

**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 8

**Statement of supplementary planning evidence of Hannah van Haren-Giles
on behalf of Wellington City Council**

Date: 19 April 2024

INTRODUCTION:

1 My name is Hannah van Haren-Giles. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council.

2 I have read the respective evidence of:

Meridian Energy Limited ID 228 and FS101

a. Christine Anne Foster

Kilmarston Developments Limited and Kilmarston Properties Limited ID 290

a. Milcah Veraty Xkenjik

Parkvale Road Limited ID 298

a. Maciej (Mitch) Wiktor Lewandowski – Planning

b. David John Compton-Moen – Landscape

Horokiwi Quarries Limited ID 271 and FS28

a. Ross Alan Baker – Corporate

b. Pauline Mary Whitney – Planning

3 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

4 Specifically, this statement of evidence relates to the matters of [Hearing Stream 8 – Section 42A Report – Natural Features and Landscapes](#).

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 My Section 42A Reports set out my qualifications and experience as an expert in planning.

6 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

7 My statement of evidence addresses the expert evidence of those listed above.

RESPONSES TO EXPERT EVIDENCE

Meridian Energy Limited ID 228 and FS101 – Christine Foster

8 Before responding to the detail of Ms Foster's evidence, it is useful to confirm the relationship between chapters in the PDP.

9 The 'General Approach' chapter of the PDP establishes that: *'The Infrastructure, Renewable Electricity Generation, Subdivision and Temporary Activities chapters generally operate as standalone chapters containing all relevant objectives, policies, rules and standards relating to those activities, unless otherwise specifically identified in those chapters. If you are undertaking any activities relating to infrastructure, renewable electricity generation or wanting to undertake any temporary activities or subdivide your property, please start by looking at those chapters after you have looked at the planning maps to determine what zone your activity or property is in and whether any overlays, precincts, features and/or designations apply. Unless otherwise specified in the introduction or in the chapter, the rules in the Infrastructure, Renewable Electricity Generation, Temporary Activities and Subdivision chapters are the only rules that apply to the listed activities.'*

10 The Introduction to the Infrastructure (INF) chapter makes it clear that rules in the overlay chapters (including the NFL chapter) do not apply to infrastructure. The Natural Features and Landscapes (NFL) chapter goes a step further to say that the NFL rules **and policies** do not apply to INF and the relevant provisions are instead located in the INF-NFL chapter. In the NFL s42A Report I made a consistent recommendation (HS8-NFL-Rec7) as to the application of the REG chapter to clarify that the NFL rules **and policies** are not applicable to REG as the relevant rules and policies are instead located in the REG chapter.

- 11 The Plan is to be read as a whole. The REG and INF chapters recognise and provide for regionally significant infrastructure including their functional and operational needs. The REG and INF chapters are enabling of renewable electricity generation activities and regionally significant infrastructure – consistent with higher order direction including the NPS-REG, RPS, and SCA Strategic Direction chapter. I acknowledge that the REG chapter does cross-reference to NFL policies – however only in relation to small-scale and community-scale renewable electricity generation. This is entirely appropriate as these scales of activities are not regionally significant infrastructure. In respect of Meridian’s interests being the West Wind and Mill Creek Windfarms and Brooklyn Wind Turbine, these are classified as large-scale renewable electricity generation. The upgrading, as well as any new large-scale renewable electricity generation is entirely addressed within the REG and INF-NFL, as well as any other relevant INF chapters i.e. INF-CE.
- 12 Where a large-scale renewable energy activity is proposed that would be a discretionary or non-complying activity, then the objectives of the REG chapter would be relevant, with the REG chapter provisions providing direction on the outcomes sought i.e. REG-P10 seeks to avoid new large scale renewable electricity generation activities locating within any overlay (other than ridgelines and hilltops and low and medium hazard areas).
- 13 In this sense there is a balancing act between the catered outcomes (objectives) for renewable energy and for natural environmental values. It is not necessary to duplicate the outcomes for renewable energy generation or regionally significant infrastructure in the NFL chapter because these matters should be entirely addressed in the REG and INF chapters.
- 14 As set out in the REG s32 Report: *"The chapter has been drafted to be standalone to the extent possible, with limited external references to other PDP chapters and provisions. This is because of the district-wide nature of the provisions and the need to provide clear and integrated provisions for the development of renewable electricity generation activities. The alternative would have been for each of the Overlay chapters and district-wide chapters such as natural character and earthworks, to have their own renewable electricity generation provisions. That approach was considered to be inconsistent with the district plan structure*

