

**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 6 (Future Urban Zone, Lincolnshire Farm Development Area,
Upper Stebbings and Glenside West Development Area, Appendix 12, and
Appendix 13) Reporting Officer Right of Reply of
Hannah van Haren-Giles on behalf on Wellington City Council
Date: 2 April 2024**

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 (the Council).
2. I have prepared this reply in respect of the matters raised during Hearing Stream 6 relating to the Future Urban Zone (FUZ), Lincolnshire Farm Development Area (DEV2), Upper Stebbings and Glenside West Development Area (DEV3), Appendix 12 - Lincolnshire Farm Development Area (APP12), and Appendix 13 – Upper Stebbings and Glenside West Development Area (APP13).
3. I have listened to submitters in Hearing Stream 6, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 6 topics.
4. The [Future Urban Zone Section 42A Report](#) and the [Development Areas Section 42A Report](#) set 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 6 held from 20 February to 27 February 2024.
8. [Minute 44: Stream 6 Hearing Follow Up](#) released by the Panel on 29 February 2024 requested that Section 42A report authors submit a written Right of Reply as a formal response to matters raised during the hearing. [Minute 38: 2024 Hearing Arrangements](#) requires this response to be submitted by 28 March 2024.
9. The Reply includes:
 - (i) Responses to specific matters and questions raised by the Panel in Minute 44.
 - (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.

- (iii) An appended Joint Witness Statement dated 2 April 2024 as per the Hearing Panel's direction in Minute 43 for Mr Halliday and myself to confer on outstanding issues in the Development Area chapters.

Responses to specific matters and questions raised in Minute 44:

(d)(i) What is the Reporting Officer's response to submitter concern that the identified ridgeline is too confined given the gradient of slopes below the ridgeline boundary?

10. At the hearing there were two submitters, Mr Tiley, and Mr Blackett on behalf of Glenside Progressive Association, who raised concerns as to the level of development that could be undertaken within the Ridgetop area – primarily in relation to visual amenity and potential adverse effects associated with earthworks.
11. I refer to my assessment in the Development Areas s42A Report where I outlined the DEV3 rule framework which restricts activities in the Ridgetop area, as well as Earthworks and Subdivision provisions which also protect the identified Ridgetop. At the hearing, Commissioner McMahon also outlined, for the benefit of submitters, that sediment runoff is managed through district and regional controls.
12. Particularly relevant to the matter of slope gradient are the provisions contained in the Earthworks Chapter. For ease of reference, I repeat my s42A Report assessments on the relevant earthworks provisions below:

“The layout of the Development Plan has been planned to generally avoid steep gullies. Bulk earthworks, changes to topography and any potential filling of gullies are managed under the Earthworks chapter of the PDP, by way of example EW-P3 (Maintaining stability) and EW-P5 (Effects on earthworks on landform and visual amenity), as well as provisions in regional RMA documents.”¹

“EW-P20.5 (Earthworks in Development Area) states that earthworks are enabled in Development Areas “where the design of those earthworks protects Ridgetop areas from inappropriate earthworks.” Under EW-R15 (Earthworks within the Ridgetop in the Upper Stebbings and Glenside West Development Area) and EW-S13 (Earthworks within outstanding natural features and landscapes, within special amenity landscapes and within ridgetop area in the Upper Stebbings Glenside West

¹ Paragraph 203d, [Section 42A Report: DEV2 and DEV3 Development Areas](#)

Development Area), to be considered a Permitted activity, earthworks within the Ridgetop area must not exceed a maximum height of 1.5m and a maximum area of 200m² in total per site in any 5-year period.

Earthworks within the Ridgetop area is a topic that was addressed during Hearing Stream 5 where I recommended that similar provisions apply to both land within the Ridgelines and Hilltops overlay and within the Ridgetop area (expanding the scope of EW-R15 and EWS13 to cover both), with one important difference. I recommended that earthworks within the Ridgetop area only be considered a permitted activity under EW-R15 (Earthworks within the ridgelines and hilltops overlay or within the ridgetop area of the Upper Stebbings and Glenside West Development Area) if the earthworks are for the purpose of constructing public footpaths or tracks. Where earthworks within the Ridgetop area are for any other purpose, I recommended that they be considered as a Non-complying activity".²

