Before the Hearings Panel
At Wellington City Council

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Wellington City District Plan

Hearing Stream 8 (Natural Features and Landscapes) Reporting Officer Right of Reply of Hannah van Haren-Giles on behalf of Wellington City Council
Date: 7 June 2024

INTRODUCTION

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

2. I have prepared this Reply in respect of the matters in Hearing Stream 8 relating to the Natural Features and Landscapes chapter (NFL), Schedule 10 (SCHED10), and Schedule 11 (SCHED11).

3. I have listened to submitters in Hearing Stream 8, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 8 topics.

4. The Natural Features and Landscapes Section 42A Report sets out my qualifications and experience as an expert in planning.

5. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the relevant part of my evidence to which it relates. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7. This Reply follows Hearing Stream 8 held from 29 April to 2 May 2024. **Minute 49: Stream 8 Hearing Follow Up** released by the Panel on 6 May 2024 requested that Section 42A report authors submit a written Right of Reply as a formal response to matters raised during the course of the hearing. **Minute 38: 2024 Hearing Arrangements** requires this response to be submitted by 7 June 2024.

8. The Reply includes:

   (i) Responses to specific matters and questions raised by the Panel in Minute 49.

   (ii) Commentary on additional matters that I consider would be useful to further clarify or that were the subject of verbal requests from the Panel at the hearing.

Responses to specific matters and questions raised in Minute 49:

5 Secondly, can both Reporting Officers please provide revised text to capture the intention advised to us that the objectives, policies and rules of both the CE and NFL Chapter do not apply to Renewable Electricity Generation (REG) and Infrastructure. We query also whether Airport and Port activities within their respective Special Purpose Zones should be treated in the same way as other infrastructure in this regard.

9. The most appropriate place to emphasise that the Infrastructure and Renewable Electricity Generation chapters are standalone self-contained chapters and how they work with the rest of the Plan is within the Infrastructure and Renewable Electricity Generation chapters, and the General section of the Plan.

10. I maintain the view set out in my Supplementary evidence that:
"It would be my recommendation that to the extent the matter relates to renewable electricity generation, the matter be clarified at the REG hearing, and more broadly the 'Other relevant District Plan provisions' sections of chapters be examined/reviewed for consistency at a wrap-up hearing or future variation or plan change dependent on scope to make amendments."

11. This is because of the differences in approach between how the relationship to the REG and INF chapters are addressed in the NFL chapter (Other relevant District Plan provisions) compared to the CE chapter (Introduction).

12. For complete clarity and consistency with Mr Sirl for the CE chapter, I recommend that the following statements be added to the NFL chapter Introduction, in addition to the 'Other relevant District Plan provisions' section.

The Natural Features and Landscapes chapter provisions do not apply to Infrastructure located within Outstanding Natural Features and Landscapes, Special Amenity Landscapes, or Ridgelines and Hilltops (unless specifically stated within a INF-NFL rule or standard for example, as a matter of discretion).

The Natural Features and Landscapes chapter provisions do not apply to renewable energy generation activities located within Outstanding Natural Features and Landscapes, Special Amenity Landscapes, or Ridgelines and Hilltops (unless specifically stated within a renewable electricity generation rule or standard for example, as a matter of discretion).

13. There are no ONFL, SAL, or ridgelines and hilltops within the Port Zone or Airport Zone. Therefore it is not necessary or appropriate to treat Airport activities and operational port activities within their respective Special Purpose Zones in the same way as Infrastructure provided for in the INF and INF-NFL chapter.

9(a) Can Ms van Haren-Giles please address in greater detail the scope to add the values and characteristics recommended to be inserted into Schedules 10 and 11;

14. The scope to add the values and characteristics to Schedule 10 is established via the submission of Forest and Bird [345.413] (supported by Meridian [FS101.186]) which sought to include the values of each ONFL in Schedule 10 to give effect to the RPS and NZCPS.[1] The specific relief sought in their submission is:

"the "Relevant values under Policy 25 of the RPS" as identified in SCHED10 are uncertain and do not provide the level of information required to determine whether the effects of an activity can be adequately avoided, remedied or mitigated. Seek inclusion of the values of each ONFL in SCHED10 to give effect to the RPS and NZCPS. "High" for example, is not a value."

