

Wellington City Proposed District Plan

Hearing Stream 8:

Natural Features and Landscapes

SCHED10

SCHED11

**Section 42A of the Resource Management
Act 1991**

Document Information

REPORT FOR: **Independent Hearings Commissioners:**
Trevor Robinson (Chair)
Liz Burge
Lindsay Daysh
Heike Lutz

SUBJECT: **Wellington City Proposed District Plan –
Part 2 – District-wide Matters – Natural
Features and Landscapes (NFL),
SCHED10, and SCHED11**

PREPARED BY: Hannah van Haren-Giles

REPORT DATED: 27 March 2024

DATE OF HEARING: 29 April 2024

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps of the Wellington City Proposed District Plan as they apply to the Natural Features and Landscapes chapter (NFL).
- ii. There were 171 submission points and 107 further submission points received in relation to the Natural Features and Landscapes chapter, SCHED10, and SCHED11. The submissions received were diverse and sought a range of outcomes. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iii. The following are considered to be the key issues in contention:
 - a. The management of indigenous biodiversity in ONFL and SAL within and outside of identified SNAs;
 - b. The application and extent of the ridgelines and hilltops overlay;
 - c. The characteristics and values of identified ONFL and SAL contained in Schedule 10 and Schedule 11; and
 - d. Requests to remove ONF, ONL, SAL, and ridgelines and hilltops from specific areas.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- v. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to Natural Features and Landscapes should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the Natural Features and Landscapes chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
- viii. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

Contents

Executive Summary	3
Contents	4
Interpretation	7
1.0 Introduction.....	9
1.1 Purpose.....	9
1.2 Scope	9
1.3 Author and Qualifications	9
1.4 Code of Conduct.....	10
1.5 Supporting Evidence	10
1.6 Key resource management issues in contention.....	11
1.7 Procedural Matters	11
2.0 Background and Statutory Considerations	12
2.1 Resource Management Act 1991	12
2.2 Schedule 1 and ISPP	13
2.3 Section 32AA	13
2.4 Trade Competition	14
3.0 Consideration of Submissions and Further Submissions	14
3.1 Overview	14
3.1.1 Report Structure	15
3.1.2 Format for Consideration of Submissions	16
3.2 General Submission Points.....	17
3.2.1 General Matters	17
3.2.2 Definitions.....	18
3.2.3 Mapping and Overlays.....	18
3.2.4 NFL Introduction.....	22
3.2.5 Ridgelines and Hilltops	23
3.2.6 Outer Green Belt	33
3.3 Objectives	34
3.3.1 NFL-O1 Outstanding natural features and landscapes	34
3.3.2 NFL-O2 Special amenity landscapes.....	35
3.3.3 NFL-O3 Ridgelines and hilltops.....	36
3.4 Policies	37
3.4.1 NFL-P1 Identification of outstanding natural features and landscapes and special amenity landscapes	37
3.4.2 NFL-P2 Use and development within ridgeline and hilltops	38
3.4.3 NFL-P3 Use and development in special amenity landscapes outside the coastal environment	40
3.4.4 NFL-P4 Use and development in special amenity landscapes within the coastal environment.	43

3.4.5	NFL-P5 Use and development within outstanding natural features and landscapes outside the coast environment	45
3.4.6	NFL-P6 Use and development within outstanding natural features and landscapes within the coastal environment	47
3.4.7	NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes	49
3.4.8	NFL-P8 Plantation forestry	50
3.4.9	NFL-P9 Restoration and enhancement	51
3.5	Rules.....	52
3.5.1	NFL-R1 Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)	52
3.5.2	NFL-R2 Any activity within the ridgelines and hilltops not otherwise listed as permitted, restricted discretionary, or non-complying.....	53
3.5.3	NFL-R3 Any activity within special amenity landscapes not otherwise listed as permitted, restricted discretionary, or non-complying.....	54
3.5.4	NFL-R4 Any activity within outstanding features and landscapes not otherwise listed as permitted, restricted discretionary, or non-complying	55
3.5.5	NFL-R5 Operation of existing quarrying and mining activities within special amenity landscapes	55
3.5.6	NFL-R6 Extension of existing quarrying and mining activities within special amenity landscapes	56
3.5.7	NFL-R7 New quarrying and mining activities within special amenity landscapes	57
3.5.8	NFL-R8 Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within outstanding natural features and landscapes.	57
3.5.9	NFL-R9 The maintenance, repair or demolition of existing buildings and structures within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops....	58
3.5.10	NFL-R10 The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops	58
3.5.11	NFL-R11 The construction of, alteration of and addition to, buildings and structures within special amenity landscapes	60
3.5.12	NFL-R12 The construction of, alteration of and addition to, buildings and structures within outstanding natural features and landscapes.....	62
3.6	Standards	62
3.6.1	NFL-S1 Buildings and structures in special amenity landscapes	62
3.6.2	NFL-S2 Buildings and structures in outstanding natural features and landscapes	64
3.7	SCHED10 – Outstanding Natural Features and Landscapes	65
3.7.1	All submission points on SCHED10.....	65
3.8	SCHED11 – Special Amenity Landscapes.....	67
3.8.1	All submission points on SCHED11.....	67
4.0	Minor and inconsequential amendments	68
5.0	Conclusion.....	68

6.0 Appendices 70

6.1 Appendix A: Recommended Amendments to the Natural Features and Landscapes Chapter, SCHED10, and SCHED11..... 70

6.2 Appendix B: Recommended Responses to Submissions and Further Submissions on the Natural Features and Landscapes Chapter, SCHED10, and SCHED11..... 70

Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
the ODP/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Appeals Version) 2022
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Submitters' and Further Submitters' Names

Abbreviation	Submitters
	Adam Groenewegen
	Andy Foster
	Barry Ellis
	Barry Insull
	Buy Back the Bay
	Churton Park Community Association
	Director-General of Conservation
	Enterprise Miramar Peninsula Inc
	Friends of the Wellington Town Belt
	Generation Zero
	Glenside Progressive Association Inc
GWRC	Greater Wellington Regional Council
	Guardians of the Bays
Heidi Snelson et al	Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt
	Hilary Watson
Horokiwi Quarries	Horokiwi Quarries Limited
	Jo McKenzie
	John Tiley
	Johnsonville Community Association
Kilmarston	Kilmarston Developments Limited and Kilmarston Properties Limited
	Lance Lones
	Matthew Wells, Adelina Reis and Sarah Rennie
Meridian Energy	Meridian Energy Limited
	Nga Kaimanaaki o te Waimapihi
	Orienteering Wellington
	Panorama Property Limited
	Parkvale Road Limited
	Penny Griffith
	Roseneath Residents' Association
Forest & Bird	Royal Forest and Bird Protection Society
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika
	Te Rūnanga o Toa Rangatira
	Terawhiti Farming Co Ltd (Terawhiti Station)
	Thomas Brent Layton
Transpower	Transpower New Zealand Limited
VUWSA	Victoria University of Wellington Students' Association
WCCERG	WCC Environmental Reference Group
WCC	Wellington City Council
	Wellington Civic Trust
	Yvonne Weeber
Zealandia	Zealandia Te Māra a Tāne

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their recommendations on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant definitions, objectives, policies, rules, and standards as they apply to the Natural Features and Landscapes chapter.
3. This report:
 - a. Discusses general issues;
 - b. Considers the original and further submissions received;
 - c. Makes recommendations as to whether those submissions should be accepted or rejected; and
 - d. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.3 Author and Qualifications

6. My full name is Hannah Jane van Haren-Giles. I am a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualification of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have five years' experience in planning and resource management, primarily as a consultant planner working for Hill Young Cooper Ltd. I have background in preparing and processing district and regional resource consent applications, plan and policy development, reviewing and preparing submissions, and providing resource management advice to a range of clients

including local authorities, industry groups, private sector companies, and individuals on various projects and planning processes.

10. My involvement with the Proposed Wellington City District Plan commenced in early 2020 when I was engaged to assist the Council with issues and options reports. I subsequently led the review and drafting of the Special Purpose Port Zone (including the Inner Harbour Port Precinct and Multi-User Ferry Precinct), Special Purpose Quarry Zone (including Kiwipoint Quarry Precinct), Special Purpose Stadium Zone, Hazardous Substances, and Contaminated Land chapters. I also authored the Section 32 Evaluation Reports for the Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.
11. Since joining the District Plan Team in July 2022 I have been involved in summarising submissions and further submissions, as well as developing the systems and database used to capture submissions and further submission points on the PDP.
12. I am also the reporting officer on the General Industrial Zone, Earthworks, Subdivision, Port Zone, Quarry Zone, Stadium Zone, Future Urban Zone, Development Areas, Hazardous Substances, and Contaminated Land chapters.

1.4 Code of Conduct

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.5 Supporting Evidence

16. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - a. Expert evidence of Clive Anstey, Landscape Architect;
 - b. Assessments contained in other relevant s42A Reports; and
 - c. The following supporting technical background reports:
 - i. 2019 Boffa Miskell Wellington City Landscape Evaluation;
 - ii. Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April

2020; and

- iii. Ridgelines and Hilltops Phase 2 Review, Isthmus, 24 November 2020.

1.6 Key resource management issues in contention

17. 171 submission points and 107 further submission points were received in relation to the Natural Features and Landscapes Chapter, SCHED10, and SCHED11 as follows:
 - a. 139 submission points and 96 further submission points in relation to the NFL Chapter.
 - b. 17 submission points and 3 further submission points in relation to SCHED10.
 - c. 15 submission points and 8 further submission points in relation to SCHED11.
18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention:
 - a. The management of indigenous biodiversity in ONFL and SAL within and outside of identified SNAs;
 - b. The application and extent of the ridgelines and hilltops overlay;
 - c. The characteristics and values of identified ONFL and SAL contained in Schedule 10 and Schedule 11; and
 - d. Requests to remove ONF, ONL, SAL, and ridgelines and hilltops from specific areas.

1.7 Procedural Matters

19. At the time of writing this report there have been no pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on any Natural Features and Landscapes provisions.
20. I note that some submissions in the submission tables at Appendix B of this s42A report relate to matters that have been addressed in Hearing Stream 1 (Strategic Direction), and/or Hearing Stream 6 (Special Purpose Zones and Development Areas). If submission points have been addressed in earlier streams this has been noted.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - a. Section 74 Matters to be considered by territorial authority; and
 - b. Section 75 Contents of district plans.

22. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the [Natural Features and Landscapes s32 Report](#).

23. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
 - a. National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)
 - i. The main purpose of this NPS is to provide direction for local government how to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under the RMA.
 - ii. Sections 1.4(1) and 1.4(2) of the NPS-IB clarify that both the NZCPS and this NPS apply in the terrestrial coastal environment; and that in the event of a conflict between the provisions of the two, the NZCPS prevails.
 - iii. The PDP contains provisions to manage indigenous vegetation primarily in the Natural Environment Values – Ecosystems and Indigenous Biodiversity Chapter and SCHED8 - Significant Natural Areas.
 - iv. In my opinion, there is no conflict with respect to the PDP provisions. However, Policy 8 of the NPS-IB is particularly relevant to the consideration of submissions relating to the protection of indigenous vegetation outside of identified SNA. I also note that Council is considering any necessary amendments to the Plan to give effect to the NPS-IB and the best process to introduce these.
 - v.
 - b. Regional Policy Statement for the Wellington Region (RPS) – Proposed Change 1 (Change 1)
 - i. A substantial change to the RPS was notified on 19 August 2022. The purpose of the change is to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD) and National Policy Statement for Freshwater Management 2020 (NPS-FM). Hearings on Change 1 are proceeding in parallel with the PDP hearings scheduled to run until March 2024.
 - ii. A submission was received from Greater Wellington Regional Council (GWRC) seeking amendments to the PDP, in part to achieve alignment with Change 1. In

the PDP Hearing Stream 1 the Reporting Officer confirmed that Change 1 given the stage that Change 1 is at in the legislative process (with substantial parts the subject of competing submissions) and hearings on Change 1 still being underway, it may be difficult to give much weight to Change 1. However, it is appropriate that consideration is given to Change 1 where relevant. I note that at this stage there have been no recommendation reports released by the Change 1 Independent Hearings Panel.

- c. Natural Resources Plan and Plan Change 1 (PC1)
 - i. The Natural Resources Plan for the Wellington Region (NRP) is operative and came into effect on 28 July 2023. PC1 to the Natural Resources Plan for the Wellington Region was notified on 30 October 2023. PC1 proposes amendments related to earthworks, stormwater and wastewater discharges, and rural land use to achieve water quality and ecological health objectives. In my opinion, these proposed changes are not directly relevant to the matters addressed in this report.

2.2 Schedule 1 and ISPP

- 24. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
 - a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
 - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
- 25. For this topic, all provisions fall under the Part 1 Schedule 1 process.

2.3 Section 32AA

- 26. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

27. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
28. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

2.4 Trade Competition

29. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
30. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

31. In total there were 278 submission points received in relation to Natural Features and Landscapes, SCHED10, and SCHED11, as follows:
 - a. 27 original submitters who collectively made 171 submission points; and
 - b. 17 further submitters who collectively made 107 further submission points in support or opposition to the primary submissions.

3.1.1 Report Structure

32. This report addresses submissions on the NFL Chapter, SCHED10, and SCHED11.
33. Submissions on this topic raised a number of submission points that have been categorised in accordance with the general structure of PDP chapters as follows:
 - a. General Submission Points;
 - i. General Matters
 - ii. Definitions
 - iii. Mapping and Overlays
 - iv. NFL Introduction
 - v. Ridgelines and Hilltops
 - vi. Outer Green Belt
 - b. Natural Features and Landscapes Objectives;
 - c. Natural Features and Landscapes Polices;
 - d. Natural Features and Landscapes Rules;
 - e. Natural Features and Landscapes Standards;
 - f. SCHED10 Outstanding Natural Features and Landscapes; and
 - g. SCHED11 Special Amenity Landscapes.
34. I have considered substantive commentary on primary submissions contained in further submissions as part of consideration of the primary submissions to which they relate.
35. In accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluations have been undertaken for the purposes of this report:
 - a. An issues and provisions, versus submission by submission, based evaluative approach, where a large number of similar submissions have been received.
 - b. A submission by submission evaluative approach, where a small number of submissions have been received.
36. Recommended amendments are contained in the following appendices:
 - a. Appendix A – Recommended Amendments to the Natural Features and Landscapes Chapter, SCHED10, and SCHED11.
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Natural Features and Landscapes Chapter, SCHED10, and SCHED11.
37. Additional information can also be obtained from the [Natural Features and Landscapes s32 Report](#) and the overlays and maps on the ePlan.
38. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, with the associated recommendation provided in the summary of submission table in Appendix

B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the Natural Features and Landscapes chapter with recommended amendments in response to submissions is contained in Appendix A.

39. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have previously been addressed in the section 42A report relating to Hearing Stream 1, as well as other relevant s42A reports relating to different topics.

3.1.2 Format for Consideration of Submissions

40. The consideration of submissions has been undertaken in the following format:
- a. Matters raised by submitters;
 - b. Assessment; and
 - c. Summary of recommendations.
41. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
42. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
43. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment that represent a material change from the policy direction in the proposed Natural Features and Landscapes chapter.
44. Where relevant I have addressed minor and inconsequential changes, pursuant to Schedule 1, clause 16 (2) of the RMA, within the context of the relevant provision assessment.

3.2 General Submission Points

3.2.1 General Matters

Matters Raised by Submitters

45. VUWSA [123.42 and 123.43] (opposed by Meridian Energy [FS101.139 and FS101.140] and supported by Matthew Wells, Adelina Reis, and Sarah Rennie [FS50.10]) are supportive of the protection given to ONFL and SAL and supporting the limiting of activities that can occur within natural landscapes, by requiring extra resource consents for additional buildings or earthworks.
46. Churton Park Community Association [189.6] and John Tiley [142.6] (supported by Wellington Civic Trust [FS83.75]) consider that a lay person could reasonably expect that ONFL and SAL areas are exempt from any activities except for the minimum required to maintain and protect the area. No specific relief is sought on this matter.
47. Horokiwi Quarries [271.27] considers that while the values for particular sites are outlined in Schedule 11, the characteristics are not, and seeks clarification of what characteristics of SAL are in the PDP, and in particular the Natural Features and Landscapes chapter.
48. Taranaki Whānui [389.80] seek to amend the chapter to include higher triggers for active engagement with Taranaki Whānui.
49. Forest and Bird [345.225] (opposed by Meridian Energy [FS101.141]) support any provisions in the Plan that would ensure the values of the ONFLs are maintained and enhanced and would not enable modification of their outstanding values. They also support the identification and protection of SALs and seek to ensure provisions in the NFL chapter adequately protect the ONFLs and SALs in Wellington and are well integrated in the ECO chapter to ensure no-net-loss of biodiversity. No relief is sought for this particular point.
50. Forest and Bird [345.227] (opposed by Meridian Energy [FS101.142]) seek to add a new policy to give effect to Policy 11 of the NZ Coastal Policy Statement for SALs and ONFLs outside of identified SNAs.

Assessment

51. I acknowledge the support of VUWSA [123.42 and 123.43]. In respect of the further submission of Matthew Wells, Adelina Reis, and Sarah Rennie [FS50.10] in relation to 22 Alexandra Road I refer to my assessment in section 3.2.5 on the ridgelines and hilltops overlay.
52. In response to Horokiwi Quarries [271.27], the language used throughout the NFL chapter and schedules are consistent and clear in their references to identified values and characteristics. I consider that my recommended amendments to Schedule 11 to add details of the specifics of these values and characteristics will provide further clarity on this matter.
53. In response to Taranaki Whānui [389.80] I consider that there are triggers in the consenting process through the PDP to enable active engagement where appropriate. I do not consider any specific amendment to the NFL chapter is necessary or appropriate.
54. In response to Forest and Bird [345.227] as to the matter of giving effect to Policy 11 of the

NZCPS, I consider that when the Plan is read on the whole, the provisions for each of the overlays work in conjunction to ensure the protection of indigenous biological diversity in the coastal environment. Where ONF, ONL, or SAL are located in the Coastal Environment, the provisions of the CE chapter will apply in addition to provisions in the NFL chapter.

