

**Before the Independent Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan – Hearing
Stream 7 (General Rural Zone)

**Statement of Supplementary Planning Evidence of
Josh Patterson on behalf of Wellington City Council**

Date: 12 March 2024

INTRODUCTION

- 1 My name is Josh Patterson. I am employed as Principal Advisor in the District Planning Team at Wellington City Council (the Council).
- 2 I have prepared this statement of supplementary planning evidence in response to expert evidence submitted in relation to the section 42A report relating to the General Rural Zone provisions of the Proposed Wellington City District Plan (the Plan / PDP).
- 3 I have read the respective evidence of:

Horokiwi Quarries Limited ID 271

- a. Pauline Whitney for Horokiwi Quarries Limited.

Meridian Energy Limited ID 228 and FS101

- a. Christine Anne Foster for Meridian Energy Limited.

Parkvale Road Limited ID 298

- a. Maciej (Mitch) Wiktor Lewandowski for Parkvale Road Limited.
- b. Jon Thompson for Parkvale Road Limited.
- c. David John Compton-Moen for Parkvale Road Limited.
- d. Gary Paul Clark for Parkvale Road Limited

- 6 I have read the expert evidence above. My supplementary statement does not provide detail on every point where there is disagreement with my recommendations in my section 42A report. In addition, I have not addressed points where the submitter has agreed with the recommendations in my section 42A report. Where submitter evidence speaks to matters already addressed in my section 42A report, I rely on my section 42A report recommendations and reasoning, referring to these and providing some additional assessment where necessary.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 7 Paragraphs 6-10 of the General Rural Zone Section 42A Report ([Section 42A Report – Rural Zone](#)) sets out my qualifications and experience as an expert in planning.

8 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF EVIDENCE

9 My statement of evidence addresses:

- a. The expert evidence of the submitters listed above; and
- b. Identifies an error from my S42A report that I wish to address.

RESPONSES TO EXPERT EVIDENCE

Horokiwi Quarries Limited ID 271

10 In her evidence Ms. Whitney helpfully tables the relevant submission points, to the Rural Chapter, of Horokiwi Quarries Limited. In relation to all but one submission point, Ms. Whitney either accepts the recommendation or accepts that the matter has been addressed in other Hearing Streams.

11 The outstanding submission point concerns GRUZ-P5. Ms. Whitney considers that the amendment to remove 'and changes of use on existing quarry or mining sites' is still necessary. Ms. Whitney has not provided any specific evidence as to why this is necessary beyond what was stated in the original submission. I have responded to the original submission in paragraph 178 of my [Section 42A Report](#). I have not changed my mind in relation to this matter.

Meridian Energy Limited ID 228 and FS101

12 As noted in my Section 42A Report, I agree in principle with the standard for addressing reverse sensitivity effects of the wind farms on Rural activities. However, on further consideration, I do not consider that the rural chapter is the appropriate chapter to address this issue. Rather, I recommend that this issue is addressed within the Renewable Electricity Generation Chapter. In addition to this, I do not consider that Ms. Foster has provided sufficient information currently for me to confidently recommend that the amendment is made.

- 13 The reason I consider that this amendment is best addressed within the Renewable Electricity Generation Chapter is because this is how the Plan is structured. The general approach is to consider district wide matters within their respective chapters, rather than within the area specific chapters. I do not consider that it is appropriate to create a bespoke requirement within the Rural Chapter to recognize potential reverse sensitivity effects on the activity given the approach to drafting to date.
- 14 Ms. Foster has responded to my requests for further information in Paragraphs 112-113 my [Section 42A Report](#). I accept these explanations as stated in her evidence. However, I consider that further information is required before a recommendation is made. If the panel were of a mind to accept the submission, I recommend that the Panel direct Ms. Foster and the Infrastructure topic lead to conference on this issue. I recommend that the below outstanding matters are addressed within this conferencing:
- a. A Section 32AA Assessment. This is absent from both the original submission and the evidence. However, I believe this can easily be provided and I recommend the panel direct Ms. Foster to provide this.
 - b. Relevant assessment criteria. While I agree in principle with the requested amendment, it is unclear to me what an assessment is based against when the standard is not complied with. The notified provisions do not contain relevant assessment criteria for a breach of the proposed standard. In addition, neither the original submission from Meridian Energy nor the evidence by Ms. Foster provide relevant assessment criteria.
 - c. Evidence demonstrating why the 40dBA contour is the most appropriate contour to base the proposed standard on.
- 15 In the absence of the above information, I consider it would be difficult for the Infrastructure Topic Lead to recommend the amendment is accepted.
- 16 However, if the panel were of a mind to accept the submission and consider that the amendment is best suited to the Rural Chapter, I recommend that the panel directs conferencing between myself and Ms. Foster to resolve the matters in paragraph 14, and consider that a joint witness statement could be issued during the course of the hearing.