15. Forest and Bird [345.415] also sought to amend Schedule 11 to include values of each SAL to give effect to the RPS and NZCPS.[2] The specific relief sought in their submission is:

"the "Relevant values under Policy 28 of the RPS" as identified in SCHED11 are uncertain and do not provide the level of information required to determine whether the effects of an activity can be adequately avoided, remedied or mitigated. Seek inclusion of the values of each SAL in SCHED11 to give effect to the RPS and NZCPS."

16. As identified by Forest and Bird, the Schedule's notating 'high' as a value is not informative, nor does this approach provide any information or guidance to plan users as to what the identified values and characteristics to be protected are.

17. The Boffa Miskell Wellington City Landscape Evaluation established the determination of 'high' or 'very high' for each of the Policy 25 RPS values. Given the detailed criteria and evidence to inform the identification of Natural Science, Sensory Factor, and Shared and Recognised values contained in this report, in my

[1] Paragraph 325, Natural Features and Landscapes Section 42A Report
[2] Paragraph 341, Natural Features and Landscapes Section 42A Report

view it is logical that this detail is bought into the Schedules' rather than relying on a supporting technical report.

9(b) Please also comment on the appropriateness of reducing the height specified in NFL-S1 if there are any examples remaining of SAL's applying to land zoned MRZ;

18. The s32 Report establishes that:

> *"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."*[3]

19. NFL-S1 would be an issue regardless of the notified maximum height (8m) or my recommended amendment (5m) for any SAL retained on land zoned MRZ or HRZ. Given that SAL have not been identified as a qualifying matter, NFL-S1 would be inconsistent with the NPS-UD and MDRS requirements.

20. Therefore, if SALs applying to MRZ or HRZ zoned land were to be retained it would not be appropriate to reduce the height specified in NFL-S1.

21. The intended scope of reducing the maximum height is within the context that the standard would only apply to land zoned NOSZ, GRUZ, LLRZ, or QUARZ. In the notified chapter buildings and structures within SAL are permitted where compliance is achieved with NFL-S1 – which only addresses façade/roof colour criteria and sets a maximum height of 8m. In the NOSZ where buildings have a permitted height limit of 5m, GRUZ 8m, LLRZ 8m, there is no additional protection afforded by the NFL chapter other than the façade/roof colouring.

22. I therefore agree with Forest and Bird [345.251] that NFL-R11 and NFL-S1 as notified may result in significant visual and landscape effects. As I expressed at the hearing a reduction of height would be valuable as it would continue to provide for small scale buildings and structures that can be accommodated within a SAL without significant visual impacts i.e. playgrounds or rural sheds, but require an assessment of larger buildings against the identified values and characteristics of a SAL.

[3] Page 9, Natural Features and Landscapes s32 Report

Otherwise, there is a risk that the identification of SALs and the policy direction to protect their values is somewhat redundant because a large scale building could be constructed as a permitted activity with no assessment of potential adverse effects on identified landscape values and characteristics.

9(c) Please identify where the policy decision that the Ridgeline and Hilltop overlay should not apply to Residential Zoned land is set out;

23. My understanding of the policy decision that the Ridgeline and Hilltop overlay should not apply to residential land is reliant on the Natural Features and Landscapes s32 Report and Isthmus Ridgelines and Hilltops Review.

24. One of the key recommendations of the Isthmus Report that subsequently informed the Draft District Plan and PDP was:

"Boundary adjustments may be appropriate in areas identified for urban growth in the Overlay - where there are structure plans in place or planned, and/or the existing and intended pattern of development is residential across an extended area, and the values of the Overlay cannot be maintained".[4]

25. This flowed into the s32 Report where 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 was evaluated.[5]

26. As set out in my supplementary evidence[6], it was always the intent of the PDP that ridgelines and hilltops do not apply to residential zones, as evidenced by the deliberate removal of the ODP ridgelines and hilltops overlay from Draft DP and PDP MRZ and HRZ zoned land.

9(d) Please comment on the scope to remove the balance of the Outer Green Belt (i.e. other than the specifically identified areas) from the SAL overlay given the absence of any technical support for that inclusion, or any identified values applying to it;

27. In their submission Forest and Bird set out that they *"are concerned that SAL Outer Green Belt has been left off SCHED11, we therefore don't have the identified values to reference regarding this policy* [NFL-P3]." Their submission sought to *"Include*

[4] Paragraph 1.18, Page 11, Isthmus, Ridgelines and Hilltops Phase 2 Review | WCC | November 24, 2020
[5] Page 34, Natural Features and Landscapes s32 Report
[6] Paragraph 35, Supplementary Evidence

Outer Green Belt Special Amenity Landscape in SCHED11 as identified using criteria set out in Policy 27 of the RPS."