55. Specifically, I refer to the assessment of Mr Sirl in the Coastal Environment s42A Report where he sets out that *“CE-P8 provides policy direction for the management of vegetation removal in the Coastal Environment and consequently, in conjunction with the ECO chapter provisions (which notably includes a non-complying activity rule status for indigenous vegetation removal in SNA where matters identified in Policy 11a of the NZCPS are present), adequately gives effect to Policy 11 of the NZCPS without the need for an additional policy.”* Mr Sirl and I are consistent in our view that rules and standards for indigenous vegetation removal extending to parts of the wider Coastal Environment overlay to give effect to Policy 11 of the NZCPS and the NPS-IB are best addressed in the ECO topic for consistency.

Summary of Recommendations

56. **HS8-NFL-Rec1:** No amendments are recommended in response to submission points on general matters.
57. **HS8-NFL-Rec2:** That submission points relating to general points are accepted/rejected as detailed in Appendix B.

3.2.2 Definitions

Matters Raised by Submitters

58. Transpower [315.31] seek to retain the definition of Outstanding Natural Features and Landscapes as notified.
59. Transpower [315.36] seek to retain the definition of Special Amenity Landscapes as notified.

Assessment

60. No further assessment is required.

Summary of Recommendations

61. **HS8-NFL-Rec3:** That the definitions of ‘Outstanding Natural Features and Landscapes’ and ‘Special Amenity Landscapes’ be confirmed as notified.
62. **HS8-NFL-Rec4:** That submission points relating to definitions are accepted/rejected as detailed in Appendix B.

3.2.3 Mapping and Overlays

Matters Raised by Submitters

63. Taranaki Whānui [389.81] (opposed by Enterprise Miramar Peninsula Inc [FS26.11], Buy Back the Bay [FS79.11, FS79.28, and FS79.47], Lance Lones [FS81.13], and Andy Foster [FS86.17]) seek that the zoning and extent of overlays proposed over Te Motu Kairangi / Miramar Peninsula,

Mount Crawford is removed, specifically at the Section 1 SO 477035, Part Section 20 Watts Peninsula DIST. Taranaki Whānui [389.82] (opposed by Buy Back the Bays [FS79.12, FS79.29, and FS79.48] and Lance Lones [FS81.14]) consider that natural environment overlays significantly restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over their ancestral lands.

64. Taranaki Whānui [389.23] (opposed by Buy Back the Bays [FS79.21]) seek that SAL mapping be amended to reflect historical and current built development over the Wellington Prison site (Part Lot 1 DP 4741, Section 4 SO 477035, PT LOT 1 DP 4741 - WELLINGTON PRISON, Section 1 SO 477035). Andy Foster [FS86.1] opposes the submission of Taranaki Whānui [389] in full and seeks that that the submission be disallowed, in particular as it relates to this chapter - the removal of the Ridgelines and Hilltops overlay.
65. Kilmarston [290.2] (opposed by Adam Groenewegen [FS46.1], Jo McKenzie [FS64.1], Forest and Bird [FS85.12], and Andy Foster [FS86.42], and supported by Andy Foster [FS86.52]) consider that the proposed natural environment values (identification of SAL) will place restrictions on the future use and development of the residential land within the Kilmarston block which will result in restrictive development potential of the land.
66. Kilmarston [290.12, 290.14, 290.16, and 290.20] (opposed by Adam Groenewegen [FS46.18, FS46.19, FS46.20, and FS46.21], Jo McKenzie [FS64.18, FS64.19, FS64.20, and FS64.21], Forest and Bird [FS85.22, FS85.24, FS85.26, and FS85.30], and Andy Foster [FS86.47, FS86.49, and FS86.50]) seek to remove the proposed Special Amenity Landscape overlay from the Medium Density Residential Zone area of the submitter's sites. Kilmarston considers that it is important for Council to provide appropriate open space connections across the city where enabling residential development of the Submitters land will contribute to creating these connections. The open space zone provisions are also considered adequate for managing land identified as SAL as these objectives are closely aligned.
67. Kilmarston [290.15] (opposed by Forest and Bird [FS85.25]) seek to retain the Special Amenity Landscapes overlay over the Natural Open Space Zone, subject to agreement on appropriate tenure.
68. Thomas Brent Layton [164.1, 164.2, 164.5, and 164.6] seeks to remove the Ridgelines and Hilltops overlay and SAL from 183, 241, 249 and 287 South Karori Road. Mr Layton considers that the application of the overlay is inconsistent with the policy intention to preserve the visible ridgelines and hilltops being natural.
69. Parkvale Road Limited [298.4 and 298.5] (opposed by Forest and Bird [FS85.42] and Andy Foster [FS86.70 and FS86.71]) seek to remove the Ridgelines and Hilltops overlay within 200 Parkvale Road or if relief is not given, seek the amendment of the provisions relating to the Ridgelines and Hilltops overlay. Parkvale Road Limited considers that the ridgelines and hilltops overlay is not a requirement of the RPS and creates a third tier of landscape protection that would be better included as a Special Amenity Landscape. Andy Foster [FS86.8] opposes the submission of Parkvale Road Limited [298] in full and seeks it be disallowed, particularly as it relates to rezoning of part of the submitters site and reordering the Ridgeline and Hilltops policies and rules.

70. Horokiwi Quarries [271.6] consider that while their site and adjoining properties feature Special Amenity Landscapes and Ridgelines and Hilltops, there are no Outstanding Natural Features and Landscapes within the vicinity of the site. No specific relief is sought.

Assessment

71. In response to Taranaki Whānui [389.81 and 389.82] I rely on the evidence of Mr Anstey, and the 2019 Boffa Miskell Wellington City Landscape Evaluation that Watt's Peninsula is an important SAL in Wellington City. The presence of the overlay does not in my view inappropriately constrain development, but instead provides a pathway to ensure the values of the SAL and ridgeline are maintained and protected. I therefore disagree with the relief sought.
72. In respect of the amendment sought by Taranaki Whānui [389.23] to amend the SAL mapping to reflect historical and current built development, I agree in part. I do not consider that the mapping needs to be updated, but I agree that the detail contained in Schedule 11 should ensure it reflects this detail. Of relevance, I note that the 2019 Boffa Miskell Wellington City Landscape Evaluation states that 'Mana whenua comments to be provided at a later date' in respect of Tangata Whenua values for Watt's Peninsula, as well as other SALs and ONFLs. To my understanding these comments have not been received (or necessarily requested).
73. In respect of the amendments sought by Kilmarston [290.2, 290.12, 290.14, 290.15, and 290.16, 290.20] seeking to remove the Mount Kaukau SAL from their site (16 Patna Street and 76 Silverstream Road), I disagree. I note that elsewhere in their submission [290.39] the submitter agrees that subdivision, use and development in areas identified as SAL should be managed to maintain and enhance amenity values, and they also agree that Mount Kaukau is a SAL. In my view the position of the submitter that they support the identification and protection of the SAL so long as it does not interfere with their development aspirations is interesting although inconsistent. The presence of the overlay does not in my view inappropriately constrain development, but instead provides a pathway to ensure the values of the SAL are maintained and protected. I rely on the evidence of Mr Anstey, and the 2019 Boffa Miskell Wellington City Landscape Evaluation that Mount Kaukau is an important SAL in Wellington City. For the reasons set out above, I recommend no amendment to the Mount Kaukau SAL.
74. In response to Parkvale Road Limited [298.4 and 298.5], I note that Mr Patterson in Hearing Stream 7¹ **HS7-GRUZ-Rec5** recommended rezoning the eastern part of 200 Parkvale Road from GRUZ to MRZ. The Ridgelines and Hilltops Phase 2 Review² considered this area be progressed for possible rezoning and overlay boundary adjustments because of its potential suitability for residential growth. The Review ultimately recommended no boundary adjustment to the Overlay because values are intact across the broader extent of the Overlay – this is consistent with the expert evidence of Mr Anstey. On this basis, I disagree with the relief sought to remove the ridgelines and hilltops overlay.
75. In response to Thomas Brent Layton [164.1] seeking to remove the Wright's Hill SAL overlay from 183, 241, 249 and 287 South Karori Road, I rely on the technical assessment contained in the 2019 Boffa Miskell Wellington City Landscape Evaluation that the overlay in this area meets

¹ Paragraphs 77-78, [General Rural Zone s42A Report](#).

² Ridgelines and Hilltops Phase 2 Review, Isthmus, 24 November 2020.

the criterion of a SAL of importance to Wellington City. I also rely on the evidence of Mr Anstey that the overlay as it applies to this site be retained. On this basis I disagree with the relief sought.

76. In response to Thomas Brent Layton [164.2, 164.5, and 164.6] seeking to remove the Ridgelines and Hilltops overlay from 183, 241, 249 and 287 South Karori Road, I rely on the evidence of Mr Anstey that the overlay as it applies to this site be retained. I also rely on the technical background contained in Wellington City Council Ridgelines Hilltops Overlay Initial Review. Specially that *“Mapping of the Overlay “drape” was based on district wide and local scale visibility, slope, and landform “continuum”. This means that visual continuity of ridgelines and hilltops landform was considered important, even if all parts of the Overlay did not hold equal visual values. The approach was described as being based on visual amenity (as opposed to “visibility” alone), and provided for whole landforms. It sought to avoid a patchwork of ridgeline and hilltop areas with controls relating only to “patchwork” areas.”*³ As I understand it the visual continuum is an important concept of the ridgelines and hilltops overlay. For the reasons set out above, I disagree with the relief sought.
77. Key to informing my view on submissions seeking amendment the extent of the ridgeline and hilltops overlay is the following extract from the Wellington City Council Ridgelines Hilltops Overlay Initial Review:

*“More remote, rural parts of the Overlay may not be seen frequently, or by large numbers of people at one time. However, these parts of the Overlay are likely to be viewed by people seeking out recreation or tourism experiences, in views from other elevated parts of the district (for example, in mountain biking or walking on the district’s ridgetop/hilltop tracks). The contribution the Overlay makes to district-scale character is likely to be more apparent in these views, where there will be outlook over large parts of the district from a single viewpoint. At the district wide scale of the Overlay assessment, the more remote rural ridgelines and hilltops contribute to the overall landscape framework for Wellington. They make a significant contribution to the character of the district and its landscape identity. Removal of parts of this framework based on numbers of viewers, or individual viewpoints, would undermine the overall intent of the Overlay, to recognise a wider range of landscape character and identity values. In both rural and urban areas, the landform “continuum” of the Overlay is central to its success in providing a visible landscape framework.”*⁴

Summary of Recommendations

78. **HS8-NFL-Rec5:** No amendments are recommended in response to submission points on mapping and overlays.
79. **HS8-NFL-Rec6:** That submission points relating to mapping and overlays are accepted/rejected as detailed in Appendix B.

³ Paragraph 4.4, Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April 2020

⁴ Paragraphs 6.8-6.9, Wellington City Council Ridgelines Hilltops Overlay Initial Review, 8 April 2020.

3.2.4 NFL Introduction

Matters Raised by Submitters

80. Meridian Energy [228.80 and 228.81] considers the statement in the introduction does not include existing infrastructure within the ridgeline and hilltops overlay which seems to be captured by NFL-R2. This suggests that existing renewable electricity generation activities within ridgeline and hilltop overlays are intended to be captured by these NFL rules. Meridian understood this was not the intention of the Plan and seek to amend the Introduction of the Natural Features and Landscapes chapter under the heading 'Other relevant District Plan provisions', by inserting the following (or a similar) clarification note, as follows:

It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide matters chapters may also be of relevance, including:

...

The rules applicable to renewable electricity generation activities [including in Outstanding Natural Features and Landscapes and Special Amenity Landscapes] are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter NFL Natural Features and Landscapes do not apply to renewable electricity generation activities.

Assessment

81. In response to Meridian Energy [228.80 and 228.81] I firstly note that the Renewable Electricity Generation (REG) chapter contains a statement in the Introduction as follows:
- 'The provisions within this chapter apply on a City-wide basis and are specific to renewable electricity generation activities. As such, the rules in the Zone chapters, and the rules in the Infrastructure, Noise, Earthworks and Overlay chapters, do not apply to renewable electricity generation activities unless specifically stated within a renewable electricity generation rule or standard.'*
82. As such, the provisions of the NFL chapter are not relevant to 'renewable electricity generation activities' that are otherwise addressed in the REG chapter. This is a consistent approach across the Natural Environment Values chapters' where the REG chapter contains the relevant provisions for renewable electricity generation activities as applicable to each overlay/environment value.
83. I note that the ECO, NATC, PA, and CE chapters all contain a statement in their 'Other relevant District Plan provisions' section that directs plan users to the REG chapter. By way of example the NATC chapter states that: *'Policies and Rules relating to renewable electricity generation in riparian margins are located in the Renewable Electricity Generation Chapter.'*
84. While the NFL chapter identifies that *'Policies and Rules relating to Infrastructure in Outstanding Natural Features and Landscapes and Special Amenity Landscapes are located in the Infrastructure - Natural Features and Landscapes Chapter.'* it does not include a similar statement in relation to the REG chapter. I consider that adding reference to the REG chapter will address the concerns of Meridian Energy and clarify the relevance and application of plan provisions with respect to renewable electricity generation activities.

85. In considering the submission of Meridian Energy, I also recommend amending the ‘Other relevant District Plan provisions’ section to correctly identify that provisions for infrastructure within ridgelines and hilltops are managed in the INF-NFL chapter, and to provide clarity on the Ridgetop Area as I discuss in section 3.2.5 below.

Summary of Recommendations

86. **HS8-NFL-Rec7:** That the NFL Chapter Introduction be amended as set out below and detailed in Appendix A.

Infrastructure - Natural Features and Landscapes - Policies and Rules relating to Infrastructure in Outstanding Natural Features and Landscapes, ~~and~~ Special Amenity Landscapes, and Ridgelines and Hilltops are located in the Infrastructure - Natural Features and Landscapes Chapter.

Renewable Electricity Generation – Policies and Rules relating to renewable electricity generation in Outstanding Natural Features and Landscapes, Special Amenity Landscapes, and Ridgelines and Hilltops are located in the Renewable Electricity Generation Chapter.

Upper Stebbings and Glenside West Development Area – Policies and rules relating to the Ridgetop Area are located in the Upper Stebbings and Glenside West Development Area Chapter.

87. **HS8-NFL-Rec8:** That submission points relating to the NFL Introduction are accepted/rejected as detailed in Appendix B.

3.2.5 Ridgelines and Hilltops

Matters Raised by Submitters

88. Heidi Snelson et al [276.18] seek to retain the protections afforded to ridgelines and hilltops as notified.
89. Churton Park Community Association [189.8], Heidi Snelson et al [276.17 and 276.19], and John Tiley [142.8] (supported by Roseneath Residents’ Association [FS49.3], Matthew Wells, Adelina Reis and Sarah Rennie [FS50.3], Wellington Civic Trust [FS83.77], and Andy Foster [FS86.29]) seek to amend the list of identified ridgelines and hilltops to include Marshalls Ridge.
90. Andy Foster [FS86.5, FS86.6, and FS86.7] supports the submissions of Glenside Progressive Association [374], John Tiley [142], and Churton Park Community Association [189] which support the protection of the City’s ridgelines and hilltops and seek that these submissions be allowed.
91. John Tiley [142.2] (supported by Andy Foster [FS86.25]) and Churton Park Community Association [189.2] (supported by Andy Foster [FS86.36]) seek to amend the mapping layer to show Marshalls Ridge as an identified ridgeline.
92. John Tiley [142.7] (supported by Wellington Civic Trust [FS83.76] and Andy Foster [FS86.28]) and Churton Park Community Association [189.7] (supported by Roseneath Residents’ Association

[FS49.5], Matthew Wells, Adelina Reis, and Sarah Rennie [FS50.6], and Andy Foster [FS86.39]) seek comments or explanation of selection criteria for the 18 ridgelines and hilltops listed in the Introduction to the NFL chapter.

93. Barry Ellis [47.2] (opposed by Meridian [FS101.165]), Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.36] (opposed by Meridian [FS101.169]), Margaret Ellis [48.2] (opposed by Meridian [FS101.166]), and Rowan Hannah [84.2] (opposed by Meridian [FS101.167]) seek that the Ridgelines and Hilltops overlay incorporated into the operative District Plan (via Plan Change 33) be retained and opposes changing this overlay.
94. WCC [266.94] seek to remove the list of Ridgelines and Hilltops from the Introduction to the Natural Features and Landscapes chapter as there is already a map overlay that identifies these areas. WCC further seek to clarify that this overlay does not apply to Lincolnshire Farm Development Area or the Upper Stebbings and Glenside West Development Area. The amendment sought by WCC is as follows:

Introduction

...

The Ridgelines and Hilltops are identified in an overlay on the District Plan Maps.

The location of Ridgelines and Hilltops have informed the master planning and resultant Development Area and the Upper Stebbings and Glenside West Development Area. However, the overlays are not located within the Development Areas. In Upper Stebbings and Glenside West, natural features are recognised by distinguishing the Build and No Build areas. A site-specific Ridgetop area is subject to separate protection and management in the Upper Stebbings and Glenside West Development Area through requirements in the DEV3 chapter, EW chapter and in APP13.

