

Section 32 Evaluation Report

Part 2: Natural Features and Landscapes (including Ridgelines and Hilltops Overlay)

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Table of acronyms

Abbreviation	Full term
CE	Coastal Environment
GTPC	Gas Transmission Pipeline Corridor
GWRC	Greater Wellington Regional Council
INF-NFL	Infrastructure Natural Features and Landscapes
MDRS	Medium Density Residential Standards
NES	National Environmental Standards
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NFL	Natural Features and Landscapes
NG	National Grid
NPS	National Policy Statements
NPS-ET	National Policy Statement for Electricity Transmission 2008
NPS-REG	National Policy Statement for Renewable Energy Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscapes
PDP	Proposed District Plan
PNRP	Proposed Natural Resources Plan
REG	Renewable Energy Generation
RMA	Resource Management Act
RPS	Regional Policy Statement for the Wellington Region 2013
SALs	Special Amenity Landscapes
SNAs	Significant Natural Areas

1.0 Overview and Purpose

1.1 Introduction to the resource management issues

PLEASE NOTE: This section 32 report was finalised prior to the Wellington City Council Planning & Environment Committee on 23 June 2022. In approving the proposed district plan for notification, the committee members agreed an amendment (adopted motion 26) to identify the Outer Green Belt as an Amenity Landscape. The Special Amenity Landscape spatial overlay has been amended as directed. No other changes were made to the draft provisions as addressed within this evaluation report.

This Section 32 Evaluation Report is focussed on Natural Features and Landscapes ('NFL'). The purpose of the chapter is to manage the effects of activities on the identified Outstanding Natural Features ("ONF") and Outstanding Natural Landscapes ("ONL") generally referred to hereafter collectively as Outstanding Natural Features and Landscapes ("ONFL"), Special Amenity Landscapes (SAL), and ridgelines and hilltops.

The ONFLs and SALs are district wide landscape overlays that apply across all zones and are identified within SCHED11 – Outstanding Natural Features and Landscapes and SCHED12 – Special Amenity Landscapes. The importance of protecting outstanding natural features and landscapes from inappropriate subdivision, use and development is recognised in s 6(b) of the Resource Management Act 1991 (RMA) as a matter of national importance.

The Greater Wellington Regional Council's (GWRC) Regional Policy Statement (RPS) requires territorial authorities to identify and protect outstanding natural features and landscapes and to maintain special amenity landscapes. The operative District Plan (ODP) does not achieve the level of protection required by the RPS for the qualifying landscape areas.

The ONFL and SAL overlays have been identified in accordance with the criteria within Policy 25 and Policy 27 (respectively) of the RPS. The ridgeline and hilltops overlay identifies other important landscape areas that contribute to Wellington's landscape character, yet do not qualify under the criteria of Policies 25 or 27 of the RPS.

Regulation 7 (direction 21) of the National Planning Standards requires that the following matters must be located within the *Natural Features and Landscapes chapter*:

- identification of features and landscapes that are outstanding, significant or otherwise valued;
- provisions to protect and manage outstanding natural features and landscapes; and
- provisions to manage other valued features and landscapes.

Most provisions for landscapes are contained within the Natural Features and Landscapes (NFL) chapter, including where those overlays may also be located within the coastal environment. The exception is for those related to the following topics where the provisions are located in these chapters:

- Infrastructure – as a specific sub-chapter (INF-NFL)
- Renewable Electricity Generation (REG)
- Subdivision (SUB)
- Earthworks (EW)

The proposed NFL chapter will provide the necessary protection of ONFLs and maintenance of SALs and ridgelines and hilltops in accordance with the Council's statutory responsibilities.

2.0 Reference to other evaluation reports

This report should also be read in conjunction with the following evaluation reports:

Report	Relationship to this topic
Subdivision (SUB)	The SUB chapter contains policies and rules relating to subdivision in ONFLs, SALs, and ridgeline and hilltops. Because these provisions relate primarily to the protection of identified values, the related s 32 evaluation is provided in this report. Nevertheless, the s 32 report for the SUB chapter is relevant because it contains the evaluation of the underlying approach for subdivision provisions.
Earthworks (EW)	The EW chapter contains policies and rules relating to earthworks 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. Nevertheless, the s 32 report for the EW chapter is relevant because it contains the evaluation of the underlying approach for earthworks provisions.
Infrastructure (INF)	The Infrastructure – Natural Features and Landscapes ('INF-NFL') sub-chapter contains policies and rules relating to infrastructure 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. Nevertheless, the s 32 report for the INF chapter is relevant because it contains the evaluation for operating, maintaining, repairing, or upgrading existing infrastructure and installation of new infrastructure.
Renewable Energy Generation (REG)	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. Nevertheless, the s 32 report for the REG chapter is relevant because it contains the evaluation of the underlying District Plan approach for renewable energy generation.
Coastal Environment (CE)	Some of the identified ONFLs, SALs, and ridgelines and hilltops are located within the landward extent of the coastal environment. Because the related provisions primarily concern the protection of identified values, the provisions are included in the NFL chapter and the related s 32 evaluation is provided in this report. Nevertheless, the s 32 report for the CE chapter is of some relevance because it contains the evaluation of the underlying approach for the coastal environment.

3.0 Strategic Direction

The following objectives in the Strategic Direction chapter of the Proposed District Plan that are relevant to this issue/topic are:

AW-O3	Anga whakamua – Moving into the future
Mana whenua can exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori.	
AW-O4	Anga whakamua – Moving into the future
The development and design of the City reflects mana whenua and the contribution of their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance to the district's identity and sense of belonging.	

NE-O1	Natural Environment
The natural character, landscapes and features, and ecosystems that contribute to the City's identity and have significance for mana whenua as kaitiaki are identified, recognised, protected, and, where possible, enhanced.	
NE-O2	Natural Environment
Future subdivision and development is designed to limit further degradation of the City's water bodies, and recognises mana whenua and their relationship to water (Te Mana o Te Wai).	
NE-O3	Natural Environment
The City retains an extensive open space network that: <ol style="list-style-type: none"> 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. 	
NE-O4	Natural Environment
Mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment.	

An evaluation of these objectives is contained in the companion Section 32 Evaluation Overview Report.

4.0 Regulatory and policy direction

In carrying out a s 32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management:

'means 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, while -

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.'*

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in s 6;
- Have particular regard to the range of other matters referred to in section 7; and
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in s 8.

4.1 Section 6

The s 6 matters relevant to this topic are:

Section	Relevant Matter
6(a)	<p><i>The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</i></p> <p>There are six outstanding natural features and landscapes identified within the Coastal Environment which contribute to the natural character:</p> <ul style="list-style-type: none"> • Raukawa Coast Cook Strait (ONL) • Terawhiti (ONF) • Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks (ONF) • Taputeranga Island (ONF) • Hue tē Taka Peninsula/Rangitatau Palmer Head (ONF) • Oruaiti (ONF).
6(b)	<p><i>The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</i></p> <p>This is directly relevant to the identification and protection of ONFLs.</p>
6(e)	<p><i>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i></p> <p>This is relevant to the chapter due to the relationship of Māori with ancestral lands, water, sites, waahi tapu, and other taonga located within the identified ONFL overlays.</p>
6(g)	<p><i>The protection of protected customary rights.</i></p> <p>There is strong Māori cultural relationship with ancestral lands, water, sites, waahi tapu, and other taonga within the ONFLs in Wellington City.</p>

4.2 Section 7

The s 7 matters that are relevant to this topic are:

Section	Relevant Matter
7(a)	<i>Kaitiakitanga</i>
7(aa)	<i>Ethic of stewardship</i>
7(b)	<i>The efficient use and development of natural and physical resources</i>
7(c)	<i>The maintenance and enhancement of amenity values</i>
7(f)	<i>Maintenance and enhancement of the quality of the environment</i>
7(g)	<i>Any finite characteristics of natural and physical resources</i>

Section	Relevant Matter
7(i)	<i>The effects of climate change</i>

The s 7 matters listed above are considered relevant to the NFL chapter and require the Council to have regard to:

- The concept of kaitiakitanga and environmental stewardship of qualifying landscape areas;
- Maintaining and enhancing the amenity values and quality of the identified overlays;
- Recognising the finite characteristics of the remaining landscape areas; and
- Take the effects of climate change into consideration.

4.3 Section 8

Section 8 requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Council works in partnership with Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira to actively provide for and protect their interests and develop provisions to recognise and provide opportunities for tangata whenua to exercise kaitiakitanga.

4.4 Other relevant statutory requirements

4.4.1 Sections 77G¹ to 77J - Qualifying matters in applying medium density residential standards (MDRS)

While councils are required to introduce the MDRS standards into district plans to increase housing supply, these standards and the building height or density requirements may be less enabling of development where necessary to accommodate 'qualifying matters'. Such qualifying matters are identified in s 77I and include matters of national importance under s6. Accordingly, areas of ONFLs can be identified as a qualifying matter. SALs and ridgelines and hilltops are not considered qualifying matters.

4.5 National Direction

4.5.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

- NPS for Electricity Transmission 2008
- New Zealand Coastal Policy Statement 2010
- NPS for Renewable Electricity Generation 2011
- NPS for Freshwater Management 2020
- NPS on Urban Development 2020

¹ Introduced via the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, which commenced on 21 December 2021.

The instrument/s and associated provisions relevant to this topic are:

NPS	Relevant Objectives / Policies
<p>NPS for Electricity Transmission 2008 (NPS-ET)</p>	<p><i>Policy 8:</i></p> <p><i>In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.</i></p>
<p>New Zealand Coastal Policy Statement 2010</p>	<p><i>Objective 2:</i></p> <p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values.</i></p> <p><i>Policy 15:</i></p> <p><i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</i></p> <ul style="list-style-type: none"> <i>a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and</i> <i>b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:</i> <i>c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:</i> <ul style="list-style-type: none"> <i>i. natural science factors, including geological, topographical, ecological and dynamic components;</i> <i>ii. the presence of water including in seas, lakes, rivers and streams;</i> <i>iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;</i> <i>iv. aesthetic values including memorability and naturalness;</i> <i>v. vegetation (native and exotic);</i> <i>vi. transient values, including presence of wildlife or other values at certain times of the day or year;</i> <i>vii. whether the values are shared and recognised;</i> <i>viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;</i> <i>ix. historical and heritage associations; and</i> <i>x. wild or scenic values;</i> <i>d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and</i> <i>e. including the objectives, policies and rules required by (d) in plans.</i>

NPS	Relevant Objectives / Policies
NPS for Renewable Electricity Generation 2011	<p><i>Policy C1</i></p> <p><i>Decision-makers shall have particular regard to the following matters:</i></p> <p><i>(a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;</i></p> <p><i>(b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</i></p> <p><i>(c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</i></p> <p><i>(d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</i></p> <p><i>(e) adaptive management measures..</i></p>
	<p><i>Policy C2</i></p> <p><i>When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.</i></p>

Of note is the relevance of the NPS for Renewable Electricity Generation 2011 to recognise the national significance of renewable electricity generated from sources including solar, wind, hydroelectricity, geothermal, biomass, tidal, wave, or ocean currents. Policies C1 and C2 are relevant to natural features and landscapes as they recognise the practical constraints associated with locating renewable electricity activities and the need to consider any residual environmental effects and ability to apply offsetting or compensation.

In terms of the NPS on Urban Development 2020, while natural features and landscapes are not addressed specifically, it has relevance in terms of the qualifying matters under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 for ONFLs as a matter of national importance.

4.5.2 Proposed National Policy Statements

In addition to the five NPSs currently in force, there are also two proposed NPSs under development, noting that these are yet to be issued and have no legal effect:

- Proposed NPS for Highly Productive Land
- Proposed NPS for Indigenous Biodiversity

These are not directly relevant to the NFL Chapter

4.5.3 National Environmental Standards

In addition to NPS, there are nine National Environmental Standards (NES) currently in force:

- NES for Air Quality 2004
- NES for Sources of Human Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- NES for Telecommunication Facilities 2016
- NES for Plantation Forestry 2017
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021

The following standards and associated provisions are relevant to this topic:

NES	Relevant Regulations
<p>NES for Plantation Forestry 2017</p>	<p>Regulation 6(2)(a): <i>A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of</i></p> <p><i>a. outstanding natural features and landscapes from inappropriate use and development.</i></p> <p>Regulation 12: <i>Afforestation must not occur within a significant natural area or an outstanding natural feature or landscape.</i></p> <p>Regulation 13: <i>Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape.</i></p>
<p>NES for Telecommunication Facilities 2016 (NES-TF)</p>	<p>Regulation 47:</p> <ol style="list-style-type: none"> <i>This regulation applies to a regulated activity if it is carried out at a place identified in the relevant District Plan or proposed District Plan as being subject to visual amenity landscapes rules.</i> <i>This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscapes rules that apply to that place.</i> <i>In this regulation, visual amenity landscapes rules means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).</i> <p>Regulation 50:</p> <ol style="list-style-type: none"> <i>This regulation applies to a regulated activity if it is carried out at a place identified in the relevant District Plan or proposed District Plan as being subject to outstanding natural features or landscapes rules.</i> <i>This regulation is complied with if the regulated activity is carried out in accordance with the outstanding natural features or landscapes rules that apply to that place.</i>

	<p>3. <i>In this regulation, outstanding natural features or landscapes rules means district rules about the protection of outstanding natural features or landscapes (however described).</i></p>
<p>NES for Electricity Transmission Activities 2009 (NES-ETA)</p>	<p>Regulation 30: <i>Trimming, felling, or removing any tree or vegetation in relation to an existing transmission line:</i></p> <p><i>Permitted activities:</i></p> <p>(1) <i>Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclauses (2) to (6) are complied with.</i></p> <p><i>Conditions:</i></p> <p>(2) <i>Any tree or vegetation must not be trimmed, felled, or removed if—</i></p> <p style="padding-left: 40px;">(a) <i>a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or</i></p> <p style="padding-left: 40px;">(b) <i>it is in a natural area².</i></p> <hr/> <p>Regulation 33: <i>Earthworks relating to an existing transmission line are a permitted activity subject to:</i></p> <p>(2) <i>Earthworks in a natural area must not, in a calendar year, exceed—</i></p> <p style="padding-left: 40px;">(a) <i>50 m³ per transmission line support structure; or</i></p> <p style="padding-left: 40px;">(b) <i>100 m³ per access track.</i></p> <p>(3) <i>Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.</i></p> <p>(4) <i>All areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.</i></p> <p>(5) <i>The earthworks must not create or contribute to—</i></p> <p style="padding-left: 40px;">(a) <i>instability or subsidence of a slope or another land surface; or</i></p> <p style="padding-left: 40px;">(b) <i>erosion of the bed or bank of a water body or the coastal marine area; or</i></p> <p style="padding-left: 40px;">(c) <i>drainage problems or flooding of overland flow paths.</i></p> <p>(6) <i>Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.</i></p>

² Natural area is defined in the NES-ETA as including an area protected by an outstanding natural feature or landscape.

	<p><i>(7) Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.</i></p> <p><i>(8) Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.</i></p> <p><i>(9) Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.</i></p>
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4.5.4 National Planning Standards

The National Planning Standards require that where the following matters are addressed, they must be included in the NFL chapter in Part 2 – district wide matters of the District Plan:

- identification of features and landscapes that are outstanding, significant or otherwise valued;
- provisions to protect and manage outstanding natural features and landscapes including from inappropriate subdivision, use and development; and
- provisions to manage other valued features and landscapes.

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
Natural Features and Landscapes NFL	Part 2 – district wide matters Natural Environmental Values	<p>Identification of features and landscapes that are outstanding, significant, or otherwise valued</p> <p>Provisions to protect and manage ONFLs, including from inappropriate subdivision, use, and development.</p> <p>Provisions to manage other valued features and landscapes.</p>	<p>Energy and Infrastructure provisions relating NFL are located in the INF-NFL and REG chapters.</p> <p>Earthworks provisions relating to NFL are located in the EW chapter.</p> <p>Subdivision provisions relating to NFL located in the SUB chapter.</p>

4.6 National Guidance Documents

The following national guidance documents are considered relevant to this topic:

Document	Relevant provisions
Best Practice Guidance – Landscape Assessment and Sustainable Management (NZILA, 2010)	Best Practice Guidance Note 10.1 for Landscape Assessment and Sustainable Management sets out principles for an integrated approach for landscape assessment.

Document	Relevant provisions
NPS on Electricity Transmission: Implementation guidance for local authorities. (Ministry for the Environment, 2009)	Provides guidance to local authorities on how the NPS-ET can be incorporated into regional and district planning instruments.

4.7 Regional Policy and Plans

4.7.1.1 Regional Policy Statement for the Wellington Region 2013 (RPS)

The table below identifies the relevant provisions and resource management topics for NFL contained in the RPS.

RPS	
Section	Relevant matters
Section 3.7	
Objective 17	<i>The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.</i>
Objective 18	<i>The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</i>
Policy 25 M	<i>Identifying outstanding natural features and landscapes – district and regional plans.</i>
Policy 26 M	<i>Protecting outstanding natural features and landscape values – district and regional plans</i>
Policy 27 R	<i>Identifying special amenity landscapes – district and regional plans.</i>
Policy 28 R	<i>Managing special amenity landscape values – district and regional plans.</i>
Policy 50 R	<i>Managing effects on outstanding natural features and landscapes - consideration</i>

M = policies which must be implemented in accordance with stated methods in the RPS

R = policies to which particular regard must be had when varying a district plan

4.7.2 Regional Plans

There are currently five operative regional plans and one proposed regional plan for the Wellington region:

- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000
- Regional Soil Plan for the Wellington Region, 2000

- Regional Plan for discharges to the Land, 1999
- Proposed Natural Resources Plan, appeals version 2022

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now largely operative with the exception of those that are subject to appeal.

There are no provisions within the operative regional plans that are considered directly relevant to the Natural Features and Landscape chapter.