28. In his submission, Dr Layton expressed opposition to the Outer Green Belt SAL (notwithstanding that his land is subject to the Wright's Hill/Makara Peak SAL which is an area within the OGB that has been determined as meeting the criteria of a SAL). He stated: *"I think the council should abandon the adoption of the SAL overlay altogether. The change in the way this is now proposed to apply - to all the "outer green belt" - has made its real intention clear. It is not about landscapes with special amenities. It could not be as there is nothing special or unusual about the amenity this landscape provides."*

29. Based on the above submissions and the scope they provide, I agree with commentary at the hearing that given there is no technical support for its inclusion, the OBG SAL should be removed from the PDP for the reasons set out in my Supplementary Evidence.[7]

9(e) Query the labelling of 'ridgetops' in Development Areas and whether a more suitable term might be found that makes the distinction with the Ridgeline and Hilltop overlay clearer;

30. I agree that there is a degree of confusion between the 'Ridgetop area' in the Upper Stebbings and Glenside West Development Area and the 'Ridgelines and Hilltops' overlay.

31. The Ridgetop area was introduced to provide a bespoke framework to protect Marshalls Ridge, given that overlays were not intended to apply to the Development Area in the notified PDP. The Ridgetop provisions afford greater protection to Marshalls Ridge than the provisions of the NFL chapter, and therefore it is important that this bespoke framework be retained in a way that is clear for plan users.

32. I suggest that the Ridgetop area be renamed 'Marshalls Ridge' as this would provide specificity as to which ridge is being referred to. Amending the DEV3 provisions and Upper Stebbings Glenside West Development Plan in the planning maps with this term would provide a clearer distinction between this specific ridgetop and ridgelines more broadly. This would be an amendment to be made within the context of Hearing Stream 6.

[7] Paragraphs 62-68, Supplementary Evidence

9(f) Query whether the reference in NFL-O3 to 'green backdrop' and 'continuity of open space' needs to be qualified to recognise, for example, the Meridian wind turbines, Transpower's towers and electricity lines, and Horokiwi Quarry within the overlay;

33. As set out in the s42A Report[8], it is my view that the continuum of open space is a key aim of the overlay. My understanding is informed by the Wellington City Council Ridgelines Hilltops Overlay Initial Review, 8 April 2020, where it is noted that *'The Overlay has been defined to provide a landscape framework and visual "continuum" of relatively undeveloped, elevated landforms across the district. In both rural and urban areas, the landform "continuum" of the Overlay is central to its success in providing a visible landscape framework'.*[9]

34. I also rely on the expert evidence of Mr Anstey that '*Ridgelines and Hilltops are recognised primarily for their visual amenity values and in providing for a continuity in the character and quality of the city's wider landscapes'*.[10]

35. This position was supported by Mr Compton-Moen who in response to questions from the Panel stated that the purpose of the ridgetop is to provide a continuous landscape.

36. Based on the consensus of landscape evidence on this matter, I have not changed my view. I do not consider that NFL-O3 should be amended to recognise wind turbines, towers or electricity lines, particularly given that this type of infrastructure is entirely managed within the self-contained INF/INF-NFL and REG chapters.

37. There was discussion at the hearing about requalifying this to be 'relative continuity' but in my view this does not add any value to the objective.

9(g) Query whether NFL-P2 requires further amendment to clarify the inter-relationship between different elements, and to focus the reference to mitigation on the extent of mitigation rather than whether any mitigation has been undertaken;

38. The policy should focus on whether the adverse effects on the visual amenity and landscape values <u>are</u> mitigated, not whether they 'can be' mitigated. This amendment is set out in Appendix A.