requirements of the National Planning Standards, as well as being inefficient and potentially confusing for plan users."

15 This approach is confirmed in the NFL s32 Report which states that: *"The REG chapter contains policies and rules relating to renewable energy generation in ONFLs, SALs, and ridgelines and hilltops. Because these provisions relate primarily to the protection of identified values, the related s 32 evaluation is provided in this report."*

16 I entirely accept that the PDP is not clear, or consistent, in how the application of objectives, policies, and rules is explained throughout various chapters. It would be my recommendation that to the extent the matter relates to renewable electricity generation, the matter be clarified at the REG hearing, and more broadly the 'Other relevant District Plan provisions' sections of chapters be examined/reviewed for consistency at a wrap-up hearing or future variation or plan change dependant on scope to make amendments.

NFL-O3 and NFL-P2

17 I continue to hold the view that the REG and INF-NFL chapters are the most appropriate location to address the functional and operational needs of regionally significant infrastructure.

18 I do not dispute that there are existing wind turbines lawfully established within the identified ridgelines and hilltop overlay. However, I remain of the view that it is unnecessarily specific to mention Meridian's interests in NFL objectives – on the principle that it would be at odds to not mention all existing structures or infrastructure i.e. Horokiwi Quarry, and Mount Crawford Prison, Karori Wildlife Sanctuary etc that are also located within NFL overlays. This level of specificity is not appropriate in an objective.

19 It is not necessary to duplicate the outcomes for renewable energy generation or regionally significant infrastructure in the NFL chapter when these outcomes are expressed in the REG and INF chapters. To do so would not be efficient or effective.

20 As set out above, I maintain that the rules and policies of the NFL chapter are not applicable to regionally significant infrastructure or renewable electricity generation activities as these

are addressed in the standalone INF-NFL and REG chapters. I therefore continue to recommend no amendment to NFL-P2.

NFL-P3

21 The Brooklyn Wind Turbine is located in Te Kopahau Ridge ridgelines and hilltops overlay and the Outer Green Belt SAL. Ms Foster raises concerns about the application of NFL-P2 unnecessarily limiting Meridian's operations to undertake future work on the turbine.

22 I continue to hold the view that the REG and INF-NFL chapters are the most appropriate location to address the functional and operational needs of renewable electricity generation activities.

23 There are specific provisions for the Brooklyn Wind Turbine in the REG Chapter, including REG-P8 which provides for the upgrading of existing large scale renewable electricity generation activities and speaks to the functional and operational needs Ms Foster has raised.

NFL-P4 and NFL-P5

24 I have not changed by view in respect of Ms Foster's evidence on NFL-P4 or NFL-P5.

25 Irrespective of this, the relevant policy for renewable electricity generation activities would be REG-P9 which provides for large scale renewable electricity generation activities in the GRUZ including within the coastal environment where they are located outside of overlays (other than ridgelines and hilltops, and low and medium hazard areas), or REG-P10.

SCHED10 and SCHED11

26 Ms Foster generally supports the recommended amendments to Schedule 10 and Schedule 11, however raises one matter in relation to the wider landscape context.

27 Ms Foster has sought that the site summary for Raukawa Cook Strait ONFL be amended to acknowledge the visible presence of the existing wind turbines in the backdrop to the

coastline. I continue to agree with Mr Anstey's expert evidence that the landscape backdrop or context is not described in the ONFL assessment undertaken by Boffa Miskell (only the features of the mapped ONFL itself).