4.7.3 Proposed Natural Resources Plan (appeals version 2022)

The following provisions³ of the PNRP are of relevance to this topic:

PNRP	
Objective O1	<i>Ki uta ki tai: mountains to the sea</i>
Objective O2	<i>Ki uta ki tai: mountains to the sea</i>
Objective O12	<i>Beneficial use and development</i>
Objective O32	<i>Outstanding natural features and landscapes and their values are protected from inappropriate use and development.</i>
Policy 12	<i>Benefits of regionally significant infrastructure and renewable electricity generation facilities.</i>
Policy 13	<i>Providing for regionally significant infrastructure and renewable electricity generation activities.</i>
Policy 13A	<ol style="list-style-type: none"> 1) <i>Recognise and provide for the benefits of the National Grid.</i> 2) <i>Enable the operation, maintenance or upgrade of existing National Grid assets.</i> 3) <i>Where the National Grid has a functional need or operational requirement to locate in the coastal environment, lakes, rivers or wetlands, manage the adverse effects of its activities on natural character, natural features and natural landscapes, and indigenous biodiversity by:</i> <ol style="list-style-type: none"> (a) <i>Seeking to avoid adverse effects of new development or major upgrades on values of:</i> <ol style="list-style-type: none"> (i) <i>outstanding natural character,</i> (ii) <i>natural attributes and characteristics of outstanding natural features and landscapes,</i> (iii) <i>indigenous biodiversity values of the aquatic ecosystems, habitats, species and areas listed in Policy P39A(a).</i> (b) <i>Seeking to avoid significant adverse effects of new developments or upgrades or major upgrades on: ...</i> <ol style="list-style-type: none"> (iii) <i>indigenous biodiversity values that meet the criteria in Policy P11(b) of the NZCPS....</i> (c) <i>Having regard to the extent to which adverse effects have been avoided, remedied or mitigated:</i>

³ All appeals relating to the identified provisions have now been resolved so that they can be treated as beyond challenge.

PNRP	
	<p>(i) through the route, site and method selection process, and</p> <p>(ii) given the constraints imposed by the activity's operational requirements.</p> <p>(d) Recognising there may be some areas in the coastal environment where:</p> <p>(i) avoidance of adverse effects is required to protect the values, natural attributes and characteristics identified within 3(a) (i), (ii) and (iii) above.</p> <p>(ii) avoidance of significant adverse effects is required to protect the values, natural attributes and characteristics identified within 3(b) (i), (ii) and (iii) above.</p> <p>4) Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided.</p> <p><i>In the event of any conflict with any other objectives and policies in the Plan relating to indigenous biodiversity within Policy P39A, natural character, and natural features and natural landscapes, Policy P13A takes precedence.</i></p>
Policy 24	<p><i>Identification of outstanding/high natural character and outstanding natural features and landscapes.</i></p> <p>(a) <i>Identify in the Plan areas of outstanding and high natural character in the coastal environment (including the coastal marine area) and in wetlands, rivers, lakes and their margins.</i></p> <p>(b) <i>Identify in the Plan outstanding natural features and landscapes within the coastal environment (including the coastal marine area) and in wetlands, rivers, lakes and their margins.</i></p> <p>(c) <i>Until areas of high and outstanding natural character and outstanding natural features and landscapes in the coastal environment are mapped in this Plan, as assessment may be required as to whether an activity is within:</i></p> <p>(i) <i>An area of high or outstanding natural character</i></p> <p>(ii) <i>An outstanding natural feature or landscape.</i></p> <p><i>The need for such an assessment will depend on the level or scale of potential effects and the sensitivity of the receiving environment and shall take into account Policies 3 and 25 of the Regional Policy Statement. Any assessment shall be commensurate with the scale and significance of the effects that the use or development may have on the environment.</i></p>
Policy 48	<p><i>Protecting natural features and landscapes from inappropriate use and development.</i></p> <p><i>To protect natural features and landscapes (including seascapes) of the coastal environment, rivers, lakes and their margins and natural wetlands and their values, from inappropriate use and development by:</i></p> <p>(a) <i>avoiding adverse effects of activities on the natural attributes and characteristics of outstanding natural features and landscapes in the coastal environment, and</i></p> <p>(b) <i>avoiding significant adverse effects of activities on the natural attributes and characteristics of natural features and landscapes in the coastal environment and avoid, remedy and mitigate other adverse effects of activities</i></p>

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	<p><i>on other natural features and natural landscapes in the coastal environment, and</i></p> <p><i>(c) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating adverse effects of activities on the natural attributes and characteristics of outstanding natural features and landscapes, provided that the values of the natural features or landscapes that contribute to its outstanding status are retained.</i></p>
<i>Rule R99</i>	<i>Permitted Activity - Earthworks</i>
<i>Rule R99A</i>	<i>Permitted Activity – Construction of a new farm track</i>
<i>Rule R99B</i>	<i>Controlled Activity – Construction of a new farm track</i>
<i>Rule R100</i>	<i>Permitted Activity – Vegetation clearance on erosion prone land</i>
<i>Rule R101</i>	<i>Permitted activity – Vegetation clearance on erosion prone land in accordance with a with a Freshwater Farm Plan</i>
<i>Rule R102</i>	<i>Restricted Discretionary Activity – Earthworks and vegetation clearance for renewable energy generation</i>

4.8 Iwi Management Plan(s)

There are no Iwi Management Plans relevant to this topic.

4.9 Relevant plans or strategies

The following plans / strategies are relevant to this topic:

Plan / Strategy	Relevant Provisions
<i>He Mahere Mokowā mō Pōneke – A Spatial Plan for Wellington City 2021</i>	<p>The Spatial Plan is Council’s blueprint for how Wellington might look in the next 20 to 30 years. It was adopted on 24 June 2021 and replaces the former <i>Northern Growth Management Framework (2003)</i> and the <i>Wellington Urban Growth Plan (2015)</i>.</p> <p>The Spatial Plan is a non-statutory document that provides a vision and goals that can be implemented via the District Plan. It strikes a balance between old and new, by valuing areas of special significance, open space and multi-modal access options, while providing greater capacity for new housing by concentrating growth in a compact city form and protecting the remaining areas of natural environment including landscapes and natural features.</p> <p>There six goals identified for the city:</p> <ul style="list-style-type: none"> • Compact • Resilient • Vibrant and prosperous • Inclusive and connected

Plan / Strategy	Relevant Provisions
	<ul style="list-style-type: none"> • Greener • In partnership with mana whenua <p>Of most relevance to NFL is:</p> <ul style="list-style-type: none"> • Recognises the importance of ONFs and ONLs, such as Otari–Wilton’s Bush and Hue tē Taka Peninsula/Rangitatau Palmer Head, and SALs, such as Makara Peak/Wright’s Hill and Mount Kaukau. The Spatial Plan recognises the elements as significant contributors to defining the physical character of the city and to the amenity and quality of the natural environment experienced by residents and visitors alike. • Implementation of the Spatial Plan vision by introducing rules through the District Plan review process to protect ONFLs that contribute to the amenity and quality of the city’s natural environment. • Protection and enhancement of our natural environment, green spaces, and the enjoyment of thriving pockets of nature in the city with further investment in these spaces recognising the contribution they make to Wellington’s overall forecast growth. • Important natural and physical features that enhance the city’s character and identity are protected and the natural environment contributes to improving our quality of life. • Nature is integrated into the city and green space is accessible to all. <p>Direction 3.3 - Important natural and physical features that enhance the city’s character and identity are protected and the natural environment contributes to improving our quality of life.</p>
<p>Our Capital Spaces WCC (2013)</p>	<p>Our Capital Spaces is a framework which determines how Council manages its open spaces that are important for their recreational, ecological, landscape, cultural and historic values.</p> <p>The framework specifies four outcomes intended to guide decisions on funding and the use of open spaces:</p> <ul style="list-style-type: none"> • Outcome 1: Getting everyone active and healthy; • Outcome 2: Protecting our birds, nature, streams and landscapes; • Outcome 3: Contributing to Wellington’s outstanding quality of life, and; • Outcome 4: Doing it together. <p>The key priorities related to NFL include:</p> <ul style="list-style-type: none"> • Celebrate Wellington’s sense of place through protection, management and interpretation of key landscapes, our bush-clad hills and coastline creating ecological networks; • Actively profile and promote Wellington’s unique natural environment; and • Partner and resource the community to develop more tracks and use of open space areas and encourage greater use and access to open spaces supporting a range of activities and outdoor recreation.

Plan / Strategy	Relevant Provisions
<p>Outer Green Belt Management Plan WCC (2019)</p>	<p>The Wellington City Outer Green Belt Management Plan provides a framework for how reserves and other land in the outer green belt will be managed over the next 10 years. The Plan has been prepared under the Reserves Act 1977.</p> <p>The Plan contains a vision and guiding principles, general objectives and policies, as well as rules for use and development within the outer green belt.</p> <p>The Plan identifies actions to protect and support indigenous biodiversity outcomes and activities within Wellington’s outer green belt. This area is zoned open space and is identified within the SAL overlay. As such, the following points from the objectives and policies are relevant to NFL:</p> <ul style="list-style-type: none"> • A general discouragement of new buildings and structures in the outer green belt; • Enable track building and maintenance, subject to rigorous assessments as to the level of effect on the environment; and • Enable furniture, such as seats and picnic tables, to be provided. <p>The relevant points from the rules include:</p> <ul style="list-style-type: none"> • Several permitted activities which focus on ensuring people can enjoy the outer green belt; and • Prohibited activities include construction of private dwellings, unauthorised track building and firewood collection, amongst others. <p>Managed activities (activities not specifically allowed or prohibited) include traditional cultural harvesting by Māori, demolition or removal of buildings and structures and construction of structures and furniture.</p>
<p>Open Space Access Plan WCC (2016)</p>	<ul style="list-style-type: none"> • The Open Space Access Plan sets out the Councils approach to managing the network of tracks through the open space areas of Wellington. • There are a number of users including pedestrians, cyclists and vehicles. • The vision is to provide for the continued access to the open space areas and managing the development of the network for all users. • The Plan identifies principles which apply to the whole network and recognises that providing public access to certain areas while preventing access in other areas is important to ensure habitats are protected.
<p>Backyard Taonga WCC (2019 - 2021)</p>	<ul style="list-style-type: none"> • Engagement with community as part of the lead up to the district plan review. • The engagement focused on significant natural areas and the draft ONFLs and SALs. These draft areas were identified within the Wellington City Landscape Evaluation – Draft Technical Assessment (2019) and shared with the community. • Meetings and site visits were undertaken by Council staff at the request of landowners.
<p>Regional Growth Framework 2021</p>	<ul style="list-style-type: none"> • This is a 30 year spatial plan for the Wellington and Horowhenua region. • It has been developed by local government, central government and iwi partners to deliver on the Urban Growth Agenda objectives of the

Plan / Strategy	Relevant Provisions
	<p>Government, which adjusts the approach to urban development and infrastructure planning to accommodate an estimated population growth of 200,000 additional people over the next 30 years.</p> <ul style="list-style-type: none"> • Section 1.2 identifies four key challenges for the future of the region. • Of these, “Challenge 2” recognises that as the region grows and becomes more densely settled, it will become increasingly important to improve resilience and protect and enhance the region’s natural environment.

4.10 Other relevant legislation or regulations

The following additional legislative / regulatory requirements are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
Conservation Act 1987	<p>The Conservation Act 1987 created the Department of Conservation (DOC), which promotes the conservation of New Zealand’s natural and historic resources. DOC manages national parks, marine reserves and other conservation areas.</p> <p>Where ONFLs and SALs overlap with any of the public conservation estate then the Conservation Act should be considered.</p>
Environment Guide - Best Practice Planning on ONFLs (2018)	<p>The Environment Guide website provides guidance on best practice for developing objectives, policies, rules and consent conditions for protecting ONFLs. The key points from this guidance are:</p> <ul style="list-style-type: none"> • Clearly describe inappropriate activities; • Methods should provide incentives for voluntary action to protect and enhance ONFLs; and • Exclude activities from ONFLs if they will have any adverse effects on the ONFL.
Best Practice Guidance – Landscape Assessment and Sustainable Management, NZILA (2010)	<p>Best Practice Guidance for Landscape Assessment and Sustainable Management sets out principles for an integrated approach for landscape assessment.</p>
Wellington Regional Landscape Atlas (2009)	<p>This resource is part of the Wellington Region GIS database. It has been designed to help local government identify outstanding natural features and landscapes and significant amenity landscapes.</p>

5.0 Resource Management Issues Analysis

5.1 Background

The Wellington landscape is characterised by a range of features, including mountain ranges, prominent skylines, gullies, steep topography, rolling landscapes and coastal margins with beaches and escarpments. Urban settlement and growth has seen subdivision, use and development impact

on the natural landscape. Low lying areas of flat land have been converted and expanded into the foothills surrounding Wellington as a growing population resulted in earthworks to modify the natural landform on more challenging areas for settlement. This has altered much of the original natural landform character through the course of urban settlement. However, there are still some landscapes and features which remain highly natural and have been identified as either outstanding or having special amenity value.

The higher order documents require the Council to identify and protect ONFLs within its District Plan. Similarly, where SALs are identified then provisions to maintain or enhance these areas are also required. Where ONFLs are identified within the coastal environment then any adverse effects on them must be avoided in accordance with the NZCPS policy direction.

Population growth, urban expansion and demand for land will continue to place pressure on the identified natural features and landscapes. Appropriate protection and maintenance can only be effectively achieved through district wide overlay provisions rather than relying on an ad hoc approach through resource consent applications. The Council’s adopted Spatial Plan identifies a vision for compact consolidated growth and retention of the remaining open space natural areas.

The ODP provisions provide a limited framework of protection. While ONFLs are addressed at an issue level, the provisions are inconsistent and generous. Additionally, not all the identified ONFLs or SALs are identified in the ODP. Without identifying ONFLs and SALs within the District Plan and protecting them with appropriate provisions, these areas will continue to be modified and will eventually be lost.

The ODP does not currently achieve the level of protection required under the RPS or NZCPS and therefore requires changing to meet the Council’s statutory obligations and to align with its own adopted strategy for managing growth and protecting its natural assets.

5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

The Council has reviewed the ODP, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis
Wellington City Landscape Evaluation: Draft Technical Assessment (2019)	Boffa Miskell Ltd for Wellington City Council.	<p>The evaluation identifies and maps landscapes as required by the RPS. Landscapes and features are categorised as either ONLs, ONFs or SALs in accordance with Policies 25 – 28 of the RPS.</p> <p>The evaluation assesses the attributes that make them valued in terms of the RPS and RMA. The evaluation considers landscapes and features that are highly valued for ecological, sensory, and aesthetic characteristics and contribution to community identity.</p> <p>The evaluation process comprised the following keys steps:</p> <ol style="list-style-type: none"> 1 Identification of the ‘candidate sites’;

Title	Author	Brief synopsis
		<p>2 Assessment of the candidate sites against the evaluation factors comprising natural science, sensory and shared and recognised factors with supporting sub-criteria;</p> <p>3 Evaluation of the candidate sites against the evaluation factors using a seven point scale to rank the sites against predetermined thresholds for ONLs, ONFs and SALs.</p> <p>Overall, the assessment identified:</p> <ul style="list-style-type: none"> • three ONLs • five ONFs; and • seven SALs.
Ridgelines Hilltops Overlay: Initial Review (2020)	Isthmus Group Ltd for Wellington City Council.	<p>The report undertakes a review of the ridgeline and hilltops overlay within the ODP. The purpose is to clarify the relationship between the ridgelines and hilltops overlay and the recently identified ONFLs and SALs to determine the future role of the overlay in the proposed district plan.</p> <p>The review found the origin and purpose of the ridgeline and hilltop overlay differs to the methodology used for identifying the ONFL and SAL overlays (consistent with the RPS criteria), while the ridgeline and hilltops methodology is not consistent with the RPS criteria. However, the report recommends the retention of the ridgeline and hilltop overlay as a third-tier landscape that still has a place subject to modified provisions and overlay areas.</p>

In addition to the material listed in the table above, the Council has also gathered the following information and advice that is relevant to this topic:

- Feedback from the community through the Backyard Taonga engagement phase (further outlined in section 5.2.4) which included:
 - Boundary adjustments and updates to draft spatial overlays;
 - Community meetings.
- Reviewing recently updated aerial photo runs (2021) to identify land use changes;
- Refining spatial overlays in GIS following site visits, feedback and updated aerial mapping; and
- Reviewing submission feedback on the draft NFL chapter (summarised as Appendix 1 to this report) and incorporating amendments to key points.

5.2.1 Analysis of ODP provisions relevant to this topic

The ODP does not directly address the protection of ONFLs and SALs. However, there are several objectives, policies and rules which seek to protect landscapes and natural features in general,

particularly within identified ridgelines and hilltops. These areas are spatially identified within the District Plan maps.

The key provisions in the ODP of relevance to this topic are summarised below.