39. Clause 3 which speaks to the functional or operational need to locate in the

[8] Paragraph 149, Natural Features and Landscapes Section 42A Report
[9] Paragraphs 1.9 and 6.9, Wellington City Council Ridgelines Hilltops Overlay Initial Review, 8 April 2020.
[10] Paragraph 30, Statement of Evidence of Clive Anstey

ridgelines and hilltops overlay is also somewhat redundant because as Mr Lewandoski pointed out in his evidence, residential activities do not have a functional or operational need to locate in any area.[11] My understanding is that 'functional or operational needs' are largely associated with infrastructure proposals. Given that infrastructure and renewable electricity generation within ridgelines and hilltops are managed within the self-contained INF/INF-NFL and REG chapters, there would be no real application of NFL-P2.3. I therefore recommend that clause 3 be deleted. This will clarify the interrelationship between elements of the policy.

9(h) In relation to NFL-P3 and P4, query both the merits and scope to add reference to enhancement where practicable;

40. Forest and Bird [345.233] sought amendment to NFL-P3 and NFL-P4, that these policies include 'maintenance and enhancement of the quality of the environment'.

41. At paragraph 181 of the s42A Report, I disagreed with their relief on the basis that: *'Policy 28 of the RPS directs that district plans include policies for managing SAL in order to 'maintain **or** enhance their landscape values' (emphasis added). As such there is no higher order directive to 'enhance' SAL characteristics or values.'*

42. Following discussions at the hearing, I consider there is merit in adding reference to 'enhancement' in NFL-P3 and NFL-P4, albeit with the caveat of 'where practicable'. This would align with the aim of NFL-O2 that 'the characteristics and values of special amenity landscapes are maintained and, where practicable, enhanced'.

43. Therefore, relying on the scope of Forest and Bird, I recommend that NFL-P3 and NFL-P4 be amended as set out in Appendix A.

9(i) In relation to NFL-P5, query whether sub-policy 2 makes sub-policy 2 redundant;

44. NFL-P3, NFL-P4, and NFL-P5 all follow a similar structure where the first clause addresses adverse effects and the second clause more broadly seeks that the activity maintain(SAL) or protect(ONFL) identified values and landscapes.

45. It is my understanding that the second clause of these policies' tie back to the aims of NFL-O1 and NFL-O2. I am comfortable with this approach.

[11] Paragraph 7.6, Evidence of Mr Lewandowski

9(j) In relation to NFL-P8, please consider whether the wording needs clarification to avoid imposing obligations regarding wilding pines that cannot practicably be met;

46. Under Section 6(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF), a rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of— (a) outstanding natural features and landscapes from inappropriate use and development.

47. I have reviewed the definition of plantation forestry in the NES-CF. To my mind wilding pines would not fall into this definition, notwithstanding that the PDP does not define plantation forestry.

48. For the avoidance of doubt, I recommend that NFL-P8 be amended to 'avoid the planned extension of existing and establishment of new plantation forestry'.

9(k) Query the effect and utility of the punctuation in NFL-P9;

49. This question relates to the punction of my recommended addition: ", and fencing off from stock" to NFL-P9.2. At the hearing it was queried what the purpose of the comma is. The intent is that fencing off from stock be encouraged where practicable. The comma can therefore be deleted.

9(l) In relation to NFL-P10, query whether greater clarity of language is required to address Ms Whitney's concerns;

50. In respect of NFL-R10 there were discussions at the hearing about clarifying the rule framework for NOSZ and all other zones. Amendments to this effect are set out in Appendix A.

51. For context to support the Appendix A version presented at the hearing, I recommended that reference to 'district wide provisions' be removed. I consider that this reference is somewhat redundant because the Plan is to be read as a whole, and therefore earthwork ridgelines and hilltops specific rules would apply regardless, and CE, SIGNS, TR, HH rules etc would be triggered and assessed where appropriate. For example, non-compliance with Transport chapter standards should not in of itself necessitate an assessment of adverse effects on amenity values. The triggers which would require an assessment of landscape values are not at all related to actual impacts on the visual amenity and landscape values of ridgelines and

hilltops, and are quite limited in terms of when values would be considered.

52. My primary concern is that while a 400m^2 residential building in the GRUZ might be entirely appropriate, it is not necessarily appropriate on the top of a prominent ridgeline. As notified, there is no ability through the NFL chapter (NFL-R10) to assess the visual amenity or landscape impacts of such a building – no standards or consideration through a resource consent process. Whereas the ODP contained comprehensive matters of discretion, including for example the extent to which the buildings are sited and designed in ways that avoid being visually obstructive.