13. Mr Tiley was not aware of the recommendation to 'reintroduce' the Ridgetop area to the Development Area planning maps. Commissioner Burge showed Mr Tiley the updated Development Plan with the Ridgetop area shown, and briefly detailed the associated rule framework for activities in the Ridgetop area as well as the no-build area, and proposal to upzone these areas to Natural Open Space Zone (NOSZ). To my mind, Mr Tiley was satisfied with the protections afforded by these controls.
14. In response to questions, Mr Tiley considered that the Ridgetop area and side slopes should be considered as one feature. My response is that the comprehensive masterplanning process took into account the site features including topography and the ridgeline in determining appropriate developable areas. I refer the Panel to the [Upper Stebbings Valley Landscape and Ecology Analysis](#), Boffa Miskell, July 2018, which includes analysis of the Ridgetop in terms of slope characteristics and viewpoints (Viewpoint 7 is particularly relevant in this respect). The Ridgetop area identified in the PDP directly reflects the ridgetop identified by Boffa Miskell. I have relied on this analysis, and the broader masterplanning process, in confirming my view that the no-build area and Ridgetop area align with areas where steep topography means development is not appropriate. For the benefit of the Panel and submitters I attach as Appendix A a series of maps which compare the Boffa Miskell analysis with the ODP ridgelines and hilltops and Development Plans.
15. To close off the matter, I attach as Appendix B a series of maps which illustrates the

² Paragraph 213f-g, [Section 42A Report: DEV2 and DEV3 Development Areas](#)

topography of the Ridgetop area. I am satisfied that the Ridgetop area and no build areas, particularly with an underlying NOSZ zoning as recommended, protect the visual amenity and landscape values of Marshalls Ridge, and that the provisions in the DEV3 Chapter, in addition to those in the Earthworks, Subdivision, and Natural Resources Plan are sufficient to address sediment runoff and slope stability.

(d)(ii) What is the Reporting Officer's response to Mr Halliday's advice that existing schools in the area all have an underlying Residential Zone? Does Plan consistency indicate that that would be appropriate in this case?

16. I agree that underlying MRZ for the school site would be appropriate in this case and is similar to existing schools in the area.
17. My original recommendation and position at the hearing was that the land underlying the future school site be rezoned to Local Centre Zone (LCZ) so that educational facilities kept the same permitted activity status as the notified DEV2 activity status, to optimise the ability to use that location for a school.
18. However, I appreciate that a residential zone underlying the school site is also appropriate. Residential zones are slightly more restrictive for educational facilities (restricted discretionary activity), but this can be mitigated through a Ministry of Education designation to enable the facility.
19. An underlying district plan residential zone is common for many schools in Wellington City, including those near the Upper Stebbings and Lincolnshire developments. For example, Paparangi School, Amesbury School, and Churton Park School all have an underlying MRZ.
20. I also agree with Mr Halliday's inference that an underlying MRZ zoning would enable more viable development alternatives than LCZ if a school were not to be built in the location shown on the Development Plan.

(d)(iii) Does the Reporting Officer consider that greater clarity is required in policies and rules about the range of acceptable activities in No-Build areas?

21. This is a matter that Mr Halliday and I have considered as part of our recommended amendments to DEV3 – more so from the perspective of flexibility across zone boundaries.
22. I am comfortable that the requirement for activities to 'be in general accordance