Topic	Summary of relevant provisions
Residential Chapter	<p>Policies:</p> <ul style="list-style-type: none"> • Objectives on maintaining and enhancing natural features that contribute to Wellington’s natural environment. • Policies on ensuring development does not adversely impact on the undeveloped character within ridgelines and hilltops through subdivision, use and development. • Subdivision policy 4.2.6.2 recognises that some residential areas are located within the ridgeline and hilltop area and that the Council accepts some residential development can be accommodated in those areas. However, visual impacts should be minimised or avoided. The policy aims to address this at the subdivision design stage rather than later through land use provisions. • Policy 4.2.8.2 seeks to ensure the undeveloped character of ridgelines and hilltops is maintained. This is through managing potential visual intrusion by buildings, structures and earthworks which can be detrimental to the wider visual amenity. The purpose of the policy is to effectively maintain a “relatively undeveloped character” on the upper slopes and summit of these identified areas. <p>Rules:</p> <ul style="list-style-type: none"> • Rules take into account the effects on identified ridgelines and hilltops. The controlled and restricted discretionary subdivision rules (5.2.2 and 5.2.12) expressly exclude subdivision within ridgeline and hilltop areas which is addressed instead as a discretionary activity under Rule 5.4.7.
Airport and Golf Course Precinct	<p>Policies:</p> <ul style="list-style-type: none"> • Policies 10.2.4.2 and 10.2.4.3 seeks to maintain the visual and geomorphological importance of Rongotai Ridge while also providing for some development and modification of the ridge. <p>Rules:</p> <ul style="list-style-type: none"> • Rule 11.1.6 provides for permitted earthworks to Rongotai Ridge subject to standards. Proposals that do not comply are elevated to restricted discretionary activity at Rules 11.3.3 and 11.3.5.
Rural Area	<p>Policies:</p> <ul style="list-style-type: none"> • Objectives on maintaining and enhancing natural features that contribute to Wellington’s natural environment. • Policies to control the number and location of new buildings and activities to avoid, remedy or mitigate their adverse effects on landscapes. • Policies include 14.2.2.1 and 14.2.2.2 which state buildings, structures and earthworks on identified ridgelines and hilltops will be controlled to manage adverse visual effects and effects on any natural, recreational or heritage values in these areas.

Topic	Summary of relevant provisions
	<ul style="list-style-type: none"> • Policy 14.2.2.3 identifies a need to control construction and siting of buildings, structures and earthworks on identified ridgelines and hilltops in city fringe areas. <p>Rules:</p> <ul style="list-style-type: none"> • Rules to control the construction of, alteration of, and addition to buildings or structures within identified ridgelines and hilltops. • Minor rural structures are permitted within ridgeline and hilltop areas. However, other buildings and structures are managed through the resource consent process as discretionary activities. • Rule 15.4.2 identifies the construction of buildings or additions and alterations to existing buildings where located within a ridgeline and hilltop area as a discretionary activity. Assessment criteria are also identified within this rule at 15.4.2.1 to 15.4.2.7 which consider the degree of visual impact and how obtrusive the proposal is, including whether it minimises skyline effects, visibility or prominence and the extent to which vegetation will be removed. • Rule 15.4.2a also identifies the construction of buildings or additions and alterations to existing buildings where located within a ridgeline and hilltop area as a discretionary activity within specifically identified rural zone areas that are located very close to or even within urban areas. Assessment criteria 15.4.2a.1 to 15.4.2a.5 apply and require consideration of extent to which the buildings are sited to be maintain the natural landform, retain natural backdrops and whether planting can mitigate the visibility of the proposal. • Rule 15.4.6 manages subdivision within the ridgeline and hilltop area as a discretionary activity. Consideration of the future building platform within the proposed lots is required with reference to the assessment criteria in 15.4.2a.
<p>Open Space Area</p>	<p>Policies:</p> <ul style="list-style-type: none"> • The introduction to the Open Space chapter states a desire to protect the remaining areas of natural open space from further encroachment. • Objective 16.5.2 identifies an outcome of maintaining and enhancing natural features (including landscapes). • Policy 16.5.2.1 states in order to achieve the objective, areas will be identified and protected from development and visual obstruction of landforms and landscapes elements within the Wellington landscape. • Policy 16.5.2.2 states the construction of buildings, structures and earthworks on ridgelines and hilltops will be restricted. The policy explanation clarifies that visual values were paramount in determining important ridgelines and hilltops but that other natural, heritage and recreational values were also recognised. <p>Rules:</p> <ul style="list-style-type: none"> • Rule 17.3.1 identifies activities or structures within ridgelines and hilltops in Open Space A (and not otherwise specifically provided for as a permitted activity) as a discretionary activity. The assessment criteria includes consideration of the extent that buildings and structures are sited in a way that is sensitive to the landform and other natural features within the ridgeline in hilltop area. • Rule 17.3.2 identifies the construction of buildings and structures within Open Space B or C as a discretionary activity. The assessment matters include similar criteria to

Topic	Summary of relevant provisions
	<p>determine the extent the proposal is designed and sited to avoid being visually obtrusive within the ridgeline area.</p> <ul style="list-style-type: none"> • Rule 19.4.1 identifies the construction of buildings and structures within Conservation Sites as a discretionary activity. The assessment matters include criteria to determine the extent the proposal is designed and sited to avoid being visually obtrusive, minimise skyline effects and requiring visual mitigation where possible.
Utilities	<p>Policies:</p> <ul style="list-style-type: none"> • Policy 22.2.1.1 seeks to avoid, remedy or mitigate any adverse effects of utility structures within sensitive environments or highly valued environments. • The issues identified in the explanatory text to the policy is related to potential adverse effects on visual character of ridgelines and hilltops. <p>Rules:</p> <ul style="list-style-type: none"> • Rule 23.1.4.3 expressly excludes utility structures being sited within a ridgeline and hilltop area as a permitted activity. The operative District Plan includes an explanatory note that the rules prevail over the NES-TF. Many of the permitted activity rules expressly exclude utilities within ridgeline areas. • Most above ground upgrades or new utility structures are identified as discretionary activities to allow full assessment of the effects.
Renewable Energy	<p>Policies:</p> <ul style="list-style-type: none"> • Policy 25.2.1.1 provides for renewable energy development (wind turbines) while recognising the location for these sites are likely to be within landscape sensitive areas, such as ridgeline and hilltop locations. The policy recognises there is potential for conflict. <p>Rules:</p> <ul style="list-style-type: none"> • Rule 26.3.1.3 identifies wind energy facilities in rural areas as a discretionary activity and includes within the assessment criteria a need to consider the visual effects on surrounding character, including ridgeline and hilltop areas.
Urban Development Areas	<p>Rules:</p> <ul style="list-style-type: none"> • The urban development area is based on the identified Northern Growth Management Framework which requires a structure plan prior to commencing development. • Rules 28.3.2, 28.3.3, 28.3.3A, 28.3.5 and 28.3.6 identify various activities, subdivision and development as a restricted discretionary activity when in accordance with a structure plan and include within the matters of discretion the impact on landforms and natural features and/or within assessment criteria considering potential impact on ridgeline and hilltop areas.
Earthworks	<p>Policy:</p> <ul style="list-style-type: none"> • Policy 29.2.1.9 states earthworks will be controlled within ridgeline and hilltop areas to protect the character and visual amenity of the area. The explanatory text to the policy identifies the matters that should be considered, including whether the earthworks will avoid being visually obtrusive, whether the ridgeline will be

Topic	Summary of relevant provisions
	<p>maintained, the extent of modification to the landform and whether these effects can be mitigated. The general impact on surrounding landscape character is addressed via the Rural Area Design Guide.</p> <p>Rules:</p> <ul style="list-style-type: none"> • Rule 30.1.2 permits earthworks within the ridgeline and hilltops area subject to permitted height and area standards. Earthworks that do not comply are identified as discretionary activities at Rule 30.3.2.

Overall, the approach to natural features and landscapes within the ODP is limited by:

- Only identifying ridgeline and hilltops areas which are not based on the RPS criteria in Policy 25;
- Not identifying outstanding natural features and landscapes or special amenity landscapes as spatially defined overlays;
- Not meeting the requirement of the RPS to include provisions that protect ONFLs and, where identified, maintain SALs;
- Not applying provisions in a district wide manner focused on landscape values; and
- Only some chapters include provisions and not in a consistent manner. In some cases, the provisions are only included as consideration amongst the assessment criteria, rather than as the focus of the rule.

5.2.2 Analysis of other District Plan provisions relevant to this topic

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans. It is noted that some of these plans have been prepared in accordance with the National Planning Standards.

Plan / Local Authority	Description of approach
Proposed District Plan / New Plymouth District Council	<ul style="list-style-type: none"> • The National Planning Standards format is applied. Provisions for protection of landscape features are located within: <ul style="list-style-type: none"> ○ The Natural Features and Landscape (NFL) chapter ○ Coastal Environment (CE) chapter ○ Infrastructure chapter (INF) • Special Amenity Landscapes are not identified or protected. The plan only identifies and protects Outstanding Natural Features and Landscapes. • Minor activities are permitted, including: <ul style="list-style-type: none"> ○ Customary activities ○ Conservation activities ○ Maintenance and repair of structures and tracks ○ Earthworks where the area does not exceed 25m²

Plan / Local Authority	Description of approach
	<ul style="list-style-type: none"> ○ Indigenous vegetation disturbance where it is necessary for maintenance or track building ○ Construction of buildings where the height does not exceed 5m and the area does not exceed 25m² • Subdivision is identified as a discretionary activity. • The policy direction for landscapes within the coastal environment is located within the NFL chapter.
Operative Kapiti Coast District Plan 2021 / Kapiti Coast District Council	<ul style="list-style-type: none"> • Landscape provisions sit within the wider 'Natural Environment' chapter (chapter 3). Protection of landscapes are addressed alongside general natural environment protection and ecology and landscapes. The landscape provisions manage: <ul style="list-style-type: none"> ○ Geological features ○ Outstanding Natural Features and Landscapes ○ Special Amenity Landscapes • Landscape provisions are also within the 'Coastal Environment' chapter (chapter 4). These address: <ul style="list-style-type: none"> ○ Landscape features which cross into the coastal environment. • Policies seek to protect ONFLs and maintain and enhance SALs. • The rules are directly linked to ONFL so that the activity status is determined based on the standard or identified activity status. Conversely, there are no rules directly triggered by SALs. Instead, the potential impact on a SAL is only considered if an activity requires a resource consent due to the underlying zone standards not being met or a district wide matter, and then only as a matter of discretion. • The rules allow for minor activities to occur as permitted, such as minor earthworks and trimming of vegetation within ONFLs. • Subdivision and buildings are restricted discretionary activities and discretionary activities where compliance with standards is not achieved. • Extractive industries and intensive farming activities are non-complying activities.
Operative Christchurch District Plan / Christchurch City Council	<ul style="list-style-type: none"> • The natural features and landscapes provisions are contained within the Natural and Cultural Heritage chapter (chapter 9). • Protects Outstanding Natural Features and Landscapes, Special Amenity Landscapes, Rural Amenity Landscapes and Natural Character. • Provisions for features within the coastal environment are also located within this chapter. • Specifically identifies each landscape feature in the rules and different provisions apply to each. • Construction of a building is identified as a discretionary activity across most landscape features.

Plan / Local Authority	Description of approach
	<ul style="list-style-type: none"> • Construction of a farm building is permitted, up to a floor area of 100m² is permitted across most landscape features. • Addition to buildings, up to an increase of 40m², is permitted across most landscape features. • Activities within SALs are generally more permissive.

These plans were selected because:

- They have been subject to recent plan changes or reviews that have addressed similar issues relating to this topic; and
- The associated Councils are of a similar scale to Wellington City and are confronting similar issues relating to this topic.

A summary of the key findings is as follows:

- All plans use the National Planning Standards format and include a specific NFL chapter;
- Most of the landscape provisions are contained within the NFL chapter, although landscape provisions are also located within other chapters, such as the CE chapter and the INF chapter;
- All plans spatially identify ONFLs and SALs on the planning maps and include supporting provisions to either protect or maintain the landscape areas from various forms of subdivision, use and development.

5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

The District Plan Review has included significant engagement with our mana whenua partners - Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira. This has included over 100 hui and wānanga attended by Council officers over the last 12 months. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP.

The PDP elevates the consideration of mana whenua values in resource management processes, including:

- A new Tangata Whenua chapter which provides context and clarity about who mana whenua are and what environmental outcomes they are seeking.
- A new Sites and Areas of Significance to Māori chapter that provides greater protection for sites and areas of significance than the current District Plan.
- Integrating mana whenua values across the remainder of the plan where relevant.

This is consistent with both the City Goal of ‘Partnership with mana whenua’ in the Spatial Plan; and the recently signed Tākai Here (2022), which is the new partnership agreement between the Council and our mana whenua partners, Rūnanga o Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Te Rūnanganui o Te Āti Awa.

A full copy of the advice received is attached as an addendum to the complete suite of Section 32 reports as Addendum A – Advice received from Taranaki Whānui and Ngāti Toa Rangatira.

The following is a summary of the advice received from both Ngāti Toa Rangatira and Taranaki Whānui specific to the proposed provisions evaluated within this report:

Topic	Advice Received	Response
Customary Harvesting	<ul style="list-style-type: none"> • Ensure customary harvesting provisions are specific to the cultural practices of mana whenua/tangata whenua. • Te-Whanganui-a-Tara, the story of Aotearoa and genesis story as the eye of the fish. We need to identify our puna, capture our narrative, and identify our maunga as sites of significance. • What about sites of significance to Māori? What provisions can be considered in this chapter? 	<ul style="list-style-type: none"> • Sites of significance to Māori are addressed within the draft chapter ‘<i>Sites and Areas of Significance to Māori</i>’ (SASM) which identifies sites and areas of cultural significance and includes provisions to protect them. • Customary harvesting is not precluded by the proposed NFL chapter provisions. • Kaitiakitanga by mana whenua is provided for as a permitted activity within the landscape overlays under Rule NFL-R1.
Natural Features and Landscapes	<ul style="list-style-type: none"> • Seeks an objective that mana whenua’s values and relationships associated with natural features and landscapes are recognised and protected. • Identify ONFLs that have value to mana whenua. • Recognise the qualities of the outstanding natural landscapes identified in the plan and protect them from inappropriate subdivision, use and development by recognising and providing protection for cultural values in areas of significance to mana whenua. 	<ul style="list-style-type: none"> • Objectives recognising Māori sites of importance are specifically provided within the SASM chapter. • The NFL provisions implement the identified ONFLs and SALs as identified through the Landscape evaluation report and are applied in addition to the zone chapters and the SASM chapter. • Tangata whenua values are most appropriately captured within the summary descriptions of the evaluation report and

Topic	Advice Received	Response
	<ul style="list-style-type: none"> • Ensure that activities within outstanding natural features and landscapes of significance to mana whenua, recognise and maintain their associated values and relationships. • Recognise and provide for mana whenua's customary use of natural resources, including land and water, within the ONLs identified in the Plan. • Only allow earthworks within an identified ONFL or SAL when mana whenua's associated values and relationships are recognised and provided for. • Provide for earthworks and vegetation removal associated with papakāinga for mana whenua where kaitiakitanga is exercised to avoid, remedy or mitigate any adverse effects on the identified characteristics and values of any natural feature or landscape in the area. • Consider the incorporation of mātauranga Māori principles into the design, development and / or operation of activities within outstanding natural features and landscapes, as well as opportunities for mana whenua to exercise their customary responsibilities as kaitiaki in respect of the feature or landscape. 	<p>incorporated into the 'Shared and Recognised' values factor.</p> <ul style="list-style-type: none"> • Some sites have been identified within the evaluation report, noting sites of importance to Māori. These include Pipinui Point (within the Raukawa Cook Strait Coast ONL), pā sites along the coast including within Hue Tē Taka Peninsula / Rangitatau Palmer Head ONF and the cultural significance of Māori legends associated with landforms within the Te Rimurapa Sinclair Head / Pariwhero Red Rocks ONF. • Feedback was provided by Port Nicholson Block Settlement Trust which identified sites, acknowledgement areas and features important to Māori. However, provision is available within the Shared and Recognised values section to incorporate further mana whenua feedback. • Kaitiakitanga is recognised and provided for within the draft chapter.

A full copy of the advice received is attached as Appendix 1.

5.2.4 Consultation undertaken to date

The following is a summary of the primary consultation undertaken in respect of this topic:

Who	What	When	Relevant Issues Raised
General Public	Feedback on discussion documents	2019 - 2022	<ul style="list-style-type: none"> • Backyard Tāonga engagement

Who	What	When	Relevant Issues Raised
Councillors	Draft Plan workshops	2021 - 2022	<ul style="list-style-type: none"> Scale of permitted development within outstanding natural features and landscapes.
Stakeholders	Feedback on site specific provisions.	June 2022	<ul style="list-style-type: none"> Provisions for ongoing maintenance and operation of Karori Wildlife Sanctuary (located ONFL). WCC Parks, Sport and Recreation Team – ongoing operational need within open space zone and providing for public structures and amenities within reserves.
Feedback on Draft Plan	Feedback on Draft Plan, through submissions and targeted discussions	November 2021	<ul style="list-style-type: none"> Appendix 1 summary attached.

A summary of specific feedback on this topic received during consultation on the Draft District Plan is contained in Appendix 1, including how it has been responded to in the Proposed District Plan. Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

In summary, the key findings arising from the consultation undertaken on this topic are:

- General support for identification and protection of important landscapes subject to further refinement to activity statuses, scope of permitted standards;
- Some infrastructure providers and Requiring Authorities perceived conflicts with other legislation (e.g. NES-ETA or NES-TF) or uncertainty which provisions should apply (zones, overlays);
- Some infrastructure providers raised concern the ridgeline and hilltops overlays were not sufficiently distinguished from the more sensitive ONFL and SAL landscapes; and
- Concerns that the draft overlays infringed on private property rights.

5.3 Summary of Relevant Resource Management Issues

Based on the research, analysis and consultation outlined above the following issues have been identified:

Issue	Comment	Response
Issue 1: ONFLs and SALs are not adequately protected and face the threat of	<ul style="list-style-type: none"> Section 6 of the RMA requires the protection of ONFLs from inappropriate subdivision and use. 	<ul style="list-style-type: none"> Complete a district wide assessment identifying outstanding natural features and landscapes and special amenity landscapes.

