

**Before the Independent Hearings Panel  
At Wellington City Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan – Hearing Stream 6

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

**Date: 15 February 2024**

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## INTRODUCTION:

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

2 I have read the respective evidence of:

**Ministry of Education** ID 400 and FS52

a. Zach Chisam – Planner

**Lincolnshire Farm Ltd, Hunters Hill Ltd, Best Farm Ltd, Stebbings Farmlands Ltd, and Ohau Land and Cattle Ltd** ID 25 and FS75

a. Rod Halliday – Planner

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

4 Specifically, this statement of evidence relates to the matters of:

a. [Hearing Stream 6 – Section 42A Report – Future Urban Zone](#); and

b. [Hearing Stream 6 – Section 42A Report – Development Areas](#).

## QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

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

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

## **SCOPE OF EVIDENCE**

- 7 My statement of evidence:
- a. Addresses the expert evidence of those listed above; and
  - b. Identifies errors and omissions from my s42A Reports that I wish to address.

## **RESPONSES TO EXPERT EVIDENCE**

### **Ministry of Education ID 400 and FS52 – Zach Chisam**

- 8 Mr Chisam tabled a statement of evidence on behalf of the Ministry of Education. Mr Chisam supports the assessments and recommendations to amend and retain provisions as outlined in the Development Areas s42A Report. Mr Chisam also notes support for the recommendation to delete the Future Urban Zone (FUZ) in its entirety as a favourable outcome in reducing duplication of the same provisions and outcomes reached in other zones. There are no outstanding matters to be addressed.

### **Lincolnshire Farm Ltd, Hunters Hill Ltd, Best Farm Ltd, Stebbings Farmlands Ltd, and Ohau Land and Cattle Ltd ID 25 & FS75 – Rod Halliday**

- 9 Mr Halliday generally supports the recommendations of the Future Urban Zone and Development Areas s42A Reports. Outstanding matters in relation to each chapter/appendix are discussed under the relevant headings below.

#### **Future Urban Zone**

- 10 Mr Halliday supports the recommendation to delete the FUZ in its entirety, noting that although none of the submitter's he represents sought this in their submissions, he considers that this approach is sensible. However, he raises two concerns:
- a. Flexibility of the boundaries and ensuring the development area intent that these area boundaries are not immovable; and

- b. What the 'sister zone' is for the future school site and community facilities.

### **Underlying zoning of school site and community facilities**

11 In respect of the underlying zoning of the school and community hub identified in the planning maps, I consider that it would be most appropriate to upzone/rezone this land to Local Centre Zone for the following reasons:

- a. The [s32 Report](#) identified the Local Centre Zone as being applicable to the Development Area:

*'This chapter contains provisions relating to the management of the commercial and centres zones, of which the Local Centre is applicable for the Lincolnshire Farm Development Area. The layout and built form of local centre in Lincolnshire Farm will ultimately be enabled and regulated by these provisions, therefore the proposed provisions in the Lincolnshire Farm Development Area mimic those provisions in the centres zones. The Centres and Mixed-Use design guide will work with the centres provisions to help achieve desired outcomes for these areas.'*<sup>1</sup>

- b. While the Development Area planning maps identify a 'Neighbourhood centre', the DEV2 chapter and APP12 refer to a Local Centre. *'The extent and effect of non-compliance with any effects standards in the Local Centre Zone'* is specifically referenced in DEV2-APP-R1 which supports that LCZ is the intended future zoning.

- c. There is alignment with the LCZ rule framework, particularly for the key activities:
  - i. LCZ-R2 provides for community facilities as a permitted activity which is consistent with DEV2-R20.

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<sup>1</sup> Page 8, Section 32 Report for the Future Urban Zone, Upper Stebbings and Glenside West Development Area and Lincolnshire Farm Development Area

- ii. LCZ-R3 provides for educational facilities as a permitted activity which is consistent with DEV2-R21.

LCZ zoning would therefore enable a future school and community facilities to locate in the area prescribed by the Development Plan as a permitted activity.