17 In relation to Ms. Foster's evidence regarding the Rural Design Guide, I have reconsidered my position in my Section 42A Report and now agree with adding a note to the Rural Design Guide to clarify that it does not apply to renewable electricity generation activities. I consider that further clarification in the Rural Design Guide will assist plan users and add certainty. I recommend the note is added to the introduction section of the guide under 'Application of this Guide.' This change is reflected in Appendix 1.

Section 32AA Assessment

18 In my opinion, the amendments to the Rural Design Guide are more appropriate in achieving the objectives of the plan than the notified provisions. I consider that the proposed amendments will:

- a. Result in clarification around what the Rural Design Guide applies to and what it does not. This will have positive benefits for those using the Rural Design Guide and will avoid the need for speculation.

19 The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.

20 The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Parkvale Road Limited ID 298

21 I agree with the evidence provided by Parkvale Road Limited in relation to the recommended zone change at 200 Parkvale Road, Karori. My original discussion on this zone change, and the reasons that I recommend accepting the amendment, are detailed in paragraphs 77(a) to 77(f) of my [Section 42A Report](#).

22 I confirm that my position, as stated in my Section 42A Report, remains unchanged and I recommend rezoning the specific area of 200 Parkvale Road, identified in Figure 3 of Mr Lewandowski's evidence, from the Rural Zone to the Medium Density Residential Zone.

23 I have read the evidence of Mr Clark in relation to Transport and the evidence of Mr

Compton-Moen in relation to urban design, landscape, and visual amenity. I recommend that both these pieces of evidence are accepted and consider they further demonstrate and support the suitability of the proposed rezoning.

- 24 I consider any potential traffic, amenity, visual, landscaping, and urban design effects resulting from the proposed rezoning have been demonstrated to be less than minor. I again note the support provided by Forest and Bird [FS87] and consider that this further supports that the ecological effects of the proposed rezoning will also be less than minor.

ADDITIONAL MATTERS

- 25 On 01 March 2024, I was made aware by the planner acting for Parkvale Road Limited (submitter 298), Mr. Lewandowski, that I had missed two further submissions in the preparation of the General Rural Zone Section 42A Report. I have addressed this matter in an [Erratum to the General Rural Zone Section 42A Report](#) and do not discuss the matter further here.

Josh Patterson

Principal Planning Advisor

Wellington City Council

Appendix 1: Tracked Changes to Rural Design Guide

Note: Yellow highlighted changes are changes made after review of expert evidence.

Wellington City Council
Design Guide
Rural



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Introduction

Intent

The intent of the Rural Design Guide is to facilitate new residential developments and other buildings that are well-designed and contribute to a well-functioning rural environment.

The design outcomes and guidance points contained within this Design Guide set out how development can fulfil this intent.

Background

All new development in Wellington should contribute to a future of our city that honours our partnerships with mana whenua, and that is compact, inclusive and connected, greener, resilient, vibrant and prosperous. To achieve this, all new development in Wellington should respond to the natural environment, shape a well-functioning site, and deliver high-quality buildings.

Application of this Guide

This Rural Design Guide applies to residential developments and other buildings that require resource consent in the Rural Zone of the District Plan. It does not apply to renewable electricity generation activities (including renewable electricity generation investigation activities and upgrading of renewable electricity generation activities) within the General Rural Zone. The Design Guides are a statutory part of the Wellington City District Plan. The Council will use the Design Guides to assess resource consent applications for development.

Any new development should seek to respond to and enhance the existing natural, cultural and rural landscape. Most of Wellington's rural landscapes have been subject to varying degrees of human modification. Rural settings commonly offer a mix of managed and cultivated landscapes and wild natural areas.

Relevance

Only design guidelines that are relevant to the specific site, setting and/or development type should be applied. This design guide aims to support innovation and flexibility in approaches, while ensuring quality outcomes within Wellington's rural land.

Prioritisation

A rating system of one to three has been designed to indicate the relative priority of each guideline against the overarching principles of each guide. However, the priority of each guideline should be confirmed with Council in pre-application discussions, as they are indicative only.

The ratings are described below:

- Guidelines rated with three dots are considered essential and must be applied to all proposed development.
- Guidelines rated with two dots will apply to most proposals; if a proposal does not meet a design guide rated 2, the applicant may be required to justify or revise the design.
- Guidelines rated with one dot can support a proposal to meet the outcomes of the Design Guide. However, they may not apply to all developments.