Issue	Comment	Response
further degradation.	<ul style="list-style-type: none"> The RPS requires the identification and protection of ONFLs, as well as the identification of SALs. Increased urban growth and rural activities threaten the remaining areas of outstanding natural features and landscapes in Wellington City. The statutory requirements of s 6(b) RMA, NZCPS and the RPS are not being met. While the current provisions do provide some protection for natural features and landscapes this is primarily within identified ridgelines and hilltops. 	<ul style="list-style-type: none"> Include a framework of objectives, policies and rules to manage activities within ONFLs and SALs.
Issue 2: Restriction on subdivision, use and development may prevent reasonable expectation for use of land within overlay areas.	<ul style="list-style-type: none"> Requiring resource consent for an activity within a landscape overlay will increase the cost of development and will likely place additional pressure on consent processing at Council. The provisions may result in some existing sites no longer being able to realise full development potential. 	<ul style="list-style-type: none"> Provide for some minor activities, which will have less than minor or indiscernible effects on landscape values, as a permitted activity.
Issue 3: Ability for tangata whenua to exercise traditional cultural practices is constrained.	<ul style="list-style-type: none"> Section 6 of the RMA lists “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga” as matter of national importance. Section 8 of the RMA requires “all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)” Tangata whenua have a right to exercise traditional cultural practices. Introducing restrictions could impact upon the ability for this to occur. 	<ul style="list-style-type: none"> Provide provisions which recognise the right for tangata whenua to exercise their traditional customary rights. Liaise with iwi to ensure that the provisions are consistent with their vision and values for the identified areas.
Issue 4: Additional requirements for the protection of ONFLs and SALs within the	<ul style="list-style-type: none"> Policy 15 of the NZCPS requires the protection of natural features and natural landscapes from inappropriate subdivision, use and development within the coastal environment. 	<ul style="list-style-type: none"> Include policies and rules that specifically recognise overlays located within the coastal environment to manage subdivision, use and development.

Issue	Comment	Response
coastal environment.	<ul style="list-style-type: none"> The coastal environment has a higher threshold of protection for ONFLs compared to the areas outside the coastal environment. The NZCPS specifies an avoid approach to effects on ONFLs in the coastal environment. 	<ul style="list-style-type: none"> The activity status within the coastal environment will be higher than an activity outside of the coastal environment. The permitted activity standards, if applicable, will also be comparatively more restrictive within the more sensitive coastal environment.
Issue 5: Ridgelines and hilltops overlap with natural environment features.	<ul style="list-style-type: none"> Ridgelines and hilltops are an existing provision within the ODP and seek to protect the visual continuity of the skyline and do not share the same qualifying criteria as used for the ONFLs and SALs. Ridgelines and hilltops recognise areas of high visual amenity and seek to control the effect of buildings when proposed within these areas. Earthworks and subdivision effects are also managed. 	<ul style="list-style-type: none"> Distinguish the purpose for the ridgelines and hilltops overlay and how this differs to the criteria for the ONFL and SAL areas within the objectives and policies. Ensure the rule framework distinguishes the three different landscape tiers consistent with the degree of sensitivity to change based on the natural values and characteristics. Consider refinement of the ridgeline and hilltop overlays where they extend into urban areas or where no longer considered necessary within the wider context of landscape overlays.
Issue 6: Overlap with parks, reserves, open spaces.	<ul style="list-style-type: none"> There are existing rules which enable the Council's parks team to carry out day to day maintenance and these circumstances will need to be retained. Natural environment overlays will overlap with reserve, open space and parks areas that are managed by many different strategies. Many of the issues in the natural environment areas have already been extensively considered and responded to within these documents. 	<ul style="list-style-type: none"> The proposed District Plan will not replicate the existing rules and methods in the various open space strategies and plans. The provisions in the proposed District Plan will be developed based on an analysis of both higher order legislation as well as a review of the various open space strategies/policies. This will enable the development of provisions which take into account the previous work.

6.0 Evaluation of the Proposal

This section of the report evaluates the objectives of the proposal to determine whether they are the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules and standards relative to these objectives. It also assesses the level of detail required for the purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

6.1 Scale and Significance

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.

Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Basis for change		✓		<ul style="list-style-type: none"> Section 6(c) of the RMA identifies the protection of ONFLs as a matter of national importance. The higher order policy directions include the RPS (2013), which requires territorial authorities to identify and protect ONFLs and where special amenity landscapes are also identified then provisions to maintain these areas through the use of objectives, policies and rules.
Addresses a resource management issue			✓	<ul style="list-style-type: none"> The Wellington City Landscape Evaluation – Draft Technical Assessment (2019) identified the following draft landscape areas within Wellington City on both public and private land; <ul style="list-style-type: none"> Three ONLs Five ONFs Seven SALs. The operative provisions do not spatially identify or protect all the identified landscape areas and therefore is inconsistent with the requirements of the Regional Policy Statement.
Degree of shift from the status quo			✓	<ul style="list-style-type: none"> There is an established regulatory approach to managing adverse effects on landform and landscape character, but this is limited and does not apply to the identified qualifying areas. The only spatially identified layers are the ridgeline and hilltop areas which include regulatory provisions controlling the siting of buildings, earthworks and effects of future development through subdivision.
Who and how many will be affected /			✓	<ul style="list-style-type: none"> The draft landscape assessment identified three ONLs, five ONFs and seven SALs. These comprise around 309 parcels across the Wellington district. Of

Criteria	Scale/Significance			Comment
	Low	Medium	High	
geographical scale of effects				<p>these, 182 parcels are privately owned while 119 are not held in private ownership.</p> <ul style="list-style-type: none"> The ONLs and ONFs include 90 parcels predominantly located within the General Rural Zone and the Natural Open Space Zone. The majority of this total area (some 3600ha) is held in private ownership. There are 219 parcels within a SAL overlay. Approximately 60% of this total area (nearly 1600ha) is identified as privately owned. Consequentially, there are less than 200 private land parcels at a district wide scale. However, the majority are located within the General Rural Zone which includes the larger land areas for rural activities. Collectively, they represent some 5000ha subject to the draft landscape overlays and there are considered a comparatively high level of change at a district wide scale.
Degree of impact on or interest from iwi/ Māori		✓		<ul style="list-style-type: none"> The methodology for identifying qualifying landscape sites includes the Policy 25(f) criteria 'tangata whenua values' (within the shared or recognised factors) which recognise Māori values inherent in the feature or landscape that add to it being recognised as a special place. Mana whenua have expressed an interest in the draft landscape provisions, including how Māori values are recognised. Known areas of interest to mana whenua have been incorporated within the draft landscape evaluation. The overall feedback from mana whenua is to protect and maintain the landscape from inappropriate use and development which remains the focus of the NFL chapter. The provisions apply in conjunction with (rather than prevail over) the Sites and Areas of Significance to Māori chapter which includes identified sites of significance to Māori.
Timing and duration of effects		✓		<ul style="list-style-type: none"> Effects will be ongoing. Once beyond challenge the operative provisions will have an ongoing effect until reviewed as part of the Council's statutory requirements to undertake a plan review.
Type of effects		✓		<ul style="list-style-type: none"> In accordance with s 86B of the RMA, the natural features and landscapes provisions will only have

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<p>legal effect once decisions on submissions are formally notified.</p> <ul style="list-style-type: none"> • The effect on the community includes a range of private landowners, mana whenua, requiring authorities and asset managers of public open space areas. • The provisions spatially identify the landscape overlays and include provisions that address the effects of subdivision, use and development on the landscape values. This covers buildings, earthworks and subdivision and also includes provisions addressing infrastructure. • The degree of control in the provisions is based on the sensitivity of the given feature or landscape. However, the provisions generally capture a wider range of areas compared to the current operative provisions for just ridgelines and hilltops. • The range of permitted standards and activities will be narrower in scope for ONFLs and SALs. This could generate more resource consent applications for activities that might otherwise be currently permitted. However, that is tempered somewhat by ONFLs generally being within Rural or Open Space zoned areas and therefore less likely to experience regular proposals for development or change. • The effect is therefore considered medium given the provisions represent an evolution of the existing landscape provisions but will apply at a district wide scale.
Degree of risk and uncertainty		✓		<ul style="list-style-type: none"> • The introduction of new spatially defined overlay areas and associated provisions are generally contentious because they represent a change through expansion of the regulatory approach. • The risk or uncertainty of introducing such regulatory change is usually considered 'high'. However, the draft provisions have been further amended following feedback from the draft consultation phase in November 2021. The potential degree of the overall risk and uncertainty is considered to be reduced by: <ul style="list-style-type: none"> ○ Undertaking a comprehensive engagement process operated at various contact levels within the community over the last three years; and

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> ○ The investment in a comprehensive landscape evaluation prepared by suitably qualified and experienced landscape architects based on contemporary methodology combining regional policy criteria, established case law and industry best practice.

Overall, the scale and significance of the proposed provisions are considered to be high for the following reasons:

- The existing provisions in the ODP do not meet the statutory requirements of the RMA and the RPS;
- The existing regulatory framework does not identify or protect ONFLs or maintain SALs;
- The Proposed District Plan will introduce district wide provisions encompassing all relevant areas of land including privately owned land which is an expansion on the status quo;
- The proposed provisions will introduce a range of new regulatory controls, narrowing the scope of current permitted activities for some private landowners resulting in an increased need for resource consent.

Consequently, a detailed evaluation of these provisions has been identified as appropriate for the purposes of this report.

6.2 Quantification of Benefits and Costs

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Specific quantification of the benefits and costs beyond the information and evidence outlined in section 5.2 of this report is not readily available or practicable at a detailed level.

As such, a qualitative approach has been undertaken when considering the potential costs and benefits associated with this proposal and, where relevant, in the assessment of policies, rules and other methods contained in section 10 of this report.

7.0 Overview of Proposal

The proposed provisions relevant to this topic are set out in detail in the ePlan and should be referenced to in conjunction with this evaluation report.

7.1 Natural Features and Landscape (NFL) Chapter – Proposed Provisions

In summary, the proposed provisions include:

Natural Features and Landscapes – NFL	
Objectives	Three objectives addressing:

Natural Features and Landscapes – NFL	
	<ul style="list-style-type: none"> • NFL-O1 Outstanding Natural Features and Landscapes Protection of the characteristics and values of ONFLs from inappropriate subdivision, use and development. • NFL-O2 Special Amenity Landscapes Maintaining, and where practicable enhancing, the characteristics and values of SALs. • NFL-O3 Ridgelines and Hilltops Ongoing maintenance of the green backdrop provided by identified ridgelines and hilltops.
Policies	<p>Nine policies addressing:</p> <ul style="list-style-type: none"> • NFL-P1 Identification of Outstanding Natural Features and Landscapes and Special Amenity Landscapes Provides for the identification of ONFLs and SALs. • NFL-P2 Use and Development in Ridgelines and Hilltops Enables development within ridgeline and hilltop areas where effects can be mitigated. • NFL-P3 Use and Development in Special Amenity Landscapes outside the coastal environment Provides for the protection of SALs (outside the coastal environment) where adverse effects can be avoided, remedied or mitigated. • NFL-P4 Use and Development in Special Amenity Landscapes within the coastal environment Provides for the protection of SALs (within the coastal environment) where significant adverse effects are avoided and all other effects are either avoided, remedied or mitigated. • NFL-P5 Use and development within Outstanding Natural Features and Landscapes outside the coastal environment Only allows activities within an ONFL (located outside the coastal environment) where significant adverse effects are avoided and all other effects are either avoided, remedied or mitigated. • NFL-P6 Use and development within Outstanding Natural Features and Landscapes within the coastal environment Requires avoidance of activities within an ONFL (within the coastal environment) unless any adverse effects can be avoided. • NFL-P7 Mining and quarrying activities in Outstanding Natural Features and Landscapes and Special Amenity Landscapes Manages mining and quarrying activities by allowing for existing operations, only allowing for extension within SALs where effects can be appropriately managed and avoiding establishment of new mining or quarrying operations within SALs and avoiding expansion or new activities within ONFLs. • NFL-P8 Plantation Forestry Recognises and provides for existing forestry and ongoing operation while avoiding new establishment within the ONFLs.

Natural Features and Landscapes – NFL	
	<ul style="list-style-type: none"> NFL-P9 Restoration and Enhancement Provides for restoration activities that are consistent with the values of the landscape overlay, maintenance activities and for mana whenua to exercise kaitiakitanga.
Rules	<p>A rule framework that manages activities within the identified landscape areas as follows:</p> <ul style="list-style-type: none"> NFL-R1 Restoration and enhancement activities within Outstanding Natural Features and Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops (including in the coastal environment) Permits activities where the works are for the purpose of restoring the landscape characteristics and values, including through planting, pest control, protective covenant or reserve management plan requirements and kaitiakitanga exercised by mana whenua. NFL-R2 Any activity within the Ridgelines and Hilltops overlay not otherwise listed as permitted, restricted discretionary, or non-complying Enables activities within ridgeline and hilltop areas subject to the underlying zone provisions. Where the standards are not met the activity requires assessment as a restricted discretionary activity which includes consideration of the effects on the ridgeline and hilltop. NFL-R3 Any activity within the Special Amenity Landscape overlay not otherwise listed as permitted, restricted discretionary, or non-complying Identifies activities within SAL areas as restricted discretionary activities which requires consideration of the matters in NFL-P3 and NFL-P4. NFL-R4 Any activity within the Outstanding Natural Features and Landscapes overlay not otherwise listed as permitted, restricted discretionary, or non-complying Identifies activities within ONFLs outside the coastal area as a discretionary activity and non-complying where located within the coastal environment. NFL-R5 Operation of existing quarrying and mining activities within Special Amenity Landscapes Permits the ongoing operation of existing quarry and mining activities within SALs. NFL-R6 Extension of existing quarrying and mining activities within Special Amenity Landscapes Identifies the extension of these activities within SALs as a discretionary activity. NFL-R7 New quarrying and mining activities within Special Amenity Landscapes Identifies the establishment within SALs as a non-complying activity. NFL-R8 Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within Outstanding Natural Features and Landscapes Identifies these activities within ONFLs as a non-complying activity. NFL-R9 The maintenance, repair or demolition of existing buildings and structures within Outstanding Natural Features and Landscapes, Special Amenity Landscapes and Ridgeline and Hilltops Identifies the extension of these activities within SALs as a discretionary activity.

Natural Features and Landscapes – NFL	
	<ul style="list-style-type: none"> • NFL-R10 The construction, alteration of and addition to, buildings and structures within Ridgeline and Hilltops Identifies these activities within ridgelines and hilltops as permitted and elevating to restricted discretionary when the underlying zone standards are not met. • NFL-R11 The construction, alteration of and addition to, buildings and structures within Special Amenity Landscapes Identifies these activities within SALs as permitted and elevating to restricted discretionary when the underlying zone standards are not met. • NFL-R12 The construction, alteration of and addition to, buildings and structure within Outstanding Natural Features and Landscapes Specific recognition for additions and alterations to existing buildings within Zealandia is provided for as a permitted activity. Otherwise, activities within ONFLs are identified as a restricted discretionary activity and elevate to discretionary when located outside the coastal environment and non-complying when located within the coastal environment.
Standards	<p>There are two standards supporting the rule framework addressing:</p> <ul style="list-style-type: none"> • NFL-S1 Buildings and structures within Special Amenity Landscapes Standard for building and structure height and exterior maximum reflectivity colours. • NFL-S2 Buildings and structures within Outstanding Natural Features and Landscapes Standard for building and structure height, floor area and exterior maximum reflectivity colours.
Schedules	<p>There are two schedules:</p> <ul style="list-style-type: none"> • SCHEM11 Outstanding Natural Features and Landscapes A list of all Outstanding Natural Features and Outstanding Natural Landscapes with a summary description of the landscape characteristics and values. • SCHEM12 Special Amenity Landscapes A list of all special amenity landscapes with a summary description of the landscape characteristics and values.

7.1.1 Identified Types of Landscape Overlay

The NFL chapter provisions only apply within the mapped overlay areas, which include:

- ONFs
- ONLs
- SALs
- Ridgelines and hilltops

These overlays range from those which score highly against the identified factors and are predominantly natural (“outstanding”) to landscapes which include human presence or modification, yet still score relatively high on the factors and are therefore recognised as important landscapes (“special amenity”). The ridgeline and hilltop areas identify important natural skylines and a visual backdrop to the urban areas.

These landscape overlays represent a three-tiered structure;

1. ONFLs are the most sensitive to change as they are predominantly natural.
2. SALs have better capacity to absorb change and may already include some form of human modification or presence that contributes to the landscape character.
3. Ridgelines and hilltops represent the elevated skyline areas and often can sit outside the qualifying ONFL and SAL overlays. These areas are considered a 'third tier' amenity landscape where human presence is more readily accommodated.

7.1.2 Proposed Policy and Rule Framework

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. Recognition of the overlay location in relation to the coastal environment is also included in order to distinguish between higher order policy directions.

Specific policies for plantation forestry, quarrying and mining are also included due to the significant and permanent effects such activities can have on the values of these different landscape areas. A policy recognizing and providing for restoration or enhancement activities is included to provide for activities that are focused on maintaining or restoring the identified landscape values.

The rule framework addresses activities and development within the various overlays with the activity status reflecting the policy direction, which in turns reflects the sensitivity of the given landscape overlay and its ability to absorb change. Restoration activities are provided for as permitted activities in all overlay areas due to the purpose of these activities being simply focused on maintaining or enhancing the landscape values. Restoration activities outside those identified are elevated to restricted discretionary to allow consideration of the effects on the landscape.

Activities within ONFLs are discretionary when located outside the coastal environment to allow consideration of the potential effects on the landscape values (identified in SCHED11). The activity status is non-complying for activities in an ONFL located within the coastal environment. Activities within SALs are restricted discretionary in all locations and refer to the matters in NFL-P3 and NFL-P4. 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.