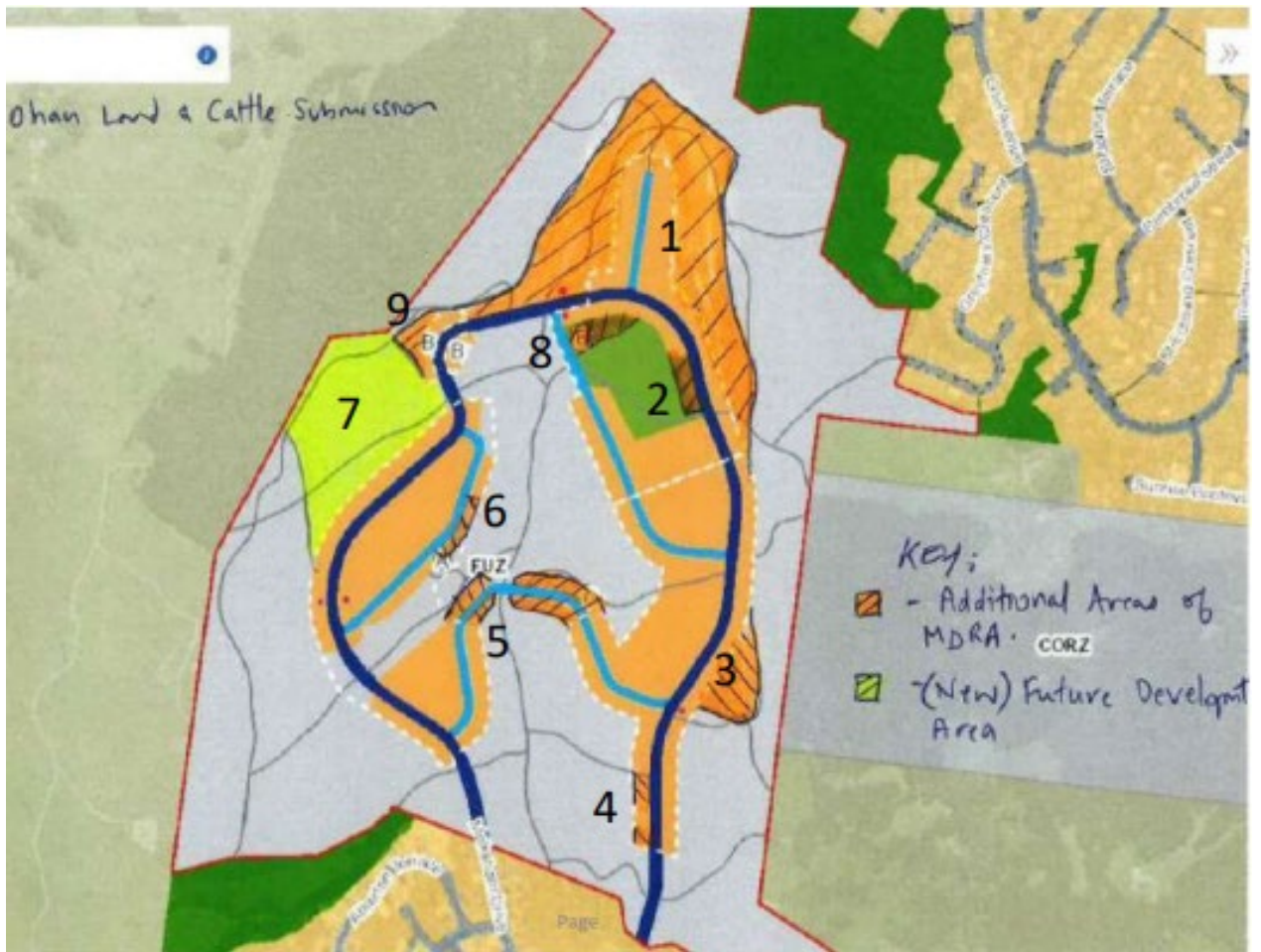
with the Development Plan' in DEV3-R1 is sufficient in that the Development Plan identifies the no build areas. I am also comfortable with the DEV3 discretionary activity rule for the 'Construction, alteration of and addition to buildings and structures in the No Build and Natural Open Space Activity Area'. DEV3-P1.2.a specifies the type of activities that are anticipated in the no build area i.e. activities associated with open space and recreation, and activities that facilitate residential activities in the build area.

23. My recommendation that the 'Natural Open Space Activity' Area be upzoned to NOSZ will mean that any activities proposed in the NOSZ will also be assessed against the NOSZ provisions. The NOSZ is not enabling of residential activities (these would be a discretionary activity under NOSZ-R11), with the construction of residential buildings likely to be a discretionary activity under NOSZ-R14. I am therefore satisfied that the DEV3 and NOSZ provisions will work in an integrated manner to achieve the purpose of the no-build areas, as set out in the DEV3 Introduction.
24. Notwithstanding the above, in the JWS Mr Halliday and I are in agreement that where a residential activity is proposed to extend into the no build area, there is a need for a matter of discretion or policy to enable the consideration of effects on natural environment values, landscape values, and loss of stream extent. This would provide guidance for a processing planner to consider amendments to the no build boundary in a manner consistent with the original rationale for the identification of the no build areas.