- d. I have discussed this matter with Ms Hayes who was the reporting officer for the Centres and Mixed Use Zones, and she concurs that LCZ is most appropriate as the intended zoning for Lincolnshire Farm, and is consistent with the zoning prescribed by the National Planning Standards.

12 On this basis, I would like to note a clarification to my FUZ/DEV2 recommendation in respect of the identified Neighbourhood centre in the planning maps. In Appendix C to my Development Areas s42A Report I noted that some of the DEV2 provisions should be retained because there are no equivalent twin provisions in the DEV2 chapter. However, if the area of the identified Neighbourhood centre and School and community hub be upzoned to Local Centre Zone, this will in turn mean that the LCZ provisions will be applicable.

13 Attached to my supplementary evidence is an updated version of Appendix C which identifies 'twin' provisions of the LCZ chapter applicable to the DEV2 provisions. These are coloured yellow within a new column. It is evident that there is a high level of duplication i.e. twin provisions and that the relevant 'sister zone' is LCZ. I acknowledge that the LCZ chapter differs to the DEV2 provisions in that it additionally enables industrial activities as a permitted activity, and yard-based retailing activities as a discretionary activity. The LCZ also enables community corrections activities, retirement villages<sup>2</sup>, and integrated retail with a floor area less than 20,000m<sup>2</sup> as permitted activities. I consider that there is appropriate alignment with the purpose and intent of the Lincolnshire Farm Development Area Local Centre and the LCZ objectives, policies, rules, and standards. I also consider that LCZ-R11 (Integrated retail activity) is appropriate for DEV2, however if the Panel were of a

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<sup>2</sup> LCZ Officer's recommended version.

mind to restrict this activity in Lincolnshire Farm, the alternative is to include a discretionary DEV2 rule for integrated retail activities to retain the same activity status as the notified DEV2 chapter.

- 14 As I alluded to in paragraph 314 of the Development Areas s42A Report, there is a need to consider the provisions that apply to 'All Areas' within the Development Areas. The example I gave is that while it is clear the DEV2 'Land use activities in the General Industrial Activity Area' section of rules reflect the GIZ chapter provisions, the 'Land use activities in all Areas' section of rules seems to bring through rules from the NOSZ, MRZ, and LCZ zone. My recommendation in Appendix C was that while some identified 'All Areas' rules do have twin rules within what would be NOSZ, MRZ, or GIZ etc, the rules are applicable to 'All Areas' and therefore, as notified, apply across Residential and Open Space Areas, the School and community hub, as well as the No Build areas of DEV3. Because there are no equivalent rules across all of these chapters, I considered that these DEV rules should be retained to provide the scope of what was notified – i.e. flexibility for open space, educational facilities, emergency service facilities etc.
- 15 Therefore, it is a question of whether to retain the DEV rules to provide for this flexibility across all activity areas, or whether there is sufficient certainty as to what/where these activities are intended to locate as per the Development Plans and that therefore upon upzoning/rezoning the FUZ to the intended zoning the duplicated DEV rules can be deleted.
- 16 While this is my preference and recommendation, at this stage, I recommend that the majority of the DEV rules that apply across 'All Areas' continue to be retained as notified, despite having applicable 'twin' provisions in the intended future zone.
- 17 Overall, I consider that LCZ zoning would address a gap in the notified DEV2 chapter, and is the most appropriate zoning to enable and accommodate the range of future planned

buildings and activities in this area. As notified, there are no buildings and structure rules<sup>3</sup> applicable to the identified Neighbourhood centre or School and community hub. Therefore, by upzoning/rezoning these areas to LCZ, the LCZ rule framework will become applicable in guiding and enabling development.