28 The wind turbines are not located within the Raukawa Cook Strait ONFL and therefore do not form part of the site or its characteristics. I do not consider it necessary or appropriate to identify something in the site summary that is not located within the site, this would be confusing and misleading.

29 As to Meridian's submission point requesting inclusion in the PDP maps of a layer identifying the location of the West Wind and Mill Creek turbines, this matter is most appropriately addressed at the REG Chapter hearing.

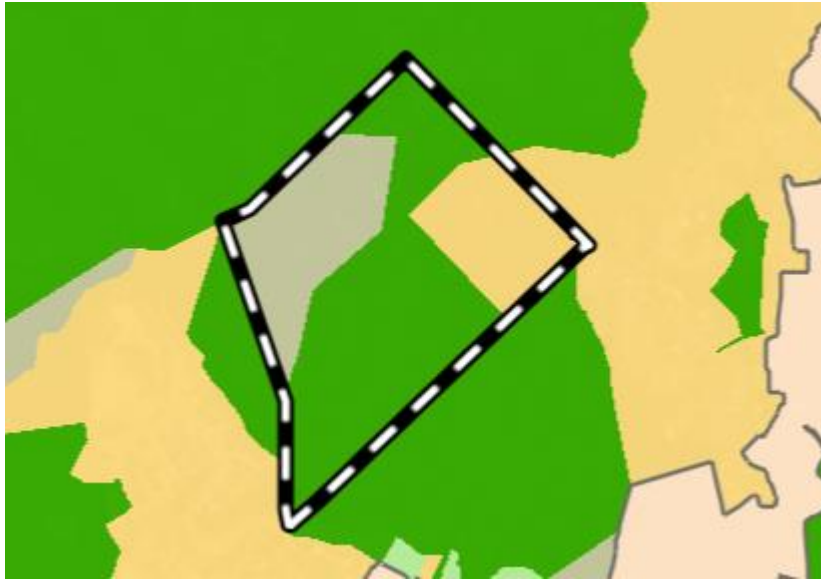
Kilmarston Developments Limited and Kilmarston Properties Limited ID 290 – Milcah Xkenjik

30 Ms Xkenjik seeks the removal of the Special Amenity Landscape (SAL) overlay from the areas of the subject land zoned MRZ, in order that there is an appropriate planning framework for the land to enable residential development. Her evidence relates to the Kilmarston 'site' as follows:

- a. 16 Patna Street (MRZ/NOSZ, with Mount Kaukau SAL overlaying entire site)



b. 76 Silverstream Road (GRUZ, MRZ, NOSZ, with Mount Kaukau SAL overlaying entire site)



31 I agree entirely with the evidence of Ms Xkenjik.

32 The PDP is inconsistent with the NPS-UD where SALs have been applied to residentially zoned land, when SALs are not a qualifying matter.

33 As I understand it, the approach that was applied to identifying qualifying matters for inclusion into the ISPP was quite broad in that if the control/overlay had the effect of restricting the enablement of the MDRS (i.e. through specifying a different activity status) then those provisions were included. For example, where natural hazard rules mean 1-3 units are restricted discretionary.

34 ONFLs were not included as a qualifying matter because there is no scenario where an ONFL is within a residential zone or zone where NPS-UD Policy 3 would apply.

35 It was always the intention that ridgelines and hilltops do not apply to residential zones and were therefore removed from MRZ and HRZ zoned sites in the notified PDP. I note that while this is the intent, I am aware of one site at 129 Makara Road where the ridgelines and hilltops has in error been applied to a small area of MRZ. I address this matter further in relation to 200 Parkvale Road in paragraphs 42-47 below.