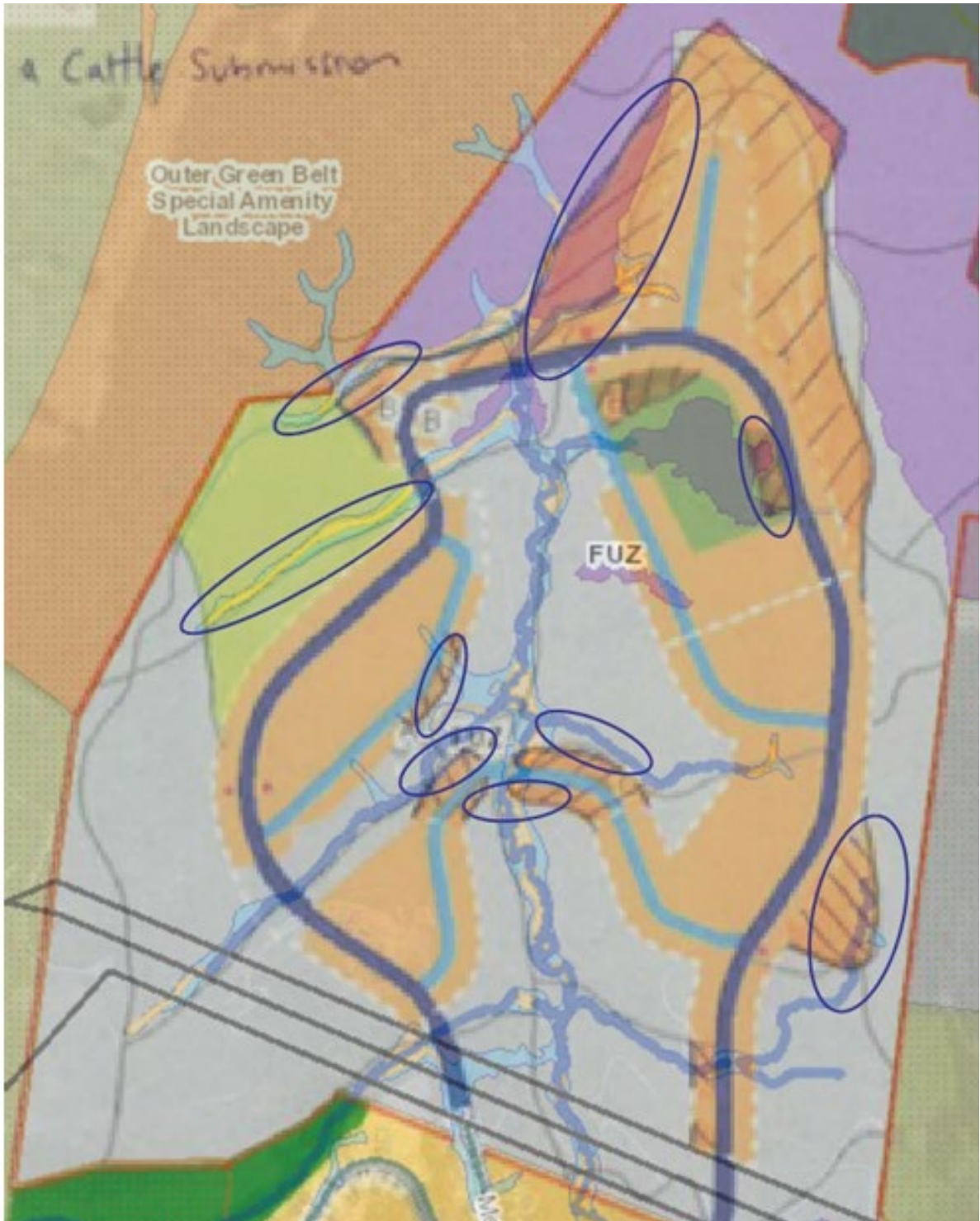
(d)(iv) Can the Reporting Officer please provide a response to Mr Halliday's analysis of areas where spatial relief is still in contention, once that is available?