### **Flexibility of boundaries**

18 I consider that flexibility of boundaries is already provided for, and refer to my assessment in paragraphs 69-70 of the Development Areas s42A Report in this respect. I also refer to my s32aa evaluation contained in the Future Urban Zone s42A Report which for ease of reference I repeat below:

- a. *There may be some economic costs for the landowners/developer(s) in that deletion of the FUZ 'locks in' zone boundaries for the Development Areas, resulting in potential constraints on flexibility. However, the benefits of having the 'desired' Development Plans (from both the Council and developers perspective) established as their intended zoning in the PDP are likely to outweigh the costs associated with a future plan change to rezone the FUZ to its intended zoning.*
- b. *A risk of acting is that zoning would fix the boundaries between residential and open space zones, for example, and potentially impose constraints on the development of the land without detailed design to justify for example a specific alignment for the transport connections. While this is a risk, the indicative location of road, as well as area/zone boundaries has been informed by years of consultation and research as to the location of ridgelines, gullies, topography, streams, SNAs, natural hazards etc. Any new road, regardless of zoning is a restricted discretionary activity under INF-R25 so there remains flexibility for road alignments to change under the precursor of being 'in general*

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<sup>3</sup> Except for DEV2-R41 Maintenance and repair of buildings and structures in all activity areas and DEV2-R42 Demolition or removal of buildings and structures in all activity areas.

*accordance with the location and extent shown in the Development Plan' which would apply with or without FUZ zoning.*

- c. With or without the FUZ zoning, development in the Development Areas must be undertaken 'in general accordance with the location and extent shown in the Development Plan'. As such the activity areas for residential vs open space boundaries are already well established. I consider that the area/zone boundaries are well informed and understood by both Council and the developer, and that further earthworks and engineering investigations as well as consenting processes have demonstrated that while minor refinements may be needed, the Development Plans are workable/desirable from both Council and the developers perspective.*
- d. If detailed engineering and earthwork design demonstrate the need for the location of roads, open space and community facilities in the Development Plans to be slightly amended, with or without the FUZ zoning, there will always remain the option of applying for resource consent or a plan change for alternative development scenarios to what is outlined in the Development Plan.*
- e. The benefit of acting now is that comprehensively planned urban development can proceed in a manner consistent with the intended zoning. This will create a well-functioning urban environment that delivers compact urban form and ensures sufficient land is available for housing and business purposes in accordance with the NPS-UD.*

19 Mr Halliday has raised concern that development should be considered without unnecessary process such as a plan change and that *'this is a key feature of current structure plan with the intention being to take land out the UDA [Urban Development Area] and rezone land as appropriate under the District Plan as development areas are completed'*. In my view the latter is procedurally inefficient in terms of the cost and time for all parties to undertake multiple iterative plan changes.

20 With or without upzoning/rezoning the FUZ, it is likely that there will be a need for a general 'omnibus' plan change to be progressed for those matters highlighted by the IHP across all PDP topics, including the need to 'fix up' any amendments to zoning.



21 However, there are scenarios where flexibility is not appropriate. The approach of the notified PDP was that some activities in Lincolnshire Farm are enabled in 'all areas' i.e. across all activity areas. For example, as set out in Appendix C, while DEV2-R26 provides for Supported residential care activities in 'All Areas' I consider this to be a drafting oversight because a. this DEV rule directly mirrors the MRZ rule (therefore MRZ can be considered to be the intended zoning); and b. it would not be appropriate for the activity to establish in the Industrial or Open Space Areas. The upzoning and amendments to the DEV2 rule framework will 'correct' this in ensuring that activities locate in suitable areas whilst still maintaining flexibility via recommended DEV2-R1.3.

22 Mr Halliday had raised specific concerns, for example, around the approximate location of a school site. As discussed above, I consider that LCZ zoning is appropriate as the underlying zone. Educational facilities would be a permitted activity under LCZ-R3 and if undertaken in general accordance with the Lincolnshire Farm Development Plan and Appendix 12 would be a permitted activity under recommended DEV2-R1.1. If the school were proposed in a location that varies significantly from the area identified in the Development Area maps then this would not meet the criterion for being 'in general accordance with' and would be assessed as a discretionary activity under DEV2-R1.3. In this way there remains flexibility for a case-by-case assessment through a resource consent process, albeit development in accordance with the Development Plan will have an easier consenting pathway.