The following ridgelines and hilltops have been identified in Wellington City:

1. ~~Bests Ridge~~
2. ~~Horokiwi Ridge~~
3. ~~Mt Albert Ridge~~
4. ~~Mt Crawford / Point Halswell~~
5. ~~Mt Victoria~~
6. ~~Ngaio Reserve~~
7. ~~Oku Street Reserve~~
8. ~~Orongo Ridge – Point Dorset~~
9. ~~Pipinui Point & Coastal Hills~~
10. ~~South Headland Reserve~~
11. ~~Tawatawa Ridge~~
12. ~~Te Kopahu Ridge~~
13. ~~Te Wharangi Ridge & Totara / Bests / Spicers Ridge~~
14. ~~Tinakori Hill~~
15. ~~Upper Ngauranga~~
16. ~~Western Harbour Hills [Brandon’s Rock / Woodridge]~~
17. ~~White Rock Hill / Quartz Hill / Outlook Hill~~
18. ~~Wrights Hill~~

95. WCC [266.39] (opposed by Panorama Property Limited FS11.33]) seek to amend the “Ridgetop” area so that it is put into the Development Area map with an associated amendment made to

the PDP map legend.

96. Glenside Progressive Association [374.1 and 374.2] (opposed by Hilary Watson [FS75.1] and supported by Andy Foster [FS86.22]) seek that Council does not remove the ridgeline protection offered by District Plan Change 33 in Glenside West or any other part of Wellington. Glenside Progressive Association considers that the Council has misinterpreted the NPS-UD and should not be creating housing areas in highly visual and steep land close to ridgelines such as the proposed development in Glenside West. Furthermore, the need for more housing should not justify the removal of the visual protection offered by DPC33 in Glenside West or any other part of Wellington.
97. Roseneath Residents' Association [FS49.1] and Matthew Wells, Adelina Reis and Sarah Rennie [FS50.1] support the submission of Glenside Progressive Association [374] in full and seek it be allowed, particularly as it relates to the retention of planning controls over the 19 ridgelines identified in the Operative District Plan and specifically the Mount Victoria ridgeline in respect of 22 Alexandra Road.
98. Horokiwi Quarries [271.28] considers that there is a lack of higher order document policy support for the policy and rule framework for Ridgelines and Hilltops assuming that SAL capture RMA S6(c) matters; and a lack of identified values within the PDP for the Ridgelines and Hilltops (noting they are not scheduled) and therefore lack of clarity for plan users as to the values. Horokiwi Quarries seek to clarify the policy and rule framework for Ridgelines and Hilltops and review the appropriateness of Hilltops and Ridgelines within the PDP.
99. Johnsonville Community Association [429.26 and 429.27] seek that Council reverse the decision to remove ridgeline protections in urban areas and re-establish them as they are in the Operative District Plan. The specifically seek that the NFL chapter is amended to add Woodland Road/Prospect Terrace to the list of Ridgelines.
100. Generation Zero [FS54.53] oppose the submission of Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275] and seek it be disallowed, particularly as it relates to the Mount Victoria ridgeline and extent to which the amount of enabled housing is reduced.

Assessment

101. Firstly, I wish to differentiate between the 'Ridgetop area' (applicable to the Upper Stebbings and Glenside West Development Area) and the 'Ridgelines and hilltops overlay' (managed through the NFL chapter). In the Development Areas s42A Report⁵ I responded to submitters⁶ seeking greater protection of Marshalls Ridge. I also refer to my parallel assessment in the Development Areas s42A Report where I responded to WCC [266.40] identifying the absence of the Ridgetop area in the PDP map as an error, and my recommendation to include the Ridgetop area in the Development Plan. For those same reasons I agree with WCC [266.39], noting my recommendation **HS6-DEV-Rec25** to amend the Development Plan map for Upper Stebbings and Glenside West to show the Ridgetop area.

⁵ Paragraphs 211-214, [Development Areas s42A Report](#).

⁶ John Tiley [142.1 and 142.22] and Churton Park Community Association [189.1 and 189.22]

102. I consider that this recommendation responds to submissions that have been captured in the NFL summary of submissions, but are directly applicable to the Ridgetop area – i.e. Marshalls Ridge. Therefore, while I agree with the intent of Churton Park Community Association [189.2 and 189.8], Heidi Snelson et al [276.17 and 276.19], John Tiley [142.2 and 142.8], and Glenside Progressive Association [374.1], I do not agree with the relief sought to list Marshalls Ridge in the NFL introduction or amend the mapping to identify Marshalls Ridge as a ridgeline because it is instead identified as a Ridgetop area and addressed separately to ridgelines and hilltops.
103. The figure below compares the ODP and PDP ridgelines and hilltops overlay – with pink indicating areas of difference where there is no overlay equivalent in the PDP. The differences being the removal of the ridgelines and hilltops overlay within Development Areas, and minor tweaks to the overlay in small pockets where residential development has occurred, i.e. Spenmoor Street, or has been rezoned to residential i.e. Wellington College and Government House in Mt Cook. These differences between the ODP and PDP are illustrated in Figures 1 and 2 below. Based on these maps, I am confident that the protection offered by DP33 has not been lost or diminished.

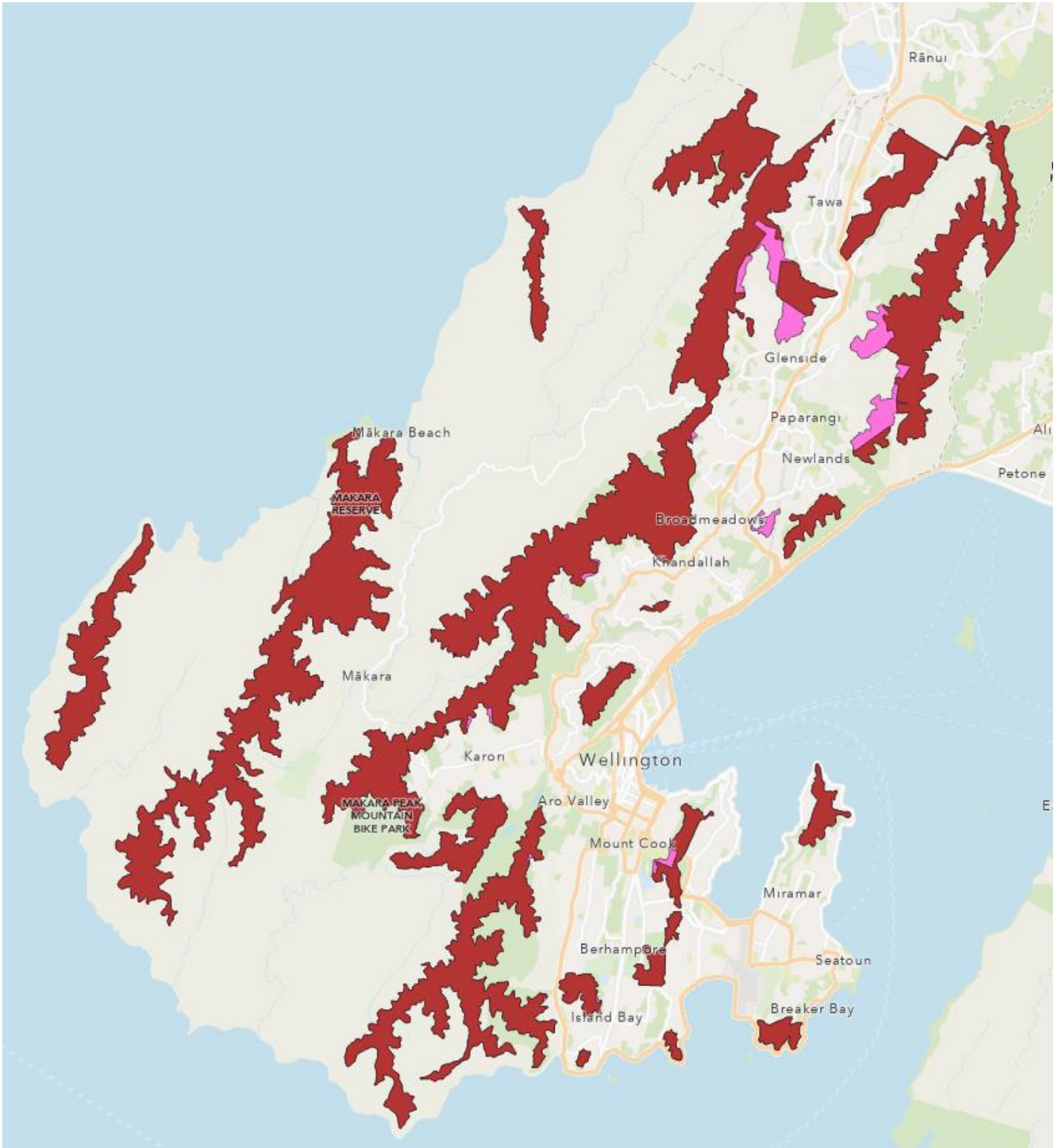
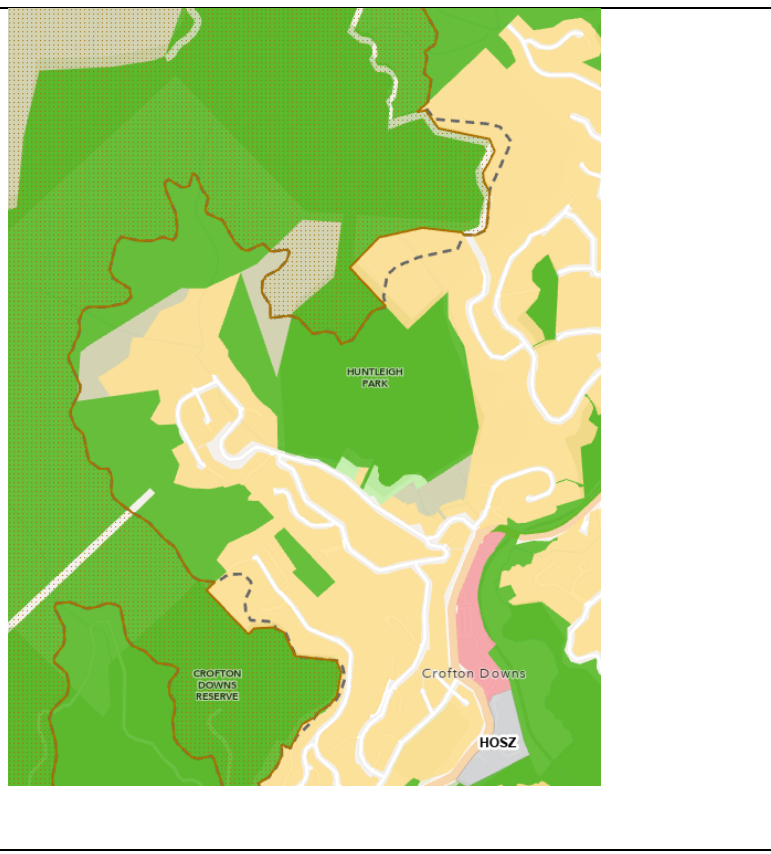
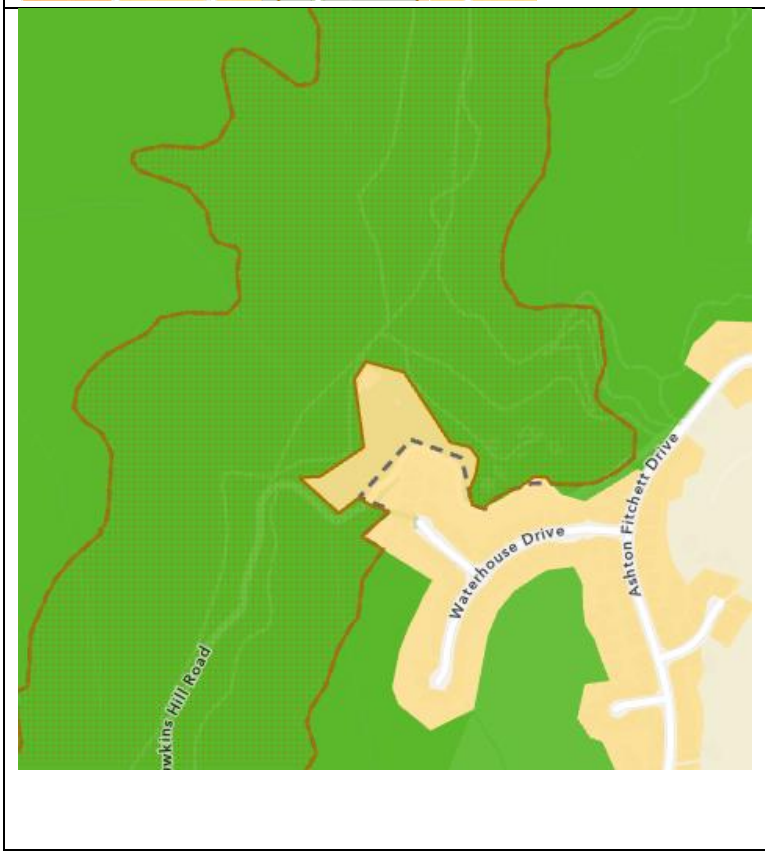
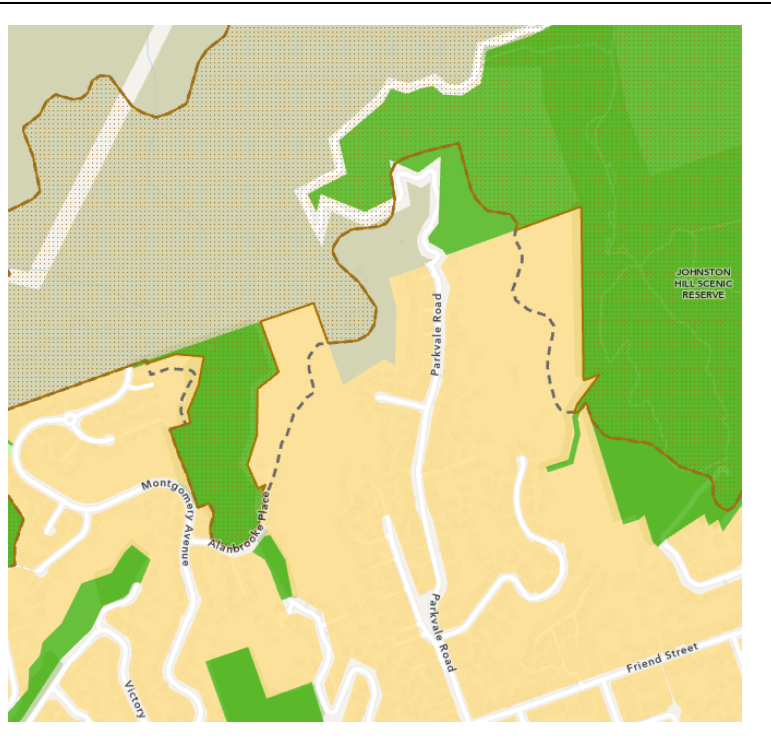
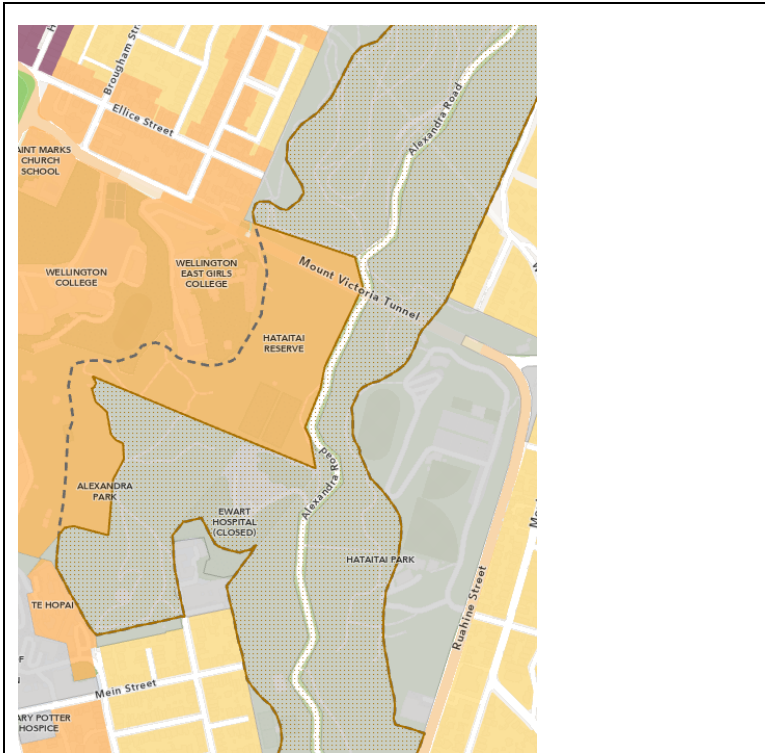


Figure 1: Comparison of the ODP ridgelines and hilltops overlay and PDP ridgelines and hilltops overlay with differences shown in pink.