Quarrying and mining activities are separately considered as these have the greatest potential to result in permanent change and are otherwise included within the definition of rural zone activities. The rule framework distinguishes between the ongoing operation of any existing activity as a permitted activity and extensions into SALs are discretionary in order to consider the effects on the landscape values. New quarry or mining activity in a SAL is a non-complying activity, as is the extension or establishment of new quarrying, mining or plantation forestry within ONFLs. This provides for unrestricted decision making and introduces the s 104 gateway test when considering these types of applications.

The activity status for buildings and structures within a landscape overlay is also relative to the sensitivity of the given overlay. Maintenance and demolition activities are permitted in all overlays.

However, the activity for the construction of buildings and structures or alterations to existing depends on the overlay.

For ridgeline and hilltop overlays, the status is permitted where underlying zone standards are met. The activity elevates to restricted discretionary to consider the matters in NFL-P2 and recognition of any operational need to position the building or structure within the given ridgeline and hilltop location.

For SALs, the activity status is also permitted where buildings do not exceed 8m and meet the colour reflectivity standard. Activities that cannot meet the permitted standard are assessed as restricted discretionary activities.

Buildings and structures within ONFLs are generally identified as restricted discretionary activities outside the coastal environment and elevate to discretionary if the works involves extensions to an existing building and non-complying if they are new and within the coastal environment. Recognition for maintenance or extension of existing buildings within the Karori Wildlife Sanctuary site is provided for as a permitted activity subject to standards. The works elevated to restricted discretionary when the standards are not met.

7.2 Infrastructure (INF) – Proposed Provisions relating to NFL

The provisions relating specifically to infrastructure within landscape overlay areas are located within the Infrastructure – Natural Features and Landscapes (INF-NFL) sub-chapter. The sub-chapter differentiates between general infrastructure and provisions for the National Grid (NG) and the Gas Transmission Pipeline Corridor (GTPC). The framework also distinguishes between the three different tiers of landscape sensitivity and recognises where infrastructure is undergrounded to reduce visual impacts on the landscape values. Recognising new and above ground infrastructure represents the greatest potential for adverse effects.

7.2.1 General Infrastructure

The ongoing operation, maintenance and repair of existing infrastructure is recognised as a necessary activity and as such is permitted within all landscape overlays. Standards have been identified and where not met the activity would escalate to restricted discretionary to enable consideration of the effects on the identified landscape values (within SCHED11 and SCHED12).

Upgrading can result in greater potential effects. However, it is still considered appropriate and provided for as a permitted activity within ridgeline and hilltop and SALs when located underground or within the road reserve corridor given the avoidance of long-term effects and the greater capacity of these landscapes to absorb change. Upgrading within an ONFL when outside the coastal environment and underground or in a road reserve is a restricted discretionary activity to enable consideration of potential impacts on landscape values and recognises the greater sensitivity of the ONFL to change. The activity status elevates to discretionary when in the coastal environment to enable full consideration of all potential effects.

New infrastructure within ONFLs is discretionary outside the coastal environment and non-complying within the coastal environment, reflecting the NZCPS direction to avoid adverse effects within ONFLs in the coastal environment. Comparatively, new infrastructure within a special amenity landscape and ridgeline and hilltop area is permitted where underground or in the road reserve and elevates to restricted discretionary to enable effects to be considered when the permitted standards are not met.

7.2.2 NG and GTPC

The proposed provisions for the NG and the GTPC follow a similar approach and logic as the provisions for general infrastructure, but also take into consideration the provisions of the National Policy Statement for Electricity Transmission 2008 (NPS-ET) and the NES-ETA.

Much like general infrastructure, the operation, maintenance and repair of NG and GTPC infrastructure are accepted as necessary activities and as such are permitted within all landscape overlays subject to standards. Trimming or removal of trees to reduce the risk to the transmission lines within ONFLs is a controlled activity. Where the purpose is general removal of vegetation not required to reduce risk to the transmission line then the activity is identified as a restricted discretionary activity to allow assessment of the identified matters. This approach recognises the additional guidance provided by the NPS-ET and additional regulations included in the NES-ETA and incorporates these as standards.

Upgrading NG infrastructure is a restricted discretionary activity when outside the coastal environment and located underground or within a road reserve. The activity elevates to discretionary for proposals that do not meet the requirements in order to allow all potential effects to be considered. Outside the coastal environment, new infrastructure proposals are discretionary which provides for the avoidance of significant adverse effects and the management of all other adverse effects. This approach also recognises that the NES-ETA does not apply to new NG infrastructure. Within the coastal environment, these activities are non-complying signalling they are in the most sensitive location where new infrastructure has the greatest potential impact.

Infrastructure – Natural Features and Landscapes – INF-NFL	
Policies	<p>Thirteen policies relating to infrastructure activities that provide guidance regarding:</p> <ul style="list-style-type: none"> • INF-NFL-P37 Operation, maintenance, and repair of existing infrastructure within a Ridgeline and Hilltop area Provides for ongoing operation, maintenance and repair within this overlay. • INF-NFL-P38 Operation, maintenance, and repair of existing infrastructure within a Special Amenity Landscape Provides for ongoing operation, maintenance and repair within this overlay. • INF-NFL-P39 Operation, maintenance, and repair of existing infrastructure within an Outstanding Natural Feature or Landscape Provides for ongoing operation, maintenance and repair within this overlay. • INF-NFL-P40 Upgrading of existing infrastructure within a Ridgeline and Hilltop area Provides for upgrades to infrastructure within this overlay. • INF-NFL-P41 Upgrading of existing infrastructure within a Special Amenity Landscape (including within the coastal environment) that is underground or in the road reserve Provides for upgrades to infrastructure within this overlay. • INF-NFL-P42 Upgrading of existing infrastructure within a Special Amenity Landscape (including within the coastal environment) that is aboveground and outside the road reserve Provides for upgrades to infrastructure within this overlay subject to managing the effects on the landscape values.

Infrastructure – Natural Features and Landscapes – INF-NFL

- **INF-NFL-P43 Upgrading of existing infrastructure within an Outstanding Natural Feature and Landscape (including within the coastal environment) that is underground or in the road reserve**
Provides for upgrades to infrastructure within this overlay.
- **INF-NFL-P44 Upgrading of existing infrastructure within an Outstanding Natural Feature and Landscape (including within the coastal environment) that is above ground and outside the road reserve**
Only allows for upgrades to infrastructure within this overlay subject to managing the effects on the landscape values.
- **INF-NFL-P45 New existing infrastructure within a Ridgeline and Hilltop area**
Allows for new infrastructure within this overlay.
- **INF-NFL-P46 New infrastructure within a Special Amenity Landscape (including within the coastal environment) that is located underground and in the road reserve**
Allows for new infrastructure within this overlay.
- **INF-NFL-P47 New infrastructure within a Special Amenity Landscape (including within the coastal environment) that is located above ground and outside the road reserve**
Only allows for new infrastructure within this overlay where the proposal maintains or restores the landscape values and the effects are appropriately managed.
- **INF-NFL-P48 New infrastructure within an Outstanding Natural Feature and Landscape, outside the coastal environment.**
Only allows for new infrastructure within this overlay where the proposal protects the landscape values and avoids significant adverse effects and avoids, remedies or mitigates all other effects.
- **INF-NFL-P49 New infrastructure within an Outstanding Natural Feature and Landscape within the coastal environment.**
Avoid new infrastructure within this overlay in the coastal environment unless it can be demonstrated adverse effects can be avoided.

Nine policies relating to NG and GTPC activities that provide guidance regarding:

- **INF-NFL-P50 Operation, maintenance and repair of existing NG infrastructure & GTPC infrastructure within Ridgeline and Hilltop Areas**
Allow for operation of infrastructure within this overlay.
- **INF-NFL-P51 Operation, maintenance and repair of existing NG infrastructure & GTPC infrastructure within Special Amenity Area (including within the coastal environment)**
Allow within this overlay while ensuring the works maintain the landscape values.
- **INF-NFL-P52 Operation, maintenance and repair of existing NG infrastructure & GTPC infrastructure within Outstanding Natural Features and Landscapes (including within the coastal environment)**
Allow within this overlay while ensuring the works protect the landscape values.
- **INF-NFL-P53 Upgrading of existing NG infrastructure and GTPC infrastructure within a Ridgeline and Hilltop area**
Allow within this overlay while ensuring the works protect the landscape values.

Infrastructure – Natural Features and Landscapes – INF-NFL	
	<ul style="list-style-type: none"> • INF-NFL-P54 Upgrading of existing NG infrastructure and GTPC infrastructure within a Special Amenity Landscape (including within the coastal environment) where located underground or outside a road reserve Allows for upgrades within this overlay. • INF-NFL-P55 Upgrading of existing NG infrastructure and GTPC infrastructure within a Special Amenity Landscape (including within the coastal environment) where located above ground and outside a road reserve Provides for upgrades within this overlay while ensuring the works maintain the landscape values. • INF-NFL-P56 Upgrading of existing NG infrastructure and GTPC infrastructure within an Outstanding Natural Feature and Landscape within the coastal environment Provides for upgrades within this overlay while ensuring the works protect the landscape values. • INF-NFL-P57 New NG infrastructure and GTPC infrastructure within an Outstanding Natural Landscape (including within the coastal environment) Seeks avoidance of new infrastructure within this overlay in the coastal environment. • INF-NFL-P58 New NG infrastructure and GTPC infrastructure within an Outstanding Natural Feature and Landscape, Special Amenity Landscape or Ridgeline and Hilltop area, (outside the coastal environment) Only allows new infrastructure where the landscape values are protected (for outstanding) or maintained (for special amenity) and where the potential adverse effects can be appropriately managed.
Rules	<p>A rule framework that manages infrastructure activities and NG and GTPC activities as follows:</p> <p>Infrastructure activities</p> <ul style="list-style-type: none"> • INF-NFL-R49 Operation, maintenance and repair of existing infrastructure within Outstanding Natural Features and Outstanding Natural Landscapes, Special Amenity Landscape or Ridgeline and Hilltop Areas (including within the coastal environment) Permitted, elevating to restricted discretionary where standard INF-NFL-S22 is not met. • INF-NFL-R50 Upgrading of existing infrastructure within the Special Amenity Landscape or Ridgeline and Hilltop Areas Permitted, elevating to restricted discretionary if above ground or outside the road reserve. • INF-NFL-R51 Upgrading of existing infrastructure within Outstanding Natural Features and Landscapes Restricted discretionary if outside the coastal environment, positioned underground or within the road reserve. Discretionary when those standards are not met. • INF-NFL-R52 New infrastructure within Outstanding Natural Features and Landscapes Discretionary if outside the coastal environment and non-complying if the ONF or ONL is within the coastal environment. • INF-NFL-R53 New infrastructure within a Special Amenity Landscape or Ridgeline and Hilltop Area

Infrastructure – Natural Features and Landscapes – INF-NFL	
	<p>Permitted where positioned underground or within the road reserve, elevating to restricted discretionary where the proposal does not meet the permitted standards, allowing the matters of discretion to be considered.</p> <p>National Grid and Gas Transmission Pipeline Corridor activities</p> <ul style="list-style-type: none"> • INF-NFL-R54 Operation, maintenance and repair of existing NG infrastructure and GTPC infrastructure within Outstanding Natural Features and Outstanding Natural Landscapes, Special Amenity Landscape or Ridgeline and Hilltop Areas (including within the coastal environment) Permitted in recognition of the existing NES-ETA regulations being applicable and the established effects of the existing infrastructure. • INF-NFL-R55 Upgrading existing NG infrastructure within Outstanding Natural Features and Outstanding Natural Landscapes, Special Amenity Landscape or Ridgeline and Hilltop Areas Restricted discretionary if located outside the coastal environment and discretionary where located within, with the relevant policy direction based on the given landscape overlay. • INF-NFL-R56 Upgrading existing GTPC infrastructure within Outstanding Natural Features and Outstanding Natural Landscapes, Special Amenity Landscape or Ridgeline and Hilltop Areas Restricted discretionary if located outside the coastal environment and discretionary where located within, with the relevant policy direction based on the given landscape overlay. • INF-NFL-R57 New NG & GTPC infrastructure within Outstanding Natural Landscapes, Outstanding Natural Features, Special Amenity Landscapes or Ridgeline and Hilltop Areas, outside the coastal environment Discretionary activity. • INF-NFL-R58 New NG & GTPC infrastructure within Outstanding Natural Landscapes, Outstanding Natural Features, Special Amenity Landscapes or Ridgeline and Hilltop Areas, within the coastal environment Non-complying activity.
Standards	<p>A standard relating to earthworks associated with permitted infrastructure development.</p> <ul style="list-style-type: none"> • INF-NFL-S22 Earthworks Standard for earthworks volumes associated with transmission line supports and access tracks.

7.3 Renewable Electricity Generation (REG) – Proposed Provisions Relating to NFL

These provisions are located within the REG chapter. The REG chapter identifies four broad types of renewable electricity generation activities:

- investigation activities
- small scale renewable electricity generation
- community scale renewable electricity generation

- large scale renewable electricity generation.

The chapter further differentiates between:

- the operation, maintenance and repair of existing renewable electricity generation; and
- the upgrading of existing and installation of new renewable electricity generation.

The activity status then correlates to the different scale and types of renewable electricity generation activities and also takes into consideration whether the activity is located in a district wide overlay and the sensitivity of these overlays.

The operation, maintenance and repair of existing renewable generation infrastructure within a landscape overlay is permitted given the effect of the renewable generation infrastructure is already established and the ongoing operation would have little impact on the identified landscape values.

The upgrading of existing and the establishment of new small scale REG infrastructure are identified as restricted discretionary activities if located within a landscape overlay, with the matters of discretion referencing the relevant policies of the REG chapter. This provides for consideration of the potential effects at the time of consent processing and allows applications to be either approved with conditions or declined if the adverse effects are significant and cannot be adequately managed or offset.

The upgrading of existing and the establishment of new community scale REG infrastructure is identified as a discretionary activity within a landscape overlay. This allows consideration of all relevant matters and policies to assess the impact on the landscape values when determining a resource consent.

The upgrading of existing and the establishment of new large scale REG activities within a landscape overlay are identified as a non-complying activity. This signals that large scale activities are not anticipated within sensitive overlay areas and introduces the gateway test to the decision making process, which includes the policy direction to avoid locating such activities within sensitive overlays (REG-P9).

Renewable Electricity Generation (REG)	
Policies	<p>References to natural features and landscapes are included the relevant policies that apply to overlays:</p> <ul style="list-style-type: none"> • REG-P3 Enabling existing renewable electricity generation activities - Allows for operation, maintenance and repair of existing REG activities in all locations including landscape overlays. • REG-P5 Small-scale renewable electricity generation activities and investigation activities within Overlays and the coastal environment (new and upgrades) Only allows for investigation, upgrading and new small scale REG within landscape overlays where effects can be managed in accordance with the direction based on the sensitivity of the given landscape overlay. • REG-P7 Community-scale renewable electricity generation activities in other zones, locations and Overlays (new and upgrades) Provides for upgrading and new community scale REG within a landscape overlay where effects are managed in accordance with the direction based on the sensitivity of the given landscape overlay.

	<ul style="list-style-type: none"> • REG-P12 Large-scale renewable electricity generation activities in other zones, locations and Overlays (new and upgrades) Seeks avoidance of any new large scale REG within a landscape overlay.
Rules	<p>A rule framework that manages REG activities within NFL overlays as follows:</p> <ul style="list-style-type: none"> • REG-R1 Operation, maintenance and repair, or removal of renewable electricity generation activities (including ancillary vehicle access tracks) Are permitted subject to standards within overlay areas. • REG-R2 Renewable electricity generation investigation activities Are restricted discretionary where located within overlay areas. • REG-R3 Small-scale renewable electricity generation activities (new and upgrades) Are restricted discretionary where located within overlay areas. • REG-R4 Community-scale renewable electricity generation activities (new and upgrades) Are discretionary where located within overlay areas. • REG-R5 Large-scale renewable electricity generation activities (new and upgrades) Are non-complying where located within overlay areas.

7.4 Subdivision – Proposed Provisions Relating to NFL

Subdivision provides additional development potential enabled by the permitted land use provisions of the underlying zone. This can result in adverse effects on identified landscape overlays, introducing further development and associated modification of landform due to earthworks related to building platforms, vehicle access and service installation. The sensitivity of the overlay and its ability to absorb varying degrees of modification is reflected in the policy direction and the corresponding rule framework via different activity statuses. In general, the most sensitive landscape overlay is the ONFL within the coastal environment. As such, the policies discourage further subdivision within this overlay and location while providing for subdivision in other areas that can absorb further change.

The minimum allotment area for the underlying zone is not reduced, but the location of the future building platform must be identified and for the more sensitive locations should be located outside of the overlay. Where the underlying zone requirements for buildings or the location of the building platform is not met then the proposal will elevate to a higher activity status.

Subdivision - SUB	
Policies	<p>Policies relating to subdivision that provide guidance:</p> <ul style="list-style-type: none"> • SUB-P10 Subdivision within the ridgeline and hilltop overlay Provides for subdivision where the layout is designed to maintain the integrity of the overlay. • SUB-P18 Subdivision of land within Special Amenity Landscapes Provides for subdivision where the effects are appropriately managed and landscape values are maintained.

Subdivision - SUB	
	<ul style="list-style-type: none"> • SUB-P19 Subdivision of land within Outstanding Natural Features and Landscapes (outside the coastal environment) Only allows for subdivision where landscape values are protected and significant adverse effects are avoided. • SUB-P20 Subdivision of land within Outstanding Natural Features and Landscapes (within the coastal environment) Provides for subdivision where the effects of the future lot on the landscape values are avoided.
Rules	<p>A rule framework that manages subdivision within a landscape overlay as follows:</p> <ul style="list-style-type: none"> • SUB-R4 Subdivision that creates any vacant allotment Is a controlled activity where subject to standards including SUB-P10 which provides direction for subdivision within ridgeline and hilltop areas. Elevates to restricted discretionary where the standards cannot be met. • SUB-R10 Subdivision of land within a Special Amenity Landscape Is a restricted discretionary activity where a future building platform is identified that complies with the underlying zone provisions for each new lot. Elevates to discretionary where the standard is not met and the location is outside the coastal environment. Non-complying if located within the coastal environment. • SUB-R11 Subdivision of land within Outstanding Natural Feature or Outstanding Natural Landscape Is a restricted discretionary activity where a future building platform is identified that complies with the underlying zone provisions for each new lot and is located outside the overlay. Elevates to discretionary where the standard is not met.