The rating system is represented visually, using a corresponding number of dots to the number rating before each design guide text.

Coordination Relationship with other design Guides

Where development is proposed in a Heritage Area or involves a heritage building identified in Heritage Schedules of the District Plan, the Heritage Design Guide will also apply. As such, an applicant may find that multiple design guides should be used to inform and subsequently assess a development application. The design outcomes and overarching design principles are used consistently across all design guides to streamline consideration where more than one design guide applies.

The District Plan includes several other Design Guides that may also apply to new development. The applicability of these other Design Guides will depend on the activity being proposed, and whether the provisions of the District Plan provide for those Design Guides to apply to the activity.

The importance of existing context

As per the design outcomes and specific guidelines, every new residential development should consider and respond appropriately to its existing context. Applicants should consider and demonstrate how their development aligns with the area's context, community's aspiration for the future and any relevant Council documents.

Additional considerations

Alongside specific guidelines, best practice notes and alternative approaches are sometimes included (*italicised*). These are intended to prompt consideration of design approaches or solutions that may be helpful in a given situation. Unlike the guidelines, these notes are non-statutory; their consideration is recommended to help achieve best practice design approaches and encourage quality built outcomes.

Structure of this Guide

This Design Guide is structured in three sections:

- Responding to the natural environment
- Well-functioning sites
- High quality buildings

Each section is structured around a series of related **design outcomes** followed by a series of **guidance points** that support development to achieve those outcomes.

Design outcomes are the outcomes that would be demonstrated by a well-designed, well-functioning urban environment.

Guidance points provide guidance on how development can be designed to achieve the design outcomes.

There are directive guidance points including terms such as "design", "provide", "locate", "Configure", "Create", "minimize" which are fundamental to achieving the design outcomes where it is expected that the matter is integrated into the design.

In addition, there are consideration guidance points including the word "consider" and "where possible". It is expected that an applicant will consider the matter and integrate this within the design where appropriate, and if not, supported by a rational reason for not doing so.

Advice notes provide advice and additional information to the guidance points.

Other requirements

This Design Guide does not address the range of other requirements that may apply to development, including those set out in the objectives, policies, rules and standards of the District Plan, other relevant RMA planning documents and regulations, relevant Council bylaws, or requirements under other Acts (such as the Building Act 2004).

How to use this Guide

Applicants should demonstrate how the proposal fulfils the intent of this Design Guide. The preparation of a **Design Statement** provides applicants with the opportunity to do this.

The Design Guides are intended to be applied in a manner that recognises the unique nature of individual proposals. Applicants need only apply those **design outcomes** and **guidance points** that are relevant to the proposal.

The Design Guides are also intended to promote design innovation. The Design Statement provides applicants with the opportunity to explain how a **design outcome** may have been addressed using an alternative approaches to those set out in the relevant **guidance points**.

Preparing a Design Statement

To assist with the efficient assessment of a proposal, applicants should include a **Design Statement** as part of their resource consent application. A Design Statement should include:

- A description of the site and its context
- A description of the proposal
- Description of which **design outcomes** and **guidance points** within the Design Guide are relevant to the proposal
- Explanation of how the proposal addresses each of the relevant **design outcomes** and **guidance points**
- Where relevant, explanation of any alternative approaches used to address a **design outcome**.

The Design Statement can include written and/or visual material, and should include a level of information that corresponds with the scale and significance of the proposal.

Outcomes

Responding to the natural environment

Land

- Environmental sustainability and resilience outcomes are enhanced by any new development.
- The natural environment is protected through new development that fits with the topography, landscape, waterways and ecosystems of its location and site.
- The unique qualities of the whenua are recognised and enhanced to promote a sense of place.

Water

- The mauri (including the health and quality) of waiora (water) is maintained or enhanced by any new development.

People

- Wellbeing, resilience and the enrichment of future generations are the key drivers of any new development.

Well-functioning sites

Movement and Access

- The development allows for safe and convenient cycle and pedestrian movement and access.
- Vehicle access and car parking do not dominate a person's experience of the streetscape or surrounding buildings.
- Improved walkability and permeability enhances the formal and informal pedestrian network.
- The development takes meaningful steps towards achieving carbon reduction.

The site

- The site layout reinforces its existing topography, landscape, micro-climate, neighbouring activities, and access to and within the site, including adjacent streets.
- Existing environmental infrastructure such as culverted streams are acknowledged or enhanced.
- Mana whenua sites of significance are acknowledged and celebrated.

Open spaces

- Open spaces are carefully designed and appropriately located to provide amenity and are accessible, safe and easily maintained.