53. At the hearing I presented a revised rule framework for buildings and structures in the ridgelines and hilltops overlay that provides for buildings and structures in the NOSZ as a permitted activity where compliant with the relevant underlying zone rules. Reliance on the underlying zone is appropriate in this circumstance because large scale buildings are not anticipated in the NOSZ (NOSZ-S2 has a GFA standard of 30m^2), and therefore would be sympathetic to the purpose of the overlay.

54. In the GRUZ, LLRZ or QUARZ however, I do not consider that NFL-R10 as notified is appropriate. Buildings associated with rural activities up to 400m^2 and 8m in height or residential buildings up to 400m^2 and 5m in height in the GRUZ could be permitted under NFL-R10. Buildings of this scale could have significant adverse effects on the visual amenity and landscape values of the ridgeline or hilltop. I therefore consider that restricted discretionary is a more appropriate activity status. This would enable consideration of effects on visual amenity and landscape values for buildings and structures outside of the NOSZ.

55. As I detailed at the hearing, the intent of introducing the matters of discretion from the ODP back into the PDP were to respond to submitters including Barry Ellis [47.2] Glenside Progressive Association [374.1 and 374.2] who sought that the protections afforded to ridgelines and hilltops via Plan Change 33 be retained in the PDP. I also consider that the matters of discretion in NFL-R10 address the point raised by Ms Whitney at paragraph 6.18.2 of her evidence that it is not clear in the PDP what values or which effects are to be mitigated. Bringing through the ODP matters of discretion provides clarity and guidance on matters to consider.

56. I understand that Ms Whitney's remaining concern with amendments recommended to NFL-R10 was the 'avoid' directive. I agree that the 'avoid' directive is not consistent with directive for ridgelines and hilltops in the PDP, and therefore recommend the matter of discretion be amended to 'minimise being visually

intrusive' to be consistent with NFL-P2.

9(m) Does Ms van Haren-Giles wish to reconsider her views as stated in paragraph 239 of the Section 42A Report in light of the Environment Court decision in Weston Lea Limited v Hamilton City Council [2020] NZEnvC 189?

57. The Wellington City Council Animal Bylaw 2024 has recently and comprehensively been reviewed and aligned with the District Plan. This bylaw went through its own submission process.

58. I retain the view that the PDP does not need to place controls on pets.

9(n) Does Ms van Haren-Giles have any response to Ms Whitney's concerns about NFL-R2 and R10 – in particular, the fact that although the rules purport to relate to all zones, the text relates only to the General Rural Zone and the NOSZ. Query also the scope and merits of removal of a pathway to permitted activity status within the Quarry Zone;

59. In respect of the land use activity rule, quarrying is a permitted activity in the ridgelines and hilltops overlay under NFL-R5.

60. The intent of my amendments presented at the hearing was to limit the type of activities permitted in the ridgelines and hilltops overlay to activities within the NOSZ (generally sympathetic to the overlay), and rural activities in the GRUZ and LLRZ. This would make any other activity in the GRUZ, LLRZ, and QUARZ (the only zones where the overlay is intended to apply) a restricted discretionary activity. What I did not appreciate at the hearing was that this amendment would result in for example, conservation and recreation activities being elevated to restricted discretionary, which was not my intent.

61. NFL-R2 should also include the Quarry Zone to provide for rural and conservation activities within ridgelines and hilltops as a permitted activity where compliance is achieved with the relevant permitted activity rule in the underlying QUARZ. This amendment is set out in Appendix A and returns NFL-R2 to be more in line with the notified rule.

62. As to Ms Whitney's concerns about NFL-R10, I address this in response to question 9(l) above.

9(o) Can Ms van Haren-Giles please comment on both the merits and scope to insert a GFA standard in NFL-R11, and if so, what standard would be appropriate?

63. At the hearing I detailed my support to insert a GFA standard for NFL-R11 (NFL-S1), noting that without a GFA standard the rule framework for buildings and structures within SAL is very broad as to what can be built as a permitted activity.

