

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Submissions and Further
Submissions on the
Proposed Wellington City
District Plan

Minute 49

Stream 8 Hearing Follow Up

Minute 49 - Stream 8 Hearing Follow Up

1. Following the completion of the Stream 8 hearing on 2 May there are some matters that we need to record.
2. Firstly, during the course of submitter presentations we requested/gave leave (as applicable) for provision of the following additional material:
 - (a) We requested that Mr Compton-Moen (for Parkvale Road Limited) provide us with a revised site plan showing both the altered Zone boundary sought in Stream 6 and readable contour elevations across the site. We request that information be provided both on the plan that forms the front page of Mr Compton-Moen's Appendix 1 and on his Location Plan showing an indicative development layout. This is to be provided by close of business Wednesday 10 May;
 - (b) We asked Mr Bray (for Horokiwi Quarry Limited) to provide us with an amended set of cross sections (his Sheet 12) with the Coastal Environment line originally sought in the submission added to the line now sought, and the Coastal Environment line as notified, with that information to be provided by close of business on 3 May;
 - (c) We gave Ms O'Sullivan (for Wellington International Airport Limited) leave to provide supplementary evidence on CE-R5 and R6, on the assumption that they are amended to apply to coastal margins not within High Natural Character Areas. That supplementary evidence is to be in hand by 1pm on 10 May.
3. Turning to the Council's Reply, as with previous hearing streams, we have reviewed our hearing notes to identify issues on which we would be particularly assisted by further feedback from the Council. Also as previously, the Council is of course free to reply on any issues arising at the hearing.
4. We request that Mr Anstey address two issues:
 - (a) On the premise that the Hearing Panel considers the option he mooted of the Coastal Environment line being drawn to exclude the active quarry area on the Horokiwi Quarry site to have merit, can Mr Anstey please identify how that boundary should be joined at either

end with the balance of the Coastal Environment line. We request that this will be done both with a map and a written explanation;

- (b) Can Mr Anstey please respond to the presentation of Dr Brent Layton in relation to both the SAL and Ridgeline and Hilltop overlays applying to his land on South Karori Road.
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.
6. Addressing the Coastal Environment Chapter more specifically:
- (a) Can Mr Sirl please provide a discussion of the options available to reduce the need for assessment of coastal values in urban areas the subject of the Coastal Environment overlay at locations where there are few/no apparent 'coastal' values;
 - (b) Can Mr Sirl please advise on his final position as to how the area of NOSZ around the Airport margin intended to be treated the same way as the Airport Zone should be described, noting any consultation he has had on this point with Ms O'Sullivan;
 - (c) Can Mr Sirl please provide the outcome of his general review of the headings of Rules, as to whether they correctly and clearly describe the relevant activity;
 - (d) In relation to the Introduction to the Coastal Environment Chapter:
 - (i) Query whether the final sentence added to the fourth paragraph on page 1 should refer to 'wind' turbines, quarries (rather than quarrying) and to the National Grid;
 - (ii) Query whether the location of the additional text in the second full paragraph on page 2 needs to be changed to remove the inference that ONFL areas have been identified consequent on NZCPS Policies;

- (iii) Query how the discussion of the framework of the chapter on page 3 should be amended to reflect the addition of the NOSZ areas on the margins of the Airport, again noting any consultation on this subject with Ms O'Sullivan;
- (e) In relation to CE-O1, query the duplicated reference in the first line to natural character;
- (f) In relation to CE-P2, query whether sub-policy 1 imposes unnecessary constraints on non-residential activities, and in relation to residential activities, whether it provides any policy direction not already addressed by sub-policy 2;
- (g) Please discuss in greater detail the scope to broaden CE-P5(2)(f) and CE-P7(2)(d) as recommended;
- (h) In relation to the revised CE-P10, we request that Mr Sirl address whether the previously suggested 'avoid' policy needs to be qualified, and whether the reference to quarries should be specific to new quarries (as Ms Whitney for Horokiwi Quarry suggested);
- (i) In relation to CE-R6, can Mr Sirl please clarify the mismatch between paragraph 349 of the Section 42A Report and his Appendix A;
- (j) In relation to CE-R6, CE-R9 and CE-R15 could Mr Sirl please provide discussion of the merits and scope for the inclusion of the proposed Section 88 information requirements.
- (k) In relation to CE-R12 and R14, we query whether the suggested sub-rule 2(b) is required, and if so, whether as currently framed, that wording leaves a gap where rules with an activity status other than RDA apply;
- (l) Query whether the cross reference in recommended CE-R15 to CE-P7 achieves the intent, or whether the relevant matter of discretion needs to be stated more clearly;
- (m) In relation to CE-S1:

- (i) Does the heading of that standard need to be expanded, consequential on amendments to relevant rules, to refer to coastal and riparian margins;
- (ii) Should the wording be 'contiguous' or 'continuous'?
- (iii) Can Mr Sirl please advise on the consistency of the existing CE-S1 reference to infrastructure with his position on references to infrastructure (and REG) elsewhere in the chapter;
- (iv) What submission provides scope to reduce the distance specified in S1(1)(c) to less than 10m, and can Mr Sirl advise what separation distance FENZ recommends?
- (n) Can Mr Sirl please review Mr Insull's submission and advise whether amendments are required to coastal environment provisions to address issues that may not have been correctly summarised in the summary of submissions;
- (o) Can Mr Sirl please address the scope to add the suggested new APPX in greater detail.

7. In relation to Natural Character:

- (a) Is there merit in generalising the reference to the NES-FW to provide for potential regulatory change?
- (b) Query whether NATC-P1(5) is consistent with the approach taken to public access provisions, or alternatively needs to be softened (perhaps by use of a maintenance test) and/or needs to be qualified to allow minor works within the riparian margin?
- (c) Is NATC-R5 consistent with the approach taken in the Natural Hazard Chapter, given the overlap between natural hazard provisions governing stream corridors and riparian margins?

8. In relation to Public Access:

- (a) Please advise how it is recommended that the apparent inconsistency of language as between the Introduction in the

Objectives and Policies vis a vis references to the 'coast' and 'coastal environment' should be addressed?

(b) Should PA-P1 be subject to PA-P3?

9. In relation to the NFL Chapter:

(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;

(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;

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

(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;

(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;

(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;

(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;

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

- (i) In relation to NFL-P5, query whether sub-policy 2 makes sub-policy 2 redundant;
- (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;
- (k) Query the effect and utility of the punctuation in NFL-P9;
- (l) In relation to NFL-P10, query whether greater clarity of language is required to address Ms Whitney's concerns;
- (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?
- (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;
- (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?
- (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;
- (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).

A handwritten signature in blue ink, consisting of a large, stylized 'T' followed by a series of loops and a horizontal line extending to the right.

Trevor Robinson

Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated 6 May 2024