Placing the building

- The buildings on the site are positioned to create building edges that support pedestrian activity and enhance the visual interest, legibility, safety and comfort of surrounding open spaces and adjoining sites.

High quality buildings

Sustainability

- The development process and built outcome takes meaningful steps towards achieving carbon reduction, waste reduction and energy efficiency.

Built form

- Buildings are well designed, safe and provide good amenity for inhabitants and utilise materials and details that will age well over time, irrespective of style.

Inclusivity

- Universal design is considered in all aspects of planning and development. Buildings are designed in such a way that all people, regardless of any disability, or stage in life, can access, use and enjoy them.

External Appearance

- The building's external appearance is composed coherently and, as a whole, is appropriate for its use and location.

The internal spaces

- Internal environments provide healthy, comfortable, convenient, functional and attractive places for their occupants.





Guidelines

Responding to the natural environment




Responding to whakapapa of place

The site's natural form, the history of its development, key environmental attributes and any significant cultural values associated with it play a significant role in successful design outcomes.

The landscape context contributes to a neighbourhood's unique sense of place and identity.

- G1.**  Prepare a contextual analysis that depicts how the development proposal positively contributes to the surrounding area. This should include an analysis of the following:
- » Natural environment
 - » Cultural context
 - » Te Ao Māori
 - » Heritage context
 - » Movement
 - » Site analysis
 - » Opportunities and constraints
- G2.**  Identify and respond to the patterns and features within and surrounding the site. These can be defined by:
- » Landform
 - » Local vegetation scale and type
- G3.**  Identify and respond to the natural and cultural landscape heritage within and surrounding the site, including but not limited to:
- » Māori sites of significance and their traditional uses
 - » Identified view shafts to maunga and awa/moana of significance to mana whenua
 - » Native vegetation and planting
 - » Scheduled heritage places
- G4.**  Protect any features of geological interest such as terraces, escarpments, and rock outcrops.

Rating System

	Guidelines rated with three dots are considered essential and must be applied to all proposed development.
	Guidelines rated with two dots will apply to most proposals; if a proposal does not meet a design guide rated 2, the applicant may be required to justify or revise the design.
	Guidelines rated with one dot can support a proposal to meet the outcomes of the Design Guide. However, they may not apply to all developments.

Vegetation and planting

- G5.** ●●● Use species and planting combinations characteristic of or indigenous to the local area.
- G6.** ●●● Retain significant trees and hedges when they are part of a defining pattern within the local landscape, such as a boundary shelter-belt.
- G7.** ●●● Encourage the natural regeneration of natives and plant natives.
- G8.** ●● Maintain the continuity of existing patterns of native planting extending beyond the boundaries of the development site.
- G9.** ●● Consider extending existing bush areas or groups of trees to provide a setting for new buildings and subdivisions to help to integrate new buildings into the landscape.
- G10.** ●● Use planting around building sites to screen and soften structures and to create shelter and private space.
- G11.** ● Consider methods that eEnsure that planting adjacent to roads and access ways adds to the amenity value without creating safety hazards.

Ecology

- G12.** ●●● Retain and integrate mature trees and native vegetation that positively contributes to an area's visual amenity and ecological values.
- G13.** ●● Landscaping should contribute to biodiversity and tree canopy area and minimise the loss of habitats ecosystems where possible. The use of the existing natural environment is an effective way of enhancing the ecosystem.
- G14.** ● Consider linking existing habitats and vegetation with additional planting.
- G15.** ● Consider opportunities to protect and enhance existing native bush and significant trees on-site.

Carbon reduction and energy efficiency

- G16.** ●●● Orient buildings to maximize solar access to improve energy efficiency.
- G17.** ● Consider cCreating lots that have the potential to use renewable energy sources.

Designing with topography

A site-specific response to design that works with the land helps maintain visual amenity and an authentic sense of place.

- G18.** ●●● Minimize any earthworks disturbance to the natural ground form.
- G19.** ●●● Maintain general landform, minimize the need for large retaining structures and design any required earthworks and retaining walls as positive landscape features.
Consider piled footings on steep sites rather than slabs.
- G20.** ●●● Where retaining walls or large building support structures are necessary, visibility, formal composition and visual quality are important.
- G21.** ●●● Where buildings are located high above the ground level, tall retaining walls should be avoided. Preferred designs include landscaped slopes and low stepped retaining walls with landscaping.
- G22.** ●● Locate buildings to minimize the visual impacts of any earthworks associated with access and building platforms.
- G23.** ●● When changing the topography and landform of a site, mitigate the effects of stormwater runoff.

Designing with water

Designing to restore the mauri of our environment ensures our neighbourhoods are resilient for future generations and our city is a healthy place for nature as well as people.