7.5 Earthworks – Proposed Provisions Relating to NFL

Earthworks are permitted subject to standards across all zones within the Proposed District Plan. However, there is potential for earthworks to adversely affect landscape values within the identified overlays. As such, the following applies:

- Where earthworks exceed the permitted standard, they are assessed as a restricted discretionary activity; and
- The matters of discretion are restricted to consideration of how the adverse effects on the landscape values are addressed relative to the sensitivity of the subject overlay.

Earthworks - EW	
Policies	<p>Policies relating to EW activities that provide guidance:</p> <ul style="list-style-type: none"> • EW-P5 Effects on landform and visual amenity Provides for earthworks and retaining structures within ridgeline and hilltop areas where the adverse visual effects are appropriately managed. • EW-P14 Earthworks within Special Amenity Landscapes Provides for earthworks within SALs (including within the coastal environment) where the effects are appropriately managed and landscape values are maintained. • EW-P15 Earthworks within Outstanding Natural Features and Outstanding Natural Landscapes

Earthworks - EW	
	Provides for earthworks within ONFs and ONLs outside the coastal environment where adverse effects are appropriately managed and landscape values are protected. Where located within the coastal environment, the direction is to avoid adverse effects.
Rules	<ul style="list-style-type: none"> • EW-R11 Earthworks within Special Amenity Landscapes Permits earthworks up to 200m². Elevates to restricted discretionary when standards not met. • EW-R12 Earthworks within Outstanding Natural Features or Outstanding Natural Landscapes Earthworks up to 100m² are a restricted discretionary activity when outside the coastal environment. Elevates to discretionary when the standard is not met and non-complying within the coastal environment.
Standards	<ul style="list-style-type: none"> • EW-S12 Earthworks within Special Amenity Landscapes or Outstanding Natural Features or Outstanding Natural Landscapes

7.6 Definitions

The following definitions are particularly relevant to the NFL chapter:

Definition	Purpose
Outstanding Natural Features and Landscapes - means an area identified as either an Outstanding Natural Feature or Outstanding Natural Landscape identified in SCHED11 – Outstanding Natural Features and Landscapes.	Supports the provisions within the policy and rule framework.
Special Amenity Landscape - means an area of landscapes that hold special amenity values identified in SCHED12 – Special Amenity Landscapes.	Supports the provisions within the policy and rule framework.

7.7 Notification Clauses

No public or limited notification preclusion clauses have been applied to any of the NFL provisions.

8.0 Qualifying Matters

8.1 Residential Zones

In December 2021 the Enabling Housing Supply Act came into effect with ss 77G to 77M introducing intensification requirements in residential zones.

Section 77G outlines Council's duty to give effect to policy 3 in residential zones:

- (1) *Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*
- (2) *Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as the case requires, in that zone.*

- (3) *When changing its district plan for the first time to incorporate the MDRS and to give effect to policy 3 or policy 5, as the case requires, and to meet its obligations in section 80F, a specified territorial authority must use an IPI and the ISPP.*
- (4) *In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones.*
- (5) *A specified territorial authority—*
 - (a) *must include the objectives and policies set out in clause 6 of Schedule 3A:*
 - (b) *may include objectives and policies in addition to those set out in clause 6 of Schedule 3A, to—*
 - (i) *provide for matters of discretion to support the MDRS; and*
 - (ii) *link to the incorporated density standards to reflect how the territorial authority has chosen to modify the MDRS in accordance with section 77H.*
- (6) *A specified territorial authority may make the requirements set out in Schedule 3A or policy 3 less enabling of development than provided for in that schedule or by policy 3, if authorised to do so under section 77I.* (emphasis added).

Section 77I identifies a list of qualifying matters that may be applied in residential zones to modify the requirements set out in Schedule 3A (the MDRS standards) and the relevant building height and density standards under policy 3 to be less enabling. ONFLs) are an identified qualifying matter under s 77I(a) and (b). In the case of ONFLs, there is no overlap with residential zoned land.

Section 77J outlines the requirements where a territorial authority is amending its district plan in accordance with s 77G and requires the additional evaluation matters in s 77J(3) and (4) to be included as part of the require s 32 evaluation:

- (1) *The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—*
 - (a) *demonstrate why the territorial authority considers—*
 - (i) *that the area is subject to a qualifying matter; and*
 - (ii) *that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and*
 - (b) *assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and*
 - (c) *assess the costs and broader impacts of imposing those limits.*
- (2) *The evaluation report must include, in relation to the provisions implementing the MDRS,—*
 - (a) *a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:*
 - (b) *a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any*

spatial layers relating to overlays, precincts, specific controls, and development areas, including—

- (i) any operative district plan spatial layers; and*
- (ii) any new spatial layers proposed for the district plan.*

As there is no urban land within the identified ONFL spatial layer then no further evaluation of the matters in s 77J(3) and (4) is required as no change is proposed to those standards.

8.2 Non-Residential Zones

The approach outlined above has also been applied to intensification requirements in non-residential zones as required by ss 77N to 77R. The identified overlays are not proposed to be used as qualifying matters to reduce the intensification requirements under policy 3. As for residential zones, any proposals on affected sites will continue to be assessed in accordance with the underlying zone provisions together with the proposed provisions for the relevant overlay chapter and therefore no further evaluation of the matters is required.

9.0 Evaluation of Proposed Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to promote the sustainable management of natural and physical resources.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
2. Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)
3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

9.1 Evaluation of Objectives for Natural Features and Landscapes

While not specifically required under s 32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objectives are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential sets of objectives:

1. The proposed objective
2. The current most relevant objective - the status quo

Evaluation of Objectives	
Proposed objectives:	
NFL-O1 Outstanding Natural Features and Landscapes	The characteristics and values of Outstanding Natural Features and Landscapes are protected from inappropriate subdivision, use and development.
NFL-O2 Special Amenity Landscapes	The characteristics and values of Special Amenity Landscapes are maintained and, where practicable, enhanced.
NFL-O3 Ridgeline and Hilltops	The natural green backdrop provided by identified ridgelines and hilltops is maintained.
General intent:	
The proposed objectives intend to protect the landscape characteristics and values of identified Outstanding Natural Features and Landscapes, manage activities within Special Amenity Landscapes to maintain the identified landscape values and to ensure activities within the ridgeline and hilltop areas maintain the predominantly natural backdrop and visual amenity.	
Other potential objectives	
Status quo:	
District Plan Objectives:	
Objective 4.2.8 – To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.	
Objective 14.2.2 – To maintain and enhance the character of the Rural Area by managing the scale, location and rate and design of new building development.	

Evaluation of Objectives		
Objective 14.2.3 – To maintain and enhance the amenity values and rural character of Rural Area.		
Objective 14.2.5 – To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.		
Objective 16.5.2 – To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.		
	Preferred objectives	Status quo
Relevance:		
Addresses a relevant resource management issue	Yes – addresses the relevant resource management issues identified in section 5.3 above.	Partially – the status quo objectives are limited to zone-based provisions rather than district wide. They only identified ridgeline and hilltop areas and do not identify ONFLs or SALs.
Assists the Council to undertake its functions under s 31 RMA	Yes – consistent with s31(1)(a) as it establishes objectives that manage the effects of the use, development, or protection of land and associated natural and physical resources.	Partially – the status quo objectives are generic and do not include the relevant qualifying landscapes.
Gives effect to higher level documents	Yes – gives effect to higher order documents, including ss 6 and 7 of the RMA which require the protection of outstanding natural features and landscapes and maintenance and enhancement of amenity values. They also give effect to RPS policies that require identification and protection of outstanding natural landscapes and maintenance of special amenity landscapes from inappropriate subdivision, use and development.	No – the status quo objectives do not meet the requirements of RPS Policies 25, 26, 27 and 28 and do not fully align with the requirements of s 6 of the RMA.
Usefulness:		
Guides decision-making	Yes – provides clear guidance for the protection of ONFs and ONLs and the maintenance of SALs. The intended level of protection is clear and distinguishes between the different types of overlays.	No – the objectives are limited as they are zoned based rather than district wide. They do not distinguish between different landscape types and apply a broad 'maintain and enhance', which is inconsistent with the higher order direction.

Evaluation of Objectives		
Meets best practice for objectives	Yes – achieves best practice by providing clear direction on what the intended outcome is and by describing the desired end state.	No – the lack of objectives at a district wide scale and failure to clarify the intended outcome for the different types of landscapes does not meet best practice.
Reasonableness:		
Will not impose unjustifiably high costs on the community/parts of the community	Yes – the objectives are balanced in order to avoid imposing unjustifiably high costs on the community. They avoid blunt ‘avoidance’ directions and will continue to enable appropriate subdivision, use and development.	Yes – the status quo does impose some costs on the community where privately owned land is located within a ridgeline and hilltop area.
Acceptable level of uncertainty and risk	Yes – the proposed objectives clearly describe the intended outcome for the different landscape overlay types. Distinguishing the types of landscape and the outcome sought provides greater certainty and reduces risk compared to the current broad provisions. The approach is well established and in line with best practice.	No – the status quo does not provide sufficient guidance and could result in uncertainty and risk.
Achievability:		
Consistent with identified tangata whenua and community outcomes	Yes – the proposed objectives are consistent with identified tangata whenua and community outcomes.	No – the status quo is inconsistent with Council’s adopted strategic directions (see the Wellington Spatial Plan 2021 summary in section 4.9 of this report).
Realistically able to be achieved within the Council’s powers, skills and resources	Yes – the proposed objectives are achievable within Council’s powers, skills and resources by implementing the associated policies and rules that are proposed.	Yes – the status quo is currently being implemented within Council’s powers, skills and resources.
Summary		
<p>The above analysis shows that the proposed objectives relating to the protection of outstanding natural features and landscapes, maintenance of special amenity landscapes and management of ridgelines and hilltops are the most appropriate way to achieve the purpose of the RMA.</p> <p>The proposed objectives are in line with national best practice and implement national and regional guidance and statutory direction (s 5, s 6, s 7 of the RMA, RPS) by identifying qualifying landscape areas at a district wide scale. They provide greater certainty to decision makers and plan users regarding the desired outcomes based on the sensitivity of the different landscape types.</p>		

Evaluation of Objectives

The existing objectives do not reflect or give full effect to higher level direction and do not provide certainty and guidance to decision makers and plan users.

10.0 Evaluation of Reasonably Practicable Options and Associated Provisions

10.1 Introduction

Under s 32(1)(b) of the RMA, reasonably practicable options to achieve the objective/s associated with this proposal need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objectives.

The technical and consultation input used to inform this process is outlined in section 5 of this report.

Council has identified the status quo as the only reasonably practicable alternative option to achieve the objectives.

10.2 Evaluation method

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objectives.

This evaluation is contained in the following sections.

10.3 Provisions to achieve Objectives

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3													
<p>Objectives:</p> <p>NFL-O1 – Outstanding Natural Features and Landscapes The characteristics and values of Outstanding Natural Features and Landscapes are protected from inappropriate subdivision, use and development.</p> <p>NFL-O2 – Special Amenity Landscapes The characteristics and values of Special Amenity Landscapes are maintained and, where practicable, enhanced.</p> <p>NFL-O3 – Ridgeline and Hilltops The natural green backdrop provided by identified ridgelines and hilltops is maintained.</p>													
Option 1: Proposed approach (recommended)	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions										
<p><u>Natural Features and Landscapes chapter:</u></p> <p><u>NFL-O1</u></p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>NFL-P1</td> <td>NFL-R1</td> </tr> <tr> <td>NFL-P5</td> <td>NFL-R4</td> </tr> <tr> <td>NFL-P6</td> <td>NFL-R8</td> </tr> <tr> <td>NFL-P7</td> <td>NFL-R9</td> </tr> </tbody> </table>	Policies	Rules	NFL-P1	NFL-R1	NFL-P5	NFL-R4	NFL-P6	NFL-R8	NFL-P7	NFL-R9	<p><i>Environmental</i></p> <ul style="list-style-type: none"> There will be little to no environmental cost as the provisions are focused on protection and maintenance of the remaining important landscape areas. 	<p><i>Environmental</i></p> <ul style="list-style-type: none"> The remaining landscape areas that qualify as ONFLs and SALs are spatially identified and provisions to protect them or (in the case of SALs, to maintain them) from inappropriate subdivision, use or development are provided. Future generations will benefit from the retention of the ONFLs and SALs. 	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> The overlay areas have been identified using current best practice.
Policies	Rules												
NFL-P1	NFL-R1												
NFL-P5	NFL-R4												
NFL-P6	NFL-R8												
NFL-P7	NFL-R9												

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

NFL-P8	NFL-R12
NFL-P9	

NFL-O2

Policies	Rules
NFL-P1	NFL-R1
NFL-P3	NFL-R3
NFL-P4	NFL-R5
NFL-P7	NFL-R6
NFL-P8	NFL-R7
NFL-P9	NFL-R9
	NFL-R11

NFL-O3

Policies	Rules
NFL-P2	NFL-R1
	NFL-R2
	NFL-R9
	NFL-R10

Provisions in other chapters:

Infrastructure (INF-NFL)

Policies	Rules
INF-NFL-P37	INF-NFL-R49
INF-NFL-P38	INF-NFL-R50
INF-NFL-P39	INF-NFL-R51
INF-NFL-P40	INF-NFL-R52

- Potentially inappropriate activities will be managed through the resource consent process to ensure environmental effects are assessed against the impact to the identified landscape values instead of relying on indirect protection or undefined location.
 - Activities that are appropriate and do not adversely affect landscape values are identified and provided for with permitted standards.
 - Subdivisions are required to consider the impact of building platforms within the new lots and how the effects can be addressed to retain the landscape values of ONFLs and SALs.
 - ONFLs are protected from the adverse effects of new plantation forestry.
 - ONFLs are protected from expanding or new extractive industries including quarrying or mining which have permanent adverse effects on the natural landscape value and characteristics of outstanding natural areas.
 - The potential adverse effects of new infrastructure, including national grid, will be required to consider the adverse effects on ONFLs through the network design phase.
 - The effect of renewable energy generation activities within landscape overlay areas are required to consider
- The methodology incorporates the RPS Policy 25 criteria together with a range of relevant data sources which have been evaluated by qualified and experienced landscape architects.
 - The evaluation has been undertaken in accordance with the NZILA best practice guidance (Guidance Note 10.1).
 - Tangata whenua values have been incorporated into the assessment of landscape values; and
 - The proposed overlay areas and provisions have been regularly socialised with the community, landowners and key stakeholders over a sustained period, with feedback being incorporated.

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

INF-NFL-P41 INF-NFL-P42 INF-NFL-P43 INF-NFL-P44 INF-NFL-P45 INF-NFL-P46 INF-NFL-P47 INF-NFL-P48 INF-NFL-P49	INF-NFL-R53		the impact on the identified characteristics of the landscape overlay to minimise adverse effects.	
INF-NFL-P50 INF-NFL-P51 INF-NFL-P52 INF-NFL-P53 INF-NFL-P54 INF-NFL-P55 INF-NFL-P56 INF-NFL-P57 INF-NFL-P58	INF-NFL-R54 INF-NFL-R55 INF-NFL-R56 INF-NFL-R57 INF-NFL-R58	<p>Economic</p> <ul style="list-style-type: none"> Some initial consenting and development design costs could be experienced for subdivision or development. However, this is likely to be limited by the underlying zoning of the landscape overlay areas which do not anticipate urban scale development. Some rural landowners within a ONFL or SAL may experience regulatory costs for earthworks or new buildings that exceed the permitted standards. Upgrading existing and installing new infrastructure within ONFLs could experience additional consenting and project design costs. 	<p>Economic</p> <ul style="list-style-type: none"> Many of the ONFL overlays are identified on rural zoned land characterised by steep difficult topography, including coastal escarpments, and often in remote locations with lack of servicing. These factors generally result in the land being unsuitable or economically unfeasible for development and is often the reason why they remain unmodified and predominantly natural. This reduces the exposure of the proposed overlays resulting in economic cost. The economic benefit of the current use is recognised and therefore does not unduly impose economic costs for existing uses. Some of the ONFL overlays are not private but instead publicly administered and thus have limited or no development potential. These include Johnston Hill Scenic Reserve and Karori Wildlife Sanctuary. Exposure of rural landowners to economic cost would be limited to the 	
<p>Renewable Electricity Generation (REG)</p>				
<p>Policies</p> REG-P5 REG-P7 REG-P9 REG-P12	<p>Rules</p> REG-R3 REG-R4 REG-R5			

