carried

Moved Councillor Wi Neera, seconded Councillor O'Neill

Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. Agree that, in accordance with standing order 25.2(c), the motion under debate now be put.

Carried

Moved Mayor Whanau, seconded Councillor Free the following amended substantive Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. **Receive** the information
2. **Receive** the Recommendation Reports and Recommendations on Submissions Reports prepared by the Independent Hearings Panel for the hearing of submissions and further submissions on the Proposed District Plan in relation to Hearing Streams 6 to 11 and the 'Wrap-up Hearing', which are provided at *Attachment 1 (Recommendation Reports and Recommendations on Submissions Reports)*.
3. **Note** that:
 - 3.1 Officers have undertaken a full District Plan Review as directed by the Council on 27 June 2018, resulting in notification of the Proposed District Plan on 18 July 2022;
 - 3.2 Kōrau Tūāpapa | Environment and Infrastructure Committee made decisions on Tranche 1 Hearings (Intensification Planning Provisions) on 14 March 2024;
 - 3.3 Approved Tranche 2 provisions will be subject to an appeal period that closes 30 working days after notification of the decisions. If no appeals are received, then the provisions are beyond challenge and are deemed operative from the closing of the appeal period. Provisions that are appealed will take longer to resolve;
4. **Resolve** to withdraw the Proposed District Plan provisions in the Transport Chapter that relate to cycling and micromobility parking, as tabled.
 - 4.1 **Resolve** to adopt and approve the Independent Hearings Panel's recommendations in respect of changes to plan provisions, mapping and Recommendations on Submissions per the Panel's Recommendation Reports and appendices at *Attachment 1* (excluding recommendations outlined in recommendation 5 below);
- ~~5. **Resolve** to reject the Panel's recommended change regarding restructuring of Table 7 – TR (in Report 9 para 834(f)), as it is not based on a submission point, nor is it a minor change;~~
 - 5.1 **Resolve** to reject The Royal Forest and Bird Protection Society submission's decision requested that it is not appropriate for ECO-R1.3 (*The trimming or removal for the upgrade or creation of a new public walking or cycling track within an SNA*) to be a controlled activity [submission point 345.199].
 - 5.2 **Resolve** to accept the submissions on decisions requested of Tyers Stream Group [221.50] and Greater Wellington Regional Council [351.157], and accept in part those of the Royal Forest and Bird Protection Society [345.212] and Greater Wellington Regional Council [351.157], in respect of ECO-S4.
 - 5.3 **Resolve** that ECO-R1 be amended as set out below:
 (black text – Notified text)
 (blue text – Consequential amendments for consistency between rules and standards from resolution)
 (green text - Panel recommendations)

All Zones	34. Activity status: Controlled Where:
-----------	--

	<p>a. The trimming or removal for the upgrade or creation of a new public walking or cycling track and any ancillary structures undertaken by the Department of Conservation, a Regional or Territorial Authority Wellington Regional Council or Wellington City Council, or their approved contractors and in accordance with ECO-S4; or</p> <p>a. Compliance with ECO-R1.1.a.vii. cannot be achieved.</p> <p><u>Section 88 RMA information requirements for applications:</u></p> <p>Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15:</p> <ol style="list-style-type: none"> 1. Identifying the indigenous biodiversity values and potential impacts from the proposal; and 2. Demonstrating that effects management hierarchy at ECO-P2 <u>ECO-P5</u> has been applied.
All zones	<p>4. <u>Activity status: Discretionary</u></p> <p>Where: _____</p> <p>a. _____</p> <p>Compliance with the requirements of ECO-R1.1, ECO-R1.2, ECO-R1.3 or <u>ECO-R1.4</u> is not achieved.</p> <p><u>Section 88 information requirements for applications:</u></p> <p><u>Applications for a resource consent under this rule must contain an ecological assessment in accordance with APP15 – Ecological Assessment.</u></p>

5.4 Resolve that ECO-S4 be worded as:

ECO-S4	Vegetation removal associated with upgrading of existing and creation of new public walking and cycling tracks and associated buildings and structures	
	<p>Vegetation removal must:</p> <ol style="list-style-type: none"> 1. Not be greater than 2.5m in width to accommodate the track and associated track structures; and 2. Not be greater than 5m² in area to accommodate any ancillary buildings or structures. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which the trimming, pruning or removal of indigenous vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and 2. The effect of the vegetation trimming, pruning or removal on the identified biodiversity values.