### **Appendix 12**

23 Mr Halliday expresses concern with respect to the requirement for the School site and Community Sports and Active Recreation Reserve to be flat.

24 The PDP does not direct or dictate that the onus is on the developer to provide land that meets the requirements set out in the District Plan. Instead, the degree to which the site can accommodate the requirements of a school or recreation reserve will be a matter for private negotiations as part of the sale/lease of sites.

25 I refer to my assessment in paragraphs 157-160 of the Development Areas s42A Report where I accepted Mr Halliday's point that school sites in the northern suburbs of Wellington are seldom completely flat and that the requirements of the NPS-FM and other legislation constrain bulk earthworks. Having considered this matter further, my view is that specific reference for the school site to be flat could be removed from DEV2-APP-R2, whilst retaining that levelled platforms capable of accommodating school buildings are to be provided.

**DEV2-APP-R2 School site**

1. A school site is provided in accordance with the following:
  - a. A site ~~that is flat, as far as practicable,~~ of approximately 3 ha ~~that is flat, as far as practicable, comprising one or more relatively levelled platforms capable of accommodating school buildings~~ must be set aside for the purpose of a school;
  - b. The school site must be centrally located within walking distance of the local centre; and
  - c. The school site must be located on or adjacent to a street with a bus route. There must be separated cycleways along at least one street adjoining the school site, connecting to the wider cycle network.

26 However, I have not changed my view on this matter in relation to the Community Sports and Active Recreation Reserve for the reasons set out in my s42A Report.

**DEV2 Mapping**

27 Mr Halliday agrees with my recommendation to amend an area of 305 Mark Ave from General Industrial Area to Natural Open Space Area, however disagrees with my recommendation to not then amend the notified Natural Open Space Area (NOS) to Medium Density Residential Area (MRZ).

28 I have not changed my view and continue to recommend as per Table 1 on page 24 of the Development Areas s42A Report that the remnant of 305 Mark Ave be retained as NOS. For ease of reference, I repeat that assessment here:

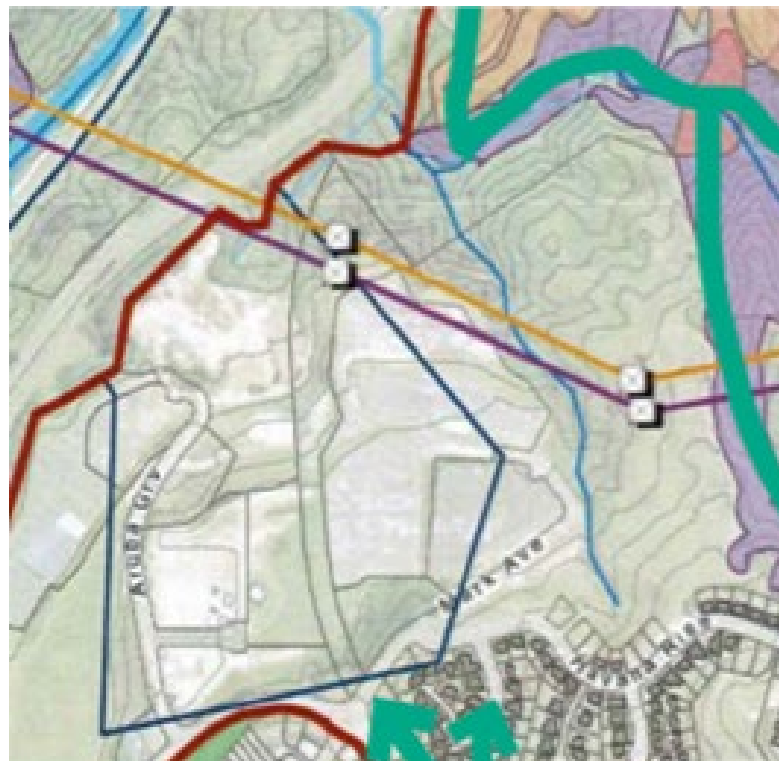
*I do not agree that the green corridor can simply be moved southwards as suggested. The boundaries of the open space on the Development Plan were informed by:*

a. The location of streams as shown in the Council's GIS maps and

b. The location of overhead power lines.