- 36 As for SALs, it appears to be a procedural oversight that they were not considered to be a qualifying matter, perhaps because the underlying residential zoning within parts of some SALs was overlooked. Irrespective of the reason, we are now in a situation where SALs have not been identified as a qualifying matter, and therefore the PDP is inconsistent with the NPS-UD.
- 37 For SALs to apply to residential zoned land, they would need to be supported by a site specific assessment per section 77I/77J given they are below the bar of ONFLs and they are not a matter of national importance i.e. s6 status. As I understand it, the qualifying matter evidence base requirements are enduring beyond the ISPP and apply also to those qualifying matters which subsequently get included in plans or are addressed through the P1Sch1 process.
- 38 While all provisions of the plan work in an integrated manner, it is my view that as there is no site specific evidence base, and given the restrictions on the MDRS that the SAL overlay creates for some sites, the requirements of the NPS-UD have not been met. Therefore, the SAL overlay technically should not apply to MRZ or HRZ zoned sites. Irrespective of this procedural issue, there remains the technical evidence in support of these areas being identified SAL.
- 39 I have sought to understand the extent of this issue, and am aware of a number of sites where a SAL applies to a MRZ or HRZ zoned site (see Appendix 1). It is evident there are corrections that will need to be made e.g. reservoirs that have been zoned MRZ.
- 40 The position I find myself in is that while the PDP is inconsistent with the NPS-UD, and potentially unlawful, submitters are generally supportive of retaining SALs. With the exception of removal of the SAL from the Kilmarston site, there is no scope to correct this unfortunate error on other residential zoned sites.
- 41 My recommendation is to request that the Panel provide direction to Council on this matter, with potential options being removing the SAL overlay from all residential zoned land, rezoning sites underlying identified SALs (particularly where this land is publicly owned), and/or look to assess SALs as a qualifying matter via a future plan change.

42 I have read the evidence of Mr Compton-Moen and find his assessment to be comprehensive and compelling. Relying on the evidence of Mr Anstey that Mr Compton-Moen’s proposal to amend the ridgeline to 260masl is appropriate, I am supportive of amending the ridgelines and hilltops overlay.

43 However, I take a further step by recommending that the ridgeline and hilltop be removed entirely from the area of 200 Parkvale Road that was recommended to be rezoned to MRZ in Hearing Stream 7¹ (see Figure 1 below). The rationale being that, similar to the scenario for the SAL discussed above, ridgelines and hilltops have not been assessed as being a qualifying matter, and consistent with all other residentially zoned sites should not have a ridgelines and hilltop overlay applied.