25. My revised assessment of Mr Halliday's requests for new MRZ areas in Upper Stebbings is set out below. This assessment is in response to Mr Halliday's [supplementary evidence](#).
26. I refer to Mr Halliday's map and numbering key below for reference. While I acknowledge Mr Halliday has provided detailed 'close ups' of each of these nine areas, I prefer the map contained in my s42A Report which shows the relevant overlays including SNAs, stream corridors, inundation areas, and overland flowpaths. In addition to these features I have also taken into consideration topography and the Ridgetop area.

Mr Halliday's supplementary evidence map and numbering key

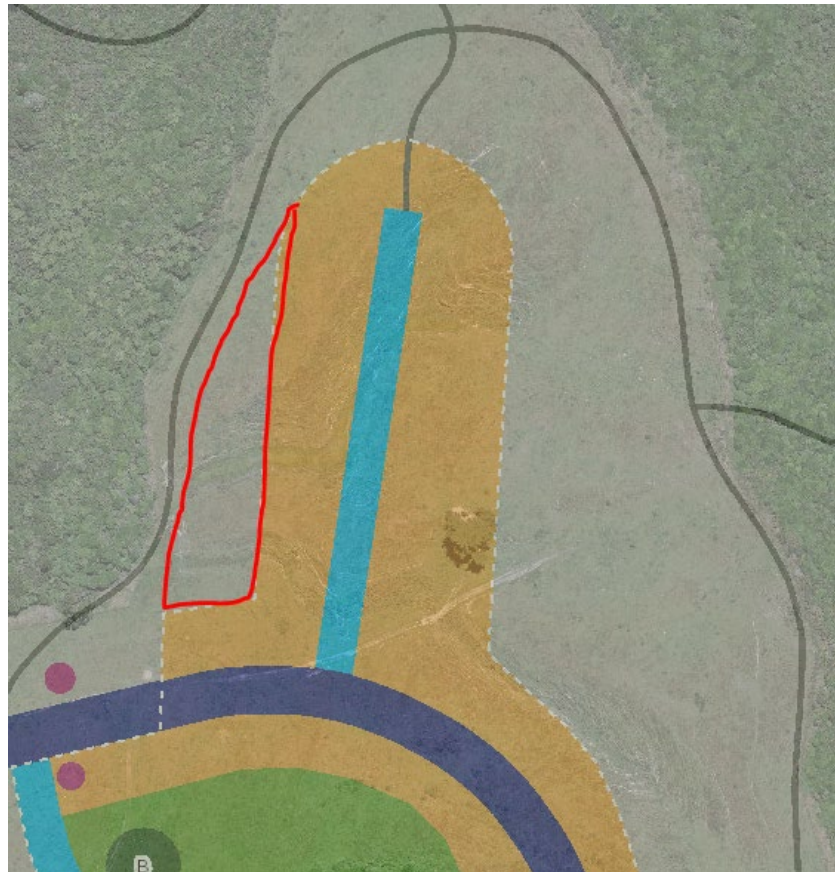


S42A Report map with overlays and areas of conflict circled



Area 1 – Head of Upper Stebbings (North End)

27. I agree in part with Mr Halliday that a small amendment in this location would be an appropriate MRZ extension, provided it does not affect nearby streams, SNAs, ridgetops and the other factors identified in paras 171 – 172 of my Section 42A report. The change will increase housing and subdivision design options while retaining the natural features and layout intended in the Development Area. Including indicative walking track.



Area 2 – Area above future reserve

28. I agree in part with Mr Halliday's request here. The Development Area has large swathes of unbuilt areas which function as natural open spaces in addition to this reserve, so a minor reduction of the reserve area here adds a small area of housing without affecting neighbourhood amenity. However, I consider that retention of the SNA and visibility of this reserve from the eastern collector road is important. Balancing these two concerns and the points identified in Mr Halliday's supplementary evidence, I support the Area 2 extension southwards up to 30m from the reserve's southeastern boundary (while retaining the indicative walking track).



Area 3 – Eastern boundary

29. I agree in part with Mr Halliday that a small extension of MRZ in this location would be appropriate. I identified in my supplementary evidence that there is a stream on the eastern edge of this extension. The additional earthworks also risk affecting the balance of cut and fill of relatively steep topography as I reference in paragraph 171 of my Section 42A report.
30. I have considered the practical benefit of a minor MRZ extension here in enabling more housing, and have concluded that a minor widening of 50m in this location from the collector road would not adversely affect the stream patterns and cut/fill earthworks significantly. An extension of this size would avoid the stream and the relatively steep embankment down to the stream.