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

<p>Subdivision (SUB)</p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>SUB-P10</td> <td>SUB-R4</td> </tr> <tr> <td>SUB-P18</td> <td>SUB-P10</td> </tr> <tr> <td>SUB-P19</td> <td>SUB-P11</td> </tr> <tr> <td>SUB-P20</td> <td></td> </tr> </tbody> </table>	Policies	Rules	SUB-P10	SUB-R4	SUB-P18	SUB-P10	SUB-P19	SUB-P11	SUB-P20			<p>rural zone which includes Raukawa Cook Strait Coast ONL. This encompasses the coastal escarpments and extends inland over steep terrain. The provisions recognise existing rural activities to avoid undue economic cost.</p>	
Policies	Rules												
SUB-P10	SUB-R4												
SUB-P18	SUB-P10												
SUB-P19	SUB-P11												
SUB-P20													
<p>Earthworks (EW)</p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>EW-P5</td> <td>EW-R11</td> </tr> <tr> <td>EW-P14</td> <td>EW-R12</td> </tr> <tr> <td>EW-P15</td> <td></td> </tr> </tbody> </table>	Policies	Rules	EW-P5	EW-R11	EW-P14	EW-R12	EW-P15			<ul style="list-style-type: none"> Avoidance of unnecessary consenting costs on landowners for a range of maintenance activities identified as permitted activities, including earthworks, farm access tracks and buildings that would not require resource consent and thus avoid additional costs. Operation, maintenance and repair of existing infrastructure is recognised and provided for through permitted provisions. 			
Policies	Rules												
EW-P5	EW-R11												
EW-P14	EW-R12												
EW-P15													
<p>Other Methods:</p> <ul style="list-style-type: none"> Spatially identified landscape overlays on Planning Maps Schedule 11: Outstanding Natural Features and Landscapes Schedule 12: Special Amenity Landscapes 													
	<p>Social</p> <ul style="list-style-type: none"> It is unlikely any discernible social cost will be experienced given the provisions are focused on protecting important landscapes which contribute to the amenity of Wellington City. Continued access to these areas held in public administration will continue. 	<p>Social</p> <ul style="list-style-type: none"> Existing public open space areas within landscape overlays will be protected and continue to support social benefits. Provisions recognise the social benefits of public access tracks with maintenance of these areas supported through the landscape provisions. 											
	<p>Cultural</p>	<p>Cultural</p>											

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

	<ul style="list-style-type: none"> The proposed provisions may result in additional consenting costs and constrain the extent of development where Māori owned land is located within the landscape overlay areas. 	<ul style="list-style-type: none"> Important landscape areas, natural landforms and culturally recognised features woven into Māori creation beliefs and connection of people with the land valued by tangata whenua will be recognised and protected. The principles of the Treaty of Waitangi are incorporated into the provisions through the principles of kaitiakitanga and recognition of tangata whenua values within in the ONFLs and SALs. The balanced approach of still providing for activities and development in the coastal environment where appropriate and where effects can be managed provides cultural benefits. 	
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<p><u>Effectiveness and efficiency</u></p>	<p>Effectiveness</p> <p>The proposed provisions are the most appropriate method of meeting the objectives for the natural features and landscape chapter.</p> <p>The objectives recognise the different landscape types and are focused on protecting ONFLs and maintaining SALs, from inappropriate subdivision, use and development. Ridgeline and hilltop areas are recognised for their ongoing contribution to the broader landscape amenity surrounding Wellington with provisions balanced in order to reflect the third tier that these spaces represent. Restoration and</p>	<p>Efficiency</p> <p>The proposed provisions are the most efficient method of meeting the objectives for the qualifying landscape overlay areas by avoiding broad regulatory controls and instead focusing on activities within the identified overlay areas and distinguishing the controls based on the sensitivity of the landscape. As identified above, the benefits outweigh the costs.</p>
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Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3			
	<p>maintenance of qualifying landscape areas is provided for while enabling tangata whenua to exercise kaitiakitanga.</p> <p>The objectives give clear direction on the anticipated outcomes and the proposed policies and rules provide a practical and balanced framework to achieve these outcomes by providing stronger protection for sensitive areas and values, while still enabling appropriate subdivision, use and development.</p>		
Overall evaluation	<p>This option is the most appropriate way to achieve the preferred objectives by representing regulatory certainty and an effective provision of social and economic well-being.</p> <p>It is considered that this option will achieve the objectives because:</p> <ul style="list-style-type: none"> • The proposed provisions ensure that qualifying landscape areas will be: <ul style="list-style-type: none"> ○ <i>clearly identified and, depending on the type of landscape, either protected or maintained from inappropriate subdivision, use and development;</i> ○ <i>restored and enhanced where appropriate;</i> ○ <i>protected where outstanding natural areas are identified within the coastal environment; and</i> ○ <i>managed by tangata whenua through recognition of kaitiakitanga.</i> • The framework enables appropriate activities, manages potentially inappropriate activities and avoids inappropriate activities. <p>The proposed provisions align with and give effect to higher order documents and legislation.</p>		
Option 2: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
	<i>Environmental</i>	<i>Environmental</i>	

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

<p><u>Policies and rules as outlined in section 5.2.1 of this report (summarised below)</u></p> <p><u>Residential Area:</u></p> <ul style="list-style-type: none"> Objective 4.2.8 Policies 4.2.6.2 & 4.2.6.2 Rules 5.2.2 & 5.2.12 <p><u>Airport and Gold Course Precinct:</u></p> <p>Policies 10.2.4.2 and 10.2.4.3</p> <p>Rule 11.1.6, 11.3.3. and 11.3.5</p> <p><u>Rural Area:</u></p> <p>Objective 14.2.2, 14.2.3 & 14.2.5</p> <p>Policies 14.2.2.1, 14.2.2.2 & 14.2.2.3</p> <p>Rules 15.4.2, 15.4.2a, 15.4.6</p> <p><u>Open Space Area:</u></p> <p>Objective 16.5.2</p> <p>Policies 16.5.2.1, 16.5.2.2</p> <p>Rules 17.3.1, 17.3.2 & 19.4.1</p> <p><u>Utilities:</u></p> <p>Policy 22.2.1.1</p> <p>Rules 23.1.4.3</p>	<ul style="list-style-type: none"> The current provisions do not identify qualifying ONFLs or SALs in accordance with the RPS. As such, these areas are not currently protected or maintained based on the relevant landscape values. The operative provisions only apply within some zones and fail to provide a consistent district wide approach. In some cases, the provisions have not achieved the intended outcome, with Spencer Street (Appendix 23, Chapter 5) an example of the provisions being ineffective. Varying policy directions apply, or in some cases there are no policies. The rules are limited in scope and only apply to ridgeline and hilltop areas which does not include the qualifying ONFL and SAL areas. The lack of consistent district wide identification and implementation of provisions focused on landscape values represents a significant potential environmental cost. 	<ul style="list-style-type: none"> The current provisions provide regulatory controls for some activities within identified ridgeline and hilltop area. Consideration of effects from earthworks, development and subdivision are required. 	<p>It is considered that there is certain and sufficient information on which to assess the status quo provisions as they have been operative for a long time and the effectiveness of the provisions has been established through implementation and consent monitoring over this time.</p>
<p><u>Renewable Energy:</u></p> <p>Policy 25.2.1.1</p> <p>Rule 26.3.1.3</p>	<p><i>Economic</i></p> <ul style="list-style-type: none"> Limited costs to private landowners due to provisions generally do not apply to urban zoned land. 	<p><i>Economic</i></p> <ul style="list-style-type: none"> Development of privately owned urban land is not constrained by the 	

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3

<p><u>Urban Development Areas:</u> Rules 28.3.2, 28.3.3, 28.3.3A, 28.3.5 & 28.3.6</p> <p><u>Earthworks:</u> Policy 29.2.1.9 Rule 30.1.2 and 30.3.2.</p>		<p>operative provisions, thus enabling more opportunity for development.</p> <ul style="list-style-type: none"> Landowners and infrastructure providers are less exposed to the need for resource consents or processing costs. 	
	<p>Social</p> <ul style="list-style-type: none"> Loss or modification of qualifying ONFLs and SALs could continue at a cost to the community. The lack of protection through focused provisions at a district wide scale risks ongoing decline of the remaining finite resource of natural landscape character. The provisions would not control modification of qualifying landscape values. 	<p>Social</p> <ul style="list-style-type: none"> The current provisions provide for some limited protection within publicly administered land which results in the retention of those areas for the community and future generations. 	
	<p>Cultural</p> <ul style="list-style-type: none"> Potential for ongoing loss of important landscape connection due to lack of identified qualifying landscape areas. 	<p>Cultural</p> <ul style="list-style-type: none"> Limited cultural benefits have been identified. Some areas are protected by regulatory controls but the cultural benefit is indirect and likely more by chance. 	
<p><u>Effectiveness and efficiency</u></p>	<p><i>Effectiveness</i></p> <p>The status quo provisions would not achieve the objectives because they do not identify the qualifying landscape</p>	<p><i>Efficiency</i></p> <p>The current provisions are inefficient as they do not provide sufficient identification and protection of qualifying</p>	

Evaluation of provisions to achieve Objectives NFL-O1, NFL-O2 and NFL-O3		
	<p>areas at a district wide scale across all zones. Instead, the provisions are limited in scope to ridgeline and hilltop areas that does not include all required landscape types and values.</p> <p>The ODP provisions lack a dedicated chapter comprising identified landscape overlays with supporting provisions distinguishing the controls based on the sensitivity of the subject landscape. Instead, the limited range of indirect rules are spread throughout the various zone based chapters.</p>	<p>landscape areas. The existing provisions have not been effective or efficient in every case, with notable modification or loss in some areas within the ridgeline and hilltop overlay, thus highlighting the operative framework of provisions needs updating.</p>
<p><u>Overall evaluation</u></p>	<p>The existing provisions (policies and rules) are not considered effective in achieving the objectives because:</p> <ul style="list-style-type: none"> • They do not provide the required level of protection for the different qualifying landscape types and fail to identify all qualifying areas; • They do not apply provisions in a district wide manner and lack focus on landscape values; • The existing provisions have not been successful in achieving their intended outcome within all ridgeline and hilltop areas; and • They do not recognise or provide for restoration activities. <p>The current provisions are therefore not the most efficient and effective way of achieving the objectives and do not give effect to higher order documents and legislation.</p>	

11.0 Conclusion

This evaluation has been undertaken in accordance with s 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Best gives effect to higher order documents, including the s 6 of the RMA, the NZCPS, RPS and the National Planning Standards;
- Is the most effective and efficient way to achieve the purpose of the Act and the Proposed District Plan's strategic objectives; and
- Addresses the identified issues.

Appendix 1: Feedback on Draft District Plan 2021

Who	Feedback Received	Response
Horokiwi Quarries Ltd	<p>General</p> <p>Horokiwi Quarries Ltd ('horokiwi' hereon) is concerned about the number of overlays that apply to the Horokiwi site and the implications for the operation and potential expansion of the quarry, particular concerns include the provisions relating to Hilltops and Ridgeline and the boundary of the Coastal Environment as it relates to the Horokiwi site.</p>	<p>Requested changes addressed below</p>
	<p>NFL-02</p> <p>Horokiwi supports the policy directive to enhance the values but notes that while the values for particular sites are outlined in Schedule 12, the characteristics are not. It is therefore not clear what are the characteristics referred to in the objective.</p> <p>Horokiwi seek an amendment to Objective NFL-O2 as follows: NFL-O2 Special Amenity Landscapes The characteristics and values of Special Amenity Landscapes are maintained and, where practicable, enhanced.</p>	<p>Reject</p> <p>Update schedule to provide explanation of characteristics per the Boffa Miskell landscape assessment.</p>
	<p>NFL-P3</p> <p>Horokiwi notes that the draft District Plan does not explain the purpose of the Ridgelines and Hilltops and has three fundamental concerns:</p>	<p>Accept in part</p> <p>The ridgelines and hilltops overlays are located both inside and outside SALs. The Council's landscape advisor has completed a review of the ridgeline and hilltops overlay and advised that it provides for landscape amenity relevant to the Wellington context and should be retained. Amendments to the provisions have been</p>

Who	Feedback Received	Response
	<p>1. Why they are needed given the draft District Plan identifies Special Amenity Landscapes (which are assumed to capture RMA S6(c) matters);</p> <p>2. The 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</p> <p>3. The lack of identified values for the Ridgelines and Hilltops (noting they are not scheduled).</p>	<p>completed to address this as a third-tier landscape and rules adjusted accordingly.</p>
	<p>NFL-P6</p> <p>Concerned with the lack of clarity on whether the policy is directed at existing or new mines and quarries.</p> <p>Either Delete Policy INF-P6 as it relates to Special Amenity Landscapes' and Ridgelines and Hilltops or amend as follows:</p> <p>NFL-P6 - Mining and Quarrying</p> <p>Avoid the <u>establishment of new (noting this does not include extensions to existing) mining and quarrying activities</u> within identified Outstanding Natural Features and Landscapes, <u>and</u> Special Amenity Landscapes or Ridgelines and Hilltops.</p>	<p>Accept</p> <p>An amendment has been made to distinguish 'new' from 'expansion of existing' quarry sites to recognise the difference in effects.</p> <p>This is captured in revised policy NFL-P7.</p>
	<p>NFL-R2</p> <p>Horokiwi opposes the provision of a non-complying activity status. The higher order instrument support for Ridgelines and Hilltops is not evident. No distinction made between new and extensions to existing quarries.</p>	<p>Accept</p> <p>The policy direction has been amended and the activity status changed for ridgeline and hilltops. Existing vs new activities has also been recognised.</p>

Who	Feedback Received	Response
	<p>Amend to clarify how the rule relates to existing and extension and seek Restricted Discretionary or an extension to an existing quarry within an Special Amenity Landscapes overlay, and Discretionary for a new quarry.</p> <p>Reference to Ridgelines and Hilltops is sought to be removed.</p>	
Wellington International Airport Limited (Jo Lester)	<p>General</p> <p>Greater clarity is needed as to whether the Infrastructure Chapter is stand alone and not subject to the Natural Features and Landscapes Provisions.</p>	<p>Reject</p> <p>The INF chapter is standalone.</p>
	<p>NFL-P5</p> <p>The provisions need to balance the impacts of operational or functional needs of infrastructure.</p>	<p>Reject</p> <p>NFL-P5 is not applied to INF.</p>
Greater Wellington Regional Council (Matthew Hickman)	<p>NFL-P6</p> <p>Consider how some areas of Outstanding Natural Features and Landscapes are more susceptible to value loss than others</p>	<p>Reject</p> <p>The criteria and policy direction support this by identifying the expected values for each qualifying feature or landscape. A landscape assessment for activities beyond the permitted standards is required to enable assessment of the given proposal.</p>
	<p>General</p> <p>Not all character values can be restored through restoration efforts.</p>	<p>Noted</p>

Who	Feedback Received	Response
Meridian Energy Limited (Andrew Feierabend)	<p>NFL-01</p> <p>Does not acknowledge the presence of wind turbines within parts of the Ridgelines and Hilltops overlay – suggest amendment “recognising the extent of existing modification’</p>	<p>Reject</p> <p>Windfarms are addressed in the REG chapter which is not subject to the zone or general district wide chapters.</p>
	<p>NFL-P3</p> <p>Recognition of the existing environment in this policy would better reflect reality and ensure expectations are aligned.</p>	<p>Reject</p> <p>The REG chapter addresses the interplay with overlays, including NFLs.</p>
	<p>General</p> <p>Draft Design Guide is silent on the physical presence of existing wind farms. Request the guide is updated to reflect what exists in the landscape</p>	<p>Reject</p> <p>Not clear if this reference is to the Rural Design Guide but windfarm activities are not addressed within this chapter. They are addressed within the REG chapter.</p>
Sky Sigal	<p>General</p> <p>Opposes the extent and identification of the ridgeline area in the District Plan. Proposes that during the resource consent process an assessment is required to ensure buildings are not visible above ridgelines from public roads and remove from the maps.</p>	<p>Reject</p> <p>Ridgelines and hilltops are already mapped within the existing ODP. The method suggested would be too subjective and uncertain for a permitted standard.</p>
	<p>NFL-S2</p>	<p>Accept</p>

Who	Feedback Received	Response
	<p>Submitter requests clarity on the definition of 'building' and seeks information on whether this includes structures (water tanks, carports) – proposes that area of buildings is increased.</p>	<p>Water tanks and carports are included in the definition of 'Building and Structure'. NFL-S2 addresses the standard for buildings in the ONFL overlay, which is predominantly natural and thus most sensitive to change.</p>
	<p>NFL-R1</p> <p>Submitter questions whether this give permission to WCC staff to carry out restoration activities on private land without agreement.</p>	<p>No changes requested</p> <p>This rule does not enable anyone to undertake restoration on private land without the landowner's permission.</p>
<p>WCC Environmental Group (Lynn Cadenhead)</p>	<p>NFL-01</p> <p>The submitter requests the following change to the wording of objective NFL-O1 to read "The characteristics and values of Outstanding Natural Features and Landscapes <u>are maintained and where practical enhanced</u>".</p>	<p>Reject</p> <p>The requested wording is not consistent with the higher order direction.</p>
	<p>NFL-02</p> <p>The submitter requests a change to the wording of objective NFL-O2 to read "The characteristics and Special Amenity Landscapes are <u>protected, maintained and, where practicable, enhanced</u>".</p>	<p>Reject</p> <p>SALs are characterised by human presence and modification of the subject landscape. 'Protected' direction is more appropriate for ONFLs.</p>
	<p>NFL-03</p> <p>The submitter requests a change to the wording of objective NFL-O3 to read "The natural green backdrop provided by identified Ridgelines and Hilltops is <u>protected, maintained and where practicable, enhanced</u>."</p>	<p>Reject</p> <p>'Protected' is a stronger direction which is not appropriate for ridgelines and hilltops. 'Maintenance' better reflects the intent of this objective and is consistent with the Higher Order (ONFLs are protected and SALs are maintained). Ridgelines and hilltops are a third tier overlay comprising areas that do not qualify as either of the above but are still recognised as contributing to the landscape amenity.</p>