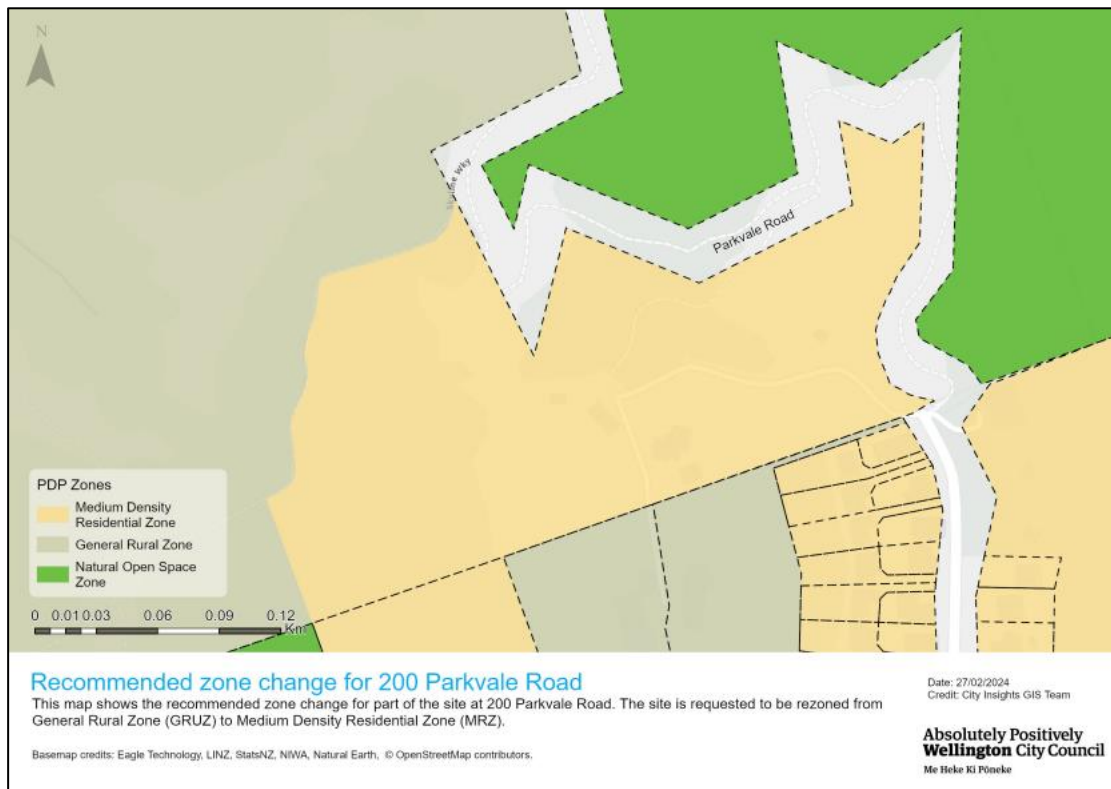


Figure 1: Area of 200 Parkvale Road recommended by Mr Patterson to be rezoned from GRUZ to MRZ.

¹ Paragraph 77, [General Rural Zone s42A Report](#)

44 This is a somewhat unfortunate outcome as there is agreement between the submitter and Council on the need to ensure visual amenity and landscape values are maintained, however there is insufficient justification for the retention of the overlay.

45 I have looked at other areas of the City where this overlap between residential zoned land and the ridgelines and hilltops overlay may also be an issue. As I set out in my s42A Report, the ridgelines and hilltops overlay in the PDP was based on the ODP overlay, but small areas of the overlay were removed where residential development had already occurred, or where land had been zoned to residential to enable development. As detailed above, I am aware of one correction to remove the ridgeline and hilltop overlay from a notified MRZ site. However, with zoning amendments to residential land made through the ISPP process, and now Schedule 1 process (including the recommendation to rezone part of 200 Parkvale Road), there may be further instances where the ridgelines and hilltops overlay will need to be removed. I recommend this be addressed through a future plan change or variation.

46 As to Mr Lewandowski's requested amendment to NFL-P2, I can see the rationale to resolve the loop between NFL-R2 and matters of discretion in NFL-P2. This amendment is set out in Appendix A.

47 The Section 32 Report is clear that *"Activities within ridgeline and hilltop areas are permitted where in accordance with underlying zone standards, indicating a greater capacity to absorb change due to a lower sensitivity on the landscape scale. Where activities do not meet the zone standards then the activity is considered in terms of the impact on the ridgeline and hilltop and whether there is a functional need to locate there and, if so, what measures are undertaken to mitigate the impact."* This confirms that the intent of the policy is that where an activity is not compliant with the underlying zone or district wide provisions, then the functional or operational need for the activity to locate in the overlay is to be considered.

Horokiwi Quarries Limited ID 271 and FS28 – Ross Baker and Pauline Whitney

48 I acknowledge the evidence of Mr Baker which provides a useful overview of Horokiwi Quarries operations. I consider that SCA-O7 addresses the concerns of Mr Baker in terms of recognising the role and contribution of quarrying activities.