Relevant submissions

Royal Forest and Bird Protection Society :[Proposed District Plan Submission 345 Forest and Bird Protection Society](#)

Greater Wellington Regional Council: [Proposed District Plan Submission 351 Greater Wellington Regional Council](#)

Tyers Stream group: [Proposed district plan submission 221 Tyers Stream Group](#)

Section 42A report

[Section 42A report](#) see pages 163-179 and pages 194-196.

Hearing Footage

Tyers Stream Group [Proposed District Plan Hearing Stream 11, Day 4 - 12 September 2024 at 2:10:00 – 2:21:00](#)

Greater Wellington Regional Council [Proposed District Plan Hearing Stream 11, Day 3 - 11 September 2024 at 2:03:00 – 2:36:00](#)

Royal Forest and Bird Protection Society [Proposed District Plan Hearing Stream 11, Day 3 - 11 September 2024 at 2:36:00 – 3:20:00](#)

6. **Resolve** to publicly notify the decisions on the Proposed District Plan provisions no later than Friday 18 July 2025, and serve that decision on every person who made a submission on the matters covered within the Tranche 2 set of hearings;

Designations

7. **Resolve**, in relation to designation 'WIAL1 Wellington Airport Obstacle Limitation Surfaces (OLS)', to amend the IHP recommendation so that the requiring authority, Wellington International Airport Limited, modify the OLS designation to:

- 7.1 exclude areas that are adequately shielded by terrain from the mapped OLS; and
- 7.2 increase the Inner Horizontal Surface and Conical Surface penetration height allowance from 8 m to 11m

- ~~7.8.~~ **Resolve** to adopt the Independent Hearings Panel's **remaining** recommendations in respect of Designations. ~~and for designations to:~~

- ~~7.1 Notify these recommendations to the relevant Requiring Authority in accordance with sch. 1 cl. 9(1) of the RMA;~~
- ~~7.2 Approve the Wellington City Council designations in accordance with sch. 1 cl. 9(2) of the RMA;~~

- 8.1. Resolve, in respect of Designations, to:

- 8.1.1 Notify recommendations to the relevant Requiring Authority in accordance with sch. 1 cl. 9(1) of the RMA;
- 8.1.2 Approve the Wellington City Council designations in accordance with sch. 1 cl. 9(2) of the RMA;

- ~~8.8.2~~ **Note** that no recommendation or decision is made in respect of any existing designation that has been included in the Proposed District Plan without modification and on which no submissions are received;

Making Tranche 1 provisions operative

9. **Resolve** to make operative pursuant to Clause 20 of Schedule 1, and Section 83, of the RMA:
- 9.1 Tranche 1 District Plan provisions approved on 14 March 2024 that went through the Part 1 Schedule 1 process and were not appealed; and
 - 9.2 The District Plan provisions amended in Environment Court Consent Orders [2024] NZEnvC 254, [2025] NZEnvC 117, and [2025] NZEnvC 123.

Decision on rezoning submission point

10. **Resolve** to accept the submission from Prime Property Limited and rezone the identified area of approximately 5,940m² of 14 Epic Way, Newlands (LOT 1000 DP 543897) from General Rural Zone to Medium Density Residential Zone for the reasons outlined in the Officers Recommendation Report (Attachment 5 to this report).
11. **Instruct** officers to report back on Council's options to align the regulation of signage with other cities, including election signage, with advice on scope and content of a Bylaw or District Plan Change.
12. **Instruct** officers to report to Council on alternative provisions for minimum cycle parking and cycle parking design for consideration in a future district plan change.
13. **Direct** officers to add a review of the following Noise Rule to the upcoming District Plan Change for Noise:
Amend [NOISE R7](#), to delete the hours of operation restriction for commercial dog facilities.
14. **Direct** officers to add a review of the following Noise Rule to the upcoming District Plan Change for Noise:
Amend [NOISE R8](#), to permit shooting range activities and firearm noise in the Large Lot Residential Zone (LLRZ) in the same manner as the General Rural Zone (GRZ).