Who	Feedback Received	Response
	<p>NFL-P1</p> <p>The submitter supports this policy for identification.</p>	<p>No changes requested</p>
	<p>NFL-P2</p> <p>The submitter requests a change to the wording of this policy to read:</p> <p>“Provide for use, development and enhancement within identified Outstanding Natural Features and Landscapes or Special Amenity Landscapes where:</p> <p>The activity avoids significant adverse effects <u>that are no more than minor</u> on the identified values and characteristics of Outstanding Natural Features and Landscapes or Special Amenity Landscapes”</p>	<p>Reject</p> <p>The current wording is specific in order to be consistent with the Higher Order policy directions.</p>
	<p>NFL-P3</p> <p>The submitter requests a change to the wording for this policy to read:</p> <p>“Provide for use and development within identified Ridgelines and Hilltops where the activity manages avoids any adverse effects <u>that are more than minor</u> or the visual amenity and landscape values.”</p>	<p>Reject</p> <p>The current approach focuses on managing effects and while this is similar, it would result in stronger avoidance direction and would also need to add the avoid, remedy and mitigate all other effects if this change were adopted.</p>
	<p>NFL-P5</p>	<p>Accept</p> <p>Agree with requested correction.</p>

Who	Feedback Received	Response
	<p>The submitter requests a change in wording to address a grammatical error:</p> <p>“Provide for use and development within identified Outstanding Natural Features and Landscapes that are within the coastal environment, where:</p> <p>Adverse effects of activities on Outstanding Natural Features and Landscapes are avoided; and</p> <p>Significant adverse effects of on other natural features and natural landscapes are avoided, and other adverse effects are avoided, remedied, or mitigated.”</p>	
	<p>NFL-P6</p> <p>The submitter supports this policy.</p>	<p>No change requested</p>
<p>WCC Environmental Group (Lynn Cadenhead)</p>	<p>NFL-P7</p> <p>The submitter requests a change to the wording to read:</p> <p>“Avoid the establishment of new plantation forestry within identified Outstanding Natural Features and Landscapes, only allow plantation forestry within identified Special Amenity Landscapes and Ridgelines and Hilltops. where adverse effects on the values of the feature can be mitigated.”</p>	<p>Reject</p> <p>This would result in elevating SALs and ridgelines and hilltops to the same level as ONFLs which is contrary to the Higher Order Policy directions and requirements of the NES for Plantation Forestry 2017 (NES-PF).</p>
	<p>NFL-P8</p> <p>The submitter requests a change to the wording of this policy to read:</p> <p>“Provide for existing plantation forestry activities <u>to continue until the existing trees are harvested</u>. Replanting of areas of existing</p>	<p>Reject</p> <p>The proposed change would result in the provision being inconsistent with the NES-PF regulations. Existing forestry operations is already established and recognised as such through the identified overlay. Plantation forestry is a cyclical process</p>

Who	Feedback Received	Response
	<p><u>forestry should only occur</u> where these avoid, remedy or mitigate any adverse effects on the landscape characteristics and values.”</p>	<p>requiring harvesting and then moving through land preparation before replanting. Preventing this following harvesting would be contrary to the existing use rights and regulations that provide for the different stages</p>
	<p>NFL-P9</p> <p>The submitter requests a change to the policy to read:</p> <p>“Provide for restoration or rehabilitation of the identified landscape character values in SCHED11 and SCHED12 by:</p> <ol style="list-style-type: none"> 1. Recognising the landscape character values present; 2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species; and/or 3. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity. 4. Provide for the community to protect, restore and maintain areas of indigenous biodiversity.” 	<p>Reject</p> <p>Consideration has already been given to provision for community involvement. The policy aims to offer broad scope provisions to avoid exclusion by inadvertent omission through specificity.</p>
	<p>NFL-R1 – NFL R5</p> <p>The submitter supports these rules.</p>	<p>No changes requested</p>
	<p>NFL-R6</p> <p>The submitter requests a change to the wording of this rule to read:</p> <p>”Activity status: Permitted <u>where all demolition material is removed from the site</u>”</p>	<p>Reject</p> <p>The rule itself requires removal as part of the demolition.</p>

Who	Feedback Received	Response
	<p>NFL-R7</p> <p>The submitter supports and notes there is no Rule NFL-R8.1.</p>	<p>Accept</p> <p>This should reference NFL-R7.1.a. This results in a consequential amendment to the sequence of rule numbers and references (e.g. NFL-R9 should be updated to NFL-R8).</p>
	<p>NFL-R9</p> <p>The submitter requests a change to the rule as follows:</p> <p>Activity status: “Permitted where: Compliance with NFL-S1 is achieved and <u>the new construction cannot be located outside the overlay”</u></p>	<p>Reject</p> <p>If the site is outside the ridgelines and hilltops overlay then it would not trigger this rule.</p>
	<p>NFL-R9</p> <p>The submitter supports this rule.</p>	<p>No changes requested</p>
	<p>NFL-R10</p> <p>The submitter supports the Discretionary Activity status escalation.</p>	<p>No changes requested</p>
	<p>NFL-R11</p> <p>The submitter supports this rule.</p>	<p>No changes requested</p>
	<p>NFL-S1,2 and 3</p> <p>The submitter supports these standards.</p>	<p>No changes requested</p>
<p>Esther Newman</p>	<p>NFL-R2</p>	<p>Reject</p>

Who	Feedback Received	Response
	Suggests a time limit is placed on this rule	It is unclear from the submission as to the purpose or reason for a time limit to be requested.
INF-NFL Chapter		
Chorus Vodafone	<p>Spark</p> <p>INF-NFL-P40</p> <p>INF-NFL-P42</p> <p>INF-NFL-P44</p> <p>INF-NFL-P46</p> <p>Concerned there are inconsistencies in Outstanding Natural Landscapes, Outstanding Natural Features and Special Amenity Landscapes and identified Ridgelines and Hilltops. Suggest an amendment to ensure infrastructure is demonstrated to be needed and does not need to avoid all adverse effects to meet the policy test.</p>	<p>Reject</p> <p>Do not agree that there are any inconsistencies – the policies address a range of overlays and the criteria apply to <u>either within or outside</u> the coastal environment to address Higher Order directions.</p>
	<p>INF-NFL-S22</p> <p>Unclear how the standards relate to infrastructure in general and suggest amendment to INF-NFL-S22 to provide for earthworks standards for infrastructure that is not National Grid infrastructure within the NFL overlays.</p>	<p>Accept</p> <p>The standard NFL-S22 is not applied to national grid infrastructure.</p>
Transpower Ltd	<p>INF-NFL-P47</p> <p>Transpower opposes and has concerns the policy does not give effect to the NPSET in that:</p> <p>1. The NPSET does not require earthworks and vegetation clearance to be of a scale that protects the identified values. It</p>	<p>Accept in part</p> <p>This policy originally addressed operation, maintenance and repair of national grid infrastructure. The INF-NFL policies have been substantially amended so that the relevant policies for national grid are now located in INF-NFL-P50 to INF-NFL-P58.</p>

Who	Feedback Received	Response
	<p>is also noted that although the National Grid is recognised as infrastructure of national significance within the NPSET (being a higher order policy document) it would appear P47 is more onerous (in that it includes additional policy matters) than is afforded to other infrastructure (as provided in INF-NFL-P37). This further enforces Transpower's concerns the draft plan does not give effect to the NPSET. Transpower seeks an amended policy framework specific to the National Grid that gives effect to the NPSET.</p> <ol style="list-style-type: none"> 2. Policy INF-NFL-P47 as drafted does not give effect to the NPSET and is opposed. 3. The NPSET does not require significant adverse effects be avoided. 4. The reference to 'reasonably practical alternative locations' is not necessary given the definitions of operational and functional need which provide clear parameters as to the necessity of the activity to occur in that location. 5. Transpower also has concerns with the term 'practical' as it is not a commonly used planning term and therefore introduces uncertainty in how the policy could be interpreted and applied. The term 'practicable' is more readily understood. 	<ol style="list-style-type: none"> 1. The NPS-ET single objective requires "... managing the adverse effects of the network...". Policy 4 requires decision makers to have regard to the extent of adverse effects while Policy 8 requires transmission standards to 'seek to avoid' adverse effects on "Outstanding Natural Landscapes, areas of high natural character...". The NES-ETA regulations provide further direction on how this is to be achieved with activity status ranging from permitted to restricted discretionary with the matters of control & discretion including "visual, landscape, and ecological effects..." See following Regulations: 31(2)(b), 32(2)(d) and 34(2)(d). 2. As per above, it is considered in accordance with the NPSET and NES-ETA policy and regulatory framework. 3. Policy 8 states a requirement to "seek to avoid" adverse effects. It is silent on remedy or mitigate. 4. Agree (NPS) definitions are sufficient to delete "reasonably practical alternative locations" from policy. 5. Agree "Practicable" is ok.
	<p>INF-NFL-P48</p> <p>Transpower opposes and proposes an amend policy framework specific to the National Grid that gives effect to the NPSET.</p> <ol style="list-style-type: none"> 1. Transpower is concerned SAL's and Ridgelines and Hilltops are afforded the same policy framework as ONFL's, given they are not section 6 matters. 	<p>Accept in Part</p> <ol style="list-style-type: none"> 1. SALs and ridgelines and hilltops do not have the same policy approach as ONFLs. The ONFLs require protection, while SALs provide for values to be "maintained". However, it is agreed that SALs and ridgelines and hilltops are not s6 matters nor within the NPS Policy 8 scope.

Who	Feedback Received	Response
	<ol style="list-style-type: none"> 2. The NPSET does not require earthworks and vegetation clearance to be of a scale that maintains or restores the identified values. 3. NPSET does not require significant adverse effects be avoided. 4. The reference to 'reasonably practical alternative locations' is not necessary 5. It is noted that although the National Grid is recognised of national significance within the NPSET (being a higher order policy document) it would appear P48 is more onerous. 	<ol style="list-style-type: none"> 2. The INF-NFL policies have been amended so that the relevant policies for national grid are now located in INF-NFL-P50 to INF-NFL-P58. 3. The NZCPS is also applicable. 4. Agree. 5. Policies have been further refined to address this and achieve consistency with higher direction and the hierarchy of landscape types.
	<p>INF-NFL-P49</p> <p>Transpower opposes as does not see this fitting within the National Grid specific policy framework and raises the lack of certainty as to whom the policy would be applied to in respect of the directive for underground.</p>	<p>Accept in Part</p> <p>This policy addresses upgrading infrastructure and applies to underground (anywhere) or above ground in road reserve. The direction is 'provide for' and therefore is enabling.</p>
	<p>INF-NFL-P50</p> <p>Transpower opposes and is concerned that the Special Amenity Landscapes and Ridgelines and Hilltops are afforded the same policy framework as the Outstanding Natural Feature Landscapes and that the policy does not give effect to the NPSET in that:</p> <ol style="list-style-type: none"> 1. The NPSET does not require the activity to be of a scale that protects the identified values. 2. The NPSET does not require significant adverse effects be avoided (noting the word significant is missing from the policy which is presumed is an omission). 	<p>Accept</p> <p>This policy addresses upgrading existing infrastructure. The national grid policy framework for this chapter has been updated and now covered by INF-NFL-P50 to INF-NFL-P58.</p> <ol style="list-style-type: none"> 1. Agree that SALs and ridgelines and hilltops do not have the same status as ONFLs. Policies amended. 2. NPS-ET Policy 8 provides for 'seek to avoid' and Policy 4 (upgrading) requires regard to avoid, remedy or mitigate. 3. Agree change "Practical" to "Practicable". 4. Agree (NPS) definitions are sufficient to delete "<i>reasonably practical alternative locations</i>" from policy.

Who	Feedback Received	Response
	<p>3. The reference to 'reasonably practical alternative locations' is not necessary given the definitions of operational and functional need which provide clear parameters as to the necessity of the activity to occur in that location.</p> <p>4. Transpower also has concerns with the term 'practical' as it is the term 'practicable' is more readily understood.</p> <p>5. The directive wording "only allow' within the policy does not reflect the enabling wording used in the NPSET.</p>	<p>5. Policies updated so the direction is consistent with revised rules and higher order directions.</p>
	<p>INF-NFL-P51</p> <p>Transpower opposes and proposes an amended policy framework specific to the National Grid Policy P51 which would apply to the existing National Grid assets at Oteranga Bay and to ensure the continued update of these assets given the necessity of the Cook Strait cables to the liner transmission network.</p>	<p>Reject</p> <p>The current designation (TPR4) provides for operational works up to the mean high water springs (jurisdictional) boundary which is not impacted by the landscape overlay. Transpower can also consider expanding the designation if it is not considered sufficient.</p>
	<p>INF-NFL-P52</p> <p>Transpower opposes and this has implications for any new Cook Strait cables at Oteranga Bay and seeks an amendment that gives effect to the NPSET.</p>	<p>Further information required</p> <p>Requires further information on where the new National Grid infrastructure is proposed within the ONFLs in the coastal environment. There is a balance to explore between the NPS-ET Policy 8 (seek to avoid) and NZCPS Policy 15a (avoid adverse effects from inappropriate development).</p>
	<p>INF-NFL-P53</p> <p>Transpower opposes and has specific concerns that the policy does not give effect to the NPSET in that:</p>	<p>Agree</p> <p>Policies have been redrafted and now located within INF-NFL-P50 to INF-NFL-P58 addressing these issues.</p>

Who	Feedback Received	Response
	<ol style="list-style-type: none"> 1. The NPSET does not require the activity to be of a scale that protects the identified values for ONFL's or maintains or restores those for SAL's. Furthermore, it does not require the avoidance of visually obtrusive structures within Ridgelines and Hilltops. The NPSET does not require significant adverse effects be avoided. 2. The reference to 'reasonably practical alternative locations' is not necessary given the definitions of operational and functional need which provide clear parameters as to the necessity of the activity to occur in that location. Transpower also has concerns with the term 'practical' as it is not a commonly used planning term and therefore introduces uncertainty in how the policy could be interpreted and applied. The term 'practicable' is more readily understood. The assets are existing within the areas and therefore the works will be required to be located there. 3. The directive wording "only allow" within the policy does not reflect the enabling wording used in the NPSET. 	<ol style="list-style-type: none"> 1. ONFLs seek to avoid (Policy 8 approach) and avoid, remedy or mitigate effects where avoidance is not possible. 2. The policy direction has been revised for the third-tier landscape identified as ridgelines and hilltops. 3. Agree <u>reasonably practicable</u> can be amended consistent with above requests to other policies. 4. The policy directions have been amended. See Policies INF-NFL-P50 to INF-NFL-P58.
	<p>INF-NFL-R54</p> <p>Transpower supports but advises that the NSETA provides a Discretionary activity status under Regulations 39 for those activities subject to the NESETA but not otherwise captured under other regulations.</p>	<p>Accept in part</p> <p>The provisions have been updated as part of revising the policy and rule framework.</p>
	<p>INF-NFL-R55</p> <p>Transpower opposes and suggests that this is deleted</p>	<p>Accept in part</p> <p>Provisions have been redrafted. Agree NES-ETA only applies to existing National Grid infrastructure. The range of overlays have been separated.</p>

Who	Feedback Received	Response
	<p>INF-NFL-R57</p> <p>Transpower supports the default discretionary rule as it provides a robust consenting framework whilst still recognising the national significance of the National Grid. Notwithstanding, Transpower queries whether this is appropriate for Ridgelines and Hilltops.</p>	<p>Accept</p> <p>Support reasoning provided and agree to remove ridgelines and hilltops. See revised policy and rule framework for National Grid infrastructure.</p>
	<p>INF-NFL-R58</p> <p>Transpower opposes the non-complying status as the rule and associated framework would mean essential new National Grid assets would potentially not be able to secure consent.</p>	<p>Further information required</p> <p>The NZCPS also applies in the situation where new infrastructure is proposed within the coastal environment within an ONFL. It is not clear where the future sites in the coastal environment are that could be in ONFL. As such, Transpower could assess whether the designation process is a preferable path for future sites within the coastal environment if located within an ONFL.</p>
	<p>INF-NFL-S22</p> <p>Transpower opposes as this duplicates volumes prescribed in the NESETA and recommends deletion to avoid confusion to plan users.</p>	<p>Accept in part</p> <p>Amended - INF-NFL-S22 does not apply to national grid.</p>
Powerco Ltd	<p>INF-NFL-R50</p> <p>Powerco opposes and suggests an amendment to ensure permitted activity status per:</p> <p>Upgrading of existing infrastructure within the Special Amenity Landscape or Ridgeline & Hilltop area</p> <p>1. Activity status: Permitted</p> <p>Where:</p>	<p>Accept</p> <p>Updated to include “within an existing building or structure”.</p>

Who	Feedback Received	Response
	<p>a. The infrastructure is located underground; or</p> <p>b. The infrastructure is located within an existing road reserve or <u>existing enclosure</u>.</p> <p>INF-NFL-R53</p> <p>Powerco opposes and suggest an amendment to ensure permitted activity status per:</p> <p>New infrastructure within a Special Amenity Landscape or Ridgeline & Hilltop area</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The infrastructure is located underground; or</p> <p>b. The infrastructure is located within an existing road reserve or <u>existing enclosure</u>.</p>	<p>Accept</p> <p>Updated to include “within an existing building or structure”.</p>
SUB		
Sky Sigal	<p>SUB-P17</p> <p>The submitter states that this is a duplication of SUB-P16 and feels this is confusing land use and subdivision rules.</p>	<p>Reject</p> <p>The provisions applying to the new legal boundaries following the subdivision process creates a new parcel ‘site’ which in turn permits further (additional) land use and thus permitted removal along those boundaries and within the site. Therefore not a confusion, but a practical implication.</p>
	<p>SUB-P18</p>	<p>Accept</p>

Who	Feedback Received	Response
	The submitter requests an amendment to prevent legal challenge by requesting the removal of the word “any” from this rule and seeks clarity who is referred to with the phrase ‘to whom’.	Agree to delete the word “any” and note that the policy direction for the ridgelines and hilltops has been updated to better clarify its position in line with the ONFLs and SALs hierarchy.
EW		
	<p>EW-S12</p> <p>The submitter queries the implementation of ridgeline allowance of 400m² of housing requiring cutting in relation to the allowance of only 200m².</p>	<p>Accept in part</p> <p>The provisions for earthworks and building platforms have been updated.</p>