*Extending the residential area into the open space area may result in land being identified for housing that is in fact not suitable for this purpose due to the presence of streams. The precise boundary between Natural Open Space and Medium Density Residential areas should be agreed as part of a resource consent process on the basis of more detailed stream surveys. The Development Area provisions provide the flexibility for consenting development which differs from the precise lines contained in the Development Plan.*

29 To support this position, below is an extract from the Lincolnshire Farm Structure Plan Open Space and Recreation Planning report<sup>4</sup> which identifies the stream (blue) and transmission lines (orange and purple) crossing through 305 Mark Ave.



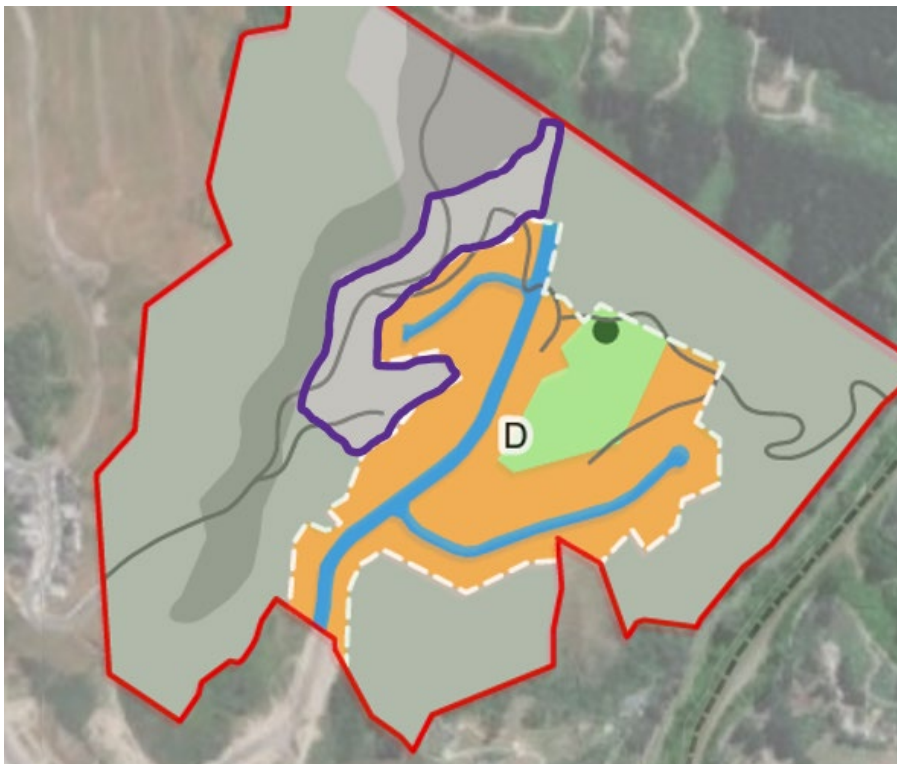
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<sup>4</sup> [Lincolnshire Farm Structure Plan Open Space and Recreation Planning](#), PAOS, March 2021

## DEV3 Mapping

### Glenside West

- 30 In response to paragraph 4.4 of Mr Halliday's evidence, I refer to my assessment in paragraph 230e of the Development Areas s42A Report where I set out why I do not agree that Large Lot Residential is appropriate. The area sought by Mr Halliday to encompass Large Lot Residential is located within the Ridgetop area. Given the construction of buildings and structures in the Ridgetop area is a non-complying activity under DEV3-R33, I do not consider it would be appropriate to enable housing in the location suggested.
- 31 I consider however that the area identified by Mr Halliday outside of the Ridgetop area may be appropriate for LLR development, and recommend that the area identified in purple below have an underlying zoning of LLRZ if the FUZ is to be deleted. However, I recommend that the 'no build' overlay of the Development Plan be retained in full. This would enable consideration of development as a discretionary activity under DEV3-R32 with more enabling policies of the LLRZ compared to NOSZ for urban development.