- 49 Ms Whitney on behalf of Horokiwi Quarries supports the identification of values within Schedule 11, however has sought clarification on references to ‘characteristics and values’ within policies. Ms Whitney has considered *“that these characteristics may in fact be contained within the values description, this is not clear”*. To clarify this matter, I recommend adding the word ‘characteristics’ to Schedule 11, as well as Schedule 10 for consistency. This would achieve regional consistency with Porirua City Council in terms of how they reference both ‘characteristics and values’ in their NFL policies and schedules.
- 50 The submission of Horokiwi Quarries was supportive of the Korokoro Stream Valley SAL and sought no amendment. Ms Whitney has sought an addition to the Schedule 11 Site Summary to notate that this SAL *“is adjacent to a long established aggregate quarry”*. The quarry is not located within the Korokoro Steam Valley SAL and therefore does not form part of the site or its characteristics. Consistent with my views in response to Ms Foster, I do not consider it necessary or appropriate to identify something in the site summary that is not located within the site.
- 51 If the Panel were to proceed with their tentative conclusion² to introduce a Horokiwi Quarry Precinct in some shape or form, then it may be relevant to update the SAL site summary to mention Horokiwi Quarry. Notwithstanding that there are no existing quarrying activities occurring within the Korokoro Stream Valley SAL, and that quarrying and SAL are not typically synonymous, quarrying would in my mind not be a value or characteristic associated with an SAL.
- 52 At paragraph 6.19 of her evidence Ms Whitney notes her support for the recommended amendments to NFL-P7 and NFL-R5 to include ‘ridgelines and hilltops’ in the quarrying activity provisions. However, she questions the higher order direction of the ridgelines and hilltops overlay, while acknowledging that the overlay addresses Section 7 RMA amenity matters.

² Paragraph 6, [Minute 47 Stream 6 Follow Up \(3\)](#)

- 53 I am satisfied that there is higher order support for the overlay through the RPS and RMA as detailed below.
- 54 The NFL Chapter, including the ridgelines and hilltops overlay, has been prepared in response to the requirements of Part 2 RMA, including the need to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development (section 6b), the maintenance and enhancement of amenity values (section 7c) and the maintenance and enhancement of the quality of the environment (section 7f). Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
- 55 In her evidence Ms Whitney identifies that ‘Section 3.7 Landscape’ of the RPS refers to ‘all other landscapes’ groups, and that these *“are managed through the general amenity provisions in local authority plans”*. While the RPS may not include any objectives or policies directing Council to identify or manage ridgelines and hilltops, this statement, and more broadly the introductory text to the RPS Landscape chapter (excerpts below), clearly establishes the value of ‘third-tier landscapes’.

“In the Wellington region there is an increasing awareness about the value of the region’s landscapes and the way they are managed. The Resource Management Act requires the identification and protection of outstanding natural features and landscapes. The management of landscape more generally is inherent in the concept of sustainable management and maintaining and enhancing amenity and the quality of the environment. Within the region there are landscapes which are not outstanding natural landscapes but are distinctive, widely recognized and highly valued by the community for their contribution to amenity and the quality of the environment. These landscapes tend to be modified urban and rural environments, such as areas of the coast and prominent hilltops and ridgelines. The general amenity provisions of district and regional plans may not be suitably focused to manage the values of these landscapes, and nor would it be appropriate to strain the interpretation of outstanding natural landscapes in order to allow more careful management of these landscapes.”

“The third group covers all other landscapes. These landscapes contribute to the amenity and character of the region and are managed through the general amenity provisions in local authority plans. Impacts on these landscapes are not considered to be a regionally significant issue.”

“The potential pressure on the landscape values of outstanding natural landscapes, special amenity landscapes or other landscapes do not differ in nature. However, the capacity of each landscape grouping to absorb different activities without affecting the landscape values does differ, so each requires different thresholds for management of those activities.”

56 As is set out in the Section 32 Report³, ridgelines and hilltops are considered a ‘third tier’ amenity landscape where human presence is more readily accommodated. The s32 Report goes on to establish that: *“The policy framework distinguishes the three tiers of landscapes based on the sensitivity to change and therefore capacity to absorb modification. Accordingly, policies generally discourage adverse effects on the characteristics and values of ONFLs, while providing for activities within SALs subject to managing the adverse effects. The policies enable development within ridgeline and hilltop areas in recognition where there is a functional need to locate within these areas.”*⁴

57 I am satisfied that the maintenance and enhance of amenity values is a function of territorial authorities. It is therefore entirely appropriate for the PDP to manage adverse effects on amenity as they relate to ridgelines and hilltops in order to give effect to the purpose of the RMA in achieving sustainable management.