Stormwater

- G24.** ●●● New development should improve the quality and reduce the quantity of stormwater runoff. This could be through:
 - » Minimizing impervious surfaces
 - » Capturing roof runoff in stormwater detention tanks for management

Water conservation

- G25.** 🚧 Water conservation should be integrated into both landscape and building design.

This could be through:

- » *Reducing demand on mains by recycling captured stormwater as greywater.*
- » *Utilising plant and tree species that do not require regular irrigation.*

Water Ecology

- G26.** 🚧 The quality and quantity of water associated with streams and natural wetlands should be unchanged by development.

- G27.** 🚧 Streams, watercourses and natural wetlands should be maintained, and aquatic habitats and any associated native vegetation should be protected.

- G28.** 🚧 Streams should not be piped and natural wetlands should not be disturbed.

Associated vegetation, including any new planting, may also enhance existing water features and habitats, add to the visual amenity of the neighbourhood, and assist with stormwater treatment and siltation management.

- G29.** 🚧 Opportunities for regeneration of waterways and stream ecology should be pursued on sites where existing waterways exist either above or below ground.

Effective public-private interface

Locating the building

- G30.** **▲** **Consider Locating** buildings to constrain their visual impacts using one or more of the following methods:
- » Keep buildings off prominent hills, spurs and ridges, especially where they are seen against the sky.
 - » Use existing vegetation to screen, shelter, and convey a sense of maturity.
 - » Locate buildings to use valleys and ridges to screen them from each other and the road.
 - » Group buildings together and maintain unobstructed openness on other parts of the site.
- G31.** **▲** When identifying house sites, consider their relationship with those on adjoining lots.

Privacy, screening and fencing

- G32.** **▲** Consider the location of planting where it can provide privacy screening to and from any additional buildings should further development occur in the future.
- G33.** **▲** **Consider Useing** fences and other features at boundaries that are simple and extend characteristic rural patterns.
- G34.** **▲** **Consider Pplanning** for enclosure and shelter to ensure privacy while maintaining long views out and the sense of rural open space.

Acoustic privacy

- G35.** **▲** Where acoustic privacy is likely to be of concern, consider:
- » The use of topographical features, solid walls, ancillary buildings or a combination to provide acoustic screening. Such acoustic - barriers will be most effective close to the source or the receiver of noise.
 - » Locating and orientating outdoor spaces that is directly associated with dwellings' living areas and away from similar areas on adjoining sites.
 - » Creating acoustic enclosures around stationary mechanical equipment. In combination with the above measures, consider using intensive planting to screen the source of noise and create the impression of acoustic privacy.

Well-functioning sites

Shaping the lot

- G36.** ▲ **Consider Retaining** the scale, pattern, and treatment of enclosure (created by trees, vegetation or building structures) or openness occurring within the surrounding rural landscape. Consider varying lot sizes to fit the existing scale and pattern of the enclosure.

Roads for new subdivisions

- G37.** ▲▲ Provide public roads through new subdivisions where important public amenities need to be linked.

Safety along roads

- G38.** ▲▲▲ Provide for safe walking, cycling and horse riding along the verges of any new roads that are created by providing unobstructed berms.

Accessways

- G39.** ▲▲▲ Ensure that new roads and access ways are consistent with the quality of the rural areas.
- » Keep public roads and private accessways at a rural or farm scale.
 - » Discharge road runoff onto the open ground or into swales and, where possible, avoid kerb and channel, hardened surfaces, and pipes.
- G40.** ▲▲ Align roads and access ways to follow contours and respect landforms to avoid unnatural landscape patterns and to minimise earthworks and their visual impacts.
- G41.** ▲ Where possible, use shared access ways to reduce the negative visual effect of multiple driveways.

Waste collection

- G42.** • Facilitate the efficient collection of waste and any potential negative impact of its collection on the rural landscape.

Services

- G43.** • Where possible, place services underground.

High quality buildings

Architectural context

- G44.** ●●● Use visually recessive finishes and colours for buildings in prominent locations.
- G45.** ● Where possible, Maintain the modest scale of rural buildings and ancillary structures.

Internal living spaces

Quality environments for residents ensure liveability, comfort and wellbeing.

- G46.** ●●● Orientate main living spaces and associated outdoor spaces to the sun and provide shelter from prevailing winds.
- G47.** ● Where possible, ensure ground level dwellings and all habitable rooms are designed for accessible and functional use.
 - » Consider having the kitchen, a bathroom and a bedroom on the ground level.
 - » Consider transition between rooms and the ability to turn and manoeuvre mobility devices.