## Section 32AA Evaluation

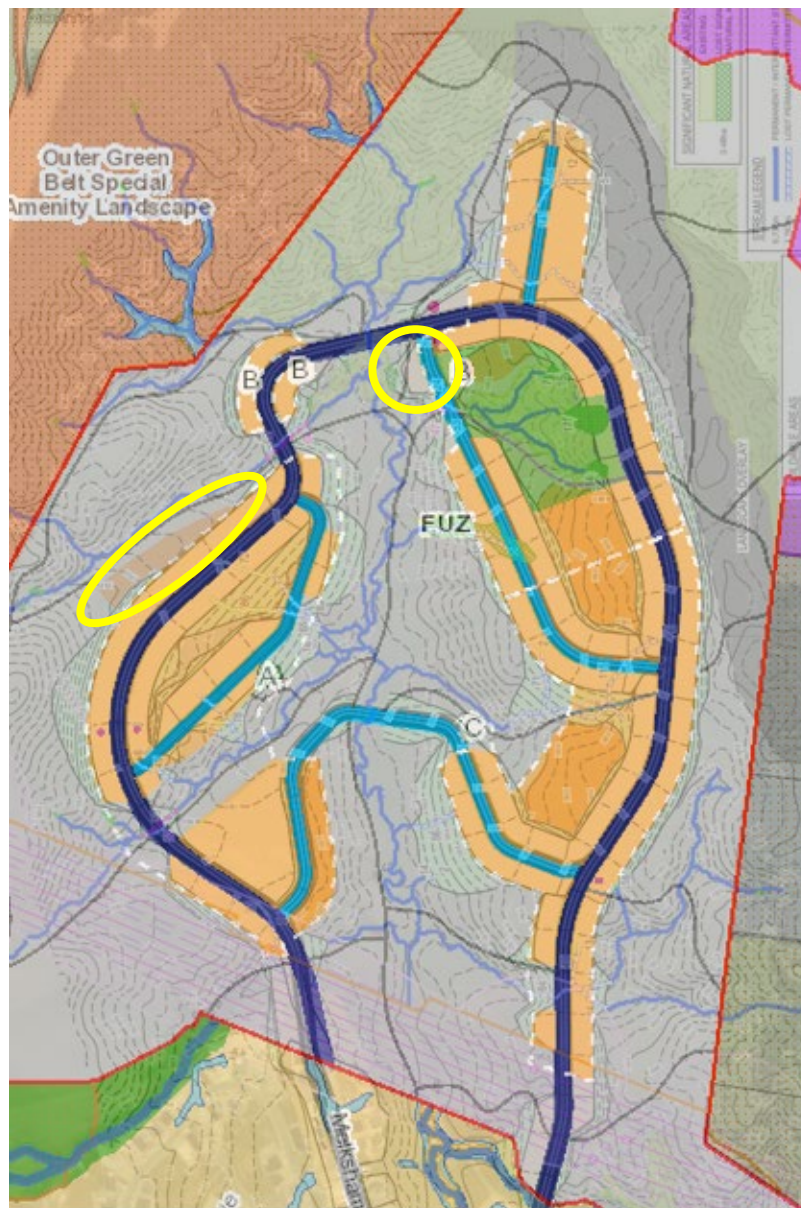
32 In my opinion, the amendment to rezone the underlying zoning to Large Lot Residential is more appropriate in achieving the objectives of the plan than the notified provisions. In particular I consider that:

