

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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**SUMMARY STATEMENT OF EVIDENCE BY KIRSTY O’SULLIVAN ON BEHALF OF  
WELLINGTON INTERNATIONAL AIRPORT LIMITED  
(SUBMITTER 406, FURTHER SUBMITTER 36)**

HEARING STREAM 8

2 MAY 2024

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## **INTRODUCTION**

- 1 My name is Kirsty O’Sullivan. I am a Partner at the resource management and environmental consultancy Mitchell Daysh Limited.
- 2 Within my brief of evidence for Hearing Stream 5,<sup>1</sup> I set out my qualifications and experiences as an expert planning witness. I do not repeat that here.
- 3 While this is not an Environment Court hearing, I nonetheless confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.

## **COASTAL ENVIRONMENT**

- 4 The Coastal Environment chapter sets out a reasonably broad purpose, being that:

*The purpose of this chapter is to manage the effects of activities and development on the landward extent of the coastal environment.*

- 5 The subsequent provisions contained in the Coastal Environment chapter then focus primarily on the natural character of the coastal environment.<sup>2</sup>
- 6 As noted in my evidence in chief, I have no particular issue with the provisions of the Coastal Environment chapter focussing on natural character as it would appear that for the most part, other key matters of relevance are already addressed in other chapters of the Proposed Plan. However in my view, the Coastal Environment chapter would benefit from further and more overt references to the NZCPS and to the relevant chapters of the Proposed Plan that give effect to it. Mr Sirl, through his supplementary statement, appears to agree with this general sentiment and has proffered some revised drafting.

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<sup>1</sup> Statement of evidence of Kirsty O’Sullivan on behalf of Wellington International Airport Limited, 18 July 2023, paragraphs 2.1 – 2.4 and Appendix A.

<sup>2</sup> Acknowledging that coastal natural hazards are also addressed in this chapter, however they are generally set out separately to the “coastal environment” provisions and have been subject to a separate hearing stream, therefore are not discussed further in this statement of evidence.

7 I note that since the Council Opening, Mr Sirl and I have had a brief discussion regarding potential amendments to the introduction and to reconcile any differences. I will return to that discussion later in my summary.

### **Proposed changes to headings**

8 In my evidence in chief, I recommended some minor drafting amendments to the headings of Coastal Environment Objectives 1 and 3 and Policies 2 and 3. Mr Sirl has recommended accepting my proposed amendments to the policy headings, but not the objective headings. With respect to Objective 1, he notes:<sup>3</sup>

*“... I consider that the identification of the Coastal Environment has a wider application than the identification of natural character”.*

9 I remain confused by this statement, noting that the objective purely relates to natural character. I therefore do not agree with Mr Sirl’s rationale for not accepting this change.

10 I also note that during Council’s opening, there was extensive discussion about the headings used in various methods. I will confess to getting a little lost with all the changes being recommended verbally and am now confused about which methods are intended to apply to which parts of the coastal environment. Perhaps most notable are the heading changes discussed with respect to Rules CE-R5 and CE-R6 and Standards CE-S1 and S2.

11 To paraphrase the headings, I had taken these mean that they only apply to areas within the high coastal natural character areas that are also within the coastal or riparian margins. I did not interpret these to apply to areas within high coastal natural character areas or areas within the coastal and riparian margins. My interpretation correlates with the application of standards CE-S1 and CE-S2 which relate only to areas within the coastal environment which are also high coastal natural character areas.

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<sup>3</sup> Paragraph 39, Statement of Supplementary Planning Evidence of James Sirl, dated 19 April 2024.

- 12 I am concerned that changes to the headings could potentially change the scope of the methods, for which some submitters may not have been provided an opportunity to consider through evidence. If this is the case, I therefore request further opportunity to consider such changes and provide further evidence as necessary/appropriate.

#### **CE-P10**

- 13 Mr Sirl has further considered my evidence with respect to CE-P10. While I maintain that the policy is not necessary, the amendments are such that it no longer would apply to the types of activity being undertaken by WIAL therefore I do not provide further comment.