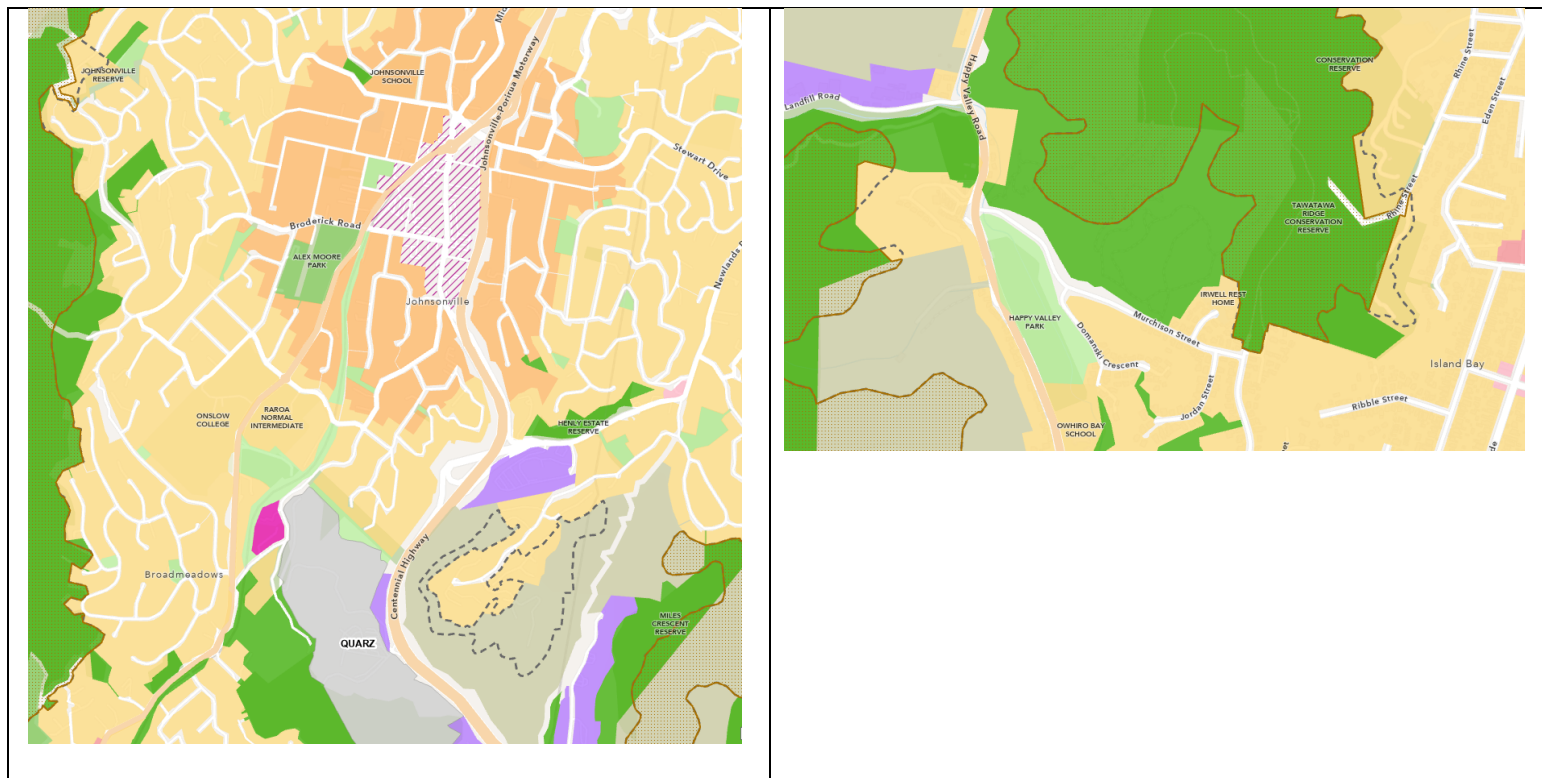


Figure 2: Comparison of the ODP ridgelines and hilltops overlay and PDP ridgelines and hilltops overlay with differences shown in dotted line where the ODP overlay has been removed/amended in response to zoning changes made to the notified PDP.

104. In respect of the further submission of Roseneath Residents' Association [FS49.1] and Matthew Wells, Adelina Reis and Sarah Rennie [FS50.1] seeking that the ridgeline and hilltop overlay be applied to 22 Alexandra Road as it was in the ODP. As outlined above small tweaks were made to the PDP overlay to reflect residential zoning. In Hearing Stream 2 it was recommended in **HS2-P3-Rec11** that 22 Alexandra Road be rezoned from MRZ to Open Space because *'the site is presently used as a recreational site and has been proposed MRZ in the PDP due to the planning processes and walking catchment analysis that was carried out at the time of drafting the PDP'*.⁷ On this basis I agree with the submitters that the ridgelines and hilltops be applied to 22 Alexandra Road as it was in the ODP.
105. As to Johnsonville Community Association [429.27] and Glenside Progressive Association [374.2] Barry Ellis [47.2], Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.36], Margaret Ellis [48.2], and Rowan Hannah [84.2], Glenside Progressive Association [374.2] seeking that the PDP does not remove the ridgeline protection as appears in the ODP, specifically visual protection offered by DPC33, I consider there to be no loss of protection.
106. In response to Johnsonville Community Association [429.26] that Woodland Road/Prospect Terrace be added to the list of ridgelines, I disagree on the basis that this area is a highly modified built environment and zoned MRZ. Consistent with the purpose and methodology outlined in the Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April 2020 and Ridgelines and Hilltops Phase 2 Review, Isthmus, 24 November 2020, I therefore reject the relief

⁷ Paragraph 209, [Medium Density Residential Zone s42A Report](#).

sought.

107. In response to WCC [266.94], I consider that the list of identified ridgelines and hilltops in the NFL chapter is helpful and aids with plan interpretation. Identified ONFLs and SALs are listed in the NFL introduction, and I do not see a reason why the list of identified ridgelines and hilltops should be removed, particularly given there is not a notified schedule for ridgelines and hilltops as there is for ONFLs and SALs. I therefore disagree with this part of the relief. As to the amendments sought to add a paragraph to the NFL introduction about the Ridgetop area, I agree with the intent but not the approach or level of detail. Instead, I consider it would be most appropriate to amend the 'Other relevant District Plan provisions' section to add reference to the Development Area: Upper Stebbings and Glenside West chapter in acknowledgement of the provisions within the DEV3 chapter that address the Ridgetop area.
108. In response to John Tiley [142.7] and Churton Park Community Association [189.7] seeking comments or explanation of selection criteria for the 18 ridgelines and hilltops listed in the Introduction to the NFL chapter, I refer to the Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April 2020. This report comprehensively sets out the purpose, intent, and methodology used in undertaking a review of ridgelines and hilltops in Wellington City. It also compares the relationship of ridgelines and hilltops with ONLs, ONFs, SALs, and SNAs, and the continued value of the overlay. I consider that the detail contained in this report suitably addresses the submitters request for explanation and clarification.
109. I defer to the Wellington City Council Ridgelines Hilltops Overlay Initial Review in full, however for ease of reference and to directly respond to the submission points as to the selection of the ridgelines and hilltops, I note the following key points:
- a. *The [ODP] Overlay was developed from a study completed for Council in 2001 (referred to in this report as "the study") to assess the highly visible, relatively undeveloped ridgetops and hilltops across the Wellington District; with work from the study progressed through to the introduction of the Overlay through Plan Change 33 (PC33, 2009).*
 - b. *The main points to note from the 2001 study are:*
 - i. *The study was commissioned by Council as a result of public submissions on the (at that time) Proposed Wellington City District Plan, which consistently raised concerns on the effects of development on the district's undeveloped ridges and hills;*
 - ii. *The brief for the assessment reflected Council's view that consideration of amenity values (RMA s7) was key to managing Wellington's ridgetops and hilltops (in line with submissions received on the Proposed District Plan). The brief specified that the study should not "rank" ridgetops and hilltops, but should identify the intrinsic natural values and the amenity values of ridgetops and hilltops, and recommend a management regime;*
 - iii. *The 2001 study identified a range of values for the ridgetops and hilltops, including natural values, visual values, heritage values and recreation values;*
 - iv. *The study identified main ridgelines and associated landforms, with associated values at two scales – importance to the district; and importance at a more localised*

community level;

- v. *At the district scale, certain ridges and hills were noted as being particularly important in shaping the district's settlement patterns and influencing the character of Wellington. The identified main ridges physically define broadscale areas so that Wellington is made up of a series of clearly recognisable geographic communities.*
 - c. *Work progressed from the 2001 study to map the Overlay as a "drape" over main ridges and hilltops, and include associated provisions, for introduction to the District Plan through Plan Change 33 (PC33). The Ridgelines and Hilltops Overlay became operative in the District Plan in 2009.*
110. Turning to Horokiwi Quarries [271.28] questioning the higher order document policy support for the policy and rule framework for Ridgelines and Hilltops, and seeking a review of the appropriateness of hilltops and ridgelines within the PDP, I make the following comments:
- a. The ODP contains identified ridgelines and hilltops with supporting provisions controlling activities in relation to these areas. These provisions were operative in 2009. It is noted that these features were identified before the RPS was made operative;
 - b. The Overlay was introduced in 2009 in response to community submissions on a Proposed District Plan Change (notified in 1994) which consistently raised concerns on the effects of development on undeveloped and visually prominent ridgelines and hilltops across the district. A range of values were identified for the ridgelines and hilltops through assessment work (including natural, visual, heritage and recreation values). However, the Overlay was introduced by Council primarily to manage adverse effects on visual amenity (sensory values) in these areas, (a s7 (Other) matter under the RMA), with the balance of values to be managed through other provisions;
 - c. The Ridgelines and Hilltops Overlay boundary has been defined based on visibility, slope angle, and landform continuity, with provisions adopted with the purpose of managing adverse visual amenity effects on prominent ridgelines and hilltops across the district (to address consistent concerns raised by Wellington communities on the effects of development);
 - d. ONFs, ONLs and SALs have been identified under RMA s6 (matters of national importance) and s7 (other matters), to manage effects on a full range of values identified in defined areas, in line with the Wellington Regional Policy Statement (RPS). These include natural science, and shared and recognised, as well as sensory (including visual) values;
 - e. The tests required to be met in relation to the identification of SAL and ONFL are set out in the RPS. They differ from the tests used to identify the Hilltops and Ridgelines. While all landscape areas, including the Ridgelines and Hilltops, have natural science, sensory, and shared and recognised factors that contribute to values, in most parts of the Overlay these do not meet the test to be identified as an SAL or ONFL. The Overlay has been defined to provide a landscape framework and visual "continuum" of relatively undeveloped, elevated landforms across the district. ONFs, ONLs and SALs are not necessarily visually prominent or connected to each other;

- f. The Overlay has value in that it contributes to Wellington’s recognised landscape character and identity at a district scale with relevance to s7 matters under the RMA. Although not of ONFL/SAL status, it provides important guidance as a physical framework for development, promoting the best practice urban design principles sought in Wellington’s urban growth strategies – namely a compact urban form, connected to existing infrastructure;
 - g. It is likely that the more recent ONFs, ONLs and SALs have captured some of the higher-value natural, heritage and recreation values identified in the ridgetop and hilltop areas by the 2001 study, with those values now mapped to specific areas, where they are concentrated enough to meet the RPS tests. These areas are likely to occur as the “cross-over” areas where both the Overlay and identified ONF/ONL/SAL are present;
 - h. The Overlay “continuum” also “stitches together” the higher value ONFs, ONLs and SALs across the district, providing potential for a highly connected open space network;
 - i. In addition to ONFs, ONLs and SALs, the Wellington RPS refers to a third category of landscape - “all other landscapes”. These are described by the RPS as ‘landscapes that contribute to the amenity and character of the region and are managed through the general amenity provisions in local authority plans.’ Impacts on these landscapes are not considered to be regionally significant. While ‘all other landscapes’ are not required to be identified under the RPS, the definition helps to differentiate these landscapes from SALs. The Ridgelines and Hilltops Overlay provides such an “other” landscape, contributing to the overall amenity and landscape character of Wellington and may be further protected by targeted provisions in the PDP; and
 - j. Ridgelines and Hilltops therefore recognise a “third-tier” of landscapes across the district, relative to ONFs, ONLs and SALs.
111. Under the RMA and RPS Council has an obligation to identify and protect ONFL using prescribed criteria. The identification and protection of SAL is optional but also supported by prescribed criteria. No such statutory basis exists for the identification of ridgelines and hilltops. Therefore, ridgelines and hilltops have not been identified by way of an assessment that uses criteria prescribed by the RPS and are not listed in Schedules. The identification of ridgelines and hilltops relies largely on the existing ODP and previous assessments. I again refer to the Wellington City Council Ridgelines Hilltops Overlay Initial Review, Isthmus, 8 April 2020 and Ridgelines and Hilltops Phase 2 Review, Isthmus, 24 November 2020 which have comprehensively reviewed the ridgelines and hilltops overlay. Based on these reports, and the evidence of Mr Anstey, I am satisfied that the ridgelines and hilltops overlay adds value in that it contributes to Wellington’s recognised landscape character and identity at a district scale with relevance to s7 matters under the RMA.

Summary of Recommendations

- 112. **HS8-NFL-Rec9:** That the ridgelines and hilltops overlay apply to 22 Alexandra Road as it was in the ODP.
- 113. **HS8-NFL-Rec10:** That submission points relating to ridgelines and hilltops are accepted/rejected as detailed in Appendix B.

3.2.6 Outer Green Belt

Matters Raised by Submitters

114. Kilmarston [290.19] (supported by Forest and Bird [FS85.29]) seek to retain Outer Green Belt as a Special Amenity Landscape in mapping as notified. Kilmarston Companies [290.75] seek to retain the Outer Green Belt in SCHED11 as notified.
115. Penny Griffith [418.7] seeks to retain SCHED11 as notified with the inclusion of the Outer Green Belt locations.
116. Forest and Bird [345.226] seek to amend the Introduction to include the Outer Green Belt in the list of SALs.
117. Forest and Bird [345.233] (opposed by Meridian Energy [FS101.144]) raise concern that SAL Outer Green Belt has been left off SCHED11, and therefore there are no identified values to reference in NFL-P3.
118. Forest and Bird [345.416] seek to include a new SAL Outer Green Belt to Schedule 11.

Assessment

119. By way of brief background, I note that in approving the PDP for notification the committee members agreed an amendment to identify the Outer Green Belt to be included as an Amenity Landscape, and the PDP was subsequently amended to incorporate the adopted motion (26) of the Wellington City Council Planning & Environment Committee on 23 June 2022⁸.
120. However, the Outer Green Belt SAL was not identified as a SAL in the 2019 Boffa Miskell Wellington City Landscape Evaluation.
121. There were a number of submissions received in support of retaining the Outer Green Belt as a SAL, and no submissions seeking the removal of the Outer Green Belt SAL.
122. I rely on the evidence of Mr Anstey that the Outer Green Belt contains values that meet the criteria of a SAL and that it be retained in the planning maps.
123. In response to Forest and Bird [345.226], I agree that adding the Outer Green Belt in the list of SALs in the introduction would be beneficial in providing clarity in terms of SAL that have been identified. As detailed above, in approving the PDP for notification, the committee members agreed an amendment (adopted motion 26) to identify the Outer Green Belt as an Amenity Landscape. The SAL spatial overlay was amended as directed. However, no other changes were made. It is therefore a gap in the NFL chapter that the Outer Green Belt was not added to the list in the introduction following this amendment.
124. It is also a gap in the PDP that the Outer Green Belt was not added to Schedule 11. I acknowledge and agree with Forest and Bird [345.416] that there are no identified values for the Outer Green Belt in Schedule 11 (because it does not have any identified through the 2019 Boffa Miskell

⁸ <https://wellington.govt.nz/-/media/your-council/meetings/committees/puuroro-aamua---planning-and-environment-committee/2022-06-23-minutes-papec.pdf>

evaluation), which in turn makes implementation of NFL-P3 difficult to achieve.

125. In recommending that the detail of identified characteristics and values contained in the 2019 Boffa Miskell Wellington City Landscape Evaluation Report be added to Schedule 11 for other SAL, an issue arises because the characteristics and values have not yet been specifically identified for the entirety of the Outer Green Belt SAL. In this sense there is a chicken and an egg situation in terms of the identification of the SAL and the evaluation to inform the identification of values that meet the RPS criteria.
126. At this stage it is my recommendation that the Outer Green Belt be added to the NFL chapter Introduction and Schedule 11, notwithstanding that the technical assessment and evaluation of its values and characteristics to inform Schedule 11 has not, to my understanding, been undertaken. Parts of the Outer Green Belt, being Mount Kaukau and Wrights Hill/Makara Peak both qualified as Special Amenity Landscapes in their own right - determined to have met the RPS criteria as assessed in the 2019 Boffa Miskell Wellington City Landscape Evaluation Report. However, I am uncertain if the values and characteristics of those areas apply more broadly. The [Outer Green Belt Management Plan](#) may provide some insights. Ideally, it is my intention to provide evidence that supports the identification of Outer Green Belt at the hearing.

Summary of Recommendations

127. **HS8-NFL-Rec11:** That the Outer Green Belt be added to the NFL chapter Introduction and Schedule 11.

The following SALs have been identified in Wellington City:

1. Watt's Peninsula*
2. Town Belt*
3. Te Ahumairangi Hill
4. Wellington Botanic Garden
5. Wrights Hill / Makara Peak
6. Mount Kaukau
7. Korokoro Stream Valley*
8. Outer Green Belt

* partially or entirely located within the Coastal Environment

128. **HS8-NFL-Rec12:** That submission points relating to the Outer Green Belt are accepted/rejected as detailed in Appendix B.

3.3 Objectives

3.3.1 NFL-O1 Outstanding natural features and landscapes

Matters Raised by Submitters

129. Forest and Bird [345.228], GWRC [351.166], WCCERG [377.145] and Director-General of Conservation [385.44] seek to retain NFL-O1 as notified.

Assessment

130. No further assessment is required.

Summary of Recommendations

131. **HS8-NFL-Rec13:** That NFL-O1 be confirmed as notified.

132. **HS8-NFL-Rec14:** That submission points relating to NFL-O1 are accepted/rejected as detailed in Appendix B.

