

BEFORE THE WELLINGTON CITY COUNCIL

**IN THE MATTER OF** of the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Wellington City Proposed District Plan

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**WRITTEN RESPONSE TO PANEL MINUTE 49**

**KIRSTY O'SULLIVAN**

HEARING STREAM 8 – 10 MAY 2024

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## 1. INTRODUCTION

- 1.1 My name is Kirsty O’Sullivan.
- 1.2 I appeared before the Independent Hearings Panel with respect to Hearing Stream 8 of the Proposed Plan on behalf of Wellington International Airport Limited (“WIAL”).
- 1.3 Following the hearing of submissions for Hearing Stream 8, the Independent Hearing Panel issued Minute 49 which states, at paragraph 2:

*Firstly, during the course of submitter presentations we requested / gave leave (as applicable) for provision of the following additional material:*

*(a) ....*

*(b) We gave Ms O’Sullivan (for Wellington International Airport Limited) leave to provide supplementary evidence on CE-R5 and R6, on the assumption that they are amended to apply to coastal margins not within High Natural Character Areas....*

- 1.4 Regarding CE-R5, I understand this rule permits exotic vegetation trimming. As this activity is permitted, I have no particular issue with this rule.
- 1.5 Regarding CE-R6, I understand this rule permits indigenous vegetation trimming or removal where compliance with the relevant standard is achieved. The relevant standard (CE-S1) restricts indigenous vegetation removal to no greater than 50m<sup>2</sup> in total per 12 month period per site together with some exemptions. Where compliance with the permitted activity rule (and standard) cannot be achieved, resource consent is required for a restricted discretionary activity, for which discretion is restricted to:
- 1.5.1 The extent and effects of the non-compliance and any associated assessment criteria for the infringed standard; and
- 1.5.2 The matters set out in CE-P8.

- 1.6 CE-P8 is currently drafted as follows (red colouring shows s42A amendments, blue colouring shows Mr Sirl's amendments as set out in Supplementary Evidence):

*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 high coastal natural character areas, and*
  - b. *outside coastal and riparian margins;*
2. *Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character areas, or within coastal and riparian margins;*  
*and*
3. *Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character areas, or within coastal and riparian margins that:*
  - a. *Is of a scale that maintains the existing natural character identified values; or*
  - b. *Is necessary for the safe and efficient operation, maintenance and repair of public accessways, or infrastructure; 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.~~*

- 1.7 During Hearing Stream 7, Ms Lester provided an overview of WIAL's Southern Seawall Renewal Project. I understand that as part of this renewal project, it is likely that WIAL will need to utilize and access the area of land currently located immediately east of the seawall (i.e. land to the east of the seawall, up to the intersection of Stewart Duff Drive).

- 1.8 Detailed engineering plans and technical assessments for effects of this work on this area of land have yet to be completed for this area. It is likely however (noting the area is identified as a Significant Natural Area in the Proposed Plan), that areas of indigenous vegetation will be present. As a result of the anticipated project works, it is therefore possible that over 50m<sup>2</sup> of indigenous vegetation will need to be removed.

- 1.9 If this particular scenario arises, I have no difficulties with the proposed removal of indigenous vegetation being subject to a restricted

discretionary activity status and consider it is appropriate for the effects of such an activity to be properly managed.

- 1.10 In my view however, the proposed deletion of “infrastructure” from clause 3 of CE-P8 potentially creates some significant consenting challenges for the Southern Sewall Renewal project as it is unlikely to meet the various tests in clause 3(a) to (c). In my view, this matter could be easily resolved by reinserting the infrastructure reference. If this amendment was coupled with an amendment to the introduction that the Coastal Environment chapter does not apply to infrastructure managed in the Infrastructure chapter, this would potentially address the concerns raised by Meridian Energy.
- 1.11 In the alternative, there may be an ability to clarify that the seawall is “infrastructure” for the purposes of the Proposed Plan, for which the framework set out in the Infrastructure chapter would apply and no further reference to the Coastal Environment chapter (and thus CE-P8) would be necessary.

Kirsty O’Sullivan

10 May 2024