64. Without amendment to NFL-S1, buildings associated with rural activities up to 400m^2 and 8m in height or residential buildings up to 400m^2 and 5m in height in the GRUZ could be permitted under NFL-R11. Buildings of this scale could have significant adverse effects on the identified landscape characteristics and values of the SAL. However, as notified there is no ability to assess these effects. I therefore consider that there is merit to insert a GFA standard to enable small scale buildings and structures i.e. playgrounds and sheds, while ensuring consideration of effects on visual amenity and landscape values for larger scale buildings and structures. In my view 50m^2 is an appropriate permitted GFA within SAL, noting that 82% of notified SAL comprises publicly owned land (i.e. primarily NOSZ) where large scale buildings are not anticipated (NOSZ-S2 has a GFA standard of 30m^2).

65. Forest and Bird [345.251] sought the deletion of the permitted activity rule for SALs as neither it, nor NFL-S1, in their view, considered effects on biodiversity and landscape values. I consider there is scope through this submission point, and the submissions of John Tiley [142.12] and Churton Park Community Association [189.12], to amend NFL-S1 to introduce a GFA standard as an alternative to the deletion of NFL-R11.1. If a GFA standard were introduced, then NFL-R11.1 would not need to be restricted to the NOSZ. These amendments are set out in Appendix A.

9(p) Can Ms van Haren-Giles please comment on both the merits and scope of inserting an advice note in Schedule 10 and 11 referring the reader to Schedule 7 for the cultural values of the identified areas;

66. I consider that there is scope through the submissions of Horokiwi Quarries [271.95], Forest and Bird [345.413 and 345.415], and Taranaki Whānui [389.140] to clarify the values and characteristics of ONFL and SAL in Schedule 10 and 11.

67. NFL provisions apply in conjunction with Sites and Areas of Significance to Māori (SASM) provisions which cover a large portion of ONFL and SAL around the coast and which have been identified as having significance. The notified 'Other relevant District Plan provisions' section of the NFL chapter directs plan users to the SASM chapter. Given that cultural values of ONFL and SAL are identified through the SASM

chapter and SCHED7 it is in my view logical and beneficial for plan legibility to have an advice note in SCHED10 and SCHED11 which directs plan users to SCHED7.

68. This approach is consistent with advice received from both Ngāti Toa Rangatira and Taranaki Whānui,[12] in particular that:

a. 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.

b. 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.

9(q) In relation to the Parkvale site, on the assumption that the area to be rezoned is reduced from that originally sought, can Ms van Haren-Giles comment on whether the Ridgeline and Hilltop overlay should be retained over the area of the site that is not zoned MRZ. Further, if the Ridgeline and Hilltop overlay currently over the site is shifted, please comment on how the revised overlay should link to the overlay currently across parts of 173 and 175 Parkvale Road (and which, as far as the Panel is aware, is not the subject of submission).

69. I rely on the expert evidence provided by Mr Compton-Moen on behalf of Parkvale Limited, and which is supported by Mr Anstey, that the ridgeline and hilltop overlay can be removed to the 260msl elevation. I consider that irrespective of what the outcome of the rezoning is, there is consensus among parties that it is reasonable to shift the overlay to the 260msl elevation.

70. If the ridgeline and hilltop overlay is amended to the 260msl elevation then the isolated pocket of the Ridgeline and Hilltop overlay applying to 173 and 175 Parkvale Road should be removed. An isolated area of ridgeline would not be consistent with the purpose of the overlay – that it provides a continuum. More so, given that 173 and 175 Parkvale Road already contain dwellings, the overlay does not add significant value (similar to how the PDP ridgelines and hilltops overlay was removed

[12] Page 30-31, Natural Features and Landscapes s32 Report

from already developed areas of the ODP overlay). See also my response to question 9(c) above.

Response to other matters raised at the hearing:

71. At the hearing I recommended amendment to the way in which permitted activity standards are referred to in permitted activity rules. Following the hearing Mr Sirl and I have discussed how this is worded in our respective chapters and consider that it should be worded as "Compliance is achieved with the relevant permitted activity rules for land use activities/building and structures activities in the underlying zone". Amendment to these statements are set out in Appendix A.

72. At the hearing I noted there was no assessment criteria in NFL-S2 and that this was an administrative error. At the hearing I recommended that the assessment criteria of NFL-S1 should also apply to NFL-S2.

Section 32AA Evaluation

73. In my opinion, the amendments set out in this report are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

    a. The amendments clarify the provision framework which reduces the likelihood of interpretive issues. Consequently, they are more efficient than the notified provisions in achieving the objectives of the PDP.

    b. The recommended amendments set out in this report will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

Date: 7 June 2024