3.3.2 NFL-O2 Special amenity landscapes

Matters Raised by Submitters

133. WCCERG [377.146] seek to retain NFL-O2 as notified.

134. Kilmarston [290.38] (opposed by Adam Groenewegen [FS46.15] and Jo McKenzie [FS64.15]) support NFL-O2 while raising concerns as to the identification of a specific SAL overlay located on the western edge of Ngaio.

135. Forest and Bird [345.229] seek to amend NFL-O2 to give effect to s7(c) of the RMA. The amendment sought by Forest and Bird is as follows:

The characteristics and values of special amenity landscapes are maintained and, ~~where practicable,~~ enhanced.

136. Horokiwi Quarries [271.29] support the policy directive within NFL-O2 to enhance the values 'where practicable', but seek clarification of the characteristics for particular sites in Schedule 11 to assist with plan interpretation and application.

Assessment

137. In response to Kilmarston [290.38], while I acknowledge the submitters concerns as to the identification of the SAL overlay on their property, this is addressed in section 3.2.3 in response to their associated submission points. However, I agree with their relief sought which is to retain NFL-O2 as notified.

138. In response to Forest and Bird [345.229], s7(c) does not specifically refer to SAL, but more broadly the '*maintenance and enhancement of amenity values*'. 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. Policy 28 goes on to state that these landscape values are to be maintained or enhanced in the '*context of the continuation of (a) existing land uses that contribute to these landscape values, (b) predominant existing land uses that are provided for within the underlying zone, and (c) other lawfully established activities.*'

139. In my view, 'where practicable' recognises that enhancement may not always be possible or viable, in recognition that SAL tend to be more modified environments, already subject to existing activities. The explanation to the RPS policy acknowledges that '*Policy 28 is not intended to prevent land use change, but rather to ensure that change is carefully considered and is appropriate in relation to the landscapes that may be identified in policy 27.*' For these reasons,

I disagree with the relief sought.

140. In response to Horokiwi Quarries [271.29], I agree that clarification of the identified characteristics and values in Schedule 11 to include more detailed descriptions would assist plan interpretation. This matter is addressed further in section 3.8 in relation to SCHED11.

Summary of Recommendations

141. **HS8-NFL-Rec15:** That NFL-O2 be confirmed as notified.
142. **HS8-NFL-Rec16:** That submission points relating to NFL-O2 are accepted/rejected as detailed in Appendix B.

3.3.3 NFL-O3 Ridgelines and hilltops

Matters Raised by Submitters

143. Forest and Bird [345.230] and WCCERG [377.147] seek to retain NFL-O3 as notified.
144. Friends of the Wellington Town Belt [FS.109.3] support the submission of Lucy Harper and Roger Pemberton [401]⁹ in full and seek that it be allowed, particularly as it relates to the importance of the green ridgeline as a backdrop to the built environment of the city.
145. Horokiwi Quarries [271.30] seek to clarify the appropriateness of ensuring a natural green backdrop to the city on private land and review the appropriateness of Hilltops and Ridgelines within the PDP.
146. John Tiley [142.9] (supported by Wellington Civic Trust [FS83.78]) and Churton Park Community Association [189.9] (supported by Roseneath Residents' Association [FS49.6], and Matthew Wells, Adelina Reis, and Sarah Rennie [FS50.5]) seek to amend the objective to include reference to the protection of the amenity value of associated open space, and the opportunities to create continuity of open space.
147. Meridian Energy [228.82 and 228.83] seek to amend the objective to accurately characterise large areas of ridgelines and hilltops overlays in which wind turbines are located and acknowledge the reality of the existing environment. The amendment sought by Meridian Energy is as follows:

The natural green landscape backdrop provided by identified ridgelines and hilltops is maintained and enhanced, where practicable, recognising the existence of and the functional and operational needs of regionally significant infrastructure.

Assessment

148. In respect of the relief sought by Horokiwi Quarries [271.30] to review the ridgelines and hilltops overlay, I refer to my parallel assessment in section 3.2.6 of this report as to a review of the appropriateness of the overlay.
149. In response to John Tiley [142.9] and Churton Park Community Association [189.9] I agree that

⁹ Note: the Summary of submissions incorrectly identifies Emma Osborne [410] as the original submission.

the continuity of open space provided by ridgelines and hilltops is important outcome to recognise. This concept is identified in 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.*”¹⁰ On this basis I accept the relief sought in part and recommend amendment to NFL-O3.

150. In respect of the amendment sought by Meridian Energy [228.82 and 228.83], I refer to my assessment in section 3.5.2 where I recommend amendment to the ‘Other relevant District Plan provisions’ section of the NFL Chapter to reference the REG Chapter. On this basis, I disagree with the relief sought to amend NFL-O3 to recognise regionally significant infrastructure because the REG Chapter is the appropriate location to address renewable electricity generation activities in relation to NFL. I consider the provisions in the REG and INF-NFL¹¹ chapters of the Plan provide the necessary direction to inform decision-making with respect to wind turbines in the ridgelines and hilltops overlay.

151. However, I do agree with the part of their relief to include reference to ‘enhanced, where practicable’. This amendment would align with Strategic Direction NE-O5 as recommended by Mr McCutcheon in Hearing Stream 1¹²:

NE-O5: The special amenity landscapes and ridgelines and hilltops that contribute to the City’s identity, including those that have significance for mana whenua as kaitiaki are recognised and their values maintained or enhanced.

Summary of Recommendations

152. **HS8-NFL-Rec17:** That NFL-O3 is amended as set out below and detailed in Appendix A.

The natural green backdrop **and continuity of open space** provided by identified ridgelines and hilltops is maintained **and enhanced, where practicable.**

153. **HS8-NFL-Rec18:** That submission points relating to NFL-O3 are accepted/rejected as detailed in Appendix B.

3.4 Policies

3.4.1 NFL-P1 Identification of outstanding natural features and landscapes and special amenity landscapes

Matters Raised by Submitters

154. Forest and Bird [345.231], GWRC [351.167], and WCCERG [377.148] seek to retain NFL-P1 as notified.

¹⁰ Paragraphs 1.9 and 6.9, Wellington City Council Ridgelines Hilltops Overlay Initial Review, 8 April 2020.

¹¹ Including INF-NFL-P38, INF-NFL-P41, and INF-NFL-P46

¹² Page 13, [Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council](#)

155. John Tiley [142.10] (supported by Wellington Civic Trust [FS83.79]) and Churton Park Community Association [189.10] (supported by Roseneath Residents' Association [FS49.7], Matthew Wells, Adelina Reis, and Sarah Rennie [FS50.4], and Andy Foster [FS86.40]) seek to amend NFL-P1 to include reference to ridgelines and hilltops.

Assessment

156. In response to John Tiley [142.10] and Churton Park Community Association [189.10] I note that under Policy 25 of the RPS, Council has an obligation to identify and protect ONFL using prescribed criteria. Under Policy 27 of the RPS, the identification and protection of SAL is optional but also supported by prescribed criteria. No such statutory basis exists for the identification of ridgelines and hilltops. Therefore, ridgelines and hilltops have not been identified by way of an assessment that uses criteria prescribed by the RPS and are not listed in Schedules, nor relevant to be referenced in NFL-P1.

Summary of Recommendations

157. **HS8-NFL-Rec19:** That NFL-P1 be confirmed as notified.
158. **HS8-NFL-Rec20:** That submission points relating to NFL-P1 are accepted/rejected as detailed in Appendix B.

3.4.2 NFL-P2 Use and development within ridgeline and hilltops

Matters Raised by Submitters

159. WCCERG [377.149] seek to retain the policy as notified.
160. Meridian Energy [228.84 and 228.85] consider that functional and operational needs will not be able to be accommodated (as intended by the Policy) if all adverse effects on visual amenity and landscape values must be avoided (for example, in upgrading existing wind turbines that occupy hilltops because they have a functional need to locate on high point. The amendment sought by Meridian Energy is as follows:

NFL-P2 Use and development within ridgeline and hilltops

Enable use and development within identified ridgelines and hilltops where:

1. The activity is compliant with the underlying zone provisions; ~~and or~~
2. Adverse effects on the visual amenity and landscape values of the identified Ridgelines and Hilltops are avoided, remedied or mitigated, recognising the existence of and the functional and operational needs of regionally significant infrastructure
3. ~~There is a functional or operational need to locate within the ridgeline and hilltop area; and~~
4. ~~Any adverse effects on the visual amenity and landscape values can be mitigated.~~

161. Forest and Bird [345.232] (opposed by Meridian Energy [FS101.143]) seek to amend NFL-P2 to consider that activities on ridgelines and hilltops should be provisional on meeting these policy requirements to ensure their landscape values are maintained to give effect to NFL-O3. The

amendment sought by Forest and Bird is as follows:

NFL-P2 Use and development within ridgeline and hilltops

Only Enable use and development within identified ridgelines and hilltops where:

1. The activity is compliant with the underlying zone provisions; and
2. There is a functional or operational need to locate within the ridgeline and hilltop area; and
3. Any adverse effects on the visual amenity and landscape values can be mitigated.

162. Horokiwi Quarries [271.31] has concerns with the policy directive within NFP-P2.3 to mitigate ‘any’ adverse effects on the visual amenity and landscape values, given the directive relates to all adverse effects regardless of scale or significance and that the values are not identified within the PDP. Horokiwi Quarries also submit that the requirement within clause 1 to “be compliant with the underlying zone provisions” is not clear in its application. Horokiwi Quarries seek to amend NFL-P2 to amend NFL-P2 as follows:

NFL-P2 Use and development within ridgeline and hilltops

NFL-P2 Enable use and development within identified ridgelines and hilltops where:

- ~~1. The activity is compliant with the underlying zone provisions; and~~
2. 1. There is a functional or operational need to locate within the ridgeline and hilltop area; and
3. 2. Any Significant adverse effects on the visual amenity and landscape values can be mitigated.

163. Parkvale Road Limited [298.6] (opposed by Forest and Bird [FS85.43] and Andy Foster [FS86.72]) seek to amend the policy to consider that if the Ridgelines and Hilltops overlay is not removed, in order to support residential development of the areas of the site proposed for rezoning, an amendment to the policy is proposed. The amendment sought by Parkvale Road Limited is as follows:

NFL-P2 Use and development within ridgeline and hilltops

Enable use and development within identified ridgelines and hilltops where:

1. Any adverse effects on the visual amenity and landscape values can be mitigated; and
2. The activity is compliant with the underlying zone provisions; or
3. There is a functional or operational need to locate within the ridgeline and hilltop area.

Assessment

164. In response to Meridian Energy [228.84 and 228.85] I refer to my assessment and recommendations in section 3.2.4 which clarify that provisions of the NFL chapter are not relevant to renewable electricity generation activities or infrastructure, which have their own policy and rule framework to manage adverse effects on ridgelines and hilltops, ONF, ONL, and

SAL. On this basis I do not consider the amendments to NFL-P2 are necessary or appropriate.

165. In respect of the amendment sought by Forest and Bird [345.232], I disagree. The wording 'enable' in NFL-P2 aligns with the enabling permitted activity rule NFL-R2. The wording of policies within the Plan is consistent based on the provisions that flow from the policy. The phrase 'enable' is used for policies that set up what is generally provided for or encouraged. I therefore disagree with the relief sought.
166. In response to Horokiwi Quarries [271.31], I disagree that NFL-P2.1 is unclear in its application. The rule framework for managing adverse effects on ridgelines and hilltops essentially relies on the underlying zone and district wide provisions (such as earthworks and subdivision) to maintain the natural backdrop of ridgelines and hilltops. Where the underlying zone and district wide provisions are not complied with, the relevant ridgeline and hilltop policy (NFL-P2) comes into play as a matter of discretion under NFL-R2.2.
167. This approach is premised on the permitted activity provisions within underlying zones adequately managing adverse effects on ridgelines and hilltops. For example, the Rural Zone will be more enabling of development than the Natural Open Space Zone which is comparatively less modified from its natural state. When land use or development is not a permitted activity in the underlying zone, adverse effects on ridgelines and hilltops is then required to be assessed (by way of NFL-P2 as a matter of discretion) as part of the resource consenting process. In this sense, I consider that reliance on the underlying zone and district wide rules is an effective and efficient approach to the management of adverse effects.
168. In respect of their proposed amendment to NFL-P2.3 to change 'any adverse effect' to 'significant adverse effect' I believe this sets an inappropriately high threshold for acceptable effects given the outcomes established in NFL-O3 to maintain, and enhance where practicable, the natural green backdrop of ridgelines and hilltops.
169. In response to Parkvale Road Limited [298.6], I disagree with the amendments sought because it would significantly alter the intent of the policy. All three criterion of the policy are relevant to achieve the outcomes established in NFL-O3. NFL-P2 does not in my view inappropriately constrain development, but instead provides a pathway via NFL-R2.2, to ensure the visual amenity and landscape values of ridgelines and hilltops are maintained.

Summary of Recommendations

170. **HS8-NFL-Rec21:** That NFL-P2 be confirmed as notified.
171. **HS8-NFL-Rec22:** That submission points relating to NFL-P2 are accepted/rejected as detailed in Appendix B.

3.4.3 NFL-P3 Use and development in special amenity landscapes outside the coastal environment

Matters Raised by Submitters

172. WCCERG [377.150] seek to retain NFL-P3 as notified.

173. Forest and Bird [345.233] seek to amend NFL-P3 to give effect to s7(f) of the RMA to ensure the maintenance and enhancement of the quality of the environment to protect the biodiversity that live in these special amenity landscapes, as follows:

NFL-P3 Use and development in special amenity landscapes outside the coastal environment

Only consider providing for use and development within special amenity landscapes outside the coastal environment where:

1. Any adverse effects on the identified values can be avoided, remedied, or mitigated; ~~and~~
2. The scale of activity maintains the identified landscape values and characteristics; and
3. Any activity ensures the maintenance and enhancement of the quality of the environment.

174. Horokiwi Quarries [271.32] seek to clarify what the characteristics referred to in NFL-P3.2 are.
175. Kilmarston [290.39] (opposed by Adam Groenewegen [FS46.16] and Jo McKenzie [FS64.16]) support NFL-P3 while raising concerns as to the identification of a specific SAL overlay located on the western edge of Ngaio.
176. Meridian Energy [228.86 and 228.87] seek to amend the policy to recognise and provide for the existing turbine on Brooklyn Hill, and that clause 1 and 2 be merged, as follows:

NFL-P3 Use and development in special amenity landscapes outside the coastal environment

Provide for use and development within special amenity landscapes outside the coastal environment where:

1. Necessary to support the functional and operational needs of the Brooklyn Turbine; or
2. Any adverse effects on the identified values can be avoided, remedied or mitigated; ~~and~~ ~~The~~ ~~the~~ scale of activity maintains the identified landscape values and characteristics.

Assessment

177. In response to Horokiwi Quarries [271.32], the values and characteristics referred to in NFL-P3.2 are recommended to be included within Schedule 11 of the PDP in order to provide clarity to plan users.
178. In response to Kilmarston [290.38], while I acknowledge the submitters concerns as to the identification of the SAL overlay on their property, this is addressed in section 3.2.2 in response to their associated submission points. In relation to NFL-P3 their relief sought is to retain NFL-P3 as notified, which I support.
179. In response to Forest and Bird [345.233] in my view 'Only consider providing' is not helpful to decision-making and the PDP seeks to avoid the use of such phraseology. However, I would

support amendment to ‘Only allow for’ given the limitations imposed by the associated rule (NFL-R3) as a restricted discretionary activity.

180. The wording of policies within the Plan is consistent based on the provisions that flow from the policy. The phrase ‘only allow’ is used for policies that provide for activities but only in the right circumstances where it is demonstrated through a consent process that effects can be adequately avoided, remedied or mitigated, and where key outcomes can be achieved; ‘provide for’ is used for policies that set up what is generally provided for or encouraged. In my view ‘only allow’ is a more appropriate policy direction for SALs in the coastal environment which has an overall policy direction to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects, on identified characteristics and values. On this basis I agree in part with Forest & Bird.
181. As to the part of Forest and Birds submission seeking to add an additional clause, I do not consider this is necessary or appropriate. 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. The wording proposed by Forest and Bird does not relate to the identified values of SAL and would instead require activities to maintain and enhance the quality of the environment – which in my view is overly demanding of a policy and rule framework for identified SAL (as per the policy chapeau) and their identified characteristics and values.
182. In my view the amendment sought would unduly restrict use and development in SAL to a degree that is not justified by the identified values in SCHED11 and would create uncertainty. Particularly given that SAL tend to be more modified environments, already subject to existing activities. Noting again the explanation to the RPS policy acknowledges that ‘*Policy 28 is not intended to prevent land use change, but rather to ensure that change is carefully considered and is appropriate in relation to the landscapes that may be identified in policy 27.*’ For these reasons I disagree with this part of Forest and Birds relief.
183. In disagree with the amendment sought by Meridian Energy [228.86 and 228.87] to refer to the Brooklyn Turbine as this level of specificity is not necessary or appropriate to the broader application of the policy.

Summary of Recommendations

184. **HS8-NFL-Rec23:** That NFL-P3 is amended as set out below and detailed in Appendix A.

NFL-P3 Use and development in special amenity landscapes outside the coastal environment

~~Only allow~~ **Provide** for use and development within special amenity landscapes outside the coastal environment where:

1. Any adverse effects on the identified values can be avoided, remedied, or mitigated;
2. The scale of activity maintains the identified landscape values and characteristics

185. **HS8-NFL-Rec24:** That submission points relating to NFL-P3 are accepted/rejected as detailed in Appendix B.