58 Ms Whitney is correct that that the PDP does not identify specific values for ridgelines and hilltops, as there is no requirement to do so as there is for ONFL and SAL. However, this does not diminish their importance in terms of landscape values which contribute to Wellington’s amenity and character.

³ [Natural Features and Landscapes s32 Report](#), Page 42.

⁴ [Natural Features and Landscapes s32 Report](#), Page 42.

59 The concept of considering adverse effects on amenity values is not new. It is a common matter of discretion and/or assessment criteria in district plans including, by way of example, EW-S12: *“The extent and effect of non-compliance on identified, ecological values or amenity values or landscape values or cultural values.”* It is also used broadly in the PDP in reference to the values of open space i.e. NOSZ-P1: *“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.”*

60 Strategic Direction NE-O2 directs that the City retain and expand an extensive open space network that: ... *‘2. Supports the protection of ecological, cultural, and landscape values’*. The PDP also defines ‘amenity values’. I am comfortable that NFL-P2 enables broad consideration of impacts on ridgelines and hilltops in infrequent scenarios where compliance is not achieved with underlying zone and district wide provisions. The rule framework for use and development in this overlay is quite permissive in recognition that the underlying zoning (predominantly NOSZ, GRUZ, and LLRZ) does the ‘heavy lifting’ in terms of maintaining amenity values, as established by NOSZ-O1 and GRUZ-O2, and LLRZ-O2. In this sense, the protection of ridgelines and hilltops works in conjunction with the underlying zoning. For Horokiwi Quarry, the recommended amendment to NFL-R5 enables the operation of existing quarrying activities within the ridgeline and hilltop overlay as a permitted activity.

61 Ms Whitney has also sought to amend NFL-O3 to reference ‘open spaces’ instead of the continuity of ‘open space’. I am not supportive of this amendment because as I understand it, the visual continuum of open space is an important concept of the ridgelines and hilltops overlay, as was established in the Wellington City Council Ridgelines Hilltops Overlay Initial Review:

“Mapping of the Overlay “drape” was based on district wide and local scale visibility, slope, and landform “continuum”. This means that visual continuity of ridgelines and hilltops landform was considered important, even if all parts of the Overlay did not hold equal visual values. The approach was described as being based on visual amenity (as opposed to

“visibility” alone), and provided for whole landforms. It sought to avoid a patchwork of ridgeline and hilltop areas with controls relating only to “patchwork” areas.”⁵

In both rural and urban areas, the landform “continuum” of the Overlay is central to its success in providing a visible landscape framework.”⁶

OTHER MATTERS – OUTER GREEN BELT

62 In the s42A Report⁷ I responded to submission points received in relation to the Outer Green Belt Special Amenity Landscape (OGB SAL). The outcome of my assessment being that while there is support from submitters for the OGB SAL, there is no technical assessment and evaluation of its values and characteristics to inform Schedule 11 in a manner consistent with the RPS criteria. My preliminary recommendation was to retain the mapped extent of the OGB SAL, include it in the list of SALs in the NFL chapter Introduction and Schedule 11, and seek evidence to support the identification of the OGB as a SAL.

63 As I alluded to in the s42A Report, I have considered the Outer Green Belt Management Plan and discussed the OGB SAL with colleagues in the Parks, Sport & Recreation Team. A number of issues were raised:

- a. The Outer Green Belt, as defined in the Management Plan, applies only to Council-owned land that Council manages under the Reserves Act as Outer Green Belt. The extent of this area will change over time with land acquisition or disposal. There is potential for confusion about what ‘Outer Green Belt’ actually means and its extent because of the disparity between the two documents using the same term.
- b. The OGB SAL is a very large tract of land which, while having many consistent characteristics, is also varied in its topography and landscape character. The OGB does not necessarily combine to make a ‘distinctive’ landscape as the RPS requires (Policy