#### **Policies CE-P6 and CE-P7 Use and development within the coastal margins in the coastal environment and associated Rule CE-R8**

- 14 On further review of my evidence in chief, Mr Sirl has recommend removing CE-P7 as a matter of discretion from Rule CE-R8 and R14. He has not recommended it be removed from CE-R15. He has noted however, that if the Panel is minded to agree that CE-P7 is removed as a matter of discretion, PA-P1 to PA-P3 should be retained and a new matter of discretion specific to the natural character of the area of Natural Open Space Zone located between Lyall Bay and Moa Point be included.
- 15 I maintain that this reference is not necessary in light of the other policy directives that apply to hard engineering structures in this area and the likely provisions that will fall out of the Natural Open Space Zone provisions. Notwithstanding, if the proposed matter of discretion is to remain (as set out in Mr Sirl's supplementary evidence)<sup>4</sup>, I understand that there will be limited practicable restoration options available due to the nature of the wave environment surrounding the seawall (the Southern Seawall in particular).

#### **“the Natural Open Space zone between Lyall Bay and Moa Point”**

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<sup>4</sup> Statement of Supplementary Planning Evidence of James Sirl, dated 19 April 2024.

- 16 Ms Webber, on behalf of Guardians of the Bay, has raised a valid point around what is meant by the phrase “the Natural Open Space Zone between Lyall Bay and Moa Point”.
- 17 Where WIAL has sought the inclusion of this reference, it has simply been to recognise the location of the existing seawalls that occupy a portion of the Natural Open Space Zone, between Lyall Bay and Moa Point Road, and the need for the seawalls to be renewed in the coming years to ensure they continue to protect Wellington International Airport and the various Wellington City Council assets located along and beneath Moa Point Road.
- 18 As discussed by Ms Lester, the seawall renewal project will result in the seawall occupying a larger footprint. This will ensure the wall is appropriately designed to protect against coastal inundation events and the effects of rising sea levels. Accordingly, it is important the Proposed Plan not only recognises and provides for the existing seawall, but also provides a consenting pathway for a slightly larger footprint.
- 19 I generally support Ms Webber’s suggestion that the area being referred to as “the Natural Open Space Zone between Lyall Bay and Moa Point” requires further clarification. I also agree with Ms Webber that the intersection of Stewart Duff Drive and Moa Point Road seems a logical end point. In my view, a similar end point should also be included for the eastern end of Lyall Bay (i.e. the eastern end of Lyall Bay Beach).
- 20 Mr Sirl and I have had a brief discussion regarding this matter and how to integrate such a description into the Proposed Plan without creating overly complicated references in the relevant objectives, policies and rules. One option that we are both going to turn our mind to is whether the area should be referred to as the “Moa Point Road Seawalls”, with a definition providing further detail about where this area specifically relates to.
- 21 Mr Sirl and I intend to continue to look at this over the coming weeks and could report back in his closing, if not earlier.
- 22 Mr Sirl and I are also both aware that this general “Natural Open Space Zone between Lyall Bay to Moa Point” descriptor has also been used in other

chapters of the Proposed Plan. Consideration will therefore need to be given to how such a change in terminology could be integrated into the wider Plan, such as through a Clause 16 or Clause 20A amendment.

- 23 Mr Sirl and I also have broad agreement that once this matter is resolved, the difference in opinions regarding the drafting of the introduction could be readily resolved by including a reference to the new term in the introduction.

**PUBLIC ACCESS**

- 24 Mr Sirl and I appear to be broadly aligned with respect to the recommended changes proposed to the Public Access provisions.
- 25 Drawing on the line of questioning of Mr Daysh during the second day of Council's Opening, I would also support a further (minor) amendment to Policy PA-P1 to ensure it is not read as an absolute requirement, citing that Policy PA-P3 does make some exceptions for public access.

**Kirsty O'Sullivan**

2 May 2024