Area 4 – Southern end

31. I agree with Mr Halliday on the southernmost portion; this is a minor addition that aligns with housing on the other side of the road and does not have any significant constraints. I recommend the below addition of medium density residential area.



32. I disagree with Mr Halliday on including the northern portion as MRZ. While the ephemeral stream may be affected by the road construction, adding new MRZ here over the stream area would increase the fill within the stream channel. This Development Area has been designed to retain the existing stream form as much as possible. This addition is inconsistent with that intent.

Area 5 – Middle Gully Road crossing

33. Mr Halliday has identified that the earthworks cut/fill layout can be designed to enable housing here, including factoring in earth moved from road construction. If the stream corridor is unaffected, MRZ would be an efficient use of the road construction. I consider that zoning the eastern portion of Area 5 to MRZ would be appropriate, having considered the topography and earthworks cut/fill. Note: to accurately make this amendment in the Planning Maps will require the cut/fill earthworks plan to be provided by Mr Halliday.



Area 6 – Western Collector Road

34. I disagree with Mr Halliday on continuing MRZ on the eastern side of this road. There are a number of natural stream channels that would be covered if developed into housing. The MRZ extent also limits the options and size for the neighbourhood park A as shown on the Development Plan. This Development Area has been designed to retain the existing stream form as much as possible, and to have formal neighbourhood parks. This addition is inconsistent with those design features.

Area 7 – Western boundary

35. I retain my opposition to zoning this large area as LLRZ, based on my reasons in Section 42A report. Mr Halliday's supplementary evidence states the reason for this request is not to allow for development within the next 20 years, but to ensure the land retains long-term options for access to Ohariu Valley and future development potential.
36. I note in my Section 42A report paragraph 174 that urban development in Ohariu Valley is not part of Wellington City or Wellington Region's growth strategy, so a future connection is not needed.

Area 8 - Northern

37. I disagree with this MRZ extension as it overlaps with the indicative location of neighbourhood park B. The factors referenced in Mr Halliday's supplementary evidence: no streams, no SNA, easy contour, also make the site appropriate for the neighbourhood park i.e. kick-about areas, dog play areas, or similar community facility needing an easy contour. The benefits of providing a neighbourhood park at this location outweigh the incremental benefits of additional housing.