Carried

Secretarial note: The successful passage of clause 4 has superseded clause 5. This has resulted in clause 5 being struck through as it involves an amendment to a Proposed District Plan provision that has now been withdrawn.

Secretarial note: A division was called for, voting on which was as follows:

For:

Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Pouiwi Hohaia, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Mayor Whanau, Councillor Wi Neera, Councillor Young

Against:

Councillor Randle

Absent:

Pouiwi Kelly

Majority Vote: 16:1

Carried

(Councillor McNulty left the hui at 2:49pm)

2.3 Decision register updates and upcoming reports

Moved Councillor Brown, seconded Councillor Matthews

Resolved

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

- 1) Receive the information.

Carried

The hui concluded at 2:51pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
I te ara takatū	
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____
Chair

Ordinary Meeting of Kōrau Tūāpapa | Environment and Infrastructure Committee

Minute item attachments

9:30 am Thursday, 12 June 2025
Ngake (16.09), Level 16, Tahiwi
113 The Terrace
Pōneke | Wellington

Business	Page No.
----------	----------

2.2 Proposed District Plan Tranche 2 Decisions

- | | |
|---------------------------------------|---|
| 1. Councillor McNulty tabled document | 2 |
|---------------------------------------|---|

Attachment X

TR-Introduction: Wellington City Council has adopted a 'Sustainable Transport Hierarchy' which has been published as part of the Council’s Parking Policy (2020) and Paneke Pōneke Bike Network Plan 2022, which places walking, cycling and public transport at the top of the hierarchy. Private vehicles are towards the bottom of the hierarchy. This reflects the City's goal of being carbon neutral by 2050, and creating a more sustainable transport system to get there. **The provisions in this Transport chapter support this goal by requiring the provision of cycling and micromobility parking with new development.** This chapter therefore complements the intensification provisions within the zone chapters which seek to provide a more compact urban form close to public transport and the City's walking and cycling network.

On-site transport facilities such as site access, carparking, **and parking for bicycles and other micromobility devices** also need to be designed effectively to ensure people’s safety and wellbeing is maintained. This chapter provides specific design requirements for these facilities.

TR-O1	Purpose Land use and development is managed to ensure that: <div><div>1. High trip generating activities do not compromise the safety and effectiveness of the transport network;</div><div>2. A range of transport modes are provided for;</div><div>3. Reliance on private vehicles is reduced;</div><div>4. New development provides appropriate on-site facilities for cycling and micromobility users; and</div><div>5. Safe and effective on-site parking, loading, access and manoeuvring is provided.</div></div>
TR-P3	Enabled activities Enable on-site transport facilities and driveways that: <div><div>1. Provide for the safe and effective use of the site and functioning of the transport network;</div><div>2. Meet the reasonable demands of site users; and</div><div>3. Promote the uptake and use of pedestrian, cycling, micromobility and public transport modes.</div></div>
TR-P3	Managed activities Only allow on-site transport facilities and driveways that do not meet standards where: <div><div>1. The transport facilities and driveways are effective in meeting the operational needs and functional needs of the activity on the site;</div><div>2. The safety and effectiveness of the transport network is not compromised;</div><div>3. Public health and safety, including the safety of pedestrians, cyclists and micromobility users travelling through any parking areas, is not compromised;</div><div>4. The projected demand for loading spaces or cycling and micromobility parking will be lower than that required in the standards or can be accommodated by public, shared or reciprocal arrangements;</div></div>