3.4.4 NFL-P4 Use and development in special amenity landscapes within the coastal environment

Matters Raised by Submitters

186. WCCERG [377.151] and Director-General of Conservation [385.45] seek to retain NFL-P4 as notified.
187. Forest and Bird [345.234] (opposed by Meridian Energy [FS101.145]) seek to amend NFL-P4 to give effect to Policies 13 and 15 of the NZCPS as well as s7(f) of the RMA. They further consider that the identified values are not enough to ensure the Plan gives effect to the NZCPS. The amendment sought by Forest and Bird is as follows:

NFL-P4 Use and development in special amenity landscapes within the coastal environment

Only consider Pprovidinge for use and development within special amenity landscapes within the coastal environment where:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the ~~identified~~ values can be avoided, remedied, or mitigated; ~~and~~
2. The activity maintains the ~~identified~~ landscape values ~~and characteristics~~, and;
3. Any activity ensures the maintenance and enhancement of the quality of the environment.

188. Horokiwi Quarries [271.33 and 271.34] seek to amend NFL-P4.2 to remove mention of characteristics as it is not clear what characteristics are being referred to in the policy.

Assessment

189. In response to Forest and Bird [345.234], I agree in part – that the chapeau to the policy should have a stronger directive. As I set out in paragraph 436 of the Earthworks s42A in response to similar submission points from Forest & Bird, *“In my view ‘Avoid’ is a more appropriate directive for earthworks within SAL within the coastal environment, consistent with the NZCPS”*. I continue to hold this view, and therefore agree with Forest & Bird that NFL-P4 be amended to better give effect to Policies 13 and 15 of the NZCPS as well as s7(f) of the RMA.
190. In response to the part of Forest and Bird’s submission opposing reference to ‘identified values’ and seeking that reference to ‘identified’ be deleted, I refer to my assessment in response to submission points on this matter in section 3.5.2 of the [Earthworks s42A Report](#). For ease of reference, I repeat that assessment here:
- a. The rationale for referring to 'identified values' was to draw the plan user to the detail provided in the various schedules of the PDP (and not just any unspecified 'values'). The values identified in the schedules have been identified through rigorous engagement,

research, and assessment. The phrasing of ‘identified values’ is terminology that has been consistently applied throughout the PDP to refer to values, as exemplified by the comparable use of this term in the natural environmental values and historical and cultural values chapters and their associated schedules.

- b. Policy 25 of the RPS requires that the District Plan identify and evaluate outstanding natural features and landscapes, according to specified criteria. As I understand it, the PDP methodology effectively implements this higher order direction, noting that the explanation to the policy sets out that *‘Policy 25 provides a list of factors to help describe and evaluate ‘candidate’ areas or sites to determine if they reach the threshold of outstanding natural features and landscapes consistently in district and regional plans.’*
191. Therefore, the values and characteristics identified for each SAL have been subject to substantial evaluation in accordance with Policies 27 and 25 of the RPS, so that these are then able to be translated into Schedule 11.
192. Removing reference to ‘identified’ would mean that a case-by-case evaluation of an NFL’s characteristics and values would be required to determine those characteristics and values that are worthy of protection. This is not considered to be either an effective or efficient approach, nor does it achieve a consistent approach as sought to be achieved by the criterion in Policy 25.
193. Further, removing reference to ‘identified’ would in my view, result in a substantial change in outcome and policy direction, for which Forest and Bird have not provided a s32AA evaluation or evidence to demonstrate that this would be the most appropriate way to achieve the purpose of the Act compared to the notified objectives, or that the change in policy direction would better implement the objectives of the PDP. On this basis, I disagree with the relief sought.
194. There is clear higher order policy direction in the RPS to identify the relevant values and fully consider them in any development proposals. I consider that not referring to identified characteristics and values within the policy framework would result in uncertainty about which values would be considered in any proposals for activities occurring in these overlays. This could risk inappropriate subdivision, use and development occurring, including modifications to these landscapes, such as from a significant individual development or from incremental change, with an overall risk the landscape values could be eroded to a large or potentially irreversible extent. This could potentially be to the point of impacting on their ONF, ONL, or SAL status. There could be a wider effect on the identity and amenity values afforded to the City from these landscapes.
195. In respect of the additional clause sought by Forest and Bird, I consider that the maintenance and enhancement of the quality of the coastal environment is adequately addressed in the Coastal Environment chapter. While I acknowledge Objective 18 of the RPS directs that *‘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’*, in my view this is already captured in NFL-O2 and Strategic Direction NE-O5 as recommended by Mr McCutcheon in Hearing Stream 1¹³:

NE-O5: *The special amenity landscapes and ridgelines and hilltops that contribute to the City’s identity, including those that have significance for mana whenua as kaitiaki are recognised and*

¹³ Page 13, [Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council](#)

their values maintained or enhanced.

196. NFL-P4 as notified makes it clear to plan users and decision makers that they must consider the impact of proposals on the particular characteristics and values of the SAL.
197. In response to Horokiwi Quarries [271.33 and 271.34], I disagree with the suggested amendment on the basis of my recommended amendments to SCHED11 to add in detail of the values and characteristics identified in the 2019 Boffa Miskell Wellington City Landscape Evaluation Report.

Summary of Recommendations

198. **HS8-NFL-Rec25:** That NFL-P4 is amended as set out below and detailed in Appendix A.

NFL-P4 Use and development in special amenity landscapes within the coastal environment

Provide for Avoid use and development within special amenity landscapes within the coastal environment where, unless:

1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied, or mitigated; and
2. The activity maintains the identified landscape values and characteristics.

199. **HS8-NFL-Rec26:** That submission points relating to NFL-P4 are accepted/rejected as detailed in Appendix B.

3.4.5 NFL-P5 Use and development within outstanding natural features and landscapes outside the coast environment

Matters Raised by Submitters

200. WCCERG [377.152] seeks to retain NFL-P5 as notified.
201. Forest and Bird [345.235] (opposed by Meridian Energy [FS101.146]) oppose the use of “identified” and seek that other considerations should also apply, such as policies from ECO chapter, and significant biodiversity values, are also taken into account. The amendment sought by Forest and Bird is as follows:

NFL-P5 Use and development within outstanding natural features and landscapes outside the coastal environment

Only consider allowing for use and development within outstanding natural features and landscapes outside the coastal environment where:

1. Any significant adverse effects on the ~~identified~~ values can be avoided and any other adverse effects on the ~~identified~~ values can be avoided, remedied, or mitigated; and
2. The activity is designed to protect the ~~identified~~ landscape values and characteristics.

202. Meridian Energy [228.88 and 228.89] seeks to remove NFL-P5.2 as it does not add any value

because clause 1 addresses the same matter. They further consider that the word “only” is unnecessary because the following text explains where use and development will be allowed. The amendment sought by Meridian Energy is as follows:

NFL-P5 Use and development within outstanding natural features and landscapes outside the coastal environment

~~Only~~ allow for use and development within outstanding natural features and landscapes outside the coastal environment where:

- ~~1. Any significant adverse effects on the identified values can be avoided and any other adverse effects on the identified values can be avoided, remedied, or mitigated; and~~
- ~~2. The activity is designed to protect the identified landscape values and characteristics.~~

Assessment

203. In response to Forest and Bird [345.235] seeking deletion of reference to ‘identified values’ I refer to my parallel assessment in section 3.4.4. above.
204. I agree in part with Forest and Bird that the PDP should ensure significant biodiversity values are taken into account. Indigenous vegetation may form part of the characteristics and values of an ONFL or SAL, particularly Natural Science Values identified in Schedules 10 and 11. The PDP contains provisions to manage indigenous vegetation (SNAs) primarily in the Natural Environment Values – Ecosystems and Indigenous Biodiversity Chapter. Where these values are within or related to an identified SNA, I consider that this is suitably addressed in the notified ECO chapter.
205. Policy 8 of the NPS-IB is particularly relevant to submissions seeking the protection of indigenous vegetation outside of identified SNAs. Policy 8 directs that: *‘The importance of maintaining of maintaining indigenous biodiversity outside SNAs is recognised and provided for’*. Policy 13 is also of relevance: *‘Restoration of indigenous biodiversity is promoted and provided for.’*
206. A key unknown is how the PDP should address indigenous biodiversity outside of SNAs, with or without the national direction contained in the NPS-IB. Council is considering any necessary amendments to the Plan to give effect to the NPS-IB and the best process to introduce these.
207. In my view, the amendments sought by Forest and Bird to NFL policies become a directly relevant consideration in this context. Throughout their submission, Forest and Bird have sought that *‘Any activity ensures the maintenance and enhancement of the quality of the environment’* be added as a clause to certain NFL policies. It is a question whether this policy direction is best added to ONFL and SAL provisions, or a new indigenous biodiversity specific policy either within the NFL chapter and/or ECO chapter.
208. At this stage, it is my recommendation that provisions which relate to the protection, maintenance, and restoration of indigenous biodiversity within and outside of SNAs are most appropriately located in the ECO chapter. I note that Forest and Bird made numerous submissions on the ECO chapter seeking that provisions to promote maintenance, restoration,

and enhancement of areas within and beyond SNAs be included. In my view, addressing this matter within the ECO chapter would be consistent with how the PDP approaches overlapping overlays – for example where a SAL is located in the CE, both overlays, and the provisions of their relevant chapters’, are applicable. In the same way, if the ECO chapter were to address indigenous biodiversity, then the provisions of the ECO chapter would additionally be applicable in a consenting scenario. For these reasons, I disagree with the relief sought.

209. Turning to the amendments sought by Forest and Bird [345.235] and Meridian Energy [228.88 and 228.89] to the phrasing of the policy. The wording of policies within the Plan is consistent based on the provisions that flow from the policy. The phrase ‘only allow’ is used for policies that provide for activities but only in the right circumstances where it is demonstrated through a consent process that effects can be adequately avoided, remedied or mitigated, and where key outcomes can be achieved; ‘provide for’ or ‘allow’ is used for policies that set up what is generally provided for or encouraged. I disagree with the relief sought to amend NFL-P5 to ‘Only consider allowing’ as I consider it would be unhelpful to decision-making and would be inconsistent with directive language deliberately applied in drafting the PDP.

Summary of Recommendations

210. **HS8-NFL-Rec27:** That NFL-P5 be confirmed as notified.
211. **HS8-NFL-Rec28:** That submission points relating to NFL-P5 are accepted/rejected as detailed in Appendix B.

3.4.6 NFL-P6 Use and development within outstanding natural features and landscapes within the coastal environment

Matters Raised by Submitters

212. GWRC [351.168], WCCERG [377.153], and Director-General of Conservation [385.46] seek to retain NFL-P6 as notified.
213. Forest and Bird [345.236] (opposed by Meridian Energy [FS101.147]) seek to amend the policy to give better effect to NZCPS. The amendment sought by Forest and Bird is as follows:

NFL-P6 Use and development within outstanding natural features and landscapes within the coastal environment

Only consider allowing for ~~Avoid~~ use and development within outstanding natural features and landscapes within the coastal environment where:

1. Any ~~unless any~~ adverse effects on the outstanding natural features and landscapes identified values are can be avoided; and
2. The activity is designed to protect the outstanding natural landscape values and characteristics.

214. Meridian Energy [228.90 and 228.91] seek to amend the policy to clarify that the NZCPS only requires an avoidance of significant adverse effects rather than an avoidance of all adverse effects. The amendment sought by Meridian Energy is as follows:

NFL-P6 Use and development within outstanding natural features and landscapes within the coastal environment

Avoid use and development within outstanding natural features and landscapes within the coastal environment unless any significant adverse effects on the identified values can be avoided and other effects are avoided, remedied, or mitigated.

Assessment

215. I disagree with Forest and Bird [345.236] on the basis that no detail has been provided by the submitter as to how the policy would give better effect to the NZCPS. In my view the wording suggested by Forest and Bird would weaken the direction of Policy 15 which is to *'avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment'*.¹⁴ In respect of amendment to delete reference to 'identified values' I refer to my parallel assessment in section 3.4.4 above.
216. In response to Meridian Energy [228.90 and 228.91], I refer to the wording of Policy 15(a) of the NZCPS above, and how it differs to Policy 15(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'*. Outstanding Natural Features and Landscapes (the subject of NFL-P6) have an avoid adverse effects directive. Whereas Policy 15(b) speaks to 'other natural features and landscapes' which I consider to be SAL – and which are the subject of NFL-P4.

Summary of Recommendations

217. **HS8-NFL-Rec29:** That NFL-P6 be confirmed as notified.
218. **HS8-NFL-Rec30:** That submission points relating to NFL-P6 are accepted/rejected as detailed in Appendix B.

¹⁴ Policy 15(a) NZCPS

3.4.7 NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes

Matters Raised by Submitters

219. Forest and Bird [345.237] oppose the blanket provision for existing activities in NFL-P7.1, as this suggests their effects would not need to be considered if they require re-consenting. The amendment sought by Forest and Bird is as follows:

NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes

Manage mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes as follows:

1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes where their effects can be managed in accordance with the objectives and policies of this Plan;
2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated;

...

220. Horokiwi Quarries [271.35 and 271.36] seek to amend the policy to reference Hilltops and Ridgelines given that the Horokiwi Quarry site has a Hilltops and Ridgelines overlay. The amendment sought by Horokiwi Quarries is as follows:

NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes, ~~and~~ special amenity landscapes, and hilltops and ridgelines

Manage mining and quarrying activities within outstanding natural features and landscapes, ~~and~~ special amenity landscapes, and hilltops and ridgelines as follows:

1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes and hilltops and ridgelines.
2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated;

...

Assessment

221. In response to Forest and Bird [345.237] I disagree with the relief sought because it is not the drafting style of the PDP to refer to other objectives and policies of another chapter within a policy, specifically using just broad phrasing. The Plan is to be read as a whole, and in this particular scenario, the objectives and policies of the QUARZ and/or GRUZ chapter will be applicable, where relevant.
222. In respect of the amendment sought by Horokiwi Quarries [271.35 and 271.36], I agree that it would be appropriate to add ridgelines and hilltops. This would align with their amendments

sought to NFL-R5 for existing quarrying activities in the ridgelines and hilltops overlay.

Summary of Recommendations

223. **HS8-NFL-Rec31:** That NFL-P7 be amended as set out below and detailed in Appendix A.

NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes, ~~and~~ special amenity landscapes, and ridgelines and hilltops

Manage mining and quarrying activities within outstanding natural features and landscapes, ~~and~~ special amenity landscapes, and ridgelines and hilltops as follows:

1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes, ~~and~~ special amenity landscapes and ridgelines and hilltops.
2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated;

...

224. **HS8-NFL-Rec32:** That submission points relating to NFL-P7 are accepted/rejected as detailed in Appendix B.

3.4.8 NFL-P8 Plantation forestry

Matters Raised by Submitters

225. GWRC [351.169] and WCCERG [377.154] seek to retain NFL-P8 as notified.

226. Forest and Bird [345.238] seek to amend NFL-P8 as follows:

Assessment

NFL-P8 Plantation forestry

Manage plantation forestry within outstanding natural features and landscapes and special amenity landscapes as follows:

1. Provide for established plantation forestry and ongoing management of existing plantation forestry within outstanding natural features and landscapes and special amenity landscapes; and
2. Avoid the extension of existing and establishment of new plantation forestry in outstanding natural features and landscapes.

227. The NES-PF includes regulations managing the effects of forestry on ONFLs via Regulations 12 and 16, including that afforestation within an ONFL is identified as a restricted discretionary activity. In the PDP, new plantation forestry is discouraged from establishing within ONFLs by identifying afforestation as a non-complying activity under NFL-R8. This is consistent with the NESPF regulations which enable rules in a plan to be more stringent where they address effects on outstanding natural landscapes (Regulation 6(2)(a)).

228. In the NES-PF, afforestation *means planting and growing commercial forestry trees on land*

where there is no commercial forestry and where commercial forestry harvesting has not occurred within the last 5 years. As such I consider it to be reasonable that the extension of existing plantation forestry on new land would be captured as afforestation. I therefore agree with the relief sought by Forest and Bird.

Summary of Recommendations

229. **HS8-NFL-Rec33:** That NFL-P8 be amended as set out below and detailed in Appendix A.

NFL-P8 Plantation forestry

Manage plantation forestry within outstanding natural features and landscapes and special amenity landscapes as follows:

1. Provide for established plantation forestry and ongoing management of existing plantation forestry within outstanding natural features and landscapes and special amenity landscapes; and
2. Avoid the **extension of existing and** establishment of new plantation forestry in outstanding natural features and landscapes.

230. **HS8-NFL-Rec34:** That submission points relating to NFL-P8 are accepted/rejected as detailed in Appendix B.

3.4.9 NFL-P9 Restoration and enhancement

Matters Raised by Submitters

231. WCCERG [377.155] and Te Rūnanga o Toa Rangatira [488.53] seek to retain NFL-P9 as notified.
232. Forest and Bird [345.239] seek to amend the policy to ensure values are protected in accordance with the objectives of this chapter. The amendments sought by Forest and Bird are as follows:

NFL-P9 Restoration and enhancement

Provide for restoration or rehabilitation of the identified landscape character values in SCHED11 and SCHED12 by:

1. Recognising the landscape character values present;
2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species, and fencing off from stock; and
3. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity.

Assessment

233. In respect of the amendment sought by Forest and Bird [345.239], I agree it is appropriate to encourage the fencing off from stock in order to provide for the restoration or rehabilitation of the identified landscape character values of ONFL and SAL. This would give effect to NRP Policy P108¹⁵ which seeks that degradation of water quality and aquatic ecosystems is avoided, remedied or mitigated by '(c) limiting adverse effects of livestock access in all surface water

¹⁵ [Wellington Natural Resources Plan](#), Page 106.

bodies and the coastal marine area’.

Summary of Recommendations

234. **HS8-NFL-Rec35:** That NFL-P9 be amended as set out below and detailed in Appendix A.