Area 9 – North-west periphery

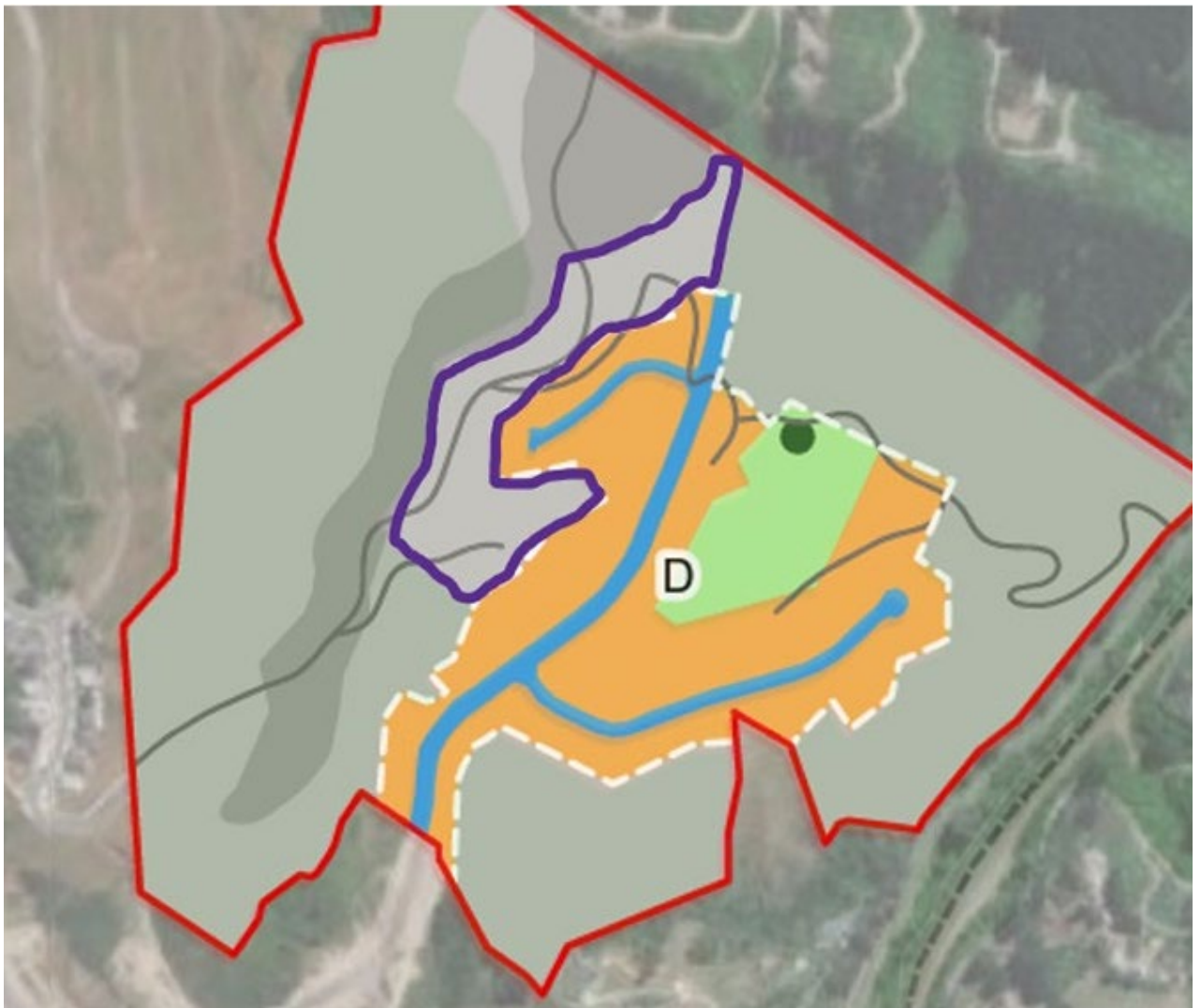
38. I disagree with Mr Halliday's proposal to extend the MRZ on this corner. The adjacent stream to the northwest of this area is an important part of the water catchment for the SNA on the other side of this area, and stream corridors are natural features that have been identified as needing to be retained in the Development Area.