⁵ Paragraph 4.4, Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April 2020

⁶ Paragraphs 6.8-6.9, Wellington City Council Ridgelines Hilltops Overlay Initial Review, 8 April 2020

⁷ Paragraphs 114-128, [Natural Features and Landscapes s42A Report](#)

27) although it does include some distinctive landscapes that meet the criteria for a SAL (as was identified through the Boffa Miskell assessment⁸ – Mount Kaukau SAL and Wright's Hill/Makara Peak SAL). Compare that with how the Boffa Miskell evaluation assessed all of the Wellington Town Belt as meeting the SAL threshold but did not lump it all together into one SAL. Instead, three distinctive landscapes (Town Belt SAL, Te Ahumairangi Hill SAL, and Wellington Botanic Garden SAL) within it were identified, each with different distinguishing characteristics and values.

- i. Relatedly, I wish to make some amendments to Schedule 11 to clarify and distinguish between the broader 'Wellington Town Belt' as it relates to the Town Belt SAL, Te Ahumairangi Hill SAL, and Wellington Botanic Garden SAL. These recommended amendments as points of clarification are set out in Appendix A.

64 It is also an issue that the OGB SAL overlaps with ONLs and ONFs, being the Karori Wildlife Sanctuary ONL, Otari-Wilton's Bush ONL, part of Raukawa Cook Strait Coast ONL, and Te Rimurapa Sinclair head / Pariwhero Red Rocks ONF. It could be argued that the overlap amounts to double counting of values. My understanding of the Boffa Miskell methodology is that there should not be overlap between ONFL and SAL, as SALs are those landscapes that have failed to meet the ONL/ONF threshold but have sufficient natural and/or other value to warrant special management.

65 As notified, the PDP is inconsistent with the RPS, specifically Policy 27 RPS which directs that SAL identification shall take into account the matters in Policy 25 RPS. Irrespective of this inconsistency, the fact remains that Council notified the Outer Green Belt as an identified SAL.

66 In my s42A Report I compared this scenario to a chicken and egg situation. Ultimately, there is no evidence to support that the notified extent of the OGB SAL meets the criteria of the RPS to be a SAL. While evidence to inform the identification of characteristics and values of

⁸ [2019 Boffa Miskell Wellington City Landscape Evaluation Report](#)

the OGB SAL could be backfilled and added to Schedule 11, this is not good practice – especially because it would not be informed by rigorous assessment based on well-defined criteria and a rigorous methodology.

67 In my view there is a fundamental issue with retaining the OGB SAL. The lack of identified values and characteristics may create an issue with plan usability, notwithstanding potential issues of unlawfulness.

68 However, I find myself in a position where I have no scope to recommend removal of the OGB SAL. I therefore recommend the Panel direct Council to undertake further investigation and evaluation of the OGB in a manner consistent with the RPS, with the intention of:

- a. Undertaking an assessment of the OGB SAL to identify any values and characteristics consistent with the RPS and Boffa Miskell methodology, (beyond the already identified Mount Kaukau SAL and Wright's Hill/Makara Peak SAL);
- b. Determining whether these values and characteristics meet the criteria of a SAL either in full or parts of the OGB SAL; and
- c. Determining the mapped extent of the OGB SAL and whether the notified extent is accurate of a SAL, or whether only parts of the notified OGB SAL are accurate of a SAL.

MINOR AND INCONSEQUENTIAL AMENDMENTS

69 I recommend replacement of the term “cannot be achieved” with “is not achieved” in the rules of the NFL chapter, in line with changes made to rules in previous hearings, including Hearing Stream 7.⁹

⁹ Paragraph 3, [Minute 46: Hearing Stream 7 Follow-up](#)

19 April 2024

Hannah van Haren-Giles

Senior Planning Advisor

Wellington City Council

Appendix 1: Identification of sites where there is an overlap of notified SAL with MRZ (bright orange) or HRZ (dark red) zoned land