- a. The technical evidence prepared as part of the master planning process does not identify that development be precluded in this area. The Upper Stebbings and Glenside West Development concept, November 2020, *identified 'The balance of the rural land in Glenside West (ie land not identified for residential, open space or Department of Corrections use) could either remain in rural use or be rezoned to enable the development of "lifestyle blocks".'* This establishes that 'Large Lot Residential' (LLRZ) was identified and considered to be appropriate within Glenside West.
- b. The amendment is consistent with the outcomes sought in the Urban Form and Development chapter, including UFD-O2 that urban development in identified greenfield areas makes efficient use of land.
- c. There are no constraints identified in the planning maps for this area i.e. streams, SNAs, or SALs.
- d. The 'No Build' overlay would continue to apply and would allow for a case-by-case assessment of urban development within the LLRZ area of the Development Area under DEV3-R1.3.
- e. There is robust policy guidance in DEV3-P1 through DEV3-P5 that would ensure effects are suitability mitigated.
- f. The area has similar characteristics to other areas of the City that have been zoned LLRZ – including properties along nearby Middleton Road.

Given the above detailed reasons, the recommendation to rezone to LLRZ is more efficient and effective at achieving the purpose of the Act and achieving the strategic objectives of the PDP than retaining the notified FUZ.

## Upper Stebbings

- 33 At paragraph 4.10 of his evidence, Mr Halliday states that the areas sought to be rezoned in the submission are areas identified in the plan prepared by Orogen for WCC as part of the master planning process. I have overlaid the Development Area maps with the Orogen plan which demonstrates that all land identified as suitable for potential building areas has been identified as MRZ in the Development Area, except for 2 small areas circled below.



- 34 I recommend that these 2 small areas identified as suitable for potential building areas be amended to MRZ area and/or if the FUZ is to be deleted – upzoned/rezoned to MRZ.
- 35 However, the intent of ‘no build’ areas is clear throughout the DEV3 Chapter including within the Introduction but primarily as set out in DEV3-P1. I therefore disagree with Mr Halliday that the rezoning/upzoning of the areas underlying the ‘no build’ areas to NOSZ is a conflict. At paragraph 4.6 of his evidence, Mr Halliday notes NOSZ would allow for a dwelling to be approved [which I take as intended to be would not be approved]. DEV3-P1.2 directs to *‘Enable activities in the No Build Areas that: Are associated with open space and recreation activities; or Are activities that facilitate residential activities in the Build Areas.’* This is entirely consistent with the purpose of the NOSZ.
- 36 If Ohariu Valley were to be developed in the future it is almost certain it would need to go through a plan change process to rezone the land – given the directive of GWRC in relation to unplanned greenfield development as discussed at paragraphs 99-100 of the Future Urban Zone s42A Report. If/when this plan change were to occur, and/or a resource consent application made, it would be in my view appropriate at that stage to consider whether further development in the ‘no build area’ identified by Mr Halliday would be appropriate – as Mr Halliday notes – along a potential future link road to Ohariu Valley. Until such time that this road is or is not developed, I do not consider it is appropriate to enable development in that location for the reasons set out in the Development Areas s42A Report. As I understand it, there are no discussions or plans underway for development in Ohariu Valley and therefore I do not consider that this would occur within the lifespan of the District Plan. Whereas development in DEV2 and DEV3 is anticipated within the life of the Plan.
- 37 Without s32 evaluation of the costs, benefits, or effects in support of the request for rezoning, I do not consider there is any evidential or evaluative basis to recommend any amendments to the Development Area maps for Upper Stebbings.
- 38 I have therefore not changed my view and continue to recommend as per paragraphs 171-174 of the Development Areas s42A Report that the Development Area maps for Upper Stebbings be retained as notified, except for the two minor amendments to MRZ.

39 Mr Halliday agrees that it would be advantageous for all parties to ensure the PDP is as accurate as possible. I suggest that the Panel directs Council and Mr Halliday to work together in preparing updated maps of the Development Areas reflecting all proposed amendments, to be presented as part of a Right of Reply.

#### **MINOR AND INCONSEQUENTIAL AMENDMENTS**

40 Throughout the DEV3 Chapter, APP12, and Development Plan there is inconsistency in the referencing of a 'Local centre' and 'Neighbourhood centre'. I recommend that all references to 'Neighbourhood Centre' be replaced with 'Local Centre'.

15 February 2024

**Hannah van Haren-Giles**

Senior Planning Advisor

Wellington City Council