Overview of mapping amendments

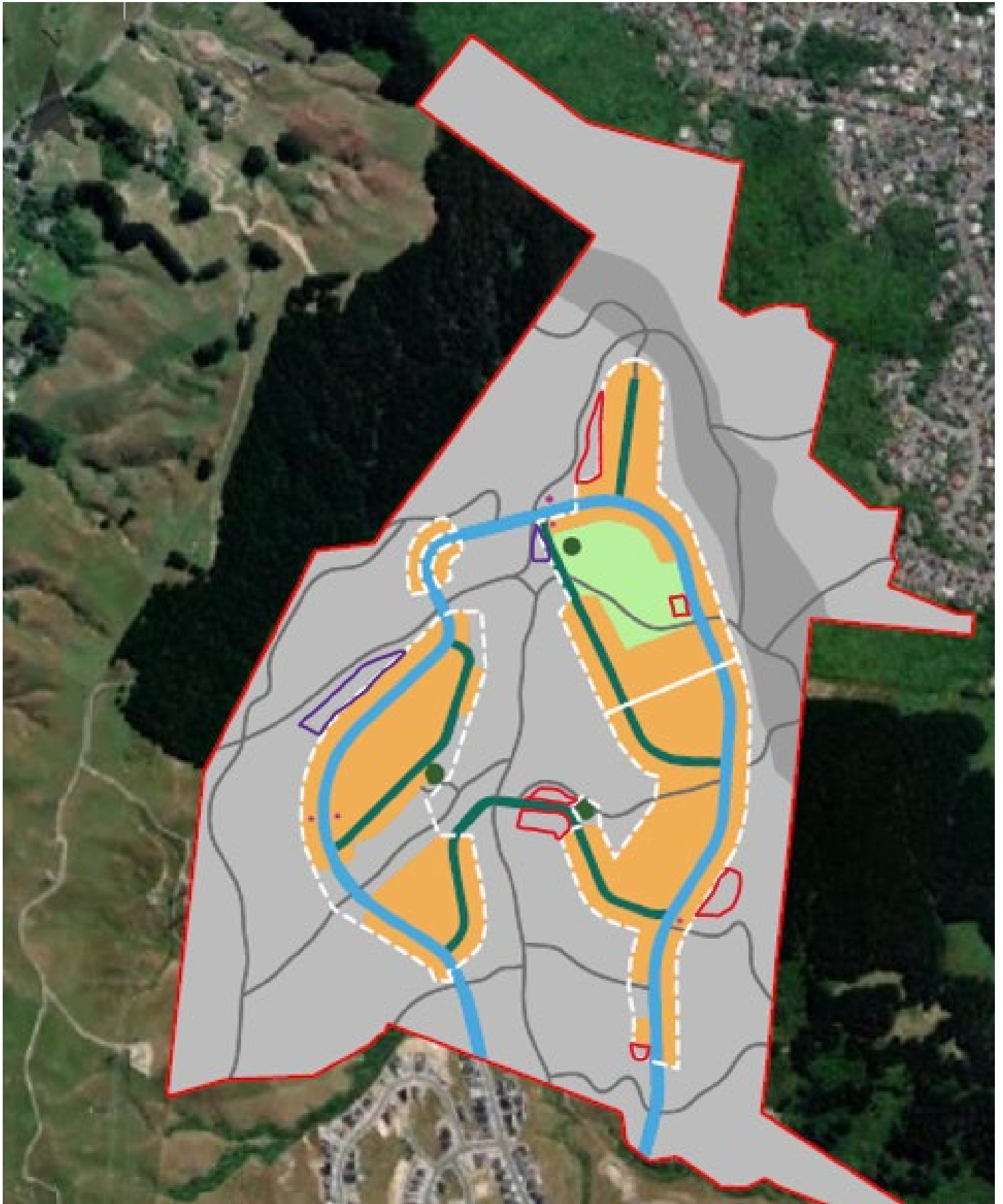
39. As detailed in the JWS, Mr Halliday and I are in agreement as to mapping amendments made to Lincolnshire Farm and Glenside West.
40. Amendments to the layout of the Lincolnshire Farm Development Plan were recommended in my s42A Report in response to Mr Halliday's submission. The detail in relation to five minor amendments is set out in my s42A Report, and was also provided in the [PowerPoint presented at the hearing](#). The final recommended

amendments to the Lincolnshire Farm Development Plan are mapped in [Appendix D to the Development Areas s42A Report](#).

41. Amendments to the layout of the Glenside West Development Plan were recommended in my s42A Report in response to Mr Halliday's submission. In my supplementary evidence I recommended the addition of a LLRZ area (shown in purple below). Mr Halliday is yet to provide the required shape file to enable the final planning maps to be accurately prepared. However, the below plan, contained in my supplementary evidence, identifies the amendments to the Development Area including the Ridgetop area in grey.



42. With respect to Upper Stebbings, no amendments to the Development Plan were recommended in my s42A Report in response to Mr Halliday's submission. In my supplementary evidence I recommended the addition of two medium density residential areas. Through this Right of Reply I recommend a further four amendments to add medium density residential areas. These six amendments are yet to be accurately mapped. The below map portrays these six total amendments (purple – amendments recommended in supplementary evidence, and red – amendments recommended in this Right of Reply). A final Development Plan capturing these six amendments will be prepared as soon as possible.



Response to other matters raised at the hearing:

43. The scope of the recommended amendments to the Development Area chapters is taken from the submission of Kāinga Ora [391.742] seeking that the FUZ Chapter be deleted in its entirety and instead for the land at Lincolnshire Farm and Upper Stebbings and Glenside West to be zoned in accordance with the Development Area provisions. I therefore recommend to the Panel that a future plan variation or plan change be considered to allow careful review and revision of the DEV2 and DEV3 provisions in order to enable removal of any residual provisions and to streamline and simplify the Development Area rules – primarily permitted activity rules associated with recreation.

A handwritten signature in black ink, appearing to read 'Han', enclosed within a hand-drawn oval.

Date: 2 April 2024