NFL-P9 Restoration and enhancement

Provide for restoration or rehabilitation of the identified landscape character values in SCHED11 and SCHED12 by:

1. Recognising the landscape character values present;
2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species, **and fencing off from stock**; and
3. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity.

235. **HS8-NFL-Rec36:** That submission points relating to NFL-P9 are accepted/rejected as detailed in Appendix B.

3.5 Rules

3.5.1 NFL-R1 Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)

Matters Raised by Submitters

236. Forest and Bird [345.240] and WCCERG [377.156] seek to retain NFL-R1 as notified.
237. Nga Kaimanaaki o te Waimapihi [215.3] seeks to amend NFL-R1 to add guidelines that restricts pets from roaming in Outstanding Features and Landscapes, Special Amenity Landscapes, and Ridgelines and Hilltops to preserve and restore indigenous native fauna.
238. Zealandia [486.4] seek to amend NFL-R1 by adding a clause that enables the ongoing restoration work within the Zealandia sanctuary where undertaken by the Karori Sanctuary Trust.

Assessment

239. In response to Nga Kaimanaaki o te Waimapihi [215.3], the restriction of pets is not a District Plan matter, I therefore disagree with the relief sought.
240. In response to Zealandia [486.4], I consider that it is appropriate to enable the ongoing restoration work within the Zealandia sanctuary in a manner similar to ECO-R1.1.a.vi: *‘Enable the ongoing restoration work within the Zealandia sanctuary where undertaken by the Karori Sanctuary Trust;’.*

Summary of Recommendations

241. **HS8-NFL-Rec37:** That NFL-R1 be amended as set out below and detailed in Appendix A.

NFL-R1 Restoration and enhancement activities within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops (including in the coastal environment)

1. Activity Status: **Permitted**

Where:

- a. The works are for the purpose of restoring the identified values of outstanding natural features and landscapes, or maintaining or enhancing the values of special amenity landscapes or ridgelines and hilltops by:
- i. ...
 - vi. Kaitiakitanga undertaken by mana whenua; or
 - vii. Carrying out ongoing restoration work within the Zealandia sanctuary where undertaken by the Karori Sanctuary Trust.

242. **HS8-NFL-Rec38:** That submission points relating to NFL-R1 are accepted/rejected as detailed in Appendix B.

3.5.2 NFL-R2 Any activity within the ridgelines and hilltops not otherwise listed as permitted, restricted discretionary, or non-complying

Matters Raised by Submitters

243. John Tiley [142.11] and Churton Park Community Association [189.11] seek to amend NFL-R2 to consider that the permitted activity status appears to give carte blanche for any activity within ridgelines and hilltops.
244. Forest and Bird [345.242 and 345.241] seek to delete NFL-R2 as it lacks clarity about the activities that are being referred to. If this relief is not accepted, they support the activity status of restricted discretionary on the basis of their relief sought to NFL-P2.

Assessment

245. In response to John Tiley [142.11] and Churton Park Community Association [189.11], this is a correct interpretation in that the NFL chapter itself does not determine what activity is appropriate to locate in the ridgelines and hilltops overlay. Rather, this is determined by the provisions of the underlying zone. More so, adverse effects on ridgelines and hilltops are managed through the district wide provisions – primarily specific provisions in the Earthworks (EW-P5, EW-R14, and EW-S13) and Subdivision chapters (SUB-P19 and SUB-R14).
246. In response to Forest and Bird [345.242 and 345.241], the approach of NFL-R2 is to allow for those activities and developments that are provided for by the underlying zone provisions. NFL-R2 does not duplicate controls found in other chapters but relies on them for determining appropriate use and development. Where located within the ridgelines and hilltops overlay, the overlay only becomes a relevant matter of discretion where underlying development controls are breached. I therefore disagree with the relief sought.

Summary of Recommendations

247. **HS8-NFL-Rec39:** That NFL-R2 be confirmed as notified.
248. **HS8-NFL-Rec40:** That submission points relating to NFL-R2 are accepted/rejected as detailed in Appendix B.

3.5.3 NFL-R3 Any activity within special amenity landscapes not otherwise listed as permitted, restricted discretionary, or non-complying

Matters Raised by Submitters

249. Forest and Bird [345.243] seek to amend NFL-R3 to clarify scope of activities covered and seeks that matters of discretion cross reference new ECO and NFL policies sought which are aimed at maintenance of biodiversity outside of SNAs as well as ensuring Policy 11 of the NZCPS is given effect to, outside of SNAs. The amendment sought by Forest and Bird is as follows:

NFL-R3 Any activity within special amenity landscapes not otherwise listed as permitted, restricted discretionary, or non-complying

1. Activity status: **Restricted Discretionary**

Matters of discretion are:

1. The matters in NFL-P3 and NFL-P4 [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].

Assessment

250. In response to Forest and Bird [345.243], I note that the policies and rules that give effect to the protection of indigenous biodiversity in the CE (as required by Policy 11 of the NZCPS) are located in the CE chapter and the ECO chapter. Where SAL are located in the CE, the CE provisions will apply where there is an overlap of overlays i.e. both the SAL and CE overlays, and the provisions of their relevant chapters', are applicable. When the Plan is read on the whole, the provisions for each of the overlays work in conjunction to ensure the protection of indigenous biological diversity in the coastal environment.
251. I also refer to my parallel assessment in section 3.4.5 of this report in respect of NFL-P5, where I note my recommendation that provisions which relate to the protection, maintenance, and restoration of indigenous biodiversity within and outside of SNAs are most appropriately located in the ECO chapter. For the same reasons set out in that assessment I reject the relief sought by Forest and Bird to NFL-R3.

Summary of Recommendations

252. **HS8-NFL-Rec41:** That NFL-R3 be confirmed as notified.
253. **HS8-NFL-Rec42:** That submission points relating to NFL-R3 are accepted/rejected as detailed in Appendix B.

3.5.4 NFL-R4 Any activity within outstanding features and landscapes not otherwise listed as permitted, restricted discretionary, or non-complying

Matters Raised by Submitters

254. Forest and Bird [345.244] seek to retain NFL-R4 as notified.

Assessment

255. No further assessment is required.

Summary of Recommendations

256. **HS8-NFL-Rec43:** That NFL-R4 be confirmed as notified.

257. **HS8-NFL-Rec44:** That submission points relating to NFL-R4 are accepted/rejected as detailed in Appendix B.

3.5.5 NFL-R5 Operation of existing quarrying and mining activities within special amenity landscapes

Matters Raised by Submitters

258. Forest and Bird [345.245] (opposed by Horokiwi Quarries [FS28.6]) oppose the blanket provision for existing quarrying and mining activities, as this suggests their effects would not need to be considered if they require re-consenting. The amendment sought by Forest and Bird is as follows:

NFL-R5 Operation of existing quarrying and mining activities within special amenity landscapes

1. Activity status: ~~Permitted~~ Restricted Discretionary

Matters of discretion:

1. [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].

259. Horokiwi Quarries [271.37 and 271.38] seek to amend the title of NFL-R5 to include Ridgelines and Hilltops in the permitted rule to provide consistency in how existing quarries are managed within NFL features. Horokiwi Quarries note that NFL-R2 provides a qualifier to the permitted activity rule that is not provided in NFL-R5.

Assessment

260. In response to Horokiwi Quarries [271.37 and 271.38] I agree with the addition of ridgelines and hilltops to NFL-R5 as I consider this achieves alignment with the recommended policy direction in NFL-P7. I note that there are quarrying activities occurring in the notified extent of the ridgelines and hilltops overlay at Horokiwi Quarry. The [Section 32 Report](#) sets out that *'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'. On this basis, I agree with the submission of Horokiwi Quarries and reject the relief sought by Forest and Bird [345.245].

Summary of Recommendations

261. **HS8-NFL-Rec45:** That NFL-R5 be amended as set out below and detailed in Appendix A.

NFL-R5 Operation of existing quarrying and mining activities within special amenity landscapes and ridgelines and hilltops

1. Activity status: **Permitted**

262. **HS8-NFL-Rec46:** That submission points relating to NFL-R5 are accepted/rejected as detailed in Appendix B.

3.5.6 NFL-R6 Extension of existing quarrying and mining activities within special amenity landscapes

Matters Raised by Submitters

263. Horokiwi Quarries [271.39] seek to retain NFL-R6 as notified.
264. Forest and Bird [345.246] (opposed by Horokiwi Quarries [FS28.7]) seek to amend NFL-R6 to restricted discretionary status and that matters of discretion cross reference relevant policies in the plan including new ECO and NFL policies. The amendment sought by Forest and Bird is as follows:

NFL-R6 Extension of existing quarrying and mining activities within special amenity landscapes

1. Activity status: ~~Discretionary~~ **Restricted Discretionary**

Matters of discretion:

1. [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and give effect to policy 11 of NZ Coastal Policy Statement].

Assessment

265. In response to Forest and Bird [345.246], I disagree with their amendment as the notified discretionary activity status allows for the consideration of all effects, whereas restricted discretionary status would limit the assessment to identified matters.
266. Further to this, if a quarrying or mining activity were to locate within a special amenity landscape that is also within the coastal environment than the activity would require resource consent under NFL-R6 of which NFL-P4 (Use and development in special amenity landscapes within the coastal environment) would be a relevant consideration. Any activity occurring in the coastal environment would also trigger rules in the CE chapter. In my view these are the appropriate

mechanisms in giving effect to Policy 11 of the NZCPS, and as such I disagree with the relief sought by Forest and Bird.

267. I also refer to my parallel assessment in section 3.4.5 of this report in respect of NFL-P5, where I note my recommendation that provisions which relate to the protection, maintenance, and restoration of indigenous biodiversity within and outside of SNAs are most appropriately located in the ECO chapter. For the same reasons set out in that assessment I reject the relief sought by Forest and Bird to NFL-R6.

Summary of Recommendations

268. **HS8-NFL-Rec47:** That NFL-R6 be confirmed as notified.
269. **HS8-NFL-Rec48:** That submission points relating to NFL-R6 are accepted/rejected as detailed in Appendix B.

3.5.7 NFL-R7 New quarrying and mining activities within special amenity landscapes

Matters Raised by Submitters

270. Horokiwi Quarries [271.40] and Forest and Bird [345.247] seek to retain NFL-R7 as notified.

Assessment

271. No further assessment is required.

Summary of Recommendations

272. **HS8-NFL-Rec49:** That NFL-R7 be confirmed as notified.
273. **HS8-NFL-Rec50:** That submission points relating to NFL-R7 are accepted/rejected as detailed in Appendix B.

3.5.8 NFL-R8 Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within outstanding natural features and landscapes.

Matters Raised by Submitters

274. Horokiwi Quarries [271.41] and Forest and Bird [345.248] seek to retain NFL-R8 as notified.

Assessment

275. No further assessment is required.

Summary of Recommendations

276. **HS8-NFL-Rec51:** That NFL-R8 be confirmed as notified.
277. **HS8-NFL-Rec52:** That submission points relating to NFL-R8 are accepted/rejected as detailed in Appendix B.

3.5.9 NFL-R9 The maintenance, repair or demolition of existing buildings and structures within outstanding natural features and landscapes, special amenity landscapes and ridgelines and hilltops

Matters Raised by Submitters

278. Forest and Bird [345.249] seek to retain NFL-R9 as notified.

Assessment

279. No further assessment is required.

Summary of Recommendations

280. **HS8-NFL-Rec53:** That NFL-R9 be confirmed as notified.

281. **HS8-NFL-Rec54:** That submission points relating to NFL-R9 are accepted/rejected as detailed in Appendix B.

3.5.10 NFL-R10 The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops

Matters Raised by Submitters

282. Barry Ellis [47.1] seeks that data should be provided by Council to justify filling in gullies and building over natural streams and springs.

283. Forest and Bird [345.250] supports NFL-R10, noting it has made submissions on NFL-P2.

284. Parkvale Road Limited [298.7 and 298.8] (opposed by Andy Foster [FS86.73 and FS86.74] and supported by Forest and Bird [FS85.44]) seek to amend NFL-R10 in its current form as they consider that the operational and functional need to build within a ridgeline and hilltop is already reflected in the policy as a matter of discretion and does not need to be listed again separately. The amendment sought by Parkvale Road Limited is as follows:

NFL-R10 The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops

1. Activity Status: **Restricted Discretionary**

Where:

a. Compliance with the requirements of NFL-R10.1.a cannot be achieved.

Matters of discretion are:

~~1. The matters in NFL-P2, and~~

~~2. The operational and function need to locate within ridgeline and hilltop area.~~

Assessment

285. In response to Barry Ellis [47.1], I note that NFL-R10 does not override other relevant rules in the PDP and other plans/legislation in relation to for example earthworks, riparian margins, activities in water bodies, etc. The NRP in particular is the primary statutory plan for activities affecting watercourses.
286. Mr Ellis's submission is specifically in relation to Glenside Valley. I refer to my parallel assessment¹⁶ in response to Mr Ellis's similar submission points [47.3 and 47.4] in respect of the Upper Stebbings and Glenside West Development Area. For ease of reference, I repeat that assessment below:
- a. *The masterplanning process that led to the Development Plan appropriately considered all natural features and these are generally reflected in the No Build Area.*
 - b. *Native bush stands in the Development Area are identified as Significant Natural Areas and managed under the Ecosystems and Indigenous Biodiversity chapter of the PDP.*
 - c. *The protection of water bodies and freshwater ecosystems in the Development Area are managed under the Three Waters provisions of the PDP as well as under the NPS-Freshwater Management and NES-Freshwater. **THW-O1** (Protecting water bodies and freshwater ecosystems) requires that 'Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems' and **THW-P1** (Water sensitive design) requires the use of water sensitive design in new subdivision and developments.*
 - d. *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. There is also a policy specific to earthworks in development areas – **EW-P20** which directs that the design of earthworks 'Incorporates functional overland flowpaths, stream corridors and ponding areas that are capable of conveying flood waters in a manner that minimises risk to existing and new residential properties downstream'.*
 - e. *Overall, I consider the above provisions are adequate to manage the effects of urban development on natural features in the Development Area.*
287. In response to Parkvale Road Limited [298.7 and 298.8] I agree that the matter of discretion referring to operational and functional needs can be deleted as this matter is addressed in NFL-P2, which is an existing matter of discretion. This will be efficient and effective in reducing duplication.

¹⁶ [Development Areas s42A Report](#), Paragraph 203.

Summary of Recommendations

288. **HS8-NFL-Rec55:** That NFL-R10 be amended as set out below and detailed in Appendix A.

NFL-R10 The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops

1. Activity Status: **Restricted Discretionary**

Where:

a. Compliance with the requirements of NFL-R10.1.a cannot be achieved.

Matters of discretion are:

~~1. The matters in NFL-P2, and~~

~~2. The operational and function need to locate within ridgeline and hilltop area.~~

289. **HS8-NFL-Rec56:** That submission points relating to NFL-R10 are accepted/rejected as detailed in Appendix B.

3.5.11 NFL-R11 The construction of, alteration of and addition to, buildings and structures within special amenity landscapes

Matters Raised by Submitters

290. Forest and Bird [345.251] seek to delete NFL-R11.1 as they oppose the permitted activity in SALs as neither it, nor NFL-S1, consider effects on biodiversity and landscape values as well as Policy 15 of the NZCPS. Forest and Bird [345.252] also seek to amend NFL-R11.2 so that matters of discretion are widened to include relevant policies in the plan including new ECO and NFL policies. The amendments sought by Forest and Bird are as follows:

~~1. Activity status: **Permitted**~~

~~Where:~~

~~a. Compliance can be achieved with NFL-S1~~

~~2. Activity status: **Restricted Discretionary**~~

~~Where:~~

~~a. Compliance with the requirements of NFL R11.1.a cannot be achieved.~~

Matters of discretion are:

1. The matters in NFL-P3 and NFL-P4 [add cross references to relevant ECO and NFL policies that are aimed at maintenance of biodiversity outside Significant Natural Areas and gives effect to Policy 11 of the NZ Coastal Policy Statement].

291. Kilmarston [290.40] (opposed by Adam Groenewegen [FS46.17] and Jo McKenzie [FS64.17]) consider that there is a conflict between NFL-R11 and the MRZ provisions which makes residential development on the submitters land restrictive and adds uncertainty. They further consider that NFL-R11 requires buildings and structures within the SAL overlay to be no more than 8m in height while the MRZ height restriction is 11m which they believe is appropriate to support the strategic direction of the PDP.

Assessment

292. In response to Forest and Bird [345.251] I consider that biodiversity factors have been considered when undertaking the evaluation and classification of SAL and are part of the identified values (if relevant) that need to be considered. Where significant biodiversity values exist these have been identified and protected (except for privately owned land) through the SNA process and provisions.

293. As to Forest and Bird seeking cross references to ECO and NFL policies, I refer to my parallel assessment in section 3.4.5 of this report in respect of NFL-P5, where I note my recommendation that provisions which relate to the protection, maintenance, and restoration of indigenous biodiversity within and outside of SNAs are most appropriately located in the ECO chapter. For the same reasons set out in that assessment I reject the relief sought by Forest and Bird to NFL-R11.

294. As to the matter of giving effect to Policy 11 of the NZCPS, I consider that when the Plan is read on the whole, the provisions for each of the overlays work in conjunction to ensure the protection of indigenous biological diversity in the coastal environment. Specifically, I refer to the assessment of Mr Sirl in the Coastal Environment s42A Report where he sets out that *“CE-P8 provides policy direction for the management of vegetation removal in the Coastal Environment and consequently, in conjunction with the ECO chapter provisions (which notably includes a non-complying activity rule status for indigenous vegetation removal in SNA where matters identified in Policy 11a of the NZCPS are present), adequately gives effect to Policy 11 of the NZCPS without the need for an additional policy.”* Mr Sirl and I are consistent in our view that rules and standards for indigenous vegetation removal extending to parts of the wider Coastal Environment overlay to give effect to Policy 11 of the NZCPS and the NPS-IB are best addressed in the ECO topic for consistency.