	<div>5. Safe and effective access for firefighting purposes is provided; and</div> <div>6. There are site and topographical constraints that make compliance unreasonable.</div>	
TR-R1	<div>All activities except for trip generation, site access, on-site cycling and micromobility paths, and on-site vehicle parking and manoeuvring</div> <div>1. Activity status: Permitted</div> <div>Where:</div> <div><div>a. Compliance with the following standards is achieved:</div><div><div>i. TR-S2;</div><div>ii. TR-S3;</div><div>iii. TR-S8; and</div><div>iv. TR-S9.</div></div></div>	
TR-S2	<div>Micromobility device parking</div> <div>1. Cycling and micromobility parking must be provided in accordance with Table TR-7.</div>	<div>Assessment criteria where the standard is infringed:</div> <div><div>1. The availability of alternative, safe and secure cycling and micromobility parking that meets the needs of the intended users, in a nearby accessible location;</div><div>2. Whether parking can be provided and maintained in a jointly-used cycling and micromobility parking area; and</div><div>3. Site limitations, configuration of buildings and activities, demonstrated user requirements and operational requirements.</div></div>
TR-S3	<div>Micromobility parking design</div> <div>1. Where short stay cycling and micromobility parking spaces are required to be provided by TR-S2 they must meet the following minimum specifications:</div> <div><div>a. Stands must be sized and spaced to accommodate cycle dimensions of 1200mm high, 1800mm long and 600mm wide;</div><div>b. Stands must be securely anchored to an immovable object;</div><div>c. Stands must allow the cycling or micromobility device frame and, in the case of cycles, at least one wheel to be secured; and</div></div>	<div>Assessment criteria where the standard is infringed:</div> <div><div>1. The safety and effectiveness of the cycling and micromobility parking spaces;</div><div>2. Site limitations, configuration of buildings and activities, user requirements and operational requirements; and</div><div>3. The safety of pedestrians, cyclists and micromobility users using the road, accessways and walkways.</div></div>

	<div><div>d. Cycling and Micromobility parking facilities must be located:<div><div>i. So they are easily accessible for users, within 20m of the primary entrance;</div><div>ii. So they do not impede pedestrian thoroughfares including areas used by people whose mobility or vision is restricted;</div><div>iii. To be clear of vehicle parking or manoeuvring areas; and</div><div>iv. Short stay cycling and micromobility parking facilities must be available during the activity's hours of operation and must not be impeded by any structure, storage of goods, landscape planting or other use; and</div></div></div><div>2. Where long stay cycling and micromobility parking spaces are required to be provided by TR-S2, they must be located:<div><div>a. In a covered area where access by the general public is excluded, and at least one wheel is able to be secured.</div></div></div><div>Note: Refer to 'Cycle Parking Planning and Design, Waka Kotahi 2019'.</div></div>	
--	---	--

Table 7 – TR: Minimum number of on-site cycling and micromobility device parking spaces

Activity	Minimum number of on-site cycling and micromobility device parking spaces Both short stay and long stay must be provided	
	Short stay (visitors)	Long stay (staff*, residents, students)
Residential	1 per 10 residential units	Minimum 1 per residential unit**
Hostels	1 per 10 beds	Minimum 1; 1 per 3 beds

Table 7 – TR: Minimum number of on-site cycling and micromobility device parking spaces

Activity		Minimum number of on-site cycling and micromobility device parking spaces Both short stay and long stay must be provided	
		Short stay (visitors)	Long stay (staff*, residents, students)
Any activity in the following zones: <ul style="list-style-type: none">City CentreMetropolitanLocal CentreNeighbourhoodMixed Use		Nil	In accordance with the rest of this table
Commercial activity		Minimum 2, 0.05 per 100m ² GFA or as per specific activity below	Minimum 1, 0.1 per 100m ² GFA or as per specific activity below
	Entertainment and Hospitality Activity	0.1 per person that the <u>site</u> is designed to accommodate; or as per specific activity below	Minimum 1, 0.1 per staff member* or as per specific activity below
Community facility		0.1 per person that the <u>site</u> is designed to accommodate	Minimum 1, 0.1 per staff member*
Educational facility		As per specific activities below	
	<u>Childcare services</u>	Minimum 2	Minimum 1, 0.1 per staff member*
	<u>Tertiary education facility</u>	Minimum 2	Minimum 1, 0.1 per student and 0.1 per staff member*
Emergency service facilities		Minimum 2	Minimum 1, 0.1 per staff member*
Healthcare activity		Minimum 2, 1 per 100m ² GFA	Minimum 1, 0.1 per staff member*
Industrial activity		Minimum 2	Minimum 1, 0.1 per 100m ² GFA
Residential		1 per 10 <u>residential units</u>	Minimum 1 per <u>residential unit</u> **

	Hostels	1 per 10 beds	Minimum 1, 1 per 3 beds
* The number of staff members is the maximum number of full or part time staff members on the <u>site</u> at any one time.			
** A lockable, <u>residential unit</u> -specific storage facility such as a garage or storage locker is an acceptable solution. This may be a communal facility.			