295. I consider that NFL-R11 which manages buildings and structures in SALs within and outside the coastal environment as permitted where NFL-S1 is met are appropriate. The standard adequately provides for the management of buildings and structures in these landscapes at a scale that would not compromise the characteristics and values of any SALs. Where NFL-S1 is not met, then the activity becomes restricted discretionary, at which point NFL-P3 and NFL-P4 provide guidance to test whether any new buildings or structures would avoid significant adverse effects or avoid, remedy or mitigate other adverse effects on the identified characteristics and values of the SAL. In particular, I note the specific and directive policy direction in NFL-P4, which will support the assessment of new buildings and structures within the coastal environment, consistent with NZCPS Policy 15. SALs have been identified for their visual and physical attributes, their community and cultural values, and for the way people value their relationships with these places. They are considered important enough for protection -

although less stringent than the provisions for the protection of ONFLs. On this basis I disagree with the relief sought.

296. In response to Kilmarston [290.40] I do not consider there is a conflict between provisions. Where a SAL overlay is applicable to a site, the relevant provisions of that overlay become relevant to any consent application. The presence of the overlay does not in my view inappropriately constrain development, but instead provides a pathway to ensure the values of the SAL are maintained and protected.

Summary of Recommendations

297. **HS8-NFL-Rec57:** That NFL-R11 be confirmed as notified.
298. **HS8-NFL-Rec58:** That submission points relating to NFL-R11 are accepted/rejected as detailed in Appendix B.

3.5.12 NFL-R12 The construction of, alteration of and addition to, buildings and structures within outstanding natural features and landscapes

Matters Raised by Submitters

299. Zealandia [486.5] seek to retain NFL-R12 as notified.
300. Forest and Bird [345.253] support the hierarchy as it gives effect to Policy 15 of the NZCPS but seek to amend NFL-R12 so that matters of discretion are widened to include relevant policies in the plan including new ECO and NFL policies.

Assessment

301. In response to Forest and Bird [345.253], I refer to my assessment in sections 3.4.5 and 3.5.11 of this report which respond to the same matter. My recommendation is that provisions which relate to the protection, maintenance, and restoration of indigenous biodiversity within and outside of SNAs are most appropriately located in the ECO chapter. For the same reasons set out in those assessments I reject the relief sought by Forest and Bird to NFL-R12.

Summary of Recommendations

302. **HS8-NFL-Rec59:** That NFL-R12 be amended as set out in section 3.6.2 of this report in response to submissions on NFL-S2.
303. **HS8-NFL-Rec60:** That submission points relating to NFL-R12 are accepted/rejected as detailed in Appendix B.

3.6 Standards

3.6.1 NFL-S1 Buildings and structures in special amenity landscapes

Matters Raised by Submitters

304. Forest and Bird [345.254] seek to amend the standard to reduce the maximum height of buildings and structures within special amenity landscapes as construction of 8m buildings and

structures will have significant visual and landscape effects incompatible with s7(c) of the RMA.

305. John Tiley [142.12] and Churton Park Community Association [189.12] seek to amend the standard so that special amenity areas are free of buildings. They consider that the standard appears to permit residential housing construction in special amenity areas.
306. Kilmarston [290.41 and 290.42] (opposed by Adam Groenewegen [FS46.22 and FS64.23], Jo McKenzie [FS64.22 and FS64.23], and Andy Foster [FS86.53]) consider that NF-S1 is better aligned to manage activities over the NOSZ that the balance of the land is subject to and seek to amend the standard to apply to land identified within the NOSZ.

Assessment

307. In response to Forest and Bird [345.254], John Tiley [142.12], and Churton Park Community Association [189.12], I note that the technical assessment undertaken to identify SAL in accordance with Policy 27 of the RPS sets out that “...*modification of landscape by human activity can be a dominant influence on landscape character when identifying SALs*”. On this basis I disagree with the submitters’ that SAL should be free of buildings. It is important to recognise that the underlying zone provisions also manage building and structure activities. The majority of SAL are located within the Natural Open Space Zone and therefore subject to NOSZ maximum height, gross floor area, and building coverage standards. In my view, NFL-S1 adequately provides for the management of buildings and structures in these landscapes at a scale that would not compromise the characteristics and values of any SALs.
308. I also note that Policy 28 of the RPS contains direction about what to consider when preparing provisions, which is set out above under Policy 28 (a) to (c), and which includes matters regarding existing and predominant land uses that are provided for within the underlying zone. The explanation to this policy goes on to note that *‘It is important that change within these landscapes is managed to ensure that the special amenity landscape values identified using the factors in policy 25 are maintained or enhanced whilst still acknowledging the continuation of productive activities within these rural environments and redevelopment in urban environments.’* I therefore consider that NFL-S1 is entirely appropriate and gives effect to the direction contained in the RPS.
309. The provisions for SALs should also not be read in isolation. Other provisions of the Plan, for example underlying zone provisions, address matters such as appropriate levels of development and form across the district. Schedule 11 contains the particular characteristics and values for each SAL, which to some degree address matters of form, and development patterns, but from an existing landscape basis.
310. In response to Kilmarston [290.41 and 290.42], I firstly note that their submission relating to NFL-S1 is entwined with their submission [290.20] seeking to remove the SAL overlay from the submitters land that is zoned MRZ. This is addressed in section 3.2.3 of this report. Kilmarston consider that there is conflict between the MRZ and SAL overlay provisions which make residential development on this land restrictive and adds uncertainty. Irrespective of this zoning/overlay matter, Kilmarston did not seek any specific relief in relation to NFL-S1, and I therefore reject their submission.

Summary of Recommendations

- 311. **HS8-NFL-Rec61:** That NFL-S1 be confirmed as notified.
- 312. **HS8-NFL-Rec62:** That submission points relating to NFL-S1 are accepted/rejected as detailed in Appendix B.

3.6.2 NFL-S2 Buildings and structures in outstanding natural features and landscapes

Matters Raised by Submitters

- 313. Forest and Bird [345.255] seek to retain NFL-S2 as notified.
- 314. Zealandia [486.6] seek to clarify whether the standard would cause challenges for Zealandia operations in relation to replacement of the fence perimeter over time which may need to be done rapidly as issues arise.

Assessment

- 315. In response to Zealandia [486.6] I note that Zealandia is within the Natural Open Space Zone. As such the construction, alteration, or addition to buildings and structures would be a permitted activity under NFL-R12.1 (where compliance is achieved with the underlying zone – in this instance NOSZ-R14). Under permitted activity rule NFL-R12, NFL-S2 is not a relevant consideration. However, NFL-R12 does not extend to include alterations or additions to existing structures, which may inhibit Zealandia’s operations in the replacement fence perimeter scenario given. I therefore recommend that NFL-R12.1.a be amended to provide for Zealandia’s operations.

Summary of Recommendations

- 316. **HS8-NFL-Rec63:** That NFL-R12 be amended as set out below and detailed in Appendix A.

NFL-R12 The construction of, alteration of and addition to, buildings and structures within outstanding natural features and landscapes

- 1. Activity status: Permitted

Where:

- a. Additions and alterations are ~~undertaken to existing buildings~~ within the Karori Wildlife Sanctuary (Zealandia, Legal Description Lot 1 DP 313319); and
- b. Compliance can be achieved with the relevant underlying zone standards.

- 317. **HS8-NFL-Rec64:** That submission points relating to NFL-S2 are accepted/rejected as detailed in Appendix B.

3.7 SCHED10 – Outstanding Natural Features and Landscapes

3.7.1 All submission points on SCHED10

Matters Raised by Submitters

Retain:

318. Yvonne Weeber [340.156] and Guardians of the Bays [452.103] seeks to retain Hue tē Taka Peninsula/Rangitatau Palmer Head in SCHED10 as notified.
319. Director-General of Conservation [385.93] seeks that SCHED10 be retained as notified.

Amend:

320. Barry Insull [32.16 and 32.17] seeks to amend the title of “Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks” by removing Pipinui Point.
321. Barry Insull [32.18, 32.19, and 32.20] seeks to amend the language in the Site Summary for Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks to correct “Te Rimurapapa” to “Te Rimurapa” in the first sentence and amend “colonies” to “colony”. Mr Insull further seeks to include reference to the Historic Reserve in the area.
322. Barry Insull [32.21] seeks to clarify the Site Summary of Taputeranga Island by listing threatened and rare species of birds and lizards that have been accurately identified in the area.
323. Barry Insull [32.22 and 32.23] (opposed by Te Rūnanga o Toa Rangatira [FS138.2]) seeks to amend the title of “Raukawa Coast Cook Strait” to “Cook Strait Coast”. Mr Insull further seeks that the language in the Site Summary for Raukawa Coast Cook Strait is amended to remove the phrase “Known as Wellington’s wild coast”.
324. Meridian Energy [228.123 and 228.124] seek to amend the Site Summary for the Raukawa Coast Cook Strait to acknowledge the visible presence of existing turbines and other built structures in the West Wind and Mill Creek wind farms which form part of the backdrop to the coastal escarpments.
325. Forest and Bird [345.413] (supported by Meridian [FS101.186]) seek to include the values of each ONFL in Schedule 10 to give effect to the RPS and NZCPS.
326. Forest and Bird [345.414] (opposed by Meridian [FS101.187]) seek to include a new ONF Boom Rock/Pipinui Point Escarpment in the schedule and if relief is not accepted to clarify in the planning maps whether Boom Rock/Pipinui Point Escarpment is instead contained within the Raukawa Coast Cook Strait ONL.

Delete:

327. Terawhiti Station [411.28] seek to delete Terawhiti from the schedule as an ONF.
328. Terawhiti Station [411.29] seek to delete Raukawa Coast Cook Strait from the schedule as an ONF.

Assessment

329. In response to Forest and Bird [345.414], I note that while the PDP maps identify Boom Rock/Pipinui Point Escarpment as an ONF within the Raukawa Cook Straight Coast ONL, Schedule 10 does not contain any separate identification of the values for Boom Rock/Pipinui Point Escarpment in the same way it does for Terawhiti ONF and Sinclair Head/Te Rimurapa/Parawhero Red Rocks ONF which are also located within the Raukawa Cook Straight Coast ONL.
330. I rely on the evidence of Mr Anstey that it is appropriate that Boom Rock/Pipinui Point Escarpment is contained within the Raukawa Coast Cook Strait ONL. The detail of values recommended to be included in Schedule 10 for the Raukawa Coast Cook Strait includes values and characteristics relating to Boom Rock/Pipinui Point Escarpment. I therefore recommend that the separate Boom Rock/Pipinui Point Escarpment ONF be removed from the planning maps and removed from the title 'Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks' in Schedule 10. Noting that this area continues to be identified within the broader Raukawa Coast Cook Strait ONL. In my view these amendments will provide clarity to plan users, particularly in relation to the planning maps.
331. In response to the submissions of Barry Insull [32.16, 32.17, 32.18, 32.19, 32.20, 32.21, 32.22 and 32.23] I rely on the expert evidence of Mr Anstey as to the appropriateness of these amendments sought. Mr Anstey is generally supportive of the amendments sought by Mr Insull. Relying on the evidence of Mr Anstey, I consider the following amendments to Schedule 10 are appropriate:
- a. Amending the title of 'Te Rimurapa Sinclair Head/Pipinui Point Pariwhero Red Rocks' to remove Pipinui Point. This also responds to the matter raised by Forest and Bird above.
 - b. Amending the language in the Site Summary for Te Rimurapa Sinclair Head/ Pariwhero Red Rocks to correct "Te Rimurapapa" to "Te Rimurapa" in the first sentence.
 - c. Mr Insull sought that Schedule 10 identify specific details i.e. list threatened and rare species of birds and lizards. The detail from the 2019 Boffa Miskell Wellington City Landscape Evaluation is recommended to be included in the schedule. I have relied on the assessment and description of characteristics and values contained in the 2019 Boffa Miskell Wellington City Landscape Evaluation which in my view provides an appropriate level of detail for the benefit of plan users.
332. However, I disagree with Mr Insull that "Raukawa Coast Cook Strait" be amended to "Cook Strait Coast" and instead agree with the further submission of Te Rūnanga o Toa Rangatira that the name for the Cook Strait in Te Reo Māori is Raukawa Moana and this name should be upheld and recognised. I also disagree with Mr Insull that the Site Summary of Raukawa Coast Cook Strait be amended to remove "Known as Wellington's wild coast", and I understand this is a common way of referring to this area of the coast, and has no implication on the values and characteristics identified.
333. In response to Meridian Energy [228.123 and 228.124], I rely on the evidence of Mr Anstey that the wind farms are not located within the ONL/F and therefore not part of the site summary. On this basis I disagree with the relief sought.
334. In response to the amendment sought by Forest and Bird [345.413], Mr Anstey in his evidence recommends that detail from the 2019 Boffa Miskell Wellington City Landscape Evaluation

should be included in the schedule to provide a more comprehensive guide to those wishing to apply for resource consents. I agree that Schedule 10 should identify what the values and characteristics of each ONF and ONL are in the PDP and that this would provide clarity and ease of reference for plan users without the need to refer back to the background report.

335. In respect of the amendments sought by Terawhiti Station [411.28 and 411.29] seeking to delete Terawhiti and Raukawa Coast Cook Strait from Schedule 10, I rely on the evidence of Mr Anstey, and the 2019 Boffa Miskell Wellington City Landscape Evaluation that these are important ONFs in Wellington City. I recommend these ONF be retained as notified.

Summary of Recommendations

336. **HS8-NFL-Rec65:** That SCHED10 be amended as detailed in Appendix A.
337. **HS8-NFL-Rec66:** That submission points relating to SCHED10 are accepted/rejected as detailed in Appendix B.

3.8 SCHED11 – Special Amenity Landscapes

3.8.1 All submission points on SCHED11

Matters Raised by Submitters

Retain:

338. Kilmarston [290.18] (supported by Forest and Bird [FS85.28]) seek to retain Mount Kaukau as a Special Amenity Landscape in mapping as notified. Kilmarston Companies [290.74] seek to retain Mount Kaukau in SCHED11 as notified.

Amend:

339. John Tiley [142.30] (opposed by Meridian [FS101.188]) and Churton Park Community Association [189.30] (opposed by Meridian [FS101.189]) seek that the 18 identified ridgelines and hilltops (and Marshalls Ridge) are listed in either Schedule 11 or Schedule 12.
340. Horokiwi Quarries [271.95] seek to clarify what characteristics of Special Amenity Landscapes are in the PDP, and in particular the Natural Features and Landscapes Chapter.
341. Forest and Bird [345.415] seek to amend the schedule to include values of each SAL to give effect to the RPS and NZCPS.
342. Taranaki Whānui [389.140] (opposed by Buy Back the Bay [FS79.36]) seek to amend the schedule to reflect historical and current built development over the Wellington Prison site.
343. Thomas Brent Layton [164.8 and 164.9] seeks to remove the SAL overlays from the PDP and specifically to remove the SAL overlays from 183, 241, 249, and 287 South Karori Road.
344. Kilmarston Companies [290.73, 290.76, 290.77, and 290.78] (opposed by Andy Foster [FS86.63, FS86.64, and FS86.65] and supported by Orienteering Wellington [FS32.2]) seek to amend the schedule to remove the SAL overlay from the submitter's land which is zoned Medium Density Residential Zone.

Assessment

345. In respect of the amendment sought by John Tiley [142.30] and Churton Park Community Association [189.30] to list identified ridgelines and hilltops (and Marshalls Ridge) in Schedule 11 or Schedule 12, I disagree for the reasons set out in section 3.2.5 of this report – primarily because unlike ONFs, ONLs, and SALs there is no statutory basis to identify the values of ‘third-tier’ landscapes.
346. In response to the amendments sought by Horokiwi Quarries [271.95], Forest and Bird [345.415], and Taranaki Whānui [389.140], Mr Anstey in his evidence recommends that detail from the 2019 Boffa Miskell Wellington City Landscape Evaluation should be included in the schedule to provide a more comprehensive guide to those wishing to apply for resource consents. I agree that Schedule 11 should identify what the values and characteristics of each Special Amenity Landscape are in the PDP and that this would provide clarity and ease of reference for plan users without the need to refer back to the background report.
347. In respect of Thomas Brent Layton [164.8 and 164.9], I refer to my parallel assessment in section 3.2.3 of this report, where I disagree with the relief sought to remove the SAL.
348. In respect of Kilmarston Companies [290.73, 290.76, 290.77, and 290.78], I refer to my parallel assessment in section 3.2.3 of this report, where I disagree with the relief sought to remove the SAL.

Summary of Recommendations

349. **HS8-NFL-Rec67:** That SCHED11 be amended as detailed in Appendix A.
350. **HS8-NFL-Rec68:** That submission points relating to SCHED11 are accepted/rejected as detailed in Appendix B.

4.0 Minor and inconsequential amendments

351. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
352. There are no minor and inconsequential amendments to note.

5.0 Conclusion

353. This report has provided an assessment of submissions received in relation to the Natural Features and Landscapes Chapter, SCHED10, and SCHED11.
354. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
355. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will

be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

5.1 Recommendations

356. It is recommended that:

- a. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

6.0 Appendices

6.1 Appendix A: Recommended Amendments to the Natural Features and Landscapes Chapter, SCHED10, and SCHED11

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

6.2 Appendix B: Recommended Responses to Submissions and Further Submissions on the Natural Features and Landscapes Chapter, SCHED10